

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

**MINUTES**

Tuesday, January 17, 2017  
3:30 p.m.

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

MEMBERS PRESENT:

Dan Brewer, Debra Davis, Oliver Davis, Adam DeVon,  
Martin Madigan, Elizabeth Maradik, Matthew Peterson, John  
Leszczynski, Jordan Richardson, Phil Sutton,  
Jerry Thacker, Steve Vojtko

MEMBERS ABSENT:

John DeLee, Robert Hawley, John R McNamara

ALSO PRESENT:

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

DAN BREWER: First thing I would like to do is introduce our new members. Martin Madigan is with the Town of Roseland and John Leszczynski is a City of South Bend Citizen appointment. Welcome back to both of you.

EXECUTIVE SESSION:

A. Election of Officers

MITCH HEPPENHEIMER: Nominations are open for President of the Commission.

OLIVER DAVIS: I nominate Dan Brewer to continue as President for 2017.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Steve Vojtko and  
unanimously carried, Daniel Brewer was elected as President of the Area  
Plan Commission for 2017.

DAN BREWER: Now we need a nomination for Vice President of the Commission.

OLIVER DAVIS: I nominate Elizabeth Maradik as Vice President of the Commission for 2017.

MATTHEW PETERSON: I nominate Oliver Davis.

OLIVER DAVIS: I prefer to decline.

Upon a motion by Oliver Davis being seconded by Debra Davis and  
unanimously carried, Elizabeth Maradik was elected as Vice President  
of the Area Plan Commission for 2017.

B. Appointment of Plat Committee

DAN BREWER: Plat Committee members for 2016 were John McNamara, Linda Mauller, Phil Sutton, Jessica Clark, Patrick Corbett Kerr with their alternates being John Law, Abby Shelton, Adam Bowden, Donna Hanson and Rich Estes. Do we have a motion to keep the Plat Committee members the same for

2017?

After due consideration, the following action was taken:

Upon a motion by Oliver Davis being seconded by Dr. Jerry Thacker and unanimously carried, the Plat Committee members for 2017 were approved.

C. Appointment of Executive Committee

DAN BREWER: The Executive Committee for 2016 was John DeLee and myself, by virtue of office, John McNamara, Gerry Phipps and Steve Vojtko. Executive Committee for 2017 will be myself and Elizabeth Maradik by virtue of office; would someone like to propose renewing John McNamara, and Steve Vojtko?

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Dr. Jerry Thacker and unanimously carried, John McNamra and Steve Vojtko are appointed to the Executive Committee for 2017.

DAN BREWER: Now we will need to nominate one other to replace Gerry Phipps who retired at the end of 2016.

STEVE VOJTKO: I nominate Adam DeVon to replace Gerry Phipps.

After due consideration, the following action was taken:

Upon a motion by Steve Vojtko, being seconded by Oliver Davis and unanimously carried, Adam DeVon is elected to serve on the Executive Committee for 2017.

D. Appointment of Area Board of Zoning Appeals (ABZA) representative

DAN BREWER: We now need to elect someone to serve on the Area Board of Zoning Appeals, again to replace Gerry Phipps who retired at the end of 2016.

PHIL SUTTON: I nominate Steve Vojtko to serve on the ABZA.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Oliver Davis and unanimously carried, Steve Vojtko was elected to serve on the Area Board of Zoning Appeals for 2017.

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A combined public hearing on a proposed ordinance of Geno L. & Josephine A. Benassi to zone from SF1 Single Family & Two Family District to MU Mixed Use District and seeking the following variance(s): 1) from the required minimum front façade height of 22' to 18'; and 2) from the required maximum gross floor area of 8,000 sq.ft. for a retail use

to 9,100 sq.ft., property located at 3720 Lincolnway West, City of South Bend - APC#

ANGELA SMITH,: The petitioner is requesting a zone change from SF1 Single Family & Two Family District to MU Mixed Use District and seeking 2 variances from the development standards. On site is a single family home. To the north across Lincolnway are single family homes zoned SF2 Single Family & Two Family and businesses zoned LB Local Business. To the east is a restaurant zoned LB Local Business District. To the south are single family homes zoned SF1 Single Family & Two Family District. To the west is a business zoned GB General Business. The MU Mixed Use District is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district. The development of the 2 acre site will include of a 9,100 square foot retail store located in such a manner that the corner entrance and at least 50% of the building façade is located within the maximum setback allowed for the Mixed Use District. The proposed parking includes 32 spaces located adjacent to the retail store. Although not shown on the current site plan, the site will comply with the current landscape standards established in the South Bend Zoning Ordinance. The property to the west was rezoned to General Business in 1995. The remainder of the parcels located at the intersection of Sheridan and Lincolnway were rezoned in the early to mid 1990's, creating a commercial node. Lincolnway West has two travel lanes with a center turn lane, on-street parking, and a bike lane. The site will be served by municipal water and sewer. The City Engineer commented that prior to final site approval, the following would be required: utility verification; approval of sidewalk, curb cut, lighting, and overall site improvement plans; approval of a drainage plan; and any verifications if required. Also noted was that the maximum allowed throat width of a commercial property curb cut is 24 feet. The Department of Community Investment commented that the rezoning falls at the east edge, and is consistent with, the mixed-use node at Lincolnway West and Sheridan, as defined by the West Side Main Streets Plan. The plan calls for this area to transition to a more urban character with buildings along the street and parking located in less visible locations. Given that and the street's design guidelines, the building should be designed to create a more active street frontage. Community Investment supports the variance from the minimum façade height, but suggests that a taller building entry element be used. They also offer a favorable recommendation on the variance from the maximum square foot area to 9,100 square feet to meet the business model standards of a national retailer. The petitioner is not proposing any written commitments. The petition is consistent with the West Side Main Streets Plan (2014). The property is adjacent to the Sheridan Node which states development should transition to a more urban character where building fronts line the street and parking is located to the rear where it is not visible from the street. The Land Use Plan of the West Side Main Streets Plan identifies this area as part of the Lincolnway & Sheridan Mixed-Use Node. City Plan, South Bend Comprehensive Plan (November 2006) Policy LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map. This single family property is one of a few isolated residential uses among an otherwise commercial section of the Lincolnway corridor. The most desirable use for the land is one which is compatible with the mixed use commercial located along the corridor. With proper landscaping, the residential properties to the south should not be affected. It is responsible development and growth to allow for this property to be developed in a commercial nature consistent with the character of the area and the comprehensive plan. This is a combined public hearing procedure, which includes a rezoning and 2 variances from the development standards. The Commission will forward the rezoning to the Council with or without a recommendation and either approve or deny the variances. Staff has no additional comments. Based on information available prior to the public hearing, the staff recommends the rezoning petition be sent to the Common

Council with a favorable recommendation. The staff recommends approval of the variances. Rezoning this property MU Mixed Use will allow for infill development that compliments the transition from the more intense commercial uses west of the site to the single family residential to the east.

OLIVER DAVIS: Do we know what stores?

ANGELA SMITH: I believe it is for a Dollar General. Once it is rezoned it would be allowed to be any use in the MU Mixed Use District.

OLIVER DAVIS: So it could be any store? Right now it is possible it could be a Dollar General.

JORDAN RICHARDSON: This may be a hot topic, but when was the last time that that plan was updated?

ANGELA SMITH: This is part of the West Side Main Streets Plan that was done in 2014.

WHITNEY BRIGGS: I am with A/R Engineering. Offices located at 4664 Campus Drive, Suite 106, Kalamazoo, MI. I believe Angela covered a great deal of the project. I wanted to point out that I had sent over the proposed elevations that shows the façade height. We were able to adjust that a little bit without having to redo the structural design. So right now, most of it is twenty feet and there are parts of it that is two more feet. We did adjust that so it is above the eighteen foot minimum.

OLIVER DAVIS: What exactly is your roll with the project?

WHITNEY BRIGGS: We are the Civil Engineering Company for this project.

#### IN FAVOR

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

#### REMONSTRANCE

JERRY NIEZGODSKI: 1113 N. Elliott, South Bend. In looking at your agenda packet, I have several questions and take issue with several findings on this staff report. 1) We already have a Family Dollar about ten blocks to the east, and this would be another one. I don't think we need another one. I live just off of Lincolnway West. I would be right in the middle of both of these. I don't want to live between two Dollar this, Dollar that. We don't need it. I want something a little higher class. I know it is what it is in demographics and all that. Beyond that, under land use and zoning it says that to the north are single family homes zoned single family and two family homes. That is true there are homes up and down Lincolnway and businesses interspersed all the way throughout. But then under your district uses and development standards it says that the goal of this is that mixed use is established to promote a dense urban village environment and some of the things that I heard was we want to get back to an urban feel, but with this building being closer to the road and getting more feel. I am sorry, I disagree with that. If this was one large area like Eddy Street Commons where you have a bunch of lots, one after another, continuous and you move them all to the street closer, fine, but this a square peg in a round hole. I don't want a building sticking out, jutting out closer to the street unlike others in that area. Additionally, if you are traveling from the west and coming in to town, we have a very successful business there right next door called the Volcano Restaurant. I highly recommend you check it out some time. Besides that, this is going to block a lot of their view. People are coming in and saying oh what was that? I don't want to compromise the success and visibility of a locally owned business for a chain to come in and put up a block building that really adds no architectural significance to the area. We have

some interesting houses along there; nothing really crazy. But a block building is a block building. I am not for another block building in my neighborhood or in this area. I want something with some kind of architectural feature that actually adds to the neighborhood instead of looking like another pole barn which we have on the corner. Also I didn't know if there was going to be sidewalks put out front. I would hope not, because there are no sidewalks anywhere along Lincolnway in that area. I did want to know the setback. How far is this going to be from the street? I couldn't discern from the drawing. I would like to know how far back the building will be from the street because that is going to determine also how much it hides the business right next to the east. As far as the property in back, I noticed you mentioned that it does not include all the property all the way south of it. Are they going to maintain that part that is not part of it, are they going to mow and maintain that regularly? That is a residential neighborhood back there and we don't need an area that is just let go and turns into a mini forest and we have rodents and things of that nature. Are they going to maintain the whole property, not just this area that they are looking at? Will there be a retention basin required anywhere? It talks about continuity of the neighborhood that this is a part of the plan for the future and they want to embrace continuity. This is not continuity. A block building, two stories, closer to the road is not in keeping with the character of that neighborhood. Yes, we have mixed use all up and down Lincolnway, but we don't have a building right up against a street. Poor planning in that respect. Again, basically, at the end of page 2 top of page 3 of your staff report, again it says that it is consistent with the character of the area, no it is not consistent with the area. One last thing I want to talk about is trash. If you go to any Dollar store, I don't care what it is Dollar General, Family Dollar, Dollar Tree all I see is trash. I want to know what they are going to do about the trash. But more than that we are going to have people walking up and down Lincolnway, which by the way have no sidewalks. You are walking on the shoulder. What this is doing is encouraging more pedestrians dangerously walking along Lincolnway on a place that is not separated from a street and we are going to see more trash. I don't want this in my neighborhood. Great people, great business but not here. Not in my back yard is what I am saying. This would be a great development maybe somewhere on Cushing and Lincolnway. Somewhere else on Lincolnway, but not here in the 3700 block. I am chairman of our Neighborhood Association. I am speaking for myself at this time, but I will be happy to get them involved and another group to oppose this. So it is my request that you turn this down and send this with an unfavorable recommendation to the City Council.

JERROD BARCEVIC: I am from the Volcano Restaurant located at 3700 Lincolnway West. I am concerned about the site blocking out my view. Anyone traveling east is going to pass me up and it is going to be a customer lost. The building is too big for the little lot. It is too close to the street. There are no sidewalks; people are just going to be in and out of traffic. When people come through that intersection there, they are already up to speed and you are going to have people trying to pull in and out and then pull in and out of my place and the building so close to the road they are going to be almost into the bike lanes as to get out of the parking lot. I hope you turn it down.

## REBUTTAL

WHITNEY BRIGGS: It is proposed to be a Dollar General. We are looking at what the master plan calls for the current area. We still have to go through our site plan approvals. We will meet City

standards for the storm water retention. They are going to own the whole property so they will maintain the trash on the whole property.

OLIVER DAVIS: You said it still has to go through in terms of retention issues? There were some concerns with that.

WHITNEY BRIGGS: Where are we with the design?

OLIVER DAVIS: You said you still have to go through, what do you mean?

WHITNEY BRIGGS: After this part, if we will get our approval process, we will go into design and then we will submit to the City Building Department so they can distribute all of our designs to the appropriate departments. We will discuss with them to meet their requirements. We will retain all the storm water on site in a basin.

OLIVER DAVIS: To clarify the issue, have there been some preliminary thoughts about how this is going to happen? I am trying to help with the retention issues of the neighbor's issues.

WHITNEY BRIGGS: There have been thoughts with that. We will take the specifications sought by the City ordinance. We will grade all of our parking into catch basins, and the catch basins are going to go through watertight pipe that is put to the retention basin. It will all be maintained on site.

ELIZABETH MARADIK: The site plan shows a detention basin at the southern end of the site.

STEVE VOJTKO: Will there be sidewalks put in here eventually or part of the development?

ANGELA SMITH: That will be reviewed by Engineering. Typically they do require them to put in sidewalks. How that is evaluated, I am not sure.

STEVE VOJTKO: Would there be an option to change the setting of the building to follow the more natural design of 20. The way I am looking at it now is it jets out into it a little bit. If you were to take that front part of it and make it more in line with 20.

ANGELA SMITH: You mean so that it is parallel to 20?

STEVE VOJTKO: Yes. That would give him (the Volcano) a lot more visibility as well.

ANGELA SMITH: As long as the front façade is within the minimum and maximum setback. The maximum setback is 20 feet. That is something that can be modified after this approval. They would not have to unless it is a stipulation of the Commission that they change it.

OLIVER DAVIS: Unless stipulated by us to do that?

ANGELA SMITH: They are only required to have 50 percent of the façade within that setback. Right now the layout they have currently shows 50 percent. I imagine once you start turning a building the parking starts turning and you have some other constraints.

STEVE VOJTKO: I don't know if you necessarily turn the whole building, just take that front and make it slope to match 20. I think that would alleviate some of the problems. Right now I can see the gentleman has a concern because it does block off his signage. Does that need to be stipulated at this meeting?

LARRY MAGLIOZZI: That will still happen, again as Whitney indicated, this is representative of what they can do. So they can turn the whole building if they so desire. It would affect the location of parking and maybe parking setbacks. The building if turned still needs to be no more than 20 feet back from the right-of-way line. As long as they meeting the zoning ordinance they can do whatever they want. If they decide to do that and they run into some development standard issues they can go back to the Board of Zoning Appeals and get the variances that they need.

STEVE VOJTKO: Should we do that now or how would you do that?

LARRY MAGLIOZZI: You are certainly within your purview to require them to shift it. I would not recommend that.

ADAM DEVON: I am assuming that the dark line is the right-of-way?

ANGELA SMITH: Correct. This would be the right-of-way line (pointing to the powerpoint) and this would be the curb (pointing to the powerpoint) or the edge of the road.

LARRY MAGLIOZZI: So the edge of the road is probably from that corner of the building (pointing to the powerpoint) 30ish or 40ish feet give or take.

WHITNEY BRIGGS: It is about 40.

LARRY MAGLIOZZI: So really turning the building in my opinion does not help.

STEVE VOJTKO: I don't mean turning the building, just changing the front part so it matches. I didn't realize there was that much space in there.

OLIVER DAVIS: Issues regarding trash and the history of Dollar Generals and that situation, that is more of an issue that comes from the Council or not necessarily before this board?

ANGELA SMITH: The Zoning Ordinance requires their dumpster be enclosed within a closure that is gated and has foundation landscaping. As for property maintenance, that would go to Code Enforcement if there were issues of littering or up-keep of the property.

OLIVER DAVIS: Past issues regarding what was stated and the history of Dollar Generals, does this organization have any other ties to any other Dollar Generals in the area?

WHITNEY BRIGGS: The Dollar General is a tenant. It could have different building owners. They lease the property.

ANGELA SMITH: Does Zaremba have any other Dollar General properties?

WHITNEY BRIGGS: Not any other Dollar Generals that I am aware of.

OLIVER DAVIS: So the other Dollar Generals that are in South Bend are not owned by the same person who is trying to do this one?

WHITNEY BRIGGS: As far as I know, no.

OLIVER DAVIS: I would recommend that the petitioner be prepared to answer whether or not other Dollar Generals are owned by the same person here.

ADAM DEVON: I don't see anything wrong with what they are asking for as far as encroaching in a setback, so as far as a Plan Commission I will make a motion that we approve the zoning.

After due consideration, the following action was taken:

Upon a motion by Adam DeVon, being seconded by Phil Sutton and carried, a proposed ordinance of Geno L. & Josephine A. Benassi to zone from SF1 Single Family & Two Family District to MU Mixed Use District, property located at 3720 Lincolnway West, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property MU Mixed Use will allow for infill development that compliments the transition from the more intense commercial uses west of the site to the single family residential to the east.

ADAM DEVON: Did they change the building height?

ANGELA SMITH: She did state that the current building design would go to 20 foot at one point, but I wasn't sure if they meet. Because we don't have an interpretation from Mr. Bulot, I recommend leaving that variance in their request.

DAN BREWER: So the first variance is asking for a minimum front façade of eighteen foot.

Upon a motion by Adam DeVon, being seconded by Phil Sutton and carried, the variance(s) 1) from the required minimum front façade height of 22' to 18'; and 2) from the required maximum gross floor area of 8,000 sq.ft. for a retail use to 9,100 sq.ft. property located at 3720 Lincolnway West, City of South Bend, were approved subject to the rezoning being approved by the Common Council.

- B. A combined public hearing on a proposed ordinance of Waggoners Dairy Farms, Inc. to zone from PUD Planned Unit Development District to LI Light Industrial District and seeking the following variance(s): 1) from the required minimum front residential bufferyard of 50' to 10' for an interior access drive; 2) to allow a trash container to be located between the front façade of the primary building and the front lot line; 3) from the required landscaping of required perimeter yards of 1 shade tree every 40' to 1 shade tree every 60'; 4) from the required foundation landscaping to none on the façade oriented to the Limited Access Highway; and 5) to allow off-street loading between the front lot line and the front façade, property located at a 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway, City of South Bend - APC# 2807-16.

ANGELA SMITH: The petitioner is requesting a zone change from PUD Planned Unit Development District to LI Light Industrial District and seeking 5 variances from the development standards. On site is a farm field. To the north is a farm field located in the State of Michigan. To the east are single family homes zoned R: Single Family (County). To the south across Adams Road is the Ameriplex at 80/90 Industrial Park zoned PUD Planned Unit Development To the west across St. Joseph Valley Parkway is a farm field zoned PUD Planned Unit Development (City) and R: Single Family District (County) The LI Light Industrial District is established to provide for development of office/warehouse, warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts. The entire area to be rezoned is 119 acres. The proposed site plan for Lot A includes a 315,000 square foot industrial facility with associated parking and loading docks. The plan allows for future expansion to the north. The site was zoned to PUD Planned Unit Development in 2005. This quadrant of the development allowed for a hotel and restaurant park (CB uses and standards); and a research and development park or "opportunity site" (O or LI uses and standards). At the time, the PUD District included a time frame under which secondary approval must be granted. That timeline was never met, so the PUD expired. Adams Road and Mayflower Road have two lanes. The site will be served by municipal water and sewer. The City Engineer commented that prior to final site approval, the following would be required: utility verification; approval of sidewalk, curb cut, lighting, and overall site improvement plans; approval of a drainage plan; and any verifications if required. The design of the potential future city road will need to be approved by the City Engineering Office. The Department of Community Investment offers a favorable recommendation. The rezoning is consistent with the spirit of the City Plan Future Land Use Map and area land use trends and will simplify governmental approval of future development. Community Investment recommends approval of the variance for trash containers in the front yard; approval of the drive location in the side residential bufferyard; and approval of permitting the loading spaces in the front yard, while not desirable, the site specifics provide few options. They recommend denial of the foundation landscaping variance and recommend rather than reducing perimeter landscaping along US 21, the petitioner should seek to use Alternate Landscape Approval provisions within the ordinance. The staff recommends the following written commitments: 1) Access on to Mayflower Road is prohibited; 2) If any structures, including but not limited to buildings or parking, are located within 300' of Mayflower Road than Type C: Full Screening Shall be required for the front residential bufferyard, otherwise a Type B: Partial Screening shall be required otherwise a Type B: Partial Screening shall be required once the site develops with additional structures. This petition is consistent with the City Plan, South Bend Comprehensive Plan (November 2006) Objective ED 2: Retain existing businesses and recruit new ones to the city. The future land use map identifies this area as Mixed Use. There are no other

plans in effect for this area. The area along the St. Joseph Valley Parkway (Bypass) between the Indiana Toll Road and Adams Road has developed as a vibrant industrial area with a lot of recent development momentum. While the planned development originally called for a mixed use development adjacent to Adams Road, market demands resulted in the entire area of Phase One of the Ameriplex at Interstate 80/90 (formerly Portage Prairie) being developed as light industrial. The most desirable use for the land is one in which the industrial growth is allowed to expand in an orderly fashion while providing a proper buffer for surrounding properties. With proper screening and by limiting the potential negative impact of increased traffic, surrounding property values should not be adversely impacted. It is responsible development and growth to allow for the development of this site consistent with previous approvals and recent market demands. This is a combined public hearing procedure, which includes a rezoning and 5 variances from the development standards. The Commission will forward the rezoning to the Council with or without a recommendation and either approve or deny the variances. The Commission will forward the rezoning to the Council with or without a recommendation and either approve or deny the variances. State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

5. Responsible Development And Growth: If access to the site is restricted and all other provisions of the Ordinance are met, the petition should not be injurious to public health, safety, or general welfare. With the proposed screening and restricted access, the use and value of adjacent properties should not be adversely affected. The proposed use is consistent with the uses that were anticipated when the PUD was first approved for the property in 2005 and with the development standards established for the industrial park to the south. The location of the property with multiple frontages and geometry of the site create a practical difficulties in strict application of the Ordinance. (1) The approval will not be injurious to the public health, safety, morals and general welfare of the community; (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; (3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

Combined Public Hearing. Mayflower Road is not currently equipped to handle large volumes of vehicular or truck traffic. In order to encourage and limit truck traffic to use Dylan Drive, limiting access to Mayflower is encouraged at this time. Depending on how the balance of the site develops, access to Mayflower can be reconsidered. The previously approved PUD incorporated specific residential bufferyard landscape requirement for properties located Based on information available prior to the public hearing staff recommends the rezoning petition be sent to the Common Council with a favorable recommendation subject to the written commitments included in the staff report. Staff recommends approval of the variances. Rezoning this site to LI Light Industrial will allow for logical expansion of industrial growth in response to continued demand for light industrial and distribution facilities with easy access to major transportation routes. The proposed development is consistent with previously approved developments in the area.

**BRIAN MCMORROW:** I am with Abonmarche Consultants. Offices located at 750 Lincolnway East, South Bend. GLC has a tenant that is looking for a build-to-suit space of 315,000 – 400,000 square feet. The user is Oria Business. They are based in South Bend. Business is good and they would like to expand right here in South Bend. What they do is they remanufacture and refurbish small electrical devices like modems, cell phones, TV boxes for your cable TV system. Their first preference is to stay in South Bend. Time is of the essence in making their business decisions. The preferred property is the one that we have talked about today. Today it is 119 acres situated on Adams Road abutting St. Joseph Valley Parkway with frontage on Mayflower Road. The developer and this particular tenant are interested in only developing the first 28.7 acres of the property. As Angela had described, the PUD has essentially expired because there was no secondary approval sought within the timeframe. It leaves a void for any kind of development standards as she indicated. When we first had this opportunity we contacted the Area Plan staff, and in response, they invited City and County officials and utility companies to their regularly scheduled Project Advisory Team (PAT) meeting. We met with them in December. By the way that is a great service to the residents and businesses of South Bend to hear from

all stake holders in that process. After hearing from all sides, given our proposal, it seemed most appropriate to simply seek that the property be zoned LI Light Industrial District. Why? Well it certainly allows for the use that we are proposing the assembly of parts and testing of equipment, which is exactly what this particular business will do. It also allows for automotive uses like repair shops, education uses, gas stations, food sales, government uses, office and professional uses, and utilities. Putting the LI zone in place allows for all of those things to still happen. The variances that we are seeking, are listed in our petition. One is to reduce the residential buffer yard along the easterly side line of the property that fronts Adams Road. That is for two reasons, so that we can extend Dylan Drive along the alignment that had previously established south of Adams, and also to move this proposed building as far to the west from those adjacent residential properties on Adams as we can. The second variance is to allow a trash container essentially in the front yard. As Angela pointed out, we will have two front yards as a minimum and if this Dylan Drive is extended as a City project, we could have as many as three. A dumpster has to go somewhere. It is our intention to put it in the area between the building and St. Joseph Valley Parkway and provide the enhanced landscaping that was suggested by Angela's part of a written commitment. We are seeking the approval to reduce the spacing of the shade trees from one every 40 feet to one every 60 feet primarily along St. Joseph Valley Parkway so we can provide a little peek at what the building outfit signage might be. Also, again, to go with the enhanced landscaping that was otherwise provided in the PUD to the south and to provide screen to the loading dock doors. The third variance is in respect to the foundation landscape planting. There are portions of the building with loading doors that you can't have foundation landscaping directly at the foundation. Again with the enhanced landscaping that we can provide at the perimeter we can mitigate that impact. Lastly, we are asking for loading to occur on the front yard and the front yards that we are proposing again are the west and east faces. It has to occur somewhere, and we could have as many as three road frontages here. As I have stated a number of times, we will accept the written commitment for the enhanced landscaping. We will also accept a written commitment not to have a road access to Mayflower Road. We concur that Mayflower in its present condition certainly will not accommodate that type of traffic.

OLIVER DAVIS: Have you reached out to any of the neighbors regarding your plans?

BRIAN MCMORROW: I haven't reached out, but they have reached out to me.

OLIVER DAVIS: How have you worked to resolve any of those issues?

BRIAN MCMORROW: Well, again, we have answered their questions. I think there have been as many questions about the nature of the business. I have tried to underscore that here today. This is not like some of the truck intensive businesses that are to the south of Adams Road. This is light manufacturing. Hence there will be more automobile parking, but certainly less truck traffic for this particular use. Again the landscaping that we are offering is consistent with the PUD on the south side of Adams.

### IN FAVOR

JEFF SMOKE: I am with Great Lakes Capital. Offices located at 112 W. Jefferson. This will add about 100-120 new jobs in the area. It is not truck intensive. They are only asking for eight to nine trailer parking docks. It is not a large user like the ones to the south that are storing fifty to seventy trailers on the site. Very light truck traffic and an additional 100-120 jobs.

### REMONSTRANCE

KATHY BIESCHKE: I reside at 24440 Adams Road. What that map does not show are the homes that

are five acre lots. The previous image shows all of those five acre lots that go in. It does not show the close proximity of that first home. The third home was just recently sold to a nice young family. My reasons to deny rezoning to light industrial is that this portion of the Airport Economic Development Area is within an agricultural residential area. The northern most part of the Airport Economic Development Area has been designated as a PUD or Planned Unit Development and zoned as such at its approval. One of the stated objectives of such planning is to avoid effecting in an adverse manner the use and value of the areas adjacent to the property. Specific standards for each zone are also established which are intended to avoid what might be injurious to public health, safety, morals and general welfare of the community. The possibilities offered by light industrial zoning certainly are a far cry from the PUD outlined the outset by the original petitioner. A sewage treatment plant would be allowed, but not a grocery store. A correctional or penal institute might be allowed, but not a nursery school. A gasoline service station is allowable, but not a planned a residential area. Failure to interest the mixed use type of businesses up to this point does not make it acceptable to change the zoning to something that is incompatible with the surrounding residential land use. The petitioner's variance requests are particularly distressing in view of the close proximity to a residential dwelling. A look at the site plan should make that obvious. The stated goal for the Rum Village Area of separating a compatible land uses with a well designed developed transitional area between residential and non-residential sections at the very least should be common place. I believe it is unconscionable that notice of meetings deciding such decisions are not required to be sent by two residents adjacent to the property under consideration for a zoning change. Certainly industrial use has farther reaching affects on the area beyond just adjacent to it. In addition to my concerns about adherence to development standards, inappropriate land use for the area brings with it environmental concerns for water and air, water levels and seepage of chemicals or toxins. This area is not currently distressed or in need of being revitalized like some other portions of the Airport Economic Development Area. Thoughtful planning of appropriate businesses will keep it that way and will be appealing for the appropriate potential investors. To kill the goose that laid the golden egg to make chicken nuggets would not be very wise. In a TIF district, the outlay of a 20 to 30 million dollar interchange for that bypass also seems like a bad decision to me. Floating another city bond is a risk if a corporation flees to take advantage of the next tax break location available. In short there are obvious contradictions to rezoning this portion of the Airport TIF District to light industrial. I would ask that this rezoning not be given a favorable recommendation. Furthermore, this particular project is not a good appropriate use for the area requested.

WENDY WOLFE: I reside at 51180 Orange Road. I am going to start off with a story because when I sit here and I see all this it is sad. When the Holladay Corporation first wanted to do this project and it got approved, they always said it isn't personal. But it is personal to every single person that lives out there. I grew up on Orange Road. I went to a little school called German Township. When I was ten my dad was working at Bendix, we moved to Iowa. For my entire life, I said all I want to do is move back to Orange Road. It has been nothing but distress since I have gotten back. These buildings are terrible to look at. I am in my backyard, which is six acres, I hear back up lights all night long 24 hours a day. I am wondering how all these people that want these things to go through would like to sit in their backyard in their rural community and listen to semi-trucks with their back up lights 24 hours a day. It is very distressing. It destroys the community that we have out there. It is a rural community that has been out there for years and years. It is probably the best agricultural land in the whole St. Joseph County. I don't think people care about that, but if you ever drive around and look at corn fields, you will never see a corn that is as high as those. That being said, the PUD would be so much better. At least if I could go to Martin's or grab a Starbucks or a nice restaurant to go eat at. I don't want anymore factories. There are already behind me. I hear them all night long. It is destructive and destroys the environment. I don't want to be repetitive, but I wish that the people that approve these things could actually spend the night in one of our homes and see how you would like living in a place with gigantic warehouses with spotlights and back up lights going 24 hours. We deserve a good quality of life without having to move to Michigan.

JILL KURZHAL: I reside at 50901 Mayflower Road. I am on my grandparents land. I have been out there for over 25 years. When this came about in 2005, Holladay Properties made a lot of promises to all of you saying this is going to be a community. That is what we are going to do. We have this historical farmhouse, which is conveniently burned down now that we are going to show. We are going to have walkways out here, we are going to have all this stuff for the community to enjoy. I am not really enjoying everything that is out there right now. There is still plenty of land down Dylan Drive that is available and lots of land that accesses Cleveland Road that is next to TNT Holland Company. They made all these big promises. I would like to see some housing for all the people that just moved out there in a year and a half. We are short on houses right now. I would like to see some high class villas, I would like to see something like Toscana Park out there, or Heritage Square, something fancy that people want to come to. They want to live there and work there. They can go across the street to work and have your child care facilities. This is going to be basically a free for all. They can do whatever they want. We can just do all these different businesses. They promised all these walkways that would be beautiful. Now if you go down Dylan Drive, they used to have these beautiful brick areas. With all the semi traffic those have pretty much crumbled and they have to go over all those. A lot of the landscape has changed since all these new business have come in within a year and a half. I don't understand why I was not informed of it. I am right on Mayflower, this is my block. I had no sign on my corner and the sign that placed over by the by-pass was over to the left, it looked like a furniture liquidation sign. It didn't have any information when we saw it. Then another one at Arbor Pointe. I don't know why there was not one on Mayflower and Adams. We can't facilitate traffic going down Mayflower. I already have ton's of semi's going down Mayflower. We have tons of semi's going down Mayflower Road, they shake my whole house. I am totally against this project. I would hope you would want to do something great out there for South Bend. Do something where people want to come. Something high class, something that South Bend can be proud of. It is the best location in the world, we are in Michigan in minutes and Elkhart in minutes, right on the by-pass. The traffic is getting atrocious out there. There is so much traffic on the by-pass now coming on and off the ramps. We have TV's out there people are running over. People unload their trash out by all those semi's. They are discarding bottles and trash all along the road. It is getting very trashy out there. That is not how it originally was set up. When we had just the one building out there it kind of stayed nice, it was very peaceful with the one building, but like they have expressed it's 24/7 lights. I noticed when they put the new, I think it's the Ontario building up where the Pepsi plant is, their lights seem different than everyone else's. I don't know what they have going on there, but they are turned up a certain way and they seem like a higher voltage. All the other lights seem different to me. The Carriage House dining place, that is a very high dollar restaurant, that is kind of part of history. I don't know exactly the date that was but I think it says on the building 1800. That would be nice to incorporate that and have something that South Bend can be proud of and some heritage here. I am just in opposition.

JEFFREY NICKLAS: I reside at 23821 Adams Road. In the beginning, she has already said it. We have been lied to. You folks were there and know that the Holladay Corporation did not come through on what they said they were going to do. Walkways, library's, doctor's offices was all going to be a buffer to this industrial stuff that you pushed upon us. I would like to know if anyone has done the type of impact study in this area for what has been thrust upon us as far as traffic. The traffic is awful. You try to back out of my driveway, you better be careful because they don't stop when they come up to Dylan Drive. They whip right out because it is wide open. There should just be a yield sign there. Cars all the time tend to drive right off Dylan Drive. I suppose when the road goes through they can cross Adams Road without any problem unless they run into someone. Has there been an impact study on the wildlife? That wooded area just a few lots over and then as far as that goes the deer and the turkey all live in there. The deer cross at night and go on west. They come all the way from the river. There is an area there that they travel. When they start crossing roads something is going to happen. They are going to impact somewhere on the highway. I don't know if anyone has ever checked on deer strikes in

that area. I don't think there is too many, but when you bottle neck it one thing is going to lead to another. As far as the setback, why do they want to encroach me? They have the larger field. I would say I need my space just as much as they. If I was trying to build a new house or something there, I would have to setback 50 feet. I think that is only fair. That's the law of the land here. They want more property to work with, so I understand why they are trying to do it, but it doesn't do me any good. If I was to do something I would have to setback 50 feet. My next point is my house sets 20 feet from my fence line, so you are going to put a road 20 feet from my bedroom window. Anyone have a highway next to them within 20 feet of their bedroom window and then all the traffic, the trucks, the dumpsters, the snowplows and then you are putting a road next to me? We are not even talking about the field behind it. How are you going to service that field with traffic? Just with that new deal, they said it would be one hundred and some employees. I am all for that kind of stuff. You are going to have access about 200 vehicles just from that one plant in a 12 hour period. Are they going to do two shifts? Is that going to be an all night situation? When they put the buildings in the backfield, obviously that is going to be around the clock. Factories don't stop when 5:00 comes. Where am I going to sleep? Anyone got an extra bedroom for me? I have cattle in the backfield right now. I didn't know any of this was going on. I just purchased ten more calves to put in the pasture. It is a nice place to hang out. I grow a large garden. All my neighbors from up and down the road, stop by and I let them pick the vegetables they want. It has been that way around there since I have been born, 1958 is when I became a person living there. What about water and sewer? Are we going to have lighting up and down my five acres. It is not going to be a place for me to live anymore. The traffic is going to increase. I think I at least should get the 50 foot setback. I deserve a privacy fence along there for the lighting. One of the other speakers mentioned the back up alarms. You are going to hear that all the time. No one is going to sleep. The residential is going to fall from me. I stand on the corner the next house is for sale, the third house just sold. They had a hard time selling it and there is a beautiful home, they remodeled it 100 %. People just moved in there. They had a hard time selling it because of the building that is across the street on the south side of Adams Road. They moved into it. I got this imposed upon me, so now I have a building at my picture window of my house that looks like bigger than Walmart. I am feeling kind of squeezed there. What is it doing to my property value? There is a house next door they have been trying to sell for five years now and they have not been able to sell it. I thought I had an idea of what my property is worth and I don't know what it is worth. I don't think anyone would want to buy it with a highway and semi's running next to it. I am impacted pretty good here. You can't give them everything. I do deserve that 50 foot setback. I do deserve some privacy. I need the lights turned the other direction away from me. Do I need loading docks on my side of the house? No. I think it is the wrong building for that project. I know it is going to go through. I know something is going to go there. You are pushing it is going to happen. That structure of that building does not fit for me, that is for sure. Why can't the road, Dylan Drive, be accessed next to the by-pass?

JUDY ZAHRN-HOOVER: I reside at 23669 Adams Road. I live in the wooded area and I recently moved to this area. I originally grew up in Walkerton. I left a small town to come to the country. I am not living in the country now. I have factories in my front yard. I work downtown here, I leave about 8:45 in the morning and there was a semi right behind me coming down Adams Road. They are not supposed to be coming down Adams Road. What happen to the interchange that was going to come off the by-pass? Is that still happening? Or there was supposed to be a round-a-bout there at the end of Adams and Dylan. I used to walk three miles a day, ride my bike down Adams to go to Dylan. I am fighting semi's and other traffic too, not necessarily from the factories, but I don't walk anymore because of the semi's even through there are sidewalks on Dylan. I was walking last year and someone turned around and followed me, so I turned around and went straight home. I don't know what is going on out there. All these semi's, these people that I don't know coming and going out there. I have been picking up trash along Adams Road that is coming from the factories, that are now on Dylan and Adams. I am picking up needles. Yes, that could be from someone driving up and down Adams, but I don't know if they are coming from workers. There are food wrappers, glass jars with I assume urine in them that

someone is throwing out. We don't need anymore trash. We don't need more noise. I worked at Speedway, which is the corner Brick and Cleveland. With all the factories that are there now, they come in and say is there someplace to eat. We need something else out in our area. We need a place to eat. You have Bruno's pizza, Taco Bell, I don't eat Taco Bell, the Mexican restaurant, Speedway has pizza and sandwiches, but we need something else out there. If you are going to put more factories out there, where are these people going to go eat? Back down to Speedway, where there is hardly nothing to eat? There is Hacienda, Applebee's down Portage Road, but they don't want to drive into town to find something to eat. Not that I want a restaurant in my neighborhood either, but what about the big field by Tire Rack? Put something out there. Why does it have to be out where our houses are? There is farm houses west on Brick by Tire Rack. Yes there are houses on Orange, but the fields are away from those houses. Find someplace else to put a factory.

THOMAS GRONING: I reside at 23605 Adams Road. We moved into our house which is the second field from the line of houses on Mayflower. We moved out there from the City because we wanted country living. I moved out there because it is quiet and peaceful when I moved out there. Love my neighbors and then we had one building. When I moved out there always nice and quiet, then they start to putting up all this industrial. I work for heavy equipment company that deals with that and delivers that, that is part of my business, my livelihood to deliver those to these companies, but I don't want it in my backyard. Just the amount of business that have gone in, the traffic is a mess. It takes my wife sometimes five minutes to get out of our driveway in the mornings, just with the enhanced traffic. I hope you vote this down.

## REBUTTAL

BRIAN MCMORROW: I want to remind everyone this is the first step of a process. The rezoning does not allow us to go out tomorrow and put a shovel in the ground. We do have site plans to design, architectural buildings to prepare. In the Project Advisory Team meeting that we had, the City Engineer was there and he reiterated some of the concerns that were expressed here today about traffic and that is going to be assessed before the site plans are fully developed for the property. I do want to underscore a couple of points in that what we are proposing here today for that one user in town that wants to relocate and expand. That use and that building configuration as far as I know would have been permitted under the PUD that had been in place, except for that little loophole or provision in the sun setting. We had to come back and put some sort of zoning in place. I want to repeat again, the LI zoning district allows for a whole host of other uses including food sales and a like, so there would be nothing that would stand in the way if this was approved, as we have sought, for those uses to also occupy this site. Personally speaking, with all the businesses that are relocating to the site, it does make sense to me that there would be some restaurant opportunities as well. In response to Mr. Nicklas' concern, and I certainly appreciate his situation being the property just east of our north south property line, the relief that we are seeking along his edge is to extend Dylan Drive with the geometry that has already been established. The other reason is I did want to move that building as far away from his property as we could. The most south-easterly corner of the building is 402 feet from the corner of the building to the side line. At the far corner it is going to be 180 feet. I tried to take into consideration that we had residential properties on that side. That was why we are putting the building on that side. Again Dylan Drive geometry is a natural extension of what has occurred on the north/south already. I would have concerns, and I think INDOT would as well, if we had tried to provide access along another point along that frontage. If indeed an interchange is in the cards. That is another set of approvals that we have to go get. Regardless of what the zoning is, any development of this property with access to Mayflower the proximity to St. Joseph Valley Parkway is going to require that conversation. The business that we are proposing is not a 24 hour business. Not a 24 hour trucking company by any means. I have talked about what they do, a more of a 9 to 5 or maybe 8-7 type of business like most of us are today. Water and sewer will be extended to serve the property from the facilities south of Adams Road and with respect

to lighting that is certainly a design element that we haven't gotten into yet. I would be happy to work with the City Engineer and Mr. Nicklas to make sure that the lighting of Dylan Drive is appropriate for the type of use we are proposing and the abutting uses as well.

LARRY MAGLIOZZI: We would suggest another written commitment and is probably something we should have done on the front end and we usually do, and that is to not permit any off premises signs.

DAN BREWER: I know this is catching you off guard Mr. McMorrow, but is that an acceptable commitment?

BRIAN MCMORROW: That would be fine.

STEVE VOJTKO: Going back a couple years ago, it was mentioned that there were some promises made by Holladay Corporation as far as what they were planning on doing. Did any of that come about, were those promises broken? They mentioned walking trails. What did they have planned in there? Can you give us a little history?

ANGELA SMITH: I know that there are sidewalks and trails along Dylan Drive. There was discussion about extending that north to this project as well. There was a discussion about a greenway connection. In terms of the other promises, we're not usually involved in that part of the process. Everything that was built in the first part of the Holladay development was built within the parameters of the PUD they established.

STEVE VOJTKO: I guess my question is if they made promised that they didn't keep and now we are rezoning it, would those promises go out the window?

DAN BREWER: That was in connection with the PUD.

LARRY MAGLIOZZI: The PUD was proposed in 2005. There was a lot more retail in that PUD. The big promise there was an interchange at St. Joseph Valley Parkway, which obviously has not occurred.

STEVE VOJTKO: As I understand, you are rezoning the whole property, not just a small piece. So are future uses, such as gas stations, will that fit in that area down the road?

LARRY MAGLIOZZI: Yes. Some of those uses may require a special exception use. Any kind of retail, hotel use. That is going to limit the amount of uses back in there.

DAN BREWER: It is difficult when someone settles into a home or was born into a piece of ground, it is hard for them to see changes. I don't dismiss that easily. I was particularly moved by Mr. Nicklas and what he said about the roadway that goes along the extension of Dylan Drive and I have a question. I am not sure if I address it to Mr. McMorrow or the Staff. I guess I will start with Mr. McMorrow, what would be the problem with having access further west off of Adams Road? What kind of buffer, if any is there on that roadway that is currently proposed?

BRIAN MCMORROW: I will try to answer the first part. Traffic engineers have certain standards for off set intersections. Either intersections that would carry the type of traffic volumes that we are talking about or would expect. Especially if the balance of the property were developed as envisioned and, even more, especially if there is no access to Mayflower. It would be awkward and probably inadvisable from an engineering and safety standpoint to have that intersection off set. Again the further west we go the changes we have that INDOT may not allow it either.

DAN BREWER: Because they would be thinking of an interchange there?

BRIAN MCMORROW: Right. Those are the reasons that lead us to place the roadway where it is.

DAN BREWER: Are there any buffering requirements?

ANGELA SMITH: They are allowed landscaping along Adams Road. On the east side they are required full screening.

DAN BREWER: Would there be a fence?

ANGELA SMITH: They could do a fence and a single row or they can do a double row. There are some landscape alternatives that they can use along there. It requires full screening along that edge.

BRIAN MCMORROW: The second sheet of the site plan that shows a little better detail of lot A, there is actually more distance from the south westerly corner of Mr. Nicklas' property to the intersection than 10 feet. It is probably approaching 50 feet. The roadway just curves back and runs parallel to his property at some distance back from that. As indicated by Area Plan, the enhanced landscaping is something we would incorporate into our site plan design. I will restate again, we will certainly work with the City Engineer to have the appropriate lighting there as well.

JOHN LESZCZYNSKI: I also have a concern with the road, Dylan Drive, being extended. It looks like it has been shifted over to follow the property line more than it needs to. There should be a way to get more than 10 foot of buffer between the property line and the road. It looked like Dylan Drive, if this print is right, is designed and made perpendicular to Adams to run along the 50 foot right of way line. If you extended it straight it would be in conformance. You would purposely run it over. I think from my perspective you should try to get more of the 50 foot. He was there first. He has been there forever. You should give him the 50 foot with the landscaping in there and the proper lighting would probably work out real good.

ANGELA SMITH: Since that is one of the variance requests, the Commission has the ability to act on that.

JOHN LESZCZYNSKI: To deny it?

ANGELA SMITH: Yes.

JOHN LESZCZYNSKI: I would be inclined to do that part of it. The other ones I can understand. This is a real tight sight that they are trying to shoe horn a lot of work in there, a lot of radius for semis and everything into something that is tight.

OLIVER DAVIS: I realize this was a very sensitive issue given the history of the fact that there had been problems in years past that have not come through and all these different changes. As I started to recognizing all the faces that came through here and other things I said ok, I think there has to be a lot more flexibility. The answer to the question that I received was the neighbors reached out to us. I think the developer must recognize the issues that happened in 2005 and must recognize the sensitivity of the failures whether there was economic issues or not. They are going back into the same spot to do something and when you go back to the same spot to the things that you promise were not necessarily there, there has to be a lot more trust and flexibility when it comes down to working with people and making changes around them. That was why I was concerned with that.

STEVE VOJTKO: A general comment that these individuals were there first. I think the zoning has gone all the way around them. They are landlocked and have no way out, so it is going to affect their home values. I just have some concerns with it.

DAN BREWER: Would you be ok with denying the variance for the setback? Is that enough? It is true that these people were there first.

STEVE VOJTKO: If this was rezoned and they came and they built there, I would say buyer beware, but this is a situation where they were there first and now we are building around them, changing it. I don't think that is fair.

DAN BREWER: Of course whenever there is a development there is a change in the property so there has to be some consideration for the owner of the land.

JOHN LESZCZYNSKI: I think you offer a compromise with the one variance not being approved at this point in time.

After due consideration, the following action was taken:

A motion was made by Steve Votjko being seconded by Martin Madigan to send this petition to the Common Council with an unfavorable recommendation. MOTION DID NOT PASS.

A Motion was made by John Leszczynski being seconded by Adam DeVon to send this petition to the Common Council with a favorable recommendation. MOTION DID NOT PASS.

Upon a motion by Oliver Davis, being seconded by Steve Vojtko and carried, a proposed ordinance of Waggoners Dairy Farms, Inc. to zone from PUD Planned Unit Development District to LI Light Industrial District, property located at a 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway, City of South Bend, is sent to the Common Council with a NO RECOMMENDATION.

Upon a motion by Adam DeVon being seconded by Oliver Davis and carried the variance from the required minimum side residential bufferyard of 50 feet to 10 feet for an interior access drive was denied.

Upon a motion by Adam DeVon, being seconded by Oliver Davis and unanimously carried, the variance(s) property located at a 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway, City of South Bend, approved the following variances 2) to allow a trash container to be located between the front façade of the primary building and the front lot line; 3) from the required landscaping of required perimeter yards of 1 shade tree every 40 feet to 1 shade tree every 60 feet; 4) from the required foundation landscaping to none on the façade oriented to the Limited Access Highway and 5) to allow off-street loading between the front lot line and the front façade were approved subject to the rezoning being approved by the Common Council.

DAN BREWER: It is unfortunate that we were unable to do the job we were supposed to do and that was to make a recommendation. It is certainly understandable. There were a lot of reasons for disagreement.

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 427 and 437 Corby Boulevard, and 913 Lawrence Street, City of South Bend - APC#2800-16.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Debra Davis and unanimously carried, the Findings of Fact for granting Variances for property located at 427 and 437 Corby Boulevard, and 913 Lawrence Street, City of South Bend were approved.

- B. Findings of Fact for granting Variances for property located at 12100 State Road 23, St. Joseph County - APC #2802-16.

After due consideration, the following action was taken:

- C. Upon a motion by Phil Sutton, being seconded by Oliver Davis and unanimously carried, the Findings of Fact for granting Variances for property located at 12100 State Road 23, St. Joseph County were approved.

PHIL SUTTON: I am retiring at the end of the month. It has been great working with you folks. Try not to be too hard on the next Agricultural Educator that comes in here. Since John McNamara is not here, please remind him of that.

2. Executive Director's Report:

There was no Executive Director's Report.

3. Minutes and Expenditures:

- A. Approval of the minutes from the December 20, 2016 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Steve Vojtko and unanimously carried, the minutes from the December 20, 2016 meeting of the Area Plan Commission were approved.

- B. Approval of the Expenditures from December 20, 2016 through January 17, 2017

American Planning Association - \$180.00, Mishawaka Enterprise - \$25.73, \$10.57, Office 360 - \$56.30, SJC Maintenance - \$16.00

After due consideration, the following action was taken:

There was no Executive Director's Report.

3. Minutes and Expenditures:

- A. Approval of the minutes from the December 20, 2016 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Steve Vojtko and unanimously carried, the minutes from the December 20, 2016 meeting of the Area Plan Commission were approved.

- B. Approval of the Expenditures from December 20, 2016 through January 17, 2017

American Planning Association - \$180.00, Mishawaka Enterprise - \$25.73, \$10.57, Office 360 - \$56.30, SJC Maintenance - \$16.00

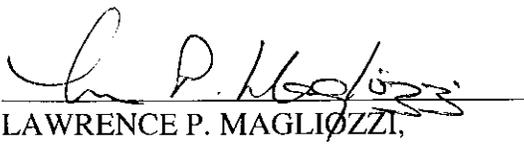
After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Steve Vojtko and unanimously carried, the expenditures from December 20, 2016 through January 17, 2017 were approved.

4. Adjournment: 5:15 p.m.



DANIEL H. BREWER,  
PRESIDENT OF THE COMMISSION



LAWRENCE P. MAGLIOZZI,  
SECRETARY OF THE COMMISSION