

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

MINUTES

Tuesday, March 21, 2017
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, John Leszczynski, Martin
Madigan, Elizabeth Maradik, Steve Vojtko

MEMBERS ABSENT:

Robert Hawley, John R. McNamara,
Matthew Peterson, Jordan Richardson, Jerry Thacker

ALSO PRESENT:

Larry Magliozzi, Angela M. Smith, David M. Stanton, Jr.,
Jennifer S. Parcell, Staff; Mitch
Heppenheimer, Counsel

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A combined public hearing on a proposed ordinance of Cantinas Properties LLC to zone from SF1 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and seeking the following variance(s): 1) from the requirement that the height and massing shall be no more than twice the height and massing of the immediately abutting building to nine times the massing; 2) from the requirement that all front doors and mailboxes be oriented toward and visible from the primary street to allow for the building located at the rear of the site and for stand-alone mailbox for all units; 3) from the maximum driveway width of 12' at the front property line to a width of 20'; 4) from the maximum allowed height for a decorative fence of 3' along front and side property lines that face a primary street and 5' along the side and rear property lines to allow a maximum 6' high solid decorative vinyl or wood fence, except within the 10' front yard as shown; 5) from the minimum 25' side and rear yard setback to 5' for parking on the east property line and 6) from the minimum 25' rear yard setback to 7' for a trash enclosure, property located at 1248, 1258 N. Twyckenham Drive, City of South Bend - APC# 2810-16.

DAN BREWER: We have a request from the petitioner to table this until the April 18, 2017 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by John DeLee and unanimously carried, a proposed ordinance of Cantinas Properties LLC to zone from SF1 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, property located at 1248, 1258 N. Twyckenham Drive, is TABLED until the April 18, 2017 meeting of the Area Plan Commission, per the request of the applicant.

- B. A proposed ordinance of Jeff A. & Shirley J. Rynearson Revocable Trust, Jeff L. Huffer and Rocco P. & Dianne K. Papandria to zone from R: Single Family District, B: Business District and C: Commercial District (County) to C General Commercial District and R-8 Low Density Residential District (Town of Lakeville), property located at 20831 State Road 4, 65894 and 65896 U.S. 31 South (S.R. 931), Town of Lakeville - APC# 2811-17.

ANGELA SMITH: The petitioner is requesting a zone change from R: Single Family District, B: Business District and C: Commercial District (County) to C General Commercial District and R-8 Low Density Residential District (Town of Lakeville). On site is a single family home, a former veterinary clinic, and a vacant lot. To the north is vacant land zoned R: Single Family District (County). To the east are farm fields zoned R: Single Family District (County). To the south across Pierce (SR 4) is an automobile repair shop zoned C: Commercial (County). To the west across Michigan (SR 931) is a union hall zoned C General Commercial District (Lakeville). The R-8 Low Density Residential District is established to provide family dwelling units and accessory uses commonly associated with a family living area, provided that the gross density shall not exceed eight (8) dwelling units per acre of the gross site area. Two family dwelling units shall be permitted in this district in planned residential developments. The C-General Commercial District is established to provide the full range of commercial activities, including amusements, automobile and other vehicle sales and service, drive-in establishments, general merchandising, hotels and motels, and outdoor advertising shall be permitted in this district. The area to be rezoned is approximately 7 acres. A detailed site plan was not provided. The northern property is proposed to be zoned R-8 Low Density Residential District with the remaining property zoned C General Commercial District. The site will need to meet all the development standards for the appropriate zoning district. A portion of the site was rezoned to B: Business in 1990 for a small business. The northwest corner of Pierce and Michigan was rezoned to C General Commercial District for a union hall. Michigan (SR 931) has four lanes plus a center turn lane and a designated right turn lane southbound. Pierce (SR 4) has two lanes. The site is currently served by private well and septic. If the site develops in the future, it may be required to connect to municipal water and sewer. The Town Engineer commented that the site, when developed, will need to meet the current regulations for drainage and zoning. The petitioner is not proposing any written commitments. The petition is consistent with Town of Lakeville Comprehensive Plan (August 2011) Goal: Emphasize the development of employment centers along S. R. 4 leading to the new interchange. The future land use map identifies this area as commercial mix use. There are no other plans in effect for this area. The intersection of Michigan and Pierce is a major node on the north side of the Town of Lakeville with commercial activities on the other three corners of the intersection. The most desirable use for the land is one that strengthens the commercial node and promotes economic development for the town. With proper buffering, the use and value of adjacent properties should not be affected. It is responsible development and growth to encourage commercial development to occur within a major transportation node. The staff has no additional comments. Based on information available prior to the public hearing, the staff recommends the petition be sent to the Town Council with a favorable recommendation. Rezoning the properties to R-8 Low Density Residential and C General Commercial will allow for the development of this area in order to support and compliment the economic development strategies of the town.

JOHN DELEE: Is that a retention basin?

ANGELA SMITH: It is a regulated drain.

DAN BREWER: For the benefit of the Commission, the commitment for moving the regulated drain is not included in the packet that you received earlier.

ANGELA SMITH: It is not. It is something that came up since the staff report was generated.

DAN BREWER: We are looking for a written commitment?

ANGELA SMITH: A written commitment that if the property is developed it would relocate the regulated drain at the expense of the developer.

OLIVER DAVIS: Have they shown any opposition to the drain yet?

ANGELA SMITH: No. I spoke with the present owner and they are aware that the regulated drain exists and they understand that it would be at the cost of the developer.

SHIRLEY RYNEARSON: I reside at 65894 U.S. 31 S., Lakeville. I own one of the parcels that is going down to residential. We feel it is the highest and best use for the property as they are all currently for sale. Our property is residentially listed. We live in the home. The other two properties are commercial.

IN FAVOR

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

REMONSTRANCE

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

After due consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Jeff A. & Shirely J. Ryneerson Revocable Trust to zone from R: Single Family District, B: Business District and C: Commercial District (County) to C General Commercial District and R-8 Low Density Residential District (Town of Lakeville), property located at 20831 State Road 4, 65894 and 65896 U.S. 31 South (S.R. 931), Town of Lakeville, is sent to the Town Council with a FAVORABLE recommendation, subject to the following written commitment: that if the parcel at the corner is developed, the regulated drain be relocated at the expense of the developer. Rezoning the properties to R-8 Low Density Residential and C General Commercial will allow for the development of this area in order to support and compliment the economic development strategies of the town.

- C. A combined public hearing on a proposed ordinance of David & Susan Nufer to zone from GI General Industrial District to CB Community Business District and seeking the following variance(s): 1) from the minimum 30 ft. Front Residential Bufferyard and 20 ft. Side Residential Bufferyard to 5' for parking; 2) from the required landscaping of required residential bufferyards with Type "B" Landscaping to allow a 6 ft. high solid screening fence to the south and a 6 ft. high chain link fence on the west; 3) from the required landscaping of required perimeter yards to none; 4) from the required foundation landscaping to none; 5) from the minimum allowed parking aisle width of 24 ft. to a minimum of 22 ft.; 6) from the required minimum of 380 parking spaces for the proposed Event Center to a minimum of 110 parking spaces; 7) from the required 1 loading space for buildings containing 10,000 sq.ft. but less than 100,00 sq.ft. to providing no loading space and 8) from the required parking area screening to none, property located at 1905 Goodson Court, City of South Bend - APC# 2813-17.

ANGELA SMITH: The petitioner is requesting a zone change from GI General Industrial District to CB Community Business District and seeking 8 variances from the development standards. On site is a large commercial building with its associated parking and a cellular tower. To the north across

the railroad are business zoned CB Community Business District and GB General Business District. To the east is an industrial building zoned GI General Industrial District. To the south are single family homes zoned SF2 Single Family & Two Family District. To the west is a retention area zoned SF2 Single Family & Two Family District. The CB Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts. The site contains and 19,200 square foot building used as an event center. The preliminary site plan shows the addition of a paved parking lot with 110 spaces to serve the associated use. Interior off-street parking landscaping is provided throughout the parking lot. The proposed screening to the south of the site, along the alley, includes a 6' height landscape screening fence. The remainder of the site is enclosed with a 6' chain link fence. This site has been zoned GI General Industrial. Goodsoon Court and Hoke Street have 2 lanes. Both streets dead-end at the subject property. The site will be served by municipal water and sewer. The Department of Community Investment offers a favorable recommendation. The access to the site, through an alley or through a residential neighborhood, is imperfect, but the request represents a downzoning that may limit potential negative impacts to the neighborhood. Landscape buffering along the south property line (bordering residential properties) should be maintained or enhanced at levels meeting or exceeding ordinance standards. The petitioner should strive to meet the project's parking demand with on-site parking; the actual demand may be less than the ordinance requirement. The Department of Public Works recommends approval subject to verification of utilities; approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area; approval of a drainage plan, of specific concerns is the overflow connection into the city retention basin; providing dimensions of the approach to Hoke Street; detailing access to the cell tower; and verification of required (if any) waivers. The petitioner is not proposing any written commitments. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy ED 1.2: Encourage reuse of abandoned and underutilized land and structures. The future land use plan identifies this area as Mixed Use. There are no other plans in effect for this area. A small pocket of non-residential uses has developed adjacent to the railroad line surrounded by single family homes. The most desirable use for the land is one that allows for redevelopment of the site with minimal impact on the adjacent single-family properties. With proper buffering and screening, adjacent property values should not be adversely impacted. It is responsible development and growth to allow for the reuse of a former industrial site for a less intense use. The 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, subject to installing a minimum 6' solid wood or vinyl fence along the south property line. Rezoning the property to CB Community Business will allow for the reuse of a former industrial site. The proposed development will provide a series of upgraded improvements that will mitigate the negative impact on surrounding properties and enhance the area.

OLIVER DAVIS: With the 110 spots, will that cause any overflow to go into the neighborhoods?

ANGELA SMITH: I will let Mr. Danch address that.

OLIVER DAVIS: Can he also address the time it is going to be open too?

ANGELA SMITH: He can address that.

JOHN DELEE: So, that means that variance #2 you are recommending that we don't approve the solid screening on the south?

ANGELA SMITH: We are recommending that it be a wood or vinyl solid fence and not a chain link with a slat system. Those don't provide the level of screening that is adequate for this site.

MICHAEL DANCH: I am with Danch, Harner & Associates. Offices located at 1643 Commerce Drive, South Bend. What we are asking to do here is to rezone from the Industrial District to the CB District. When the Nufer's bought this property it was already being used for an event center, so when they purchased it they assumed it was the correct zoning for the event center that they are doing. They found out through the Building Department. They went to the Building Department to see if they could put a sign on the façade of the building. They purchased the property at the end of the October. In December they went to go get a sign permit for the building. The Building Department notified them that the zoning was not proper for the building and what it was being used for. In essence, they had to stop everything at that point in time to go through the rezoning procedure. They contacted us to check with the Building Department to find out what exactly was needed. We sat down with the Planning Commission staff. The result is what you are seeing on the site plan. There is an existing building that was used as an auction house. They basically had gone out of business or moved. The event center came in. The Nufer's purchased from those people. What we are now doing is trying to bring this into conformance with the zoning standards. Under the City of South Bend Codes we have to go through the CB District to do that. Because this is a use that was industrial at some time, there are also several variances that Angela mentioned that we need to do to bring it into compliance or to get everything to fit for what we are doing. In essence, what they want to use it for is an event center for basically birthdays and weddings. In order to do that, we are asking for the proper zoning. The setback requirements for this type of situation where you have CB against residential, we have to have variances for that. What we are trying to do as you see on the site plan is we are trying to maximize the parking. What was out there as Angela had mentioned is gravel parking over showing this paved parking which is not in existence today. That is what we will reflect on the plan. What we had done was brought the parking as close as we could to the public alley, which is to south of the property. We are asking for a variance from the 30 foot setback back down to 5 foot in order to be able to put up the fencing and parking in that area. We will make a statement right now that the fencing that we are going to show there, that is solid screen fencing. It will not be a solid chain link fence with slats in it. It will be a solid vinyl or wood fence. The other variances that we are asking for to the west of the site is an existing city retention basin. Again, because that is zoned residential for our particular use we, would have to have a setback at 25 foot, which does not make a lot of sense from a retention basin. So we are asking to be able to put parking within that 20 foot setback against the retention basin on the west. From a standpoint of what they call perimeter landscaping under the cities guidelines, you have to put trees every 40 feet, which would be over story trees. Along the north we have the Conrail railroad. There is already existing vegetation, we are asking for a variance not to have to put a perimeter around the four sides of the site. Along the south end of the site where there is already existing scrub trees when you saw the pictures of the site that the staff had taken. We already have some mature trees down in that area that we are going to try to do work around that vegetation and keep as much of it as we can. That is why we are basically putting the parking and the fence where it is at. We are leaving an additional space between where the alley is and our property lines so that existing vegetation could remain in place. To the east there is an existing industrial building. Again, we are asking to not put over story trees along that line. There is mainly pavement between us and the building to the east. Those are the main ones that we are asking for. One of the things under the zoning ordinance because of the size of the building says you have to have a dedicated loading space because we are over 10,000 square feet. Because this is an event center, the only thing that you are going to have here are step vans for servicing food. We are not going to have any semi that is going to come in here. So we need to ask for a variance because of that particular requirement. Because of the size of the buildings that we have. We are going to have some landscaping along the front of the building, again, I am dealing with an existing structure. What the ordinance would actually require is to have a six foot landscape area along the entire front of the building. If we had to do that,

what that would do is remove some of the parking which makes no sense from our stand point. The building is basically hidden. We are not along a street arterial. This is basically tucked away. We are having what is required by the ordinance for islands within the parking areas. What you are seeing are landscaped islands within the parking area itself. What the staff also asked us to do is we have a dumpster shown on the east side of the site that will be landscaped on two sides that is required by the ordinance and we located that as far away from the building as well as the residential. The questions about the parking for the facility itself, again, what Angela had mentioned, is that this building, because you have two open areas in it, you are going to have two event rooms. You have to go by the unfixed seating standard, which maximizes what is considered capacity for a building. So they are assuming that you are going to have one person every 25 square feet. Then you have to provide parking for that. For something like the size of this building that would require 380 parking spaces. There would not be any way to get 380 parking spaces in there. One of the things that the owners do is that when they are doing events they make sure that whoever is going to rent the rooms what they end up doing is letting them know the capacity of the parking area is because as you had mentioned there is no street parking. In essence you are limited by what we could provide onsite which is the 110 parking spaces. If you have an event, obviously, if you think you need 110 spaces, this isn't the place that you are going to do that event. They let their patrons know that ahead of time. This is mainly what you get to deal with. That is the situation that they have control over. This way they don't over book something that requires more than the 110 spaces that they are going to have on this particular facility. They judge who they do the events with based on that situation. What we would ask for is the favorable recommendation from the Plan Commission, and approval of our variance request.

DAN BREWER: How many parking spaces would the property accommodate comfortably?

MIKE DANCH: 110. I took what I could and maximized it at 110 and that was by doing the couple of variances to allow parking and setbacks along the south and also on the west. I was able to maximize every possible space that I could here compared to what is there now, which is gravel.

OLIVER DAVIS: In terms of the previous owner, when they had it, was there any time they had more people there than the 110 parking spots. Were you aware of any of that?

DAVID NUFER: My office is at 2409 Mishawaka Ave., South Bend. I am the owner of the building. We have owned it since the end of October. Parking has never been an issue to my knowledge. Those are not problems that we have had there. All our events end at midnight. We don't go past midnight. It may be 12:15 or 12:30 when the people are gone, but the bands are shut off at midnight and people pick up and leave. We don't run past midnight.

DEB DAVIS: Do you monitor the parking at all? Has anyone gone out there during an event to make sure. I don't want to see a neighbor come up and say no they are parking elsewhere.

DAVID NUFER: I know there were issues prior to us purchasing the property. They did not hire uniform police officers. One of the changes that we have put in place from day one if there is an event in the big hall, We hire two uniform county police officers, one inside one outside. If we have an event in the small hall and the big hall, we hire three police officers with one officer that roams outside to make sure nothing bad is going on. Something different than what was previously done by the previous owners.

STEVE VOJTKO: So you have had events there already then?

DAVID NUFER: Yes. We have had events that have been booked prior to us even purchasing it. That event center has been in operation for six or seven years.

STEVE VOJTKO: Since you have owned it, you have had events there?

DAVID NUFER: Yes.

DEB DAVIS: The music does quit at midnight?

DAVID NUFER: Since we have owned it no event has lasted past midnight. I haven't personally been there, but we have a manager and a staff and those are the rules. Maybe five after twelve or something, but I can't...midnight is when it is supposed to end and I think we hold pretty true to that. We are willing to do a written commitment that any event regardless of the event will not last past midnight. That is part of the contract that we have signed by the people that rent the hall for that night. The ending time is always midnight.

OLIVER DAVIS: There will be no need for trucks, semi's to come to that area?

DAVID NUFER: The biggest delivery we would get would be pop or beer. There is plenty of room to turn around. We don't need a ramp or anything like that, no.

MICHAEL DANCH: Most deliveries would happen before the events actually started. So any foodservice or beverage service would be done before the patrons show up for the events themselves. If there was a concern about the hours, what Mr. Nufer was saying is that we could do a written commitment that can be recorded that runs with this property that limits the hours of operation to midnight if that is what the Plan Commission feels.

OLIVER DAVIS: Have you reached out to any of the neighbors, any concerns that were addressed that you have been able to clear up before today?

DAVID NUFER: No. I know there were many, many concerns prior to us purchasing it with the South Bend Police being involved. Call after call after call. I had two conversations with the Police Chief told him I was purchasing that and how are we going to clean that up so the police were not out there every weekend. Since I bought it, I have had one police call and it was a call for shots fired. When the South Bend Police responded and got there the two county police officers that were being paid by me that night said they have been here since the start. There have been no shots fired. I think it was a prank call. So we have cleaned that portion of it up of wasting the South Bend Police officers time with responding to calls and that has been generated by us spending money and having police officers of our own to take care of our problems, which we haven't had any problems. If you have the proper people, proper staff, that eliminates the problems and that was our goal right from the beginning when we bought it and it is also our goal to clean up the property, especially the south side, which if you go out there is a real mess. Our goal is to clean that up and put a privacy fence up so we screen the residents to the south.

LARRY MAGLIOZZI: I have one comment and one question. As far as the written commitment, I would strongly recommend that we don't entertain that. That would put the staff as an enforcement officer. If he has something in his contract then really the best venue for that is to call 911. Mike you were asked to show the floodplain apparently?

MICHAEL DANCH: Yes.

LARRY MAGLIOZZI: What side is the floodplain on? The north or south side?

MICHAEL DANCH: The north side.

LARRY MAGLIOZZI: Is this part of the river?

MICHAEL DANCH: I think it was part of the Bowman Creek. That is what that retention basin is on the west side of the property. That is where the drainage pipes are running through that area. What you are seeing there is FEMA.

LARRY MAGLIOZZI: Are you going to have to do something with FEMA to officially get the existing building out of the floodplain area?

MICHAEL DANCH: What would happen is that if it is in the floodplain right now, the only thing that can happen, I believe Mr. Nufer may have had what's called a flood certificate done. We did not do the flood certificate so I don't know if that flood certificate shows that the building itself is out of that floodplain. Mainly that is used by the insurance company to determine whether or not you need flood insurance or not.

LARRY MAGLIOZZI: You haven't seen any results of flooding?

MICHAEL DANCH: I haven't heard of anything.

OLIVER DAVIS: Since you bought that from the other owner, why was the zoning out of compliance?

MICHAEL DANCH: The problem was that the property is zoned industrial and industrial does not allow for an event center. The owner they purchased from was under a zoning violation or they were not aware that they were not in compliance. The people that they bought it from.

OLIVER DAVIS: So all these years they have operated have been out of compliance basically?

MICHAEL DANCH: That is exactly right. For the six years prior all the problems they were having, it wasn't even zoned properly. The Building Department could have gone out there and shut them down or forced whoever the original owner was to go through a rezoning process to clean up the issues. It wasn't until they actually went to try to get the façade sign. The Building Department went, "wait a minute this isn't even zoned properly for what you want to do. That is where the whole issue came up. That is why we are before you right now. We are trying to take care of probably what should have been done six years ago.

IN FAVOR

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

REMONSTRANCE

ROBERT ELBERT JR: I reside at 1905 E. Randolph, South Bend. My residence is just off the southeast corner of the property. They were saying that he has no knowledge of problems since he has bought the property. December 10, 2016, they had a double party in the building. We came home at 9:30. There were cars parked on the corner of Hoke and Randolph. There was a car parked in front of my driveway. There were two cars parked in front of my garage on Goodson Court. We called South Bend Police Department (SBPD). SBPD did a drive through, turned around and left. They did not go in the building and suggest that they move the cars off the street or anything. People have been parking in front of the building just east of this property. As far as noise and shut down time, two weeks ago they had a party that went to 1:00 a.m. We called SBPD at 11:05 p.m. and complained about the noise. No

officers showed up. The noise was bad enough that it was rattling things inside our home rattling our windows. We had to turn the TV up in order to hear the TV. We called again at 12:00 a.m., no officer showed up. This has gone on and we have seen no one patrolling the parking lot. We do realize there are two county squad cars over there, usually when then have a party. As far as the noise and buffering and all, I am getting tired of the noise. I had the same conversation with the people who owned it before. If you allow them to lose 260 some parking spots, there are going to be more people parking on our street. We won't be able to get through if we have to get a fire truck or ambulance something down Goodson Court coming from the east; the oversized vehicles cannot make it if there are cars on the street.

ROGER AND ANDREA MORTON: We reside at 1829 Randolph, South Bend. We are at the southwest corner, right next to the retention basin. My mom, Marietta Morton, lives right next door to us to the east. My comments and concerns are pretty much everything Mr. Elbert mentioned. In the past there has been overflow of parking on our street, in front of our house all the way down in front of the retention basin. People would get out of their cars and just throw their trash on the ground, walk and cut through the fields over between my mom's house and the corner house. They are two empty fields, which is also a concern of mine, because they are owned by the same people who own the building. The two lots are between moms house and the house on the corner. Two weeks ago the noise and music never lowered and it was after 1:00 a.m. when I called SBPD. It still went on for a good hour after that. 911 asked me if there were any cars there, I looked out the window there were no vehicles parked back there, but the music was blaring very loudly well after 1:00a.m. As I said in the past, before Mr. Nufer owned it with the old owners. Yes, there was overflow parking many times. There have been shootings there. The night the shooting happened, when everyone scattered, cars came out of that parking lot and through the two empty lots, because the police were on Hoke Street. So they came out and went through the grass lots and barreling off on Randolph Street where there are cars parked. This business has been a nuisance in the past for a long time. A very big nuisance. I've called the police many times myself. Although I appreciate what they are offering in cleaning it up and putting privacy fences and everything, I would just strongly hope that they obey the law. When I called the police department two weeks ago, the first thing I asked them is doesn't South Bend have a noise ordinance? They said yes we do. It's about time we start obeying that noise ordinance. My biggest concern, too, is those two empty lots like I said I do not want to see them become commercial for parking or anything else because it is right outside my mom's bedroom window.

JOHN DELEE: How do you hear the noise? It is an enclosed building isn't it?

ROGER MORTON: The noise is coming from inside the building. It is just a metal building, there is no sound proofing inside or anything to my knowledge. It's just bass. Boom, boom, boom.

REBUTTAL

DAVID NUFER: There are some concerns, I am not going to stand here and lie to you. From the past ownership, there was a shooting out there a couple years ago. Again we have police officers being paid as a staff member. We changed all that. Putting a privacy fence up will keep any trash from blowing on someone else's property. That is a requirement that we will have done as soon as possible. The noise level: one of the police officers that works outside carries one of those decibel meters I don't know how high you can go with it. But if it goes over the requirement that the city ordinance says, they come inside and tell them to turn it down a notch or two. We are being pro-active. I can't speak of what was done prior to October, but we are being proactive on that. The other thing that we will do in time, (when I say time, I mean three to six months), is on the south side of the building, which faces the residential area, we do plan on putting something up to restrict some of the noise from going to the south. Some type of screening or something that will absorb the sound. I am not a sound expert but we will get someone that knows a little more than I do to try to keep that sound from filtering over to the residential area. We are

not going to operate past midnight. Everyone will say everything after midnight is bad and we know that and we understand that. Midnight is the latest. Some of the parties that are already booked by contract end at 11:00. Where all this is coming from, again, I can't speak for the past. We plan on cleaning up the property and making it a nice piece of property. If you look at that south property line there, it is a mess. We plan on cleaning that up in the coming months and making it something that looks nice in the neighborhood.

OLIVER DAVIS: In terms of the South Bend nuisance ordinance that is still currently in effect, do they have a following with this kind of situation with officer Keenan Lane. He may be called to the meeting if it goes to the Council. Is there any dealing with him already?

DAVID NUFER: There is a nuisance ordinance and I am aware of that.

OLIVER DAVIS: I am talking about in terms is the property on the list at all?

DAVID NUFER: Not to my knowledge. With all due respect, I can't imagine calling SBPD a half a dozen times and have no response. If I was the caller, I would be calling the Police Chief or the Mayor to say I have called the police and no one shows up. I am not sure what that whole situation is. Maybe they come out and they test the music and it isn't over the ordinance and they drive off. I don't know. Only thing I can tell you is that we do have one of those meters and if it goes over they go inside and tell them to turn it down. To my knowledge that has not been an issue.

JOHN LESZCZYNSKI: The parking issues and noise in December, after you purchased the place, what can be done for the parking issues?

DAVID NUFER: I can instruct the police officer. Part of the problem now is it is gravel. People park any way they want. With the pavement that will go down sometime this year, hopefully sooner than later, and lines are actually drawn, that is going to increase the number of spots because they will have a designated spot to park in. I am a business owner in South Bend. I think my track record speaks for itself with what we have done and that we plan on doing something similar to this property. Unfortunately we lost some spots when they put the cell tower up. That was before my time too. I don't know why that was put up because that just made the situation worse. We can instruct our officers if they see someone walking up that is obviously parked in front of someone's property, to say, "hey you need to move your car or it's going to be towed," or however we want to express that. I can put a small sign up that says parking is prohibited in the residential area due to ordinance or something to that nature to try to elevate that problem.

DAN BREWER: Do you know how many trains go by?

DAVID NUFER: A lot. I actually own another piece of property just into Mishawaka and boy, sometimes every seven or eight minutes, there is a train going. The train makes more noise than what we are making.

MICHAEL DANCH: I think it is like 80 trains a day.

JOHN LESZCZYNSKI: Is this right for a residential parking sticker program along there?

ANGELA SMITH: I know that the Board of Public Works has certain standards that they use to evaluate that. I don't know what those standards are. I don't even know if on street parking is permitted in this area. There are no signs posted. There may be an opportunity and I would like to encourage the property owner to talk to the owner to the east maybe since that is a daytime business that they could

utilize some of that parking as well. I do think what Mr. Nufer said about having designated, paved, marked parking spaces should help significantly. When we visited this site, you could tell that there wasn't organization on where people would park.

OLIVER DAVIS: So basically, with the stripes, that is going to help people have a clearer understanding?

ANGELA SMITH: It should help.

OLIVER DAVIS: So having this would be better than what they are doing now?

ANGELA SMITH: Yes.

MICHAEL DANCH: One of the other things we could end up doing, I was just talking to Mr. Nufer, when they are doing events they could have someone that is working the event center itself to be out there at Hoke and Randolph, to make sure that there isn't parking going on and that people aren't getting out of their cars and going to the event center. That can be done as part of doing the events itself.

OLIVER DAVIS: Regarding the written commitments, is there a way to write them that you are not responsible for them, but the building department is, or whoever would be responsible for that?

LARRY MAGLIOZZI: You have to be careful about the written commitments because again, who enforces them? We are perfectly ok with entertaining written commitments at our level that are land use based. I certainly don't want to be getting a phone call at 11:00 p.m. Again, you have noise ordinances that are in place. You have police officers there that just need to do their job as instructed by the property owner.

OLIVER DAVIS: Basically, in their situation, if the police would have done their job, we would not even be having this conversation?

LARRY MAGLIOZZI: Again, we are assuming that they haven't. There are ordinances on the books.

MICHAEL DANCH: If they are going to have the police at the event center for one or both event rooms, The police that they are actually paying to be on site can close everything down at midnight.

STEVE VOJTKO: Larry, what about a written commitment for the sound barrier?

ANGELA SMITH: The only thing that would require a permit here will be the parking.

MICHAEL DANCH: Hopefully the solid fencing that we are saying is going to be put up is going to help mitigate some of that noise. That is the whole point of putting that fencing there. Evergreen trees sound great as a buffer. But a solid fence, which is what we are going to put up and what we are stipulating, is going to be put along that south side. That will help as a sound barrier.

STEVE VOJTKO: Is that fence going to be a six or eight foot fence?

DAVID NUFER: Six foot. We can make it eight at that point, it is not much difference. I want it to look nice; I figured six foot might look the nicest. Eight might look like we are trying to build Fort Knox or something.

DEBRA DAVIS: For the time being, to help the residence and everything and until you get the lot paved

and stripped, you talked about having someone out there. But, I think what you need is someone out there for the entire event because people are coming and going. You need to have someone out there lining people up so someone doesn't just pull in a take two spaces to help get more cars in there until you do get it paved. It might be more expense to you to hire someone to do that, but I think for right now, that would be to help in the short term.

DAVID NUFER: To answer that question, we do have someone that is not a police officer that goes out there. Part of his job is to do exactly what you just said. We have been proactive on that. Not so much when it is zero outside and we didn't have a lot of events through the winter time, but, those are going to start not next weekend, but the following. We are pretty much booked every weekend through November. The weather is nicer; it says lighter a little later now. So yes, we did that in October and November.

MARTIN MADIGAN: The major thing that concerns me is emergency vehicles. I have heard that statement. I would like to be reassured that we are going on the right path and that the street is going to be kept open? Is there going to be any parking on those two other parcels that you own?

MICHAEL DANCH: They are not allowed to do that. By ordinance, and I told that to Mr. Nufer, as well, I think by placing the fencing that we are talking about putting up there, that is going to kind of eliminate that. If you were going to be pulling in this event center, you would not know that they own those two pieces of property. They are residential so they can't do that.

MARTIN MADIGAN: I do want to re-emphasize that if we go down this path, keep the roads open.

MICHAEL DANCH: I think that with having that other person direct traffic into the parking lot, hopefully, we can eliminate that problem, so these people don't have people parking in front of their houses or blocking their driveway.

OLIVER DAVIS: So, you can talk to the other owner to possibly utilize their parking lot as well?

DAVID NUFER: The property owner to the east, yes we can have that conversation. We are actually a customer of his. He sells office supply type stuff and I will have a conversation with him of parking there. The other thing that I will do on our property, I am very concerned about the neighbors. I plan on staying there for a long time because it is a business opportunity. I think the residents plan on being there too, and we need to get along. I need to understand what their thoughts are, etc. One thing that I will do immediately, because I own a sign business, is we will put a sign up that is stated right as you pull in our lot "do not park on Hoke or Goodson Court for The Event Center events. I will put that up immediately to try to elevate that problem, along with having someone still out in the lot.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Elizabeth Maradik and unanimously carried, a proposed ordinance of David & Susan Nufer to zone from GI General Industrial District to CB Community Business District, property located at 1905 Goodson Court, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning the property to CB Community Business will allow for the reuse of a former industrial site. The proposed development will provide a series of upgraded improvements that will mitigate the negative impact on surrounding properties and enhance the area.

Upon a motion by John DeLee, being seconded by Elizabeth Maradik and unanimously carried, the variance(s) 1) from the minimum 30 ft. Front Residential Bufferyard and 20 ft. Side Residential Bufferyard to 5' for parking; 2) from the required landscaping of required residential bufferyards with Type "B" Landscaping to allow 6 ft. high solid wood or vinyl screening fence on the south and a 6 ft. high chain link fence on the west; 3) from the required landscaping of required perimeter yards to none; 4) from the required foundation landscaping to none; 5) from the minimum allowed parking aisle width of 24 ft. to a minimum of 22 ft.; 6) from the required minimum of 380 parking spaces for the proposed Event Center to a minimum of 110 parking spaces; 7) from the required 1 loading space for buildings containing 10,000 sq.ft. but less than 100,00 sq.ft. to providing no loading space; and 8) from the required parking area screening to none, property located at 1905 Goodson Court, City of South Bend, were approved subject to the rezoning being approved by the Common Council.

- D. A proposed ordinance of Scott Robertson to zone from R: Single Family District to M: Manufacturing Industrial District, property located at 55811 Elder Road, St. Joseph County - APC# 2814-17.

ANGELA SMITH: The petitioner is requesting a zone change from R: Single Family District to M: Manufacturing Industrial District. On site is an existing single family home. To the north is a single family home zoned R: Single Family District. To the east, across Elder Road is a single family home zoned R: Single Family District. To the south is a single family home zoned R: Single Family District. To the west are industrial properties zoned I-1 Light Industrial in the City of Mishawaka. The M: Manufacturing Industrial District is established to provide for development of manufacturing and processing facilities or facilities which may require substantial amounts of outdoor storage or outdoor operations. Permitted uses in this district tend to generate heavy traffic and require extensive community facilities. Permitted uses in this district may require extensive amounts of outdoor storage or outdoor operations. The permitted uses provided for in this district should be separated from residential districts or low intensity commercial / mixed use districts by less intense industrial districts. The preliminary site plan shows a 2,200 square foot pole barn, a 1,386 square foot watchmen's house with 5 parking spaces, and an outdoor storage area that comprises 20% of the lot. Type 2: Full Screening is required along the north and south property lines adjacent to residential uses. The outdoor storage area shall be screened in accordance with the zoning ordinance. Historical zoning maps indicate this site has been zoned residential. Elder Road has two lanes. The site is served by private well and septic system. The County Engineer commented that drainage calculations are needed per St. Joseph County standards. Driveway access onto Elder Road shall conform to St. Joseph County standards for geometrics and INDOT standards for pavement thickness. The County Health Department commented that the use of the property may impact the septic requirements for the site. Any change in use shall certify that the septic system is adequately sized for the use. The petitioner is not proposing any written commitments. This petition is NOT consistent with the Capital Avenue Land Use Plan (2003), which shows the area as residential. The future land use map shows this area as an Industrial Growth Area, however that predates the expansion plan for Capital Avenue which shows the area as residential. The Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002) states that heavy industrial uses should have frontal access to State highways and/or major arterial streets. The plan also emphasizes the need to prevent commercial and industrial traffic from accessing properties through residential areas. The area to the east along Home Street has developed for industrial uses within the City of Mishawaka. The area between the Mishawaka City limits and Capital Avenue has remained residential. The most desirable use for the land is residential. The use and value of adjacent properties may be negatively impacted by the development of this site as manufacturing. It is not

responsible development and growth to allow for the development of industrial properties in a residential area. Recent aerials indicate the site is being used as a junk yard or auto wrecking yard. Either use would require a special use under the zoning ordinance. Significant improvements are needed to the site in order to make it code compliant. Based on information available prior to the public hearing, the staff recommends the rezoning petition be sent to the County Council with an unfavorable recommendation. Rezoning the property to M: Manufacturing without adequate services, such as municipal utilities and access to roads designed for industrial traffic, is not responsible development. The potential uses that could develop on this site could have significant negative impacts on the surrounding property owners and the general welfare of the community.

MICHAEL DANCH: I am with Danch, Harner and Associates. Offices located at 1643 Commerce Drive, South Bend. This particular one, there is a bunch of debris on the site. Scott Robertson has owned this property since about 2000. He runs a septic cleaning business. He actually has been running his business out of the property for the last 15-17 years. He had gone through the State to get his approval as a licensed septic cleaner. He assumed that was all he basically needed to do, once he had his State approval that he was fine, never even payed attention to the county zoning requirements. When I talked to him about it I asked him if he checked with the Building Department to see if he was in local compliance and not just in State compliance. He had not done that. So he has been operating for 15-17 years and doing what we are requesting to do today. The difficulty is that you can't have light industrial or manufacturing for this particular type of use. He is up against the Mishawaka industrial zoning to the west of us. Staff asked me if we can get this property annexed, it meets the requirements for contiguity for annexing to the City of Mishawaka, but they wouldn't be able to service this site. They would have to run water or sewer to get it to here, which means they would be running sewer down McKinley and trying to bring it up Elder Road to this site. For servicing one piece of property that would be very expensive and they wouldn't want to do it, so, from an annexation stand point, they would not want to annex this property. What we are trying to do is bring this into compliance. I had talked with Mr. Robinson when I saw the recommendation of unfavorable that the staff gave because we are in a residential area. There are several properties out here. There is another to the southeast of this that is, basically, that the gentleman has all kinds of construction equipment are on-site that he is storing there. There are some other properties here that are kind of what I would call transitional. I understand from a land use planning standpoint that they may not want to see a manufacturing use at this location. We are backing up to an industrial park that is here. What we can do, and what I had asked of Mr. Robertson, no matter what happens here today, he has to clean up the site and remove everything that is there. It is not in compliance with the zoning today, so basically all the stored vehicles, no matter what happens, those would need to be removed. What we can also do is we could ask for a written commitment to only do the particular use that he does, which is a septic cleaning operation. Any outside storage would be limited to only vehicles that he uses for his particular business. He only has three employees. It is him and one driver. They go out to wherever the septic tanks need to be cleaned are with the truck and then basically they go to the sewage treatment plant to empty the tank. The watchman's house, they have one other person that is basically doing accounting for the operation. That is it for all they do. All we were trying to do is bring him into compliance with that, with those restrictions so that they couldn't do any kind of manufacturing on the property that will be limited to this particular use and very limited on the outside for the storage portion of what they are asking to do. Being he has been running this operation for 15 years, there haven't been any complaints. The only complaint that the Building Department got from our understanding is that another septic company had gone by this site and saw that he had an operation and basically made a complaint for this facility.

OLIVER DAVIS: Is there any way, given the fact that he has been out of compliance for fifteen years, that you all would be willing to have a delay or something and have him at least fix up his property to make it in some way in compliance prior to coming to us here? I agree, there is mercy in a lot of things and I have advocated for that a lot of times. I have a concern when someone has been out of compliance

for fifteen years. Especially the fact that he is a business person. When he comes to us today and pretty much, has shown today no indication that he would abide by these laws or regulations or recommendation. I am inclined to go with the staff recommendation, but just out of fairness to him would we be willing to back off to clear that up, get all that stuff together, and at least advocate for himself a little bit better and even show up here and hear us? When someone has been out of compliance for that long.

MICHAEL DANCH: Like I said, I had talked with him and when I saw this property, I could see the problems immediately. When I talked with the staff and went over everything and one of the things that the staff had talked about was that there would be no way that they would entertain any motion for any variances for the perimeter. That is one that you heard Angela mention, that he has to provide all the required screening for a manufacturing operation which is pretty intense along the entire perimeter of the property. I would be glad to go ahead and entertain tabling this if you want for maybe at least two months to give him time to clean up this site and to come back before you at that point to see if that would work or if that would help. If you would like him here, I can do that. He did ask whether he needed to be here, I said it was up to him. I said sometimes the Plan Commission likes to ask questions of the petitioner. In a case like this, if that's your desire, then I will let him know that.

OLIVER DAVIS: I yield to my other Commissioners, but personally, after fifteen years, there is some wisdom to him being here. We can just vote it down today and move along.

MICHAEL DANCH: If we can give him any benefit of the doubt, that is fine. Actually what I had asked him was when he purchased the property, he told me there was a bunch a debris he needed to move from the site at the time he purchased it, but there is still stuff on the site now. The staff went out to look at the site, there are several vehicles out there that are obviously not in operating condition. I went out to the site, too, I could see that there needs to be a lot of clean up done. I would be glad to table for two months to see if we can give him time to get into compliance.

JOHN DELEE: Mr. Chairman, I don't think that is the issue at all. The issue is whether or not we think this is a good area for manufacturing. It is residential, so I don't think that this is the kind of area we want to develop for manufacturing. I think that is the issue. I don't think a few cars or whatever is the issue at all.

ADAM DEVON: Being a septic company I don't consider that as manufacturing. Is there a way that you can allow that particular type of business in a different zoning classification?

ANGELA SMITH: The first classification which a contractors yard would be permitted is C commercial. I am not sure the staff supports C Commercial at this location any more than M Manufacturing, it is still a residential area.

MICHAEL DANCH: That is why we were talking about the written commitments. The written commitment can help from the standpoint that you really nail him down to a specific site plan and a specific use.

DANIEL BREWER: Is the only access to the property on Elder Road to the right?

MICHAEL DANCH: Yes.

DANIEL BREWER: That's a two lane road? Are these big trucks?

MICHAEL DANCH: Yes. The trucks themselves they are under 8 tons. It is just a septic system

truck. The one that you see driving around with the tank on it. Not loaded or filled it is under the 8 tons. There is a sign when you are coming off of McKinley when you are coming north on Elder Road that the limit has to be 8 tons or less. He said that that sign was just posted. I don't know if this request had something to do with the county putting up a sign.

IN FAVOR

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

REMONSTRANCE

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

LARRY MAGLIOZZI: I think I am just going to reinforce what Angela said about the zoning. Whether it is commercial or manufacturing, the access and the location is still there. Limiting the use to a specific use, we have done that in the past for certain properties. This is an industrial property. If Elder Road is really solid, whether there are trucks of any size really go through Elder Road or you start deciding to go south. There may be other uses along Elder that Angela has mentioned. Those probably need to be cited and shut down or moved. At this point I can't even see limiting the use. Our staff recommendation will stay the same now or two months from now. I understand where Mr. Davis is coming from.

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 Scott Robertson to zone from R: Single Family District to M: Manufacturing Industrial District, property located at 55811 Elder Road, St. Joseph County, is sent to the County Council with a UNFAVORABLE recommendation. Rezoning the property to M: Manufacturing without adequate services, such as municipal utilities and access to roads designed for industrial traffic, is not responsible development. The potential uses that could develop on this site could have significant negative impacts on the surrounding property owners and the general welfare of the community.

- E. A proposed ordinance of Beacon Health Systems, Inc. and Elkhart General Hospital, Inc. to zone from C: Commercial District and O/B: Office/Buffer District to B: Business District, property located at 12200 & 12380 Adams Road, St. Joseph County - APC#2815-17

ANGELA SMITH: The petitioner is requesting a zone change from O/B: Office/Buffer and C: Commercial District(s) to B: Business District. On site is a medical office building and a vacant lot. To the north, across SR 23 are single family homes zoned R: Single Family District. To the east are offices zoned O/B: Office Buffer District. To the south is a church zoned R: Single Family District. To the west are vacant lots zoned C: Commercial District. The B: Business District is established to provide for businesses which provide for the full range of convenience uses necessary to meet the daily needs of residential neighborhoods. Permitted uses within the B: Business Districts are regulated in character to assure harmonious development with the nearby residential districts served. This 7 acre site contains a 4,318 square foot office building with 29 existing parking spaces and an additional 15 proposed. There is a low lying area between the properties which may be a wetland. In 2001 and 2002 the properties to the east were rezoned for office uses. A portion of this site was rezoned in 2003 for medical offices. SR 23 and Bittersweet Commons have two lanes. The site will be served by private well and municipal sewer. The County Engineer has no comments at this time.

Any proposed site development shall be submitted for review and approval prior to construction. The staff recommends the following written commitments: 1) off-premise signs are not permitted; 2) access to the site shall be from Bittersweet Commons. This petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002) Objective C: Develop quality business areas to meet the retail and service needs of the planning area. Policy C iii: Where feasible, design future commercial sites for convenient access and safety; minimize curb cuts and distracting signage, and encourage access between adjacent development. The future land use map identifies this area as a residential growth area. However, several rezoning petitions have been approved throughout the area for non-commercial uses. There are no other plans in effect for this area. The area along State Road 23 from Bittersweet Commons west has developed as a commercial center for the surrounding Granger area. The most desirable use is office or low intensity commercial. With proper buffering and screening, the use and value of adjacent properties should not be adversely affected. It is responsible development and growth to allow for a consistent zoning district across both lots in order to provide unified development. 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 County Council with a favorable recommendation subject to the written commitments. Rezoning this property to B: Business will allow for the continued development of the medical offices on the site. By limiting the access to Bittersweet Commons and ensuring proper buffering it will mitigate any adverse impact on surrounding properties.

MICHAEL DANCH: I am with Danch, Harner & Associates. Offices located at 1643 Commerce Drive, South Bend. Mainly what Beacon is trying to do here is we have two pieces of property that they own. We worked with the staff on this one. What we are trying to do is get a consistent zoning across both parcels of ground. We are zoning from C Commercial for the south piece to B Business and the other piece from OB Office to the B Business category. What we are also going to end up doing is going through a replat procedure. We have been out already to survey the property. We are going to be submitting the subdivision plat to Area Plan for approval which will basically eliminate both lots and create one larger lot for development. What that allows them to do also, is they would like to put a sign up to identify their location and that would end up going at the corner. One of the other reasons we have to go through the rezoning process is to tie these both together and have similar zoning for both parcels of ground. From the standpoint of the written commitment, we will be glad to do those. One of the things we will also be doing through the replat procedure for the subdivision is we will put a non-access easement all the way across Adams Road and State Road 23 so that you do not get any access from the lot itself out to the highway.

JOHN DELEE: Do you have any problems with the commitments that the staff is recommending?

MICHAEL DANCH: We are fine with those.

IN FAVOR

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

REMONSTRANCE

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

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Beacon Health Systems, Inc. to zone from C: Commercial District and O/B: Office/Buffer District to B: Business District, property located at 12200 & 12380 Adams Road, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation, subject to the following written commitments: 1) off-premise signs are not permitted; 2) access to the site shall be from Bittersweet Commons. Rezoning this property to B: Business will allow for the continued development of the medical offices on the site. By limiting the access to Bittersweet Commons and ensuring proper buffering, it will mitigate any adverse impact on surrounding properties.

- F. A proposed ordinance of First Church of Christ, Scientist, South Bend and Raymond & Donnamae Schmidt, Patrick Matthews to zone from SF1 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, property located at 1237 & 1303 N. Ironwood Drive, City of South Bend - APC# 2816-17.

DAN BREWER: We have a request from the petitioner to table this petition until the April 18, 2017 meeting of the Area Plan Commission.

There is going to be a public meeting that is going to take place to discuss this item, It will be held on March 29, 2017 at the Church at 7:00 p.m. It is a chance for the neighbors to discuss with the church and the Schmidt's.

OLIVER DAVIS: If we attend, we just cannot talk to them. What are the rules on that?

MITCH HEPPENHEIMER: If you attend as an Area Plan Commission member you should not talk.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Elizabeth Maradik and unanimously carried, a proposed ordinance of First Church of Christ, Scientist, South Bend to zone from SF1 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, property located at 1237 & 1303 N. Ironwood Drive, City of South Bend, is TABLED until the April 18, 2017 meeting of the Area Plan Commission, per the request of the applicant.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Findings of Facts for granting of Variances for property located at a 10 acre tract along Eddy Street and the west side of Georgiana Street between Napoleon and Howard, City of South Bend - APC #2808-16.

After due consideration the following action was taken:

Upon a motion by John Leszczynski, being seconded by Steve Vojtko and unanimously carried, Findings of Facts for granting of Variances for property located at a 10 acre tract along Eddy Street and the west side of Georgiana Street between Napoleon and Howard, City of South Bend were approved.

- B. A Resolution of the Area Plan Commission of St. Joseph County, Indiana revising the notification requirements for interested parties by increasing the number of surrounding property owners that would be notified of items requiring a public hearing – APC #R246-17 – FOR DISCUSSION PURPOSES ONLY

LARRY MAGLIOZZI: I briefly introduced to you folks last month the desire of the County Council to expand their notification buffer from 300 feet to 660 feet. Since that time, we have talked to the South Bend Common Council about this and I have also talked with all of the Towns except Osceola and Roseland. I missed the Roseland meeting, but I will catch up with Roseland, I am speaking with Osceola tonight. New Carlisle, Lakeville and North Liberty have expressed a desire to stay with the 300 feet. South Bend has some unique discussion on this and they haven't really made a decision yet. They are considering some type of hybrid or perhaps certain zoning districts which may attract more folks to it because like I said commercial or industrial district from a residential or office district they were thinking those zonings would trigger a 660 foot buffer and the rest stay with a 300 foot buffer. At this point the resolution as it is drafted now for discussion does not cover that.

OLIVER DAVIS: In discussion are the homes near the county lines? There are some thoughts of extending those out a little further because of all the discussion we get.

JOHN DELEE: This resolution is just for the County, not the City?

LARRY MAGLIOZZI: The way it is set up it is just the County.

NOTE: Debra Davis left the meeting at this time.

OLIVER DAVIS: But he invited the City to consider it too.

LARRY MAGLIOZZI: Then we will bring you a resolution next month ready for adoption and it will cover what they decide.

JOHN DELEE: If it is needed?

LARRY MAGLIOZZI: Right. Either way I told the City Council that if they are not ready to make that decision at their next meeting, or before our next meeting that we would go through with this and come back and follow through with another resolution for the City. The County Council really wants to go forward. You will see this in one form or another next month.

JOHN DELEE: Does this need to go into the Zoning Ordinance?

LARRY MAGLIOZZI: No. It is in your by-laws. It is a resolution changing the buffer. Your by-laws actually cover what the buffer is.

JOHN LESZYNSKI: I think they should try to keep it simple. You are never going to have something that addresses every instance that comes up. Let's just keep it easy.

- C. Appointment of Chuck Bulot of the Building Department to the Plat Committee with Ayoka Paek as his alternate.

After due consideration the following action was taken:

Upon a motion by John Leszczyński being seconded by Martin Madigan and unanimously carried, Chuck Bulot was appointed to the Plat Committee of the

Area Plan Commission with Ayoka Paek as his alternate.

2. Executive Director's Report:

LARRY MAGLIOZZI: Last month we passed out the Annual Report for 2016, we really haven't had a chance to talk it over. I didn't get any calls, so if you have any questions, give Angela or I a call. Census 2020 will be with us shortly. April 1, 2020 is Census day. This is the year the Census starts to make grumblings about that. Not that they are quiet the balance of the year. We are starting to get our first indications. We are going to be attending some training session on the master address file. We will be updating boundary maps. We do that every year, but it is going to be more critical next year. I will be keeping you folks updated as we go through this. The County has a brand new website. We are still trying to work out the kinks. We post the agendas and minutes ourselves now. We used to send that over to MACOG and sometime it would be late getting on there because someone was on vacation or whatever the reason. We will be in control of that now. We will have a lot of new things we can do on there. There is a calendar now, all our meetings are available to the public. I encourage you to create a new or place a bookmark because the URL has changed.

ELIZABETH MARADIK: For the Zoning Ordinances, before they used to be linked to different sections. Is that something you are just still working on?

ANGELA SMITH: We are trying to find that proper balance on how we want to post those. It is a work in progress. If someone is looking for a certain section we are always happy to e-mail it to you. Just give us a call.

3. Minutes and Expenditures:

A. Approval of the expenditures from February 22 through March 21, 2017.

Dept. of Public Works - \$24.84, \$25.89; Mishawaka Enterprise - \$52.83; S.S. Graphics - \$243.00

4. Adjournment: 5:05 p.m.

DANIEL H. BREWER
PRESIDENT OF THE COMMISSION

LAWRENCE P. MAGLIOZZI
SECRETARY OF THE COMMISSION

Area Plan Commission with Ayoka Paek as his alternate.

2. Executive Director's Report:

LARRY MAGLIOZZI: Last month we passed out the Annual Report for 2016, we really haven't had a chance to talk it over. I didn't get any calls, so if you have any questions, give Angela or I a call. Census 2020 will be with us shortly. April 1, 2020 is Census day. This is the year the Census starts to make grumblings about that. Not that they are quiet the balance of the year. We are starting to get our first indications. We are going to be attending some training session on the master address file. We will be updating boundary maps. We do that every year, but it is going to be more critical next year. I will be keeping you folks updated as we go through this. The County has a brand new website. We are still trying to work out the kinks. We post the agendas and minutes ourselves now. We used to send that over to MACOG and sometime it would be late getting on there because someone was on vacation or whatever the reason. We will be in control of that now. We will have a lot of new things we can do on there. There is a calendar now, all our meetings are available to the public. I encourage you to create a new or place a bookmark because the URL has changed.

ELIZABETH MARADIK: For the Zoning Ordinances, before they used to be linked to different sections. Is that something you are just still working on?

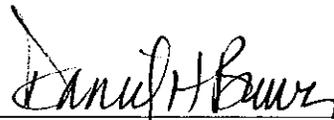
ANGELA SMITH: We are trying to find that proper balance on how we want to post those. It is a work in progress. If someone is looking for a certain section we are always happy to e-mail it to you. Just give us a call.

3. Minutes and Expenditures:

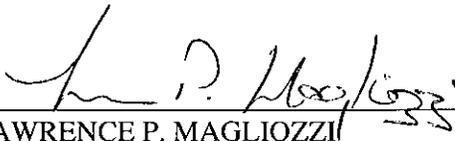
A. Approval of the expenditures from February 22 through March 21, 2017.

Dept. of Public Works - \$24.84, \$25.89; Mishawaka Enterprise - \$52.83; S.S. Graphics - \$243.00

4. Adjournment: 5:05 p.m.



DANIEL H. BREWER
PRESIDENT OF THE COMMISSION



LAWRENCE P. MAGLIOZZI
SECRETARY OF THE COMMISSION