

**THE AREA PLAN COMMISSION OF
ST. JOSEPH COUNTY, INDIANA**

MINUTES

Tuesday, March 15, 2016
3:30 p.m.

4th Floor, Council Chambers
County-City Building, South Bend, IN

MEMBERS PRESENT:

Daniel Brewer, Steve Vojtko, Oliver Davis, John DeLee, Karen Iovino, Matthew Peterson, John R. McNamara, Gerry Phipps, Deborah Davis, Phil Sutton, Adam DeVon, Jordan Richardson, Elizabeth Maradik, Jerry Thacker

MEMBERS ABSENT:

Robert Hawley

ALSO PRESENT:

Larry Magliozzi, Angela Smith, Keith Chapman
Matthew Chappuies, Jennifer Parcell; Staff,
Mitch Heppenheimer, Counsel

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A proposed ordinance of Presbytery of Wabash Valley Inc. to zone from R: Single Family District to O/B: Office/Buffer District, property located at 13388 State Road 23, St. Joseph County - APC# 2775-16.

KEITH CHAPMAN: The petitioner is requesting a zone change from R: Single Family District to O/B: Office/Buffer District, on site is an existing non-residential building and a single family home to the north is a daycare center and a single family home zoned R: Single Family District. To the east is a single family home zoned R: Single Family District. To the south are single family homes zoned R: Single Family District. To the west is a single family home zoned C: Commercial District and R: Single Family District. The O/B: Office/Buffer District is to provide specific areas where only certain limited offices may be developed. Since the district excludes retail, clinics, and business and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas, it may serve as a buffer between residential areas, and business, and commercial developments. The O/B: Office/Buffer District is expressly intended to be limited to the area in association with commercial areas and certain streets where a gradual transition from existing residential use should occur. On this 6.68 acre site, only the northern portion is developed. The existing structures on site include a former church along with its associated parking, and a single family home previously used in conjunction with the church. The petitioner is proposing to rezone the portion of the site previously developed. The remaining 780' will remain R: Single Family District. The petitioner is not proposing any changes to the site at this time. The northern portion of the property to the west was rezoned C: Commercial District in 2006 for an import/export business. The property to the northwest was zoned B: Business District in 2003 for a funeral home. State Road 23 has 4 lanes with a center turn lane. The site is served by private well and septic. INDOT stated that the relocation, alteration, or remodeling of access, approach and/or crossover, or

any change in the character of the use of the access, approach and/or crossover shall be considered the construction of a new access, approach or crossover and an application for a permit shall be required. The County Engineer states that if any land development is proposed, then details are required to be submitted for review. The County Health Department may require additional information about the size and type of the well and septic system. The petitioner is not proposing any written commitments. The petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April, 2002) Goal 2, Objective B: Locate employment uses in such a manner that conflicts with residential land uses are minimized. The future land use map identifies this area as residential. There are no other plans in effect for this area. State Road 23 is primarily residential. To the Northwest, there is a mixture of Business and Commercial uses. The most desirable use for land is one that is compatible with the residential properties along this portion of State Road 23. With proper buffering the surrounding property values should not be adversely impacted. It is responsible development and growth to allow for the adaptive reuse of a former church building in a manner that will not impact the use of adjacent properties. Because the primary structure on the lot is a non-residential building, reuse of the site is limited due to the existing structure on the property. The O/B: Office Buffer District limits the total square footage of all buildings to 5,000 square feet. The two existing buildings have a total square footage of 3,778. Staff recommended the petitioner limit the area being rezoned to the developed portion of the site only in order to limit the impact on surrounding properties. Based on information available prior to the public hearing, staff recommends the petition be sent to the County Council with a favorable recommendation. Rezoning this property to O/B Office Buffer will allow for the adaptive reuse of a non-residential building in a manner compatible with surrounding residential properties.

We did receive a letter in remonstrance to this petition. They were concerned that the site would be used as a cemetery or funeral home use. Neither are permitted in the O/B District. A cemetery would be permitted in the R: Single Family District.

DAN BREWER: The remonstrance that you referred to is this letter that we received when we came in today?

KEITH CHAPMAN: Yes.

STEVE VOJTKO: The way it is currently zoned it could have a cemetery now, but after you rezone it will not be able to have one?

STEVE VOJTKO: The back part would still be R: Single Family District?

KEITH CHAPMAN: Correct.

STEVE VOJTKO: Why are they splitting it up?

KEITH CHAPMAN: I think it was done to basically limit the impact on the surrounding properties.

DERON GERBER: I am the President of a small local company named Gerber Manufacturing.

I reside at 229 Red Coach Drive #103, Mishawaka. We manufacture a broad range of uniform duty jackets for law enforcement and fire service. We are a locally owned family business. We have been here for over 90 years. Our application of this property will be strictly for our administrative and accounting offices. Currently we only employ four people in this area. My father makes a fifth, but he is, for all intents and purposes, retired. We will have very minimal impact in the area. We have a very small staff. The comings and goings on the property will have a very small impact on the surrounding residential property. As noted in the report, we have no intention of adding any additional structures to the property. What we are doing is freshening up the existing property and using that as our corporate office space.

GERRY PHIPPS: Will the house be used as a residence or will that also be office use?

DERON GERBER: Currently, our intention with the house is we are only going to be using the church as our office. We really have no application for the single family residence on the property. We are exploring the option of tearing the building down.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Gerry Phipps and unanimously carried, the proposed ordinance of Presbytery of Wabash Valley Inc. to zone from R: Single Family District to O/B: Office/Buffer District, property located at 13388 State Road 23, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. Rezoning this property to O/B Office Buffer District will allow for the adaptive reuse of a non-residential building in a manner compatible with surrounding residential properties.

2. TEXT AMENDMENTS:

- A. A proposed Ordinance initiated by the Area Plan Commission on behalf of the Town Council of the Town of Osceola, amending and supplementing Chapter 14 Floodplain Regulations, of the Zoning Ordinance of the Town of Osceola, St. Joseph County, Indiana, to make needed and required corrections - APC# 2771-15.

KEITH CHAPMAN: An Ordinance initiated by the Area Plan Commission of St. Joseph County, amending Chapter IV, District Regulations, Section 4.80 Floodplain Regulations, of the Zoning Ordinance of the Town of Osceola, St. Joseph County, Indiana. The Department of

Natural Resources has reviewed the text changes and recommends approval. Chuck Bulot, Floodplain Administrator, has reviewed the changes and recommends approval. Chapter 14 Floodplain Regulations was replaced in its entirety on December 2, 2015 by Ordinance 07-2015. Upon further review by FEMA and DNR, additional changes are required to meet the requirements of the NFIP. The applicable changes of note are: 1. The definitions of “Expansion” and “New manufactured home park or subdivision” were deleted 2. The definition of “Substantial improvement” was amended to delete the reference to historic Structure 3. A new and additional paragraph was added to Section 14.05. B. 2. Requiring the submittal to the Floodplain Administrator of a flood proofing certificate 4. Removed any reference to allowing travel trailers or recreational vehicles in a floodplain for more than 180 days 5. Removed Section 14.06. C. Standards for Subdivision Proposals. Based on information available prior to the public hearing, the staff recommends that the petition be sent to the Town Council with a FAVORABLE recommendation. This ordinance addresses required changes in the Osceola's Floodplain Ordinance, in order for the Town of Osceola to continue its participation in the National Flood Insurance Program.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by John DeLee and unanimously carried, the proposed Ordinance initiated by the Area Plan Commission on behalf of the Town Council of the Town of Osceola, amending and supplementing Chapter 14 Floodplain Regulations, of the Zoning Ordinance of the Town of Osceola, St. Joseph County, Indiana, to make needed and required corrections, is sent to the Town Council with a FAVORABLE recommendation. This ordinance addresses required changes in the Osceola's Floodplain Ordinance, in order for the Town of Osceola to continue its participation in the National Flood Insurance Program.

NOTE: Oliver Davis arrived for the meeting at this time.

3. APPEALS:

- A. An appeal of Halstead Hickory Road Major Subdivision to be located on the east side of Hickory Road approximately 2,000 feet north of Cleveland Road, St. Joseph County – AS TABLED - APC #6792-15-P

MATTHEW CHAPPUIES: This Major Primary subdivision is located on the east side of Hickory Road approximately 2,000 feet north of Cleveland Road, St. Joseph County. This subdivision will consist of 2 building lots. The total area for this Major subdivision is 7.13 acres. This property is zoned "R" Single Family District. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. This property is not located in a floodplain. The rights-of-way are correct as shown. The County Surveyor and County Health Department recommend approval. The County Engineer recommends approval subject to constructing a roadside drainage swale along Hickory Road. The County Engineer further commented on March 14, 2016 approving the location for the proposed drive providing the culvert be properly sized to handle the run-off in this area and roadside swale graded to prevent ponding and/or creating a back-up at the driveway. This subdivision went through Technical Review on November 19, 2015. Lot 1 is currently served by private well and septic system. If and when the private well fails, they shall connect to Municipal water. Lot 2 will be served by municipal water and private septic system. On December 3, 2015, the Plat Committee granted primary approval. On December 8, 2015, an appeal to the Plat Committee's decision approving the primary plat was filed. The Subdivision was previously tabled at the January 19, 2016 Area Plan Commission meeting. At the February 16, 2016 Area Plan Commission meeting a public hearing was held. The Subdivision was tabled to the March 15, 2016 Area Plan Commission meeting in order to allow for the County Engineer to review a possible driveway opening for Lot 2. The registered land surveyor, on behalf of the applicant, requests the following waiver(s): 1) Section 153.025(M) to allow for one 20' opening across the 5' non-access easement for future access onto Hickory Road for Lot 2; and from 2) Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five-foot non-access easement along the arterial street. The Staff has reviewed this Subdivision and finds that if the waivers are granted and the following condition is adhered to, it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval, subject to the following: 1) Constructing a roadside swale along Hickory Road; 2) Amending the waiver note on the plat and Site Data Sheet for the approved access opening for Lot 2; 3) Providing a letter requesting the waiver; 4) Showing the location of the opening for Lot 2; and 5) Adding a scale on the vicinity map. 1) Constructing a roadside swale along Hickory Road; 2) Amending the waiver note on the plat and Site Data Sheet for the approved access opening for Lot 2; 3) Providing a letter requesting the waiver; 4) Showing the location of the opening for Lot 2; and 5) Adding a scale on the vicinity map.

BERNARD FEENEY: I am a registered land surveyor. Offices located at 715 S. Michigan Street, South Bend. Following the last meeting, I was in contact with the County Engineer. The County Engineer and I met to discuss the possibility of a driveway as Mr. Studer had suggested at the last meeting on behalf of John Linn. She asked that our firm go out and set some stakes out there where a driveway would most likely be placed on Lot 2. We did that the next day. We received an e-mail that the County Engineer had inspected those stakes and was agreeable with the location. The driveway that we staked is located on Lot 2, the smaller of the two lots, approximately ten feet south of the north property line there. It is entirely on lot 2. The opening that we staked was approximately 20 feet wide for a standard residential driveway.

That is what Mrs. Clark is responding to in her e-mail having viewed that location. The Halsteads are in agreement with that location as well. We believe we are ready to proceed.

GERRY PHIPPS: If you are going to put in a driveway for Lot 2, do you still need that access easement from across Lot 1.

BERNARD FEENEY: No. Mr. Phipps, that will be deleted in the final version.

GERRY PHIPPS: So the existing driveway will continue to be used for the Linn home and the home on Lot 1?

BERNARD FEENEY: That is correct. That is a condition that has been there since that home was built in 1986.

JOHN MCNAMARA: I am not familiar with this. Pardon me, but I have been gone. The objection is the easement that exists that feeds Lot 2?

BERNARD FEENEY: The property under consideration is the hatched area. The Halsteads currently have their home located here (pointing to the powerpoint). Mr. Linn owns the house immediately north. There is a single curb cut off of Hickory that services both Mr. Linn and the Halsteads house to the rear. That single curb cut was originally proposed for the access to Lot 2. We are removing that from the table by putting Lot 2's access off of Hickory Road. No additional traffic is to use the common access. The originally platted 30-foot-wide roadway easement has been supplying ingress/egress to the Halstead's property as well as John Linn's property.

JOHN MCNAMARA: Ok. So you are saying that is not a correct drawing?

BERNARD FEENEY: That is correct. This is the drawing from the original submittal and the original hearing a month ago. Other arrangements have been made based on the task that I was given following that meeting to contact the County Engineer.

JOHN MCNAMARA: Fair enough.

DAN BREWER: Have the parties agreed to this?

BERNARD FEENEY: I presume based on Mr. Linn's presence that there is still objection. I have no idea, Mr. Brewer. In a phone conversation with him earlier today, it sounded like Mr. Linn may have some objection remaining. I can't say at this point.

IN FAVOR

DR. JOHN HALSTEAD: I reside at 52600 Hickory Road, Granger. I have owned property in this area since 1983. It was originally purchased from Judge Sharp. We have built a home back in there. We are at the point we would like to downsize a little bit. The kids are out of the house, and we have a nice lot there we would like to build on. The objection, which we first

heard about when it was objected to the Commission, was that increased traffic in building a new home up front would depreciate the value of the driveway and the property directly north of us. It was my original understanding that another curb cut could not be done to come to this second lot. However that, is not correct and we apparently can do that. I think that answers his objections as to increased traffic and possibility decreasing value to his lot. There is another objection that he would like to have access to the original house moved. I am not willing to give that easement up and that would be a matter for other venues to explore.

REMONSTRANCE

JOHN LINN: I reside at 52536 Hickory Road, Granger. My wife and I own the parcel to the north of this proposed major subdivision. We do live there with our children. At the last two APC meetings, Mr. Stephen Studer has represented us because we were out of town. Otherwise, we would have been here. We have absolutely no problem with the creation of additional lots on the Halstead's property. I am in the business, so I appreciate development. I like it and have no problem what so ever. It sounds like just one of the lots in this proposed major subdivision, which is Lot 1, is proposing to access that lot through our property through an easement called a future roadway easement. This easement was placed there so that if additional accesses to either of our properties was requested, that hopefully it would guide a construction of a public road to that point if there was significant development of our parcels. Either one or both. The plat goes on to say that the easement is reserved for the use described by its title. It is called a future roadway easement. For example, if it was called a sanitary sewer easement, it could only be used for a sanitary sewer. It is not an ingress/egress easement. The plat did allow for the existing accesses to the original (our) lot and the Halstead's lot. Any new or future accesses would need to be through the construction of a public road through that easement or some other access such as what they are proposing today. What we would like to request is that the new easement that is created that they access their lots in their subdivision from their new access. We will access our parcel through our access. So we have no longer a shared driveway or shared obligations. While we suspect the easement will allow them to build a public road if they so choose. However, please note we don't want that whatsoever. Our plans, and it does not sound like the Halsteads either, would warrant that public road. When my wife and I bought this property to build our single dream home on and maybe a home for our ailing parents as they age. Again, we do not want a road there. The future roadway easement that is in question is 100% on our property. We feel it cannot be used as an egress/ingress easement for the new Lot 1 that is there or for Lot 2 originally without our consent, which we have not granted. Real simple solution to this, again, is they access their subdivision on their property and we will access our property on our property. Further, I did talk to Jessica Clark about an hour ago and she confirmed what Bernie presented and that's all good. She also suggested that we get rid of this future roadway easement because the county does not want a future roadway there. They have other plans to the south I guess for public roadway. We just ask that you would approve this subdivision with the condition that they access their lots from their access granted from the County.

DAN BREWER: The future roadway easement, where is that located on this map?

JOHN LINN: I think it is the little dashed area right here (pointing to the powerpoint).

DAN BREWER: That is the current driveway is it not?

JOHN LINN: There is a driveway. We have a shared drive in that future roadway easement.

DAN BREWER: So you indicated that you object to increased traffic on that driveway because it is on your property?

JOHN LINN: We did not want additional use for sure.

DAN BREWER: So, what is the additional use now that they are proposing that the other lot have their own entrance?

JOHN LINN: That is two different arguments. What the argument I am making today is they don't have a right to use that as a egress/ingress easement for their new lot 1. It is not the lot 1 that we platted in 1995.

DAN BREWER: They are not asking for that am I right?

JOHN LINN: They are asking for that. They are asking to continue to use that future roadway easement to access the larger lot which is the existing house.

DAN BREWER: Which is what they have been doing for years?

JOHN LINN: Yes.

DAN BREWER: Where is the increased use?

JOHN LINN: Two different arguments. As a major subdivision they are now creating more parcels so all these issues come back into play. This is a future roadway easement. They are creating two new parcels Lot 1 and Lot 2. Since they are creating new accesses, the plat says you can build a public road. That is it, that is the only use for that access.

OLIVER DAVIS: Do you feel you are at a standstill now? Are you still able to have some level of negotiation with them to work out a simple solution as you refer it as, you do your thing, they do their thing? Do you think from your talks before you came in here today there a lot to complete or is there no more communication?

JOHN LINN: I would be glad to have any discussions they would like to have. I have contacted them in December, in January and again in February with no response. I finally heard from their surveyor about three weeks ago and I talked to him this morning.

OLIVER DAVIS: So from your understanding it's not necessarily receptive in terms of the....

JOHN LINN: Correct, our solution is again they access their properties through their access in front of their properties. We will access ours with the access we have in front of our property.

OLIVER DAVIS: Do you see them as having opposition to that? It seems to me that some of that could have been out, or are we at the point that there is no more progress. We have to make a decision?

JOHN LINN: I would rather you guys make a decision.

GERRY PHIPPS: Is what you are asking us to do, then, is in our approval of this subdivision to eliminate that easement that is on your property?

JOHN LINN: There is a future roadway easement there. Again, I talked to Jessica Clark and we can petition to have that removed. But not as an action of today.

GERRY PHIPPS: So they are separate issues? You have no objection of us approving the subdivision plat now and then you will petition to try to eliminate the easement?

JOHN LINN: Yes. As long as the petitioners will concur with that vacation of that easement.

JOHN MCNAMARA: Right now, the driveway for both yours and their lot is on your property?

JOHN LINN: Yes.

JOHN MCNAMARA: In that future roadway easement?

JOHN LINN: Yes.

JORDAN RICHARDSON: He plans to get rid of the easement so he can build on his property? I was understanding that the easement was for both properties no matter what.

JOHN DELEE: Future roadway easement.

STEVE VOJTKO: If they were to approve this...

JOHN MCNAMARA: You want to explain the future roadway easement?

STEVE VOJTKO: I guess that is where I am at too.

LARRY MAGLIOZZI: There was a period of time that the Subdivision Ordinance required a Minor Subdivision to provide what was called a future roadway easement. This was to allow either of the property owners that had access to that easement to further subdivide their property into a Major Subdivision. As you recall last month, the original subdivision here was Lot 1, which we will call Mr. Linn's property, and Lot 2 the Halstead's property. The thirty-foot roadway easement was entirely put on Mr. Linn's property. If the circumstances come up where Mr. Linn could further subdivide his property into say ten lots, then they would use that easement to access those ten lots. If the Halsteads wanted to further subdivide their parcel into

ten lots, they could use that roadway easement to access all their ten lots. There were dozens of these approved throughout the years. I don't know when that provision was removed from the Subdivision Ordinance, but we found that these never came to fruition. People just didn't re-subdivide their properties into major subdivisions. We are stuck here now with a thirty foot roadway easement that is entirely on Mr. Linn's property. That original plat granted both lots access to that easement. It is not an illegal access or driveway. It is permitted. When the Halstead's built their house they decided to put their driveway there. That is what you have now. I don't know if that explains what a future roadway easement is or not. The only way to remove that thirty foot easement on Mr. Linn's property is for him to go through a replat process for his property. This plat cannot remove that easement, because it is not on the Halstead's property. The Halstead's have a right to that easement as it now stands and can continue to use it. If they come to an agreement to figure something out to remove the access, someone has to pay for that. I don't think it is an issue of whether it is permitted or not. It is just an issue of who is going to physically move that driveway? If that happens Mr. Linn could go through a replat. The Halstead most likely will have to come back as a replat for the new opening.

REBUTTAL

BERNARD FEENEY: What I want to remind the Commission is that this property was originally platted into two seven acre lots by Judge Sharp and that it was not until December 2012 that Mr. Linn and his wife took title to the property to the north. By that time as you heard earlier from Mr. Halstead, the Halsteads have been on this property for a period of twenty seven years using the joint driveway with Judge Sharp and the Halsteads. This joint driveway is a policy that was initiated by the staff of the Area Plan Commission at that time. The joint driveway was a function of limiting the accesses along any roadway so that points of traffic conflict would be minimized along that county road. It was done primarily in cases where you were dealing with larger lots like you have here. Seven acre lots could have been easily re-subdivided into smaller ones. It is neither the Halstead's purpose nor intent to re-subdivide beyond as you heard Dr. Halstead say, building a new smaller home for he and his wife. They don't want to give up the rights that they have clearly established over the last 30 years on the access that they have and was totally allowed, totally permitted and even encouraged by Judge Sharp. Quite honestly, they are fine with the driveway on Lot 2. They can live with that. Removing the driveway and redoing it is an expense that they don't feel they should have to go through at this point. It has never been a problem before. It doesn't seem it should be a problem now. We just ask that you approve it as we have provided with the additional access on Lot 2. We have met the primary complaint that Mr. Linn had. Now we are going to extreme, I think.

JOHN MCNAMARA: How far from Hickory Road is it until the driveway is entirely on the Halsteads property?

BERNARD FEENEY: The driveway exits the easement before the easement stops. When the driveway leaves the easement it is entirely on the Halsteads property. It leaves the easement before the east end of it.

JOHN MCNAMARA: You might be 100 feet?

ANGELA SMITH: Based on the plat it would be less than 100 feet.

JOHN HALSTEAD: There is a line of trees there.

JOHN MCNAMARA: I guess my point is why not just build a driveway 100 feet long from there to Hickory Road?

GERRY PHIPPS: That would require the County Engineer to approve a third driveway opening. You are talking a third driveway onto Hickory?

JOHN MCNAMARA: Yes. With a new one on Lot 2, that would give 3.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Gerry Phipps and unanimously carried, the following waiver(s) from: 1) Section 153.025(M) to allow for one 20' opening across the 5' non-access easement for future access onto Hickory Road for Lot 2; and from 2) Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street were approved.

Upon a motion by Phil Sutton, being seconded by Steve Vojtko and carried, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and Halstead Hickory Road Major Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval, subject to the following: 1) Constructing a roadside swale along Hickory Road; 2) Amending the waiver note on the plat and Site Data Sheet for the approved access opening for Lot 2; 3) Providing a letter requesting the waiver; 4) Showing the location of the opening for Lot 2; and 5) Adding a scale on the vicinity map.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. A combined hearing on a proposed ordinance of Mishawaka Federal Bank (a.k.a. Mutual Bank) to zone from LB Local Business District to CB Community Business District and seeking the following five variances: 1) from the required perimeter and residential bufferyard landscaping to the existing landscaping, as shown on the site plan; 2) from the required 30' front yard setback for off-premise signs to 5' along Ireland Road and to 14' along High Street; 3) from the required 200' linear separation between an off-premise sign and a residential district to 0'; 4) from the required 100' radial

separation between an off-premise sign and a residential district to 55'; and 5) from the required maximum 2 displays per off-premise sign surface to a maximum of 11 displays, property located at 742 East Ireland Road, City of South Bend - APC# 2744-15.

ANGELA SMITH: The petitioner submitted a letter to withdraw this petition in October. While going through the file we realized it never came before you to officially withdraw this.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by John DeLee and unanimously carried, a proposed ordinance of Mishawaka Federal Bank (a.k.a. Mutual Bank) to zone from LB Local Business District to CB Community Business District property located at 742 East Ireland Road, City of South Bend, is WITHDRAWN from further consideration by the Area Plan Commission.

- B. Findings of Facts for Granting Variances for property located at 3101 – 3113 Lincolnway West, City of South Bend – APC #2773-16

LARRY MAGLIOZZI: This was the petition for Kuert Concrete from last month.

After due consideration, the following action was taken:

Upon a motion by Gerry Phipps, being seconded by Oliver Davis, the Findings of Facts for Granting Variances for property located at 3101 – 3113 Lincolnway West, City of South Bend were approved.

- C. For Discussion Purposes Only – Zoning Plan for SAPA Annexation Ordinance #2016-01

LARRY MAGLIOZZI: North Liberty annexed a property that is shown there in yellow (pointing to the powerpoint). The Annexation Ordinance did not assign a Zoning District to it. The North Liberty Zoning Ordinance indicates that if that happens then the Plan Commission has to develop a zoning plan for that property. That property is zoned M Manufacturing District in the County. Therefore, we are just proposing that we suggest to the Town that they initiate a rezoning. It will be a couple of months before we can get to this.

DAN BREWER: That will be the subject to a public hearing right?

LARRY MAGLIOZZI: That will be a public hearing.

OLIVER DAVIS: Why would they not assign one?

LARRY MAGLIOZZI: Either they didn't know they could do that or they just decided not to.

GERRY PHIPPS: That was their intention when they did that?

LARRY MAGLIOZZI: The building that you see to the north (pointing to the powerpoint), part of their building extends into the unincorporated portion of the County.

DAN BREWER: Is this unusual?

LARRY MAGLIOZZI: The Towns don't annex that often.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by John DeLee and unanimously carried, the Staff of the Area Plan Commission was given approval to initiate the Zoning Plan for SAPA Annexation Ordinance #2016-01.

2. Executive Director's Report:

LARRY MAGLIOZZI: We have been working with the County Council and the County Commissioners on creating a new position in our staff. We have accomplished that as a final action by the Commissioners this morning. We have created a new additional staff person in GIS. John Carlson, as you know was the lone GIS person for many many, years. Beverly Kingston, one of our staff planners, has been assisting him in the GIS efforts for the past number of years. The percentage of time spent on that has increased from 20% to almost 90%, so we were able to convince the County Council and Commissioners to create a new staff position. That change will probably occur in the next couple of weeks, when she makes that transition. What that does is vacate one of our planner positions. As soon as she is officially transferred into that new position we will advertise for the open Planner position. We hope to have someone in here middle of April or beginning of May.

3. Minutes and Expenditures:

A. Approval of the minutes from the February 16, 2016 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, the minutes from the February 16, 2016 meeting of the Area Plan Commission were approved.

B. Approval of the expenditures from February 17, 2016 through March 15, 2016

County Commissioners \$132.50; Lewis Paper \$36.75; Board of Public Works \$21.40

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, the expenditures from February 17, 2016 through March 15, 2016 were approved.

4. Adjournment: 4:25 p.m.

DANIEL H. BREWER
PRESIDENT OF THE COMMISSION

LAWRENCE P. MAGLIOZZI
SECRETARY OF THE COMMISSION