



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 255-9571

Filed in Clerk's Office
JAN 18 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Wednesday, January 18, 2017

The Honorable Council of the City of South Bend
4th Floor, County-City Building
South Bend, IN 46601

RE: A public hearing on 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 - APC# 2807-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Waggoners Dairy Farms, Inc. was legally advertised on January 5, 2017 and that the Area Plan Commission at its public hearing on January 17, 2017 took the following action:

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.

The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: Waggoners Dairy Farms, Inc.
GLC Portage Prairie III, LLC
Abonmarche Consultants, LLC



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

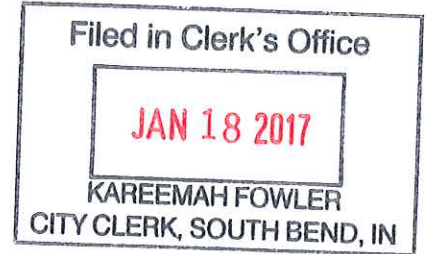
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227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

January 18, 2017

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601



RE: Bill # 78-16
Rezoning: APC#2807-16 – An 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway.

Dear Council Members:

The Area Plan Commission held a public hearing on January 18, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 23, 2017.

Public Hearing Summary:

There was 1 person that spoke in favor of the petition stating that development would retain a local business and add new jobs to the area.

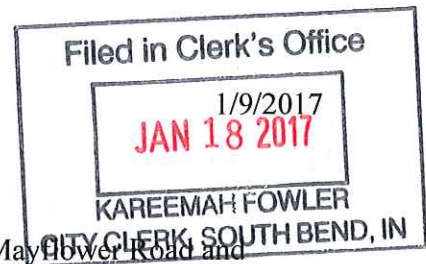
There were 6 people that spoke in opposition to the project. Their concerns included the affect on use and value of their properties, change in character of the area, traffic, lighting, encroaching on residential and natural features in the area, increased trash or litter on the roadways, and changes from the mixed use uses originally proposed.

If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

Angela M. Smith
Deputy Director

CC: Adriana Rodriguez



Staff Report

APC # 2807-16
Owner: Waggoners Dairy Farms, Inc.
Location: A 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway
Jurisdiction: City of South Bend
Public Hearing Date: 1/17/2017

Requested Action:

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.

Land Uses and Zoning:

- On site: On site is a farm field.
- North: To the north is a farm field located in the State of Michigan.
- East: To the east are single family homes zoned R: Single Family (County).
- South: To the south across Adams Road is the Ameriplex at 80/90 Industrial Park zoned PUD Planned Unit Development
- West: To the west across St. Joseph Valley Parkway is a farm field zoned PUD Planned Unit Development (City) and R: Single Family District (County)

District Uses and Development Standards:

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.

Site Plan Description:

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.

Zoning and Land Use History And Trends:

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.

Traffic and Transportation Considerations:

Adams Road and Mayflower Road have two lanes.

Utilities:

The site will be served by municipal water and sewer.

With proper screening and by limiting the potential negative impact of increased traffic, surrounding property values should not be adversely impacted.

5. Responsible Development And Growth:

It is responsible development and growth to allow for the development of this site consistent with previous approvals and recent market demands.

Combined Public Hearing

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 petitioner is 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;
- 5) to allow off-street loading between the front lot line and the front façade

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:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

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.

(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;

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.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

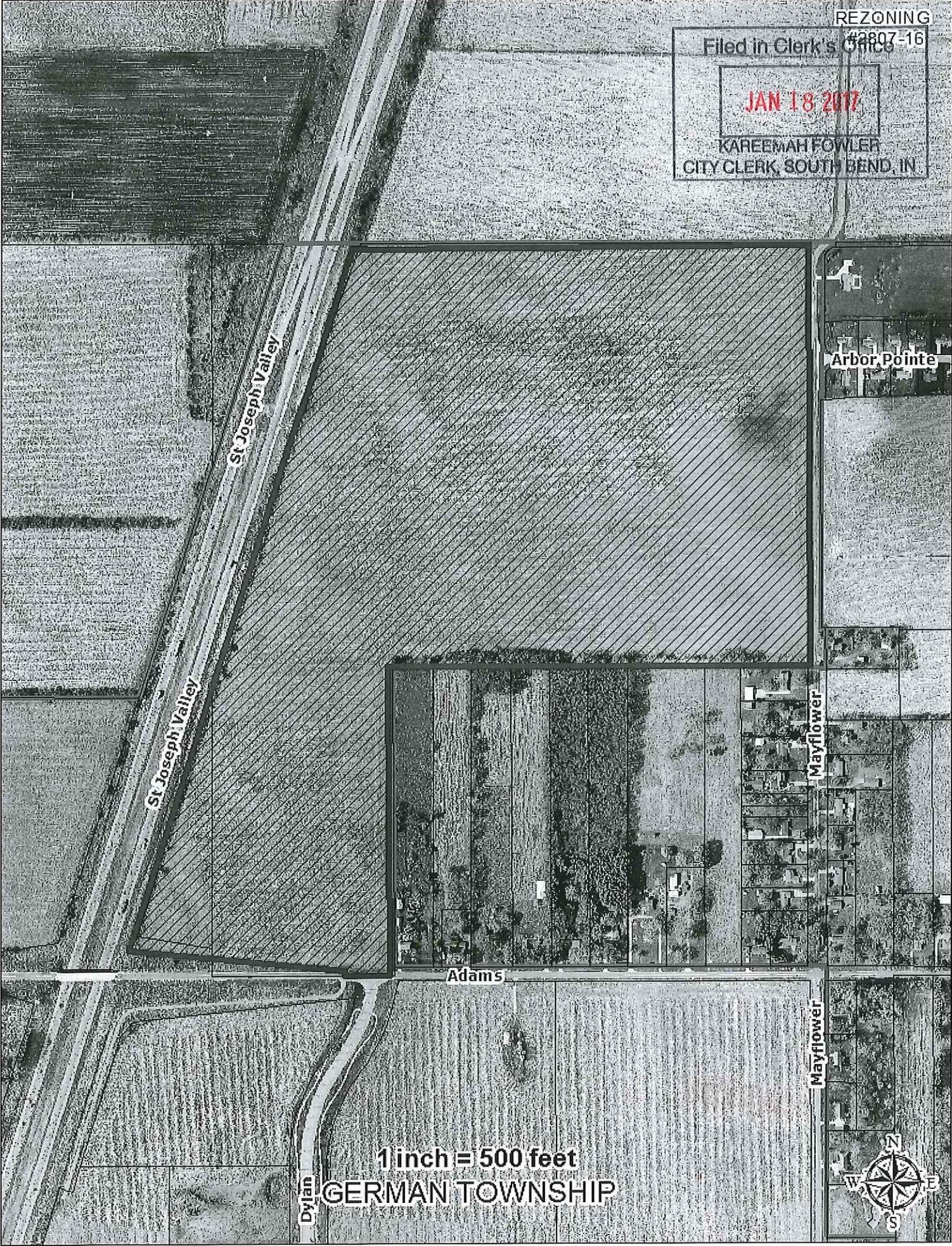
The location of the property with multiple frontages and geometry of the site create a practical difficulties in strict application of the Ordinance.

Staff Comments:

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,

REZONING

Filed in Clerk's Office #2807-16
JAN 18 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



St Joseph Valley

Arbor Pointe

Mayflower

Adams

Mayflower

Dylan

1 inch = 500 feet
GERMAN TOWNSHIP



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR 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, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Construct an industrial building.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

A PART OF THE WEST HALF OF FRACTIONAL SECTION 8, TOWNSHIP 38 NORTH, RANGE 2 EAST, AND A PART OF THE EAST HALF OF FRACTIONAL SECTION 7, TOWNSHIP 38 NORTH, RANGE 2 EAST, LYING EAST OF THE EASTERN LIMITED ACCESS RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (U.S. 31), GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 8, SAID CORNER BEING MARKED BY A HARRISON MONUMENT; THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS EAST, ALONG THE SOUTH LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8, A DISTANCE OF 607.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 56 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE NORTH RIGHT OF WAY OF ADAMS ROAD AND SAID EASTERN LIMITED ACCESS RIGHT OF WAY; THENCE THE NEXT FOUR (4) CALLS ALONG SAID LIMITED ACCESS RIGHT OF WAY LINES: 1) NORTH 84 DEGREES 29 MINUTES 04 SECONDS WEST, A DISTANCE OF 930.31 FEET, 2) NORTH 17 DEGREES 36 MINUTES 26 SECONDS EAST, A DISTANCE OF 2399.45 FEET, 3) NORTH 20 DEGREES 28 MINUTES 11 SECONDS EAST, A DISTANCE OF 100.12 FEET, 4) NORTH 17 DEGREES 09 MINUTES 22 SECONDS EAST, A DISTANCE OF 633.91 FEET TO THE NORTH LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8 AND THE MONUMENTED INDIANA STATE LINE; THENCE NORTH 89 DEGREES 31 MINUTES 15 SECOND EAST, ALONG SAID NORTH LINE A DISTANCE OF 1959.26 FEET TO THE NORTH QUARTER CORNER

OF SAID FRACTIONAL SECTION 8; THENCE SOUTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, ALONG THE EAST LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8, A DISTANCE OF 1795.25 FEET TO THE NORTHEAST CORNER OF CHEROKEE GARDENS AND WAGNER'S REPLAT OF CHEROKEE GARDENS RECORDED IN PLAT BOOK C, PAGE 2, AND PLAT BOOK 24, PAGE W, RESPECTIVELY, SAID CORNER LYING NORTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, A DISTANCE OF 1320.00 FEET FROM THE SOUTH QUARTER OF SAID FRACTIONAL SECTION 8, SAID SOUTH QUARTER CORNER BEING MARKED BY A RAILROAD SPIKE; THENCE NORTH 89 DEGREES 55 MINUTES 05 SECONDS WEST, ALONG THE RESPECTIVE NORTH LINES OF SAID WAGNER'S REPLAT AND CHEROKEE GARDENS, A DISTANCE OF 1806.60 FEET TO THE NORTHWEST CORNER OF SAID CHEROKEE GARDENS; THENCE SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, ALONG THE WEST LINE OF SAID CHEROKEE GARDENS, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF SAID FRACTIONAL SECTION 8; THENCE NORTH 89 DEGREES 55 MINUTES 03 SECONDS WEST, A DISTANCE OF 191.36 FEET TO THE POINT OF BEGINNING;

SAID DESCRIBED TRACT CONTAINING 118.953 ACRES, MORE OR LESS;

SUBJECT TO ALL EASEMENTS, COVENANTS, RESTRICTIONS, AND RIGHT OF WAY OF RECORD.

be and the same is hereby established as LI Light Industrial.

SECTION II.

This ordinance is and shall be subject to commitments as provided by Chapter 21-09.02(d) Commitments, if applicable.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, legal publication, and full execution of any conditions or Commitments placed upon the approval.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

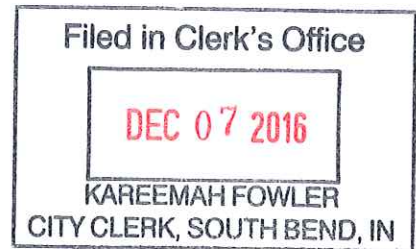
1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
DEFERRED
RESID

Filed in Clerk's Office
DEC 07 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

- 1) The property sought to be rezoned is located at:
*50929 Orange Road and 50501 Mayflower Road
South Bend, IN 46628*
- 2) The property Tax Key Number(s) is/are: *025-1001-0008 and 025-1002-001301*
- 3) Legal Descriptions: *See Attached.*
- 4) Total Site Area: *119.0 Acres +/-*
- 5) Name and address of property owner(s) of the petition site:
*Waggoners Dairy Farm, Inc. (c/o Martha Norquist)
52129 SR 933
South Bend, IN 46637
Tel: (574) 277-2341
marthanolquist@icloud.com*



Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:
*GLC Portage Prairie III, LLC
112 West Jefferson Boulevard
South Bend, IN 46601
Tel: (574) 855-5700
jsmoke@greatlakescapital.com*

Name and address of additional property owners, if applicable: N/A

- 7) It is desired and requested that this property be rezoned:
From: **PUD Planned Unit Development District** Additional zoning district, if applicable
To: **LI Light Industrial District**

- 8) This rezoning is requested to allow the following use(s): *Light Manufacturing and Assembly with Office*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) *Section 21-04.11(a)(3)(C) - Relief to allow trash containers to be located between the front façade of the primary building and the front lot line, whereas this Section prohibits same.*

Section 21-04.01(b)(3)(D) - Relief to allow an interior access drive to traverse a Side Residential Bufferyard, whereas this Section allows only landscaping.

Section 21-07.01(b) (1)(A) & (B) - Relief to provide a spacing of one (1) deciduous shade tree every 60' and one (1) deciduous ornamental tree every 60' in portions of a front yard along a Limited Access Highway, whereas one (1) tree every 40' is required, to allow visibility of building-mounted signage.

Section 21-07.01(c)(1)(B) - Relief to provide no foundation landscaping on those portions of the building oriented toward the front yard abutting a Limited Access Highway, whereas this Section requires foundation landscaping to be continuous.

Section 21-07.05(c)(2)& (3) - Relief to allow loading spaces in the front yard, whereas loading is not permitted in the front yard.

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community:

Section 21-04.11(a)(3)(C) - Although in a front yard, trash containers will all have lids and be screened on three sides by a wall or fence compatible with building materials and on the fourth side by a gate which will keep trash free from rodents and other animals and birds attracted to trash and which will ensure safety.

Section 21-07.01(b) (1)(A) & (B)- Signage is to be building-mounted, hence set back over 400' from the travel lanes of the highway, thus not distracting to motorists.

Section Section 21-07.01(b)(2)- Providing a single row, instead of a double row, will keep tree limbs from extending into traveled way of the interior access drive, thus adding to public safety.

Section 21-07.01(c)(1)(B) - There is neither a benefit nor harm to public health, safety, or morals if relief is granted from this Section.

Section 21-07.05(c)(2)& (3) - There is neither a benefit nor harm to public health, safety, or morals if relief is granted from this Section.

Section 21-07.05(c)(2)& (3)- View of the truck loading doors will be effectively screened with new landscaping on the Owner's property along the limited access highway.

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The proposed use is consistent with uses that were anticipated when a PUD was first approved for the subject property in 2005. The view of the building-mounted signage, trash containers, and loading docks will be effectively screened and set back well beyond minimum yard requirements, thus allowing for development of adjacent properties to proceed as zoned and property values to be otherwise unaffected by the development of the subject property.*

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Because the subject property is situated on a corner lot (defined by St. Joseph Valley Parkway and Adams Road on the west and south, respectively), there is no "rear yard" by definition, only "side yards". One of the two side yards is adjacent to residential property. The other side yard, due to site geometry, is the lot line with the shortest dimension. The combination of these factors contribute to the need for some relief from strict application of certain, but not all requirements. Those requirements for which relief is sought are being mitigated by landscaping, by building orientation, and by building placement on the property.*

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

1) A detailed description and purpose of the Special Exception Use(s) being requested:

N/A

2) A statement on how each of the following standards for the granting of a Special Exception Use is met:

- (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *N/A*
- (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *N/A*
- (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *N/A*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *N/A*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

Abonmarche Consultants, Inc. (c/o Brian McMorrow)
750 Lincoln Way East
South Bend, IN 46601
Tel: (574) 314-1022
bcmorrow@abonmarche.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

Waggoner Dairy Farms
Walter Waggoner Waggoner V.P.
Ellen Waggoner Ryberg V.P.

Filed in Clerk's Office

DEC 07 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

LEGAL DESCRIPTION:

A PART OF THE WEST HALF OF FRACTIONAL SECTION 8, TOWNSHIP 38 NORTH, RANGE 2 EAST, AND A PART OF THE EAST HALF OF FRACTIONAL SECTION 7, TOWNSHIP 38 NORTH, RANGE 2 EAST, LYING EAST OF THE EASTERN LIMITED ACCESS RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (U.S. 31), GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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