

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

MINUTES

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

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

MEMBERS PRESENT:

Dan Brewer, Debra Davis, Oliver Davis, John
DeLee, Adam DeVon, Robert Hawley, Elizabeth Maradik,
John R. McNamara, Matthew Peterson,
Gerry Phipps, Jordan Richardson, Phil
Sutton, Dr. Jerry Thacker, Steve Vojtko

MEMBERS ABSENT:

Karen Iovino

ALSO PRESENT:

Larry Magliozzi, Keith Chapman, Angela M.
Smith, Jennifer S. Parcell, Staff; Mitch
Heppenheimer, Counsel

DAN BREWER: I would like to start today with a note of sadness. We want to acknowledge the passing of Carol McNamara, who is the wife of John McNamara, our colleague and friend here. A lot of us knew Carol and all of us know John. John, our hearts and prayers are with you.

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A combined public hearing on a proposed ordinance of the Department of Redevelopment, City of South Bend to zone from GB General Business District to CBD Central Business District and seeking a Special Exception Use for a manufacturing retailer, property located at 331 W. Wayne Street, City of South Bend - AS RE-ADVERTISED - APC# 2798-16.

KEITH CHAPMAN: The petitioner is requesting a zone change from GB General Business District to CBD Central Business District and seeking a Special Exception Use for a manufacturing retailer. On site is an existing building and parking lot. To the north across Wayne Street are businesses zoned MU Mixed Use District. To the east is the South Bend VA Clinic zoned CBD Central Business District. To the south is a parking lot zoned GB General Business District. To the west across William Street is a vacant lot zoned GB General Business District. The CBD Central Business District is established to promote the development of the downtown region of the City of South Bend as a center for trade, finance, government, high density residential and entertainment districts within St. Joseph County and north central Indiana. The regulations of this district are intended to encourage high density, mid-rise and high rise developments which may include a mixture of compatible urban uses. The development standards in this district, while designed to provide for high density development, also encourage a pedestrian friendly environment supportive of urban residential developments, retail, restaurant, theater and similar business and cultural uses associated with major metropolitan areas. On site is an existing 8,650 sq. ft. building that is proposed to be converted to a brew pub. The remainder of the site is a parking lot with a primary entrance on William Street. This property was zoned Light Industrial prior to 2006. William Street has two lanes with a center turn lane and on street parking on the west side of the street. Wayne Street has two lanes. This site will be served by municipal water and sewer. The Department of Community Investment offers a favorable recommendation and on the associated special exception request to permit a manufacturing retailer. DCI recommends that in lieu of any other perimeter or parking lot screening landscaping, the petitioner provides street trees at approximately 44' spacing in the

Wayne and William Street tree lawns. Over time, the petitioner can add landscaping to existing on-site paved areas that will not be used for parking. The City Engineer commented the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for access and screening; 3) Development of the site requires City approval of a Drainage Plan, and payment of the corresponding Drainage Review Fee, that meets the City's requirement to store all runoff from developed areas on site; 4) Development of the site also require compliance with the City's Downspout Disconnection Program; 5) Verification of required (if any) waivers; and 6) Payment of Final Site Plan Review fee. The petitioner is not proposing any written commitments. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006): ED 1.2 Encourage the reuse of abandoned and underutilized land and structures. The future land use map identifies this area as commercial. There are no other plans in effect for this area. The properties east of the site are predominantly commercial and business oriented. To the north of Wayne and to the west of William is a mixture of residential and business uses. The most desirable use is commercial. The renovation and reuse of a vacant building should not adversely affect adjacent property values. It is responsible development and growth to reuse a vacant building, in conformance with the Comprehensive Plan. The site will require variances from the Area Board of Zoning Appeals for perimeter landscaping and parking area screening along the west property line. Also, the configuration of parking spaces will need to be modified to reflect the requirements of the Zoning Ordinance. The title from the previous meeting did not indicate the requested zoning district. To comply with state law requirements, the petition was re-advertised and must receive a new public hearing. There are no changes from the previous request. Based on information available prior to the public hearing, staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends that the special exception use be sent to the Common Council with a favorable recommendation. Rezoning this property to CBD Central Business District and granting the special exception use for a manufacturing retailer allows for a use that is compatible with the existing Central Business District and will complement the surrounding uses.

JIM PREBIE: I am with Bare Hands. I reside at 51260 Coveside Drive. We are running up against production problems in Granger and we want to move production facilities and potentially a canning line to Downtown South Bend. This was approved last month, I think there was one line of minutes where, so we are re-submitting to you for your consideration.

DAN BREWER: This is a matter that was before the Commission last month, it is being presented again and was published again because of a technical error which was some missing language. I would entertain a motion from someone that we incorporate the record from the previous hearing so we could go forward and we will have a regular hearing today.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the record from the October 18, 2016 meeting of the Area Plan Commission will be incorporated into this month's minutes.

NOTE: The following testimony was given at the October 18, 2016 meeting of the Area Plan Commission.

IN FAVOR

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

REMONSTRANCE

BRENDA LUCAS: I reside at 701 Rex Street, South Bend. I didn't show up for this particular petition. I'm listening and waiting for the next petition to come up. This is going to be a brewery? Am I to understand that it is next to the Veteran's Clinic?

ELIZABETH MARADIK: The Veteran's Clinic is leaving.

BRENDA LUCAS: So the Veteran's clinic would be leaving before this brewery is started up? I am just asking a question because both my husband and I are Veteran's and we use that clinic, so it was just of interest to me.

JACK SMITH: I reside at 220 S. William, South Bend. I have lived there since 1960. I love South Bend. I want to see the success of Downtown South Bend. I am really pleased at what is going on. I live half a block from this. I cannot come up here and say to you that I am against this, but I do have some points of what I would like to see and some idea of what is going to happen to it in the future. I have a four car garage that backs up onto an alley. I'm very active in the neighborhood in trying to get it cleaned up, always arguing with H & G for the way they keep their property. I had wonderful cooperation from the City zoning board. They are out there all the time inspecting the property. It is a cyclone fence around it, not very well maintained, been there since they were able to get it rezoned for tube storage. I am concerned about things such as lighting. Is a restaurant going in? I hate flashing lights, neon lights. I am concerned about the hours of operation. I think you are going to be a manufacture, more than a restaurant. I am worried about the alley is supposedly supposed to maintained by homeowners, I don't like they idea of trucks in the alley and me having to maintain it. I would like some assurances there. Right now, the way the City has changed all the streets in town parking is a real problem. I get up at 7:00 a.m. and you can't park on William or Wayne Street. It is full. I am the only real resident. To the north of me is a Lawyer's office, to the west of me is Aids Ministries who just recently announced they are opening a pharmacy. I have no idea what that will do to the traffic in the neighborhood. There is no shrubby and the fence is very ugly. A couple blocks away from me is the stadium. I don't know what is going to happen there, but he has enough money to do whatever he wants. He seems to be very excited about that neighborhood and maintaining it and making it more desirable to make more people to walk from the downtown area to the stadium. Security, I would hope that the police department would do some security. At the present time all hours of the night cars run up and down that alley and they will park 15 minutes later they are gone, by the time you get the police out there.

REBUTTAL

JIM PRIEBE: Speaking of the lights, we have no plans for anything but a subdued look. We don't want to be a very flashy. If you notice the breweries these days, they are a little darker and the light is a little dimmer. There will not be any neon type lights or flashing, or LED type light.

STEVE VOJTKO: Are there any concern with parks, churches, schools with the special exception use?

ANGELA SMITH: We don't have separation requirements for manufacturing retailers from those uses.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Department of Redevelopment City of South Bend to zone from GB General Business District to CBD Central Business District, property located at 331 W. Wayne Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property to CBD Central Business District and granting the special exception use for a

manufacturing retailer allows for a use that is compatible with the existing Central Business District and will complement the surrounding uses.

Upon a motion by John DeLee, being seconded by Robert Hawley and unanimously carried, a Special Exception Use for manufacturing retailer, property located at 331 W. Wayne Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation subject to the rezoning being approved by the Common Council.

- B. A combined public hearing on a proposed ordinance of DAMSHA BUA LLC to zone from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and seeking the following variance(s): 1) from the required minimum 6 ft. side yard setback to 5 ft.; 2) from the required minimum interior yard of 6 ft. around building to 0 ft. for projects containing 2 or more buildings; 3) from the requirement that the height and massing of new multi-family buildings shall be no more than twice the massing of the immediately abutting building, including buildings on the same lot to a maximum of seven times and 4) from the requirement that mechanical equipment shall not be located along primary and secondary street frontages to being allowed but shall be screened from the street by fencing or landscaping, property located at 427 and 437 Corby, and 913 Lawrence Street, City of South Bend - APC# 2800-16.

DAN BREWER: I am going to give the gavel to our Vice President, John DeLee. I need to excuse myself from voting or any discussion from this petition. My daughter is employed by DAMSHA BUA. I have no financial interest in this petition, but to avoid any appearance of impropriety, I would like to excuse myself.

KEITH CHAPMAN: The petitioner is requesting a zone change from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and requesting four variances from the development standards. On site is vacant land zoned SF2 Single Family & Two Family District. To the north are single family homes zoned SF2 Single Family & Two Family District. To the east across Lawrence Street are single family homes zoned SF2 Single Family & Two Family District. To the south across Corby Boulevard is a hotel zoned MU Mixed Use District and single family homes zoned SF2 Single Family & Two Family District. To the west are single family homes zoned SF2 Single Family & Two Family District. The MF1 District is established to protect, promote and maintain the development of urban style multifamily dwellings and to provide for limited public and institutional uses that are compatible with a multifamily residential neighborhood. The development standards are designed to promote the establishment of: multifamily dwelling projects (including apartment, townhouse or row house style developments); and, high density two family dwelling developments located along a block face, in developed areas of the community which are served by a full range of public amenities. Nine 2-story townhomes, with three units in each building are proposed. Each unit has a garage, with a common access from the public alley. This site was zoned residential prior to 2004. Corby Boulevard and Lawrence Street have two lanes. This site will be served by municipal water and sewer. The Department of Community Investment offers a favorable recommendation. DCI does not have an objection to the variances to reduce the side yard setback, to reduce the interior side yard, or to increase the massing. The mechanical equipment must not be located along the street frontages. The equipment can be placed in side yards or on the islands between the garage entries. The petitioner should also give careful consideration to the placement of other services, such as trash pick-up. The petitioner may also wish to consider shifting the northern set of units slightly to the west to approximate the 10' +/- building line/setback of the neighboring housing units to the north. The petitioner should ensure that the corner unit adequately addresses Lawrence Street. The porch should turn the corner, the main door to the garage could be

rotated to the east elevation, and the side can be well landscaped. The Department of Public Works recommends approval noting that the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, alley usage, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for each of the drive approaches, the proposed alley usage (including bringing the alleys' condition up to city standard, maintenance, drainage, existing approaches, power pole at the alley entrance off of Lawrence), and ADA compliance plans for the existing sidewalk; 3) The access plans, and curb cut will need to go through the city curb cut application process; 4) Development of the site requires City approval of a Drainage Plan that meets the City's requirement to store all runoff from developed areas on site; 5) Verification of required (if any) waivers; and 6) Payment of all associated site plan review and permitting fees. The petitioner is proposing the following Written Commitments: 1) The project site as described above shall be limited to a total of nine (9) single family attached dwelling units; 2) The nine (9) single family attached dwelling units shall be owner-occupied only. Owner-occupied shall be defined as "Primary Residence" as defined under Internal Revenue Service codes for tax purposes (Internal Revenue Service Publication 523 (2009)); 3) No single family attached dwelling unit in the described project site shall be rented, leased or sub-leased for any duration, to any other party, group or person(s); 4) No single-family attached dwelling unit in the described project area shall exceed a maximum height of 40 feet to roof peak; 5) No more than four (4) single-family attached dwelling units shall make up any single building mass; 6) A minimum 5 ft. front-yard setback shall be required along any public street frontage; 7) A minimum 2 ft. offset shall be required between any single-family attached dwelling unit; 8) There shall be a Home Owners Association (HOA) created for the nine (9) single-family attached dwelling units; 9) The Home Owners Association shall allow their property ownership records, meeting minutes and agendas available for review by any Governmental Agency, the NNRO Northeast Neighborhood Redevelopment Organization the NENC Northeast Neighborhood Council. The HOA shall notify the NNRO Northeast Neighborhood Redevelopment Organization and the NENC Northeast Neighborhood Council of any meeting they hold; and 10) No unrelated Graduate or Undergraduate student(s) shall be allowed to maintain occupancy in any single-family attached dwelling unit in the above described project site as said students are defined by the University of Notre Dame. It is staffs opinion that only the Written commitments related to land use be approved. Staff recommends removal of Written Commitments 2, 3, 8, 9, and 10 as they do not relate to land use and would be difficult for Area Plan to enforce. This petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Objective H 1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities. The future land use map identifies this area as medium density residential. The Northeast Neighborhood Development Area Plan (November 2011) identifies this area for single family and two families residential as part of the single family home ownership preservation area. The surrounding properties are mainly residential with a mixture of densities and home sizes. The most desirable use is residential. With adequate landscape screening surrounding property values should not be affected. It is responsible development and growth to allow medium density residential in a residential area. The staff has no additional comments at this time. Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variances, subject to the mechanicals being located along the rear building façade. Rezoning this property to MF1 Urban Corridor Multifamily District will allow for a variety of housing options in this area in order to address the demands of the market.

We did receive one letter of support.

JOHN DELEE: Do we have to do anything special with the commitments?

ANGELA SMITH: You would make your recommendation subject to the written commitments that the

Commission felt were appropriate.

ANTHONY M. ZAPPIA: I am an attorney, and maintain my office at 52582 SR 933, South Bend. A lot of people ask me what DAMSHA BUA means. Well, I am a Notre Dame die hard and they are a Notre Dame die hard and what that is it means. it's galic to the Victory March, so I will get that out of the way. One of my principals here today, who is local, is Pat McCullough. The petitioner, as the staff had indicated, is requesting a zoning change from SF2 Single Family and Two Family District to MF1 Urban Corridor Multi Family District. We are also requesting four variances. The development standards for the MF1 District are designated to promote and establish a multi-family dwelling projects including apartments, town homes, which we are proposing or row house style developments in high density two family dwellings. What we are proposing in our project is nine two story town houses with three units in each building. Each unit has a garage with a common access from the public alley. The alley will be fully paved at the developer's expense. We anticipate land acquisition and construction costs to be in the vicinity of \$3 - 3 1/2 million dollars. The Department of Community Investment does offer a favorable recommendation. The mechanical equipment will not be on the street frontage, it will be behind the units on the garage side. Mr. Danch has prepared some commitments. The staff has read those five commitments. They will be filed along with the zoning request. Along with those five commitments there are going to be five additional commitments that will also be filed in this case. These are a result of a significant amount of dialog that has occurred between the applicant and the neighborhood organizations, which has been very, very positive. Again, those will be enforced by the neighborhood association. I know that my clients have done a very exceptional job. The neighborhood association, and the Northeast Neighborhood Association have accomplished a lot. As I mentioned there will be commitments filed. There was a letter submitted by the Northeast Neighborhood Revitalization Organization indicating their support for the project. The staff does indicate that our petition is consistent with the City Plan, the South Bend Comprehensive Plan of 2006 which encourages residential development containing a mix of housing types which includes density, price ranges and amenities. We are requesting four variances, Mr. Danch did the preliminary site plan and he will be discussing those variances. We feel that at the conclusion of our presentation that none of the variances would be injurious to the health, safety, welfare, or general welfare of the community or morals. The use in value of the adjacent properties included in the variance will not be affected in a substantially adverse manner. Strict application in the terms of this chapter, will result in any practical difficulties or the use of the property. We ask the Commission at the conclusion of our presentation to send this to the South Bend Common Council with a favorable recommendation.

MICHAEL DANCH: I am with Danch, Harner & Associates. Offices located at 1643 Commerce Drive, South Bend. As Tony had mentioned what we had done was worked with the Staff on this particular project and also the neighborhood associations. What the staff had asked me to do, as far as the written commitments go, is to split the commitments up between the Area Plan Commission, the City of South Bend, and the Building Department could actually enforce with our zoning regulations. So what the staff had mentioned, the five that they are doing are going to be enforceable by the government regulatory agencies. Also included under those we included the two Neighborhood Associations. With the meetings that the petitioner had with the Neighborhood Associations, besides those written commitments that you have as part of your documents, there is going to be another set of commitments that will be between the owner or whoever owns this piece of property, which would be successors in title and the two Neighborhood Associations which deal with not only the site plan, but with the ownership of the buildings themselves. The neighborhood associations had some concerns with these being rental type units or student housing. The commitments that we have written and given to the neighborhood associations was approved by Dick Nussbaum who is the attorney working with us on that with the Neighborhood Associations. Basically, all the developer or whoever owns this property, have to be owner-occupied. There will be no graduate or student housing in them whatsoever. There has to be a homeowners association created part of this development and that the records of those homeowner's

association are available to the actual neighborhood associations for their review, as well to make sure who is owning the property and that there is no rental for that. They also wanted to be able to take a look at the architectural buildings so they will have some input on those. That would be recorded with the commitments that we would have with the neighborhood associations. The problem is that there are only certain regulations that per written commitments that Area Plan Commission and the City can actually enforce, so the additional ones that the neighborhood wanted us to do we will have a commitment and agreement with them specifically. The second part of what we have done, we were working with the staff, was the variances that were required because this is an MF1 District. There are certain developmental standards that have to be adhered to as part of those. One of the ones that when we took a look at this to lay out the development. There is a perimeter yard of six feet that is required under MF1. What we were asking for is from the six foot down to the five foot. The reason for that is that when the architect had done these particular buildings, there are some windows that stick out a foot from the structure itself that would encroach into that six-foot side yard setback along the Westside and Northside of the site. It is just the window portion, but we have to ask for a variance for that because it runs all the way down to the ground. It is part of the foundation of the building. The other one that the staff had mentioned is the side yard setback. The reason we are doing that is because under the ordinance, what we want to be able to do is create single family lots for this development. In order to do that I have to have zero lot lines to be approved, so I can go through a subdivision process with the city to actually create legal lots of record for each of the single family units that you see here. The only way to do that is to ask for a variance for the side yard setbacks down to zero. There is also a requirement because this is in the overlay district for the Northeast Neighborhood Area and one of the standards that they have is massing of the building and the way that the overlay district was written, you take into account the existing structures that are adjacent to you for whatever you were doing your development on and in our particular case because of the way we have single family houses, we have a small bungalow house which is to the north of us and we also have a single family single story house to the west of us. Those are the two houses that we have to relate to as far as the massing of the building. Where you see those are single family small homes and their height is not that large. The massing of our buildings obviously is different than what those single family houses have. The mechanical equipment such as air conditioners, condenser units, they can't be visible from the street. What we have done was work with the staff on this particular one, we removed a driveway access on our site out to Lawrence Street. By doing that we didn't have any more access that helped out from the situation of allowing us to provide more screening material. Because we have houses that are on the corner between Corby and Lawrence Street, that unit you could potentially see a condenser if you went down Lawrence Street. We are asking for a variance to be allowed to screen that mechanical equipment. As Tony had mentioned, as part of the approval process, there are two things that the City is going to require. The two alleys right now are gravel. Those are going to have to be brought up to City standards. Those will both be paved since we are accessing all of our units off of the two public alleys. I think there was also a requirement by the City to add the condition of the sidewalks along the frontages of both Lawrence Street and Corby Boulevard. Those sidewalks are not in good condition. We would have to bring those up to standards. We will have to submit a site plan to the City for approval for the engineering portion which we will have to handle surface run off in the grass area that you see up at the northwest corner of the site. When we do the subdivision, there will be a retention easement and a drainage easment agreement that will be part of.

IN FAVOR

BILL STENZ: I reside at 1020 E. Colfax, South Bend. I am the president of the Northeast Neighborhood Council of South Bend, Inc. We are one of the neighborhood groups that have worked with the developers on this. We have been working on it for a number of months. What you see here and what has been discussed by Mike and Mr. Zappia, we are very excited about it. We think it's going to be good for our neighborhood, we do believe. We would like to see more single family owner occupied properties and we think this in an appropriate are in the neighborhood to do a little bit higher

density along Corby at this spot. Yesterday at our monthly board meeting we reviewed the final site plans, including the further commitments that will be made and was approved unanimously by our board.

REMONSTRANCE

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

GERRY PHIPPS: Are you in agreement with the variance in regards to the mechanical equipment now or are you still opposed to that?

KEITH CHAPMAN: Our comment was to have it on the rear building façade, which is what they are doing.

GERRY PHIPPS: If I understand Mike correctly, there is one unit that will not meet that.

MICHAEL DANCH: It is the one at the corner of Corby and Lawrence. It will be on the rear façade of the unit, but potentially you will still see it from Lawrence Street. So what we did was add additional landscaping and so the request is to allow mechanical equipment that potentially you could see from Warren Street, but we are screening it. So that the way the variance would be approved.

GERRY PHIPPS: That only applies to one unit?

MICHAEL DANCH: Correct.

GERRY PHIPPS: Are you in agreement with that?

ANGELA SMITH: Yes. I think we just want to make sure that when the variance was granted it didn't get placed along the street. I think staff is ok with it being located here (pointing to the powerpoint), we just wanted to make sure they didn't place it here (pointing to the powerpoint).

MICHAEL DANCH: It would be located where Angela is pointing to, between the two units.

JOHN DELEE: So you still want it in back of the building?

ANGELA SMITH: Correct.

ROBERT HAWLEY: You mentioned owner occupant, how do you treat a situation where you have a purchaser of the property and they have a student that goes to Notre Dame, but the parents purchase the house and the student wants to live in that house?

MICHAEL DANCH: They wouldn't be able to do that. The way we worked it out with the two neighborhood associations is that we are using a definition that is used by the Internal Revenue Service for primary residents. By using that definition, that nails it down so that you are not allowed to do what you are just asking.

STEVE VOJTKO: On the written commitments, I think Mr. Danch answered most of the questions, but is this document going to be forwarded with the staff recommendations on the removal of #2, #3, #8, #9 and #10, or are we leaving them there and send it on that way?

ANGELA SMITH: No. Written Commitments were revised to exclude the ones the staff had concerns about. The Plan Commission and the Building Department don't want to have monitor their IRS resident

status, so we are removing anything not land use related.

STEVE VOJTKO: Ok the new ones will not have those in there.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Elizabeth Maradik and unanimously carried, a proposed ordinance of DAMSHA BUA LLC to zone from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, property located at 427 and 437 Corby, and 913 Lawrence Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to the following Written Commitments: 1) The project site as described above shall be limited to a total of nine (9) single family attached dwelling units; 2) No single-family attached dwelling unit in the described project area shall exceed a maximum height of 40 feet to roof peak; 3) No more than four (4) single-family attached dwelling units shall make up any single building mass; 4) A minimum 5 ft. front-yard setback shall be required along any public street frontage; and 5) A minimum 2 ft. offset shall be required between any single-family attached dwelling unit. Rezoning this property to MF1 Urban Corridor Multifamily District will allow for a variety of housing options in this area in order to address the demands of the market.

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, the following variance(s) 1) from the required minimum 6 ft. side yard setback to 5 ft.; 2) from the required minimum interior yard of 6 ft. around building to 0 ft. for projects containing 2 or more buildings; 3) from the requirement that the height and massing of new multi-family buildings shall be no more than twice the massing of the immediately abutting building, including buildings on the same lot to a maximum of seven times; and 4) from the requirement that mechanical equipment shall not be located along primary and secondary street frontages to being allowed but shall be screened from the street by fencing or landscaping, property located at 427 and 437 Corby, and 913 Lawrence Street, City of South Bend, were approved, subject to the mechanicals being located along the rear building facade and the rezoning being approved by the Common Council.

NOTE: The gavel was handed back to Dan Brewer, President of the Commission.

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 51522 State Road 933, St. Joseph County – APC#2796-16

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, Findings of Fact for granting Variances for property located at 51522 State Road 933, St. Joseph County were approved.

- B. Findings of Fact for granting Variances for property located at 1037 Elmer Street, City

of South Bend – APC#2797-16

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Phil Sutton and unanimously carried, the Findings of Fact for granting Variances for property located at 1037 Elmer Street, City of South Bend were approved.

- C. Findings of Fact for granting Variances for property located at 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue, City of South Bend – APC #2799-16

KEITH CHAPMAN: Variance #12 was for 56 parking spaces not 37.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by John DeLee and unanimously carried, the Findings of Fact for granting Variances for property located at 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue, City of South Bend were approved, as amended.

- D. Approval of the 2017 meeting schedules for the Area Plan Commission, the Executive Committee and the Plat Committee.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Phil Sutton and unanimously carried, the 2017 meeting schedules for the Area Plan Commission, the Executive Committee and the Plat Committee were approved.

2. Executive Director's Report:

LARRY MAGLIOZZI: We talked to you before about some of the changes to administration of the filing process of zonings. The staff has taken over a lot more of the process. We now do the ordinance. The 300-foot notice will be done by the staff. It helps us quality control it a little more. We are spending a lot of time re-doing things so this should be a better process. We have another element that we are going to be putting in place and the normal filing deadline is usually the 1st Wednesday before the council meeting. We have again, from experience through the decades when someone files a petition, there may be some missing elements. Especially now since we are going to be doing variances. Once they file, we have to get the ordinance down to them the same day. So, our filing schedule that we will put out will have a filing deadline with us on Monday before the Wednesday filing deadline to the city and county councils. That will give us time to prepare the ordinance. Make sure it is correct. Look at the legal description and make sure that is correct. Make sure the format is correct, etc. We will actually file that with the council by noon on that Wednesday. It adds a couple of days. That will begin with January filings for February meeting dates.

Tonight at the County Council, I am asking for a transfer of \$3,500 from our personal account to our training account to pay for the training. We have contacted K.K. Gerhart Fritz who is a well-known Indiana Planner who does training sessions for the Board of Zoning Appeals and Plan Commissions. The fee would be for a 2 ½ hour training session. Hopefully after the Plan Commission is January. If

not we will go to February depending what our schedule looks like. Once I get that approved tonight, then I will be able to sign the contract and then we can work on the specifics of the training session. We will invite the Plan Commission, the ABZA, the Councils, Town Councils and respective attorneys for those bodies. Hopefully everyone will immerse themselves into why you are here, what you are supposed to be doing while you are here, and how do you do it.

OLIVER DAVIS: With all the councils coming together, will they have to send out a notice since all of us would be in the same spot?

LARRY MAGLIOZZI: I would imagine, but you would need to talk to your attorney. You are receiving information and not making decisions, so I don't know if that will make a difference.

3. Expenditures:

DAN BREWER: We don't have minutes to approve this month, but we do have expenditures.

A. Approval of the expenditures for October 18 through November 14, 2016.

Adams Remco - \$294.63; Dept. of Public Works - \$32.45; Mishawaka Enterprise - \$24.14; Office Three Sixty - \$288.28.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried the expenditures from October 18 through November 14, 2016 were approved.

4. Adjournment: 4:10 p.m.

DANIEL H. BREWER,
PRESIDENT OF THE COMMISSION

LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION