

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

MINUTES

February 15, 2022
3:30 P.M.

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

MEMBERS PRESENT:

Adam DeVon
John R. McNamara, P.E., L.S.
Elizabeth J. McCombs (remote)
James D. Moffitt
Dr. Jerry Thacker

MEMBERS ABSENT:

Robert Hawley
Kirk Youell

ALSO PRESENT:

Abby Wiles
Ryan D. Fellows
Michael Misch, Counsel
Shelley Marker

PUBLIC HEARING - 3:30 P.M.

Before the reading of the first petition Adam DeVon recused himself left the Chambers at 3:33 P.M. due to a personal interest.

(Audio position: 0:02:16.6)

Abby Wiles, Secretary/Area Plan Commission Executive Director: Our bylaws state in the absence of the President and Vice President, the Secretary is to hold the election to elect a President Pro-Tem to preside over the meeting. John McNamara, County Surveyor and Plat Committee Chairman, is willing to serve.

Upon a motion by Ben Webb and seconded by Dr. Jerry L. Thacker and carried, John McNamara elected President Pro-Tem for petition APC#2970-22 due to recusal by Adam DeVon.

McNamara	Yes	Moffitt	Yes
Sutton	Yes	Thacker	Yes
Webb	Yes	Youell	Absent
Hawley	Absent	McCombs	Yes
DeVon	Recused		

1. REZONINGS:

- 1 A proposed ordinance of DALE R DEVON & CHRISTINE K DEVON to zone from O/B: Office/Buffer District to O: Office District, property located at 17871 and 17847 STATE ROAD 23, St. Joseph County – APC# 2970-22. (Audio Position: 0:07:06.0)

Ryan D. Fellows, Planner: The proposed rezoning site is along SR 23, west of Northern Ave. There are two parcels proposed to be rezoned. (Pictures of the property were reviewed in a

Powerpoint presentation displayed on screens in Chambers.) 17871 SR 23 is currently vacant; however, it is the former location of the offices of DeVon Custom Homes. It was rezoned to OB: Office/Buffer District in 2006. The proposed use is a hair and nail salon. And this is 17847 SR 23 looking south along Northern Ave. This property was rezoned to OB: Office/Buffer District in 2019, at which time the offices of DeVon Custom Homes moved here from the neighboring building. Looking east on SR 23 from Northern Ave. A You'nique Image hair salon is across the street from subject property. It was rezoned to O: Office District (site plan specific) in 1990, then again site plan specific in 2002, and not site plan specific 2013. This pattern is typical of increasing commercialization acceptance along SR 23 in this area.

The site plan is a reuse of their parking lot site development plan from February 2020. The site includes two office buildings with a shared parking lot. If the rezoning is approved, it is not anticipated that there will be any changes from the site plan submitted. Any site changes would require commercial plan review through the Building Department and would be evaluated at that time for compliance with the Zoning Ordinance.

Since the packet went out the property owner secured a septic system inspection. The County Health Dept has updated their assessment stating the existing septic system is substandard and is not suitable for the proposed use. They recommend the septic system be replaced, and that IDEM be consulted regarding the on-site well. Brett Davis from the County Health Dept. is available to answer questions.

Per state law rezoning is considered based on five criteria, including the Comprehensive Plan. Rezoning is supported by Goal 2: Encourage the economic development of the County and its municipalities. Especially Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

Criteria 5, Responsible development and growth, dictates the Health Dept. concerns are addressed; therefore, to meet the requirements of rezoning review per state law, we recommend that the Area Plan Commission recommend this rezoning to the County Council favorably, subject to the County Health Dept.'s concerns being addressed to the County Health Dept.'s satisfaction. I would be happy to answer any questions.

PETITIONER

Christine DeVon, 7508 Toscana Court, Granger, IN: My husband and I own both properties at 17871 and 17847 SR 23 in South Bend. We currently have the family business office at 17847 SR 23 and we have a company wanting to lease the building at 17871 SR 23 for a hair and nail salon business. We were told by the staff we would be better suited for either Office or Business zoning compared to the current O: Office/Buffer, and since we have a shared parking and own both properties staff agreed we should rezone both properties, so they are the same zoning. We are not looking to move or change our office for DeVon Builders location. We are aware of the comments from the Health Department regarding the septic system at 17871 property. We had an

inspection done on the septic system and we are waiting for a recommendation from the State Health Department. We would agree to improve the system if they feel it is necessary and recommended.

IN FAVOR

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

REMONSTRANCE

Brett Davis, Health Department on the 9th floor of County-City Building: I am slightly concerned with the recommendation to approve subject to. I do foresee there being a lengthy process in trying to fix the septic issues and rectify the public water supply well issue. Public water well supply does require a 250’ setback to a septic system. The lot is only 210’ long. I do want to ensure that these issues get rectified, and we are generally in favor of development. We have no intention of standing in the way of proper development. We do want to make sure that this does not fall by the wayside.

Ryan Fellows: We did receive one letter of remonstrance that was passed out. It was a short email.

John McNamara: Just to be clear it is your recommendation that we table it until they work out the differences in the septic system?

Brett Davis: Well and septic concerns, yes.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Ben Webb and carried, a proposed ordinance of DALE R DEVON & CHRISTINE K DEVON to zone from O/B: Office/Buffer District to O: Office District, property located at 17871 STATE ROAD 23 HWY and 17847 STATE ROAD 23 HWY, St. Joseph County is TABLED to provide time for the petitioner to address the County Health Department’s well and septic concerns.

McNamara	Yes	Moffitt	Yes
Sutton	Yes	Thacker	Yes
Webb	Yes	Youell	Absent
Hawley	Absent	McCombs	Yes
DeVon	Recused		

ITEMS NOT REQUIRING A PUBLIC HEARING

Adam DeVon returned to the Chambers to preside over the remainder of the meeting at 3:49 P.M.

1. Miscellaneous:

No items to review.

2. Executive Director's Report:

Abby Wiles: The two big things on the docket for 2022 as you all know is Code Enforcement and the Comprehensive Plan. In terms of Code Enforcement, we have brought on our two new inspectors. They are Savhana Pletcher, an internal transfer from the Sheriff's Office, and Steve Szaday from the City of South Bend. Over the next month or month-and-a-half, with Mike Misch our County Attorney, we are making final revisions to the ordinances and getting everything set up, including the complaint forms and all the internal tracking. We are working on our project management software on the Code Enforcement module and all the administrative aspects of the program. We anticipate the final ordinances will go to Council for adoption on March 8, 2022 and enforcement will begin April 1, 2022.

In terms of the Comprehensive Plan, we have the first round of public meetings slated for the beginning of March. Over the past few months, we have been doing focus groups with a number of special organizations like the Builders Association. We had one with the local District Superintendents. Dr. Thacker, thank you for participating in that one with us. We have a handful remaining, including higher education, a sub-group farms from the agricultural interests focus group that we did at the Farm Bureau a month ago, and a major employers group.

We are in the process of finalizing the meeting dates and everyone will be notified. Just as a reminder, we are doing four rounds of public meetings for the Comprehensive Plan, four meetings in each of the round, 16 meetings total.

In addition to the 16 public meetings, we are also doing focus groups and doing engagement with all the small towns. Liz, Ben, and Kirk, who is not with us today, we will be reaching out to you individually to set up one-on-one's for our consultants to talk with the small towns.

Ben Webb: How much participation do we need to have in these public meetings?

Abby Wiles: Participation in the public meetings by our board members is not mandatory but it is encouraged. I would love to see you all in one of the meetings in each of the four rounds. The meeting content for each of the public meetings will be the same throughout. No need to attend multiple meetings in each of the rounds. Just offering them a different locations and times throughout the County to cast a wide net to get input.

3. Minutes:

John McNamara made a motion to approve the minutes from December 21, 2021, and Elizabeth McCombs seconded the motion.

Abby Wiles: Pointed out the agenda reads December 21, 2021, but the minutes were from October 19, 2021. There is an error on the agenda.

John McNamara amended his motion to approve the minutes of October 19, 2021, and Elizabeth McCombs seconded the motion, and unanimously carried to approve the minutes from October 19, 2021, Area Plan Commission meeting.

4. Adjournment:

Upon a motion by Phil Sutton being seconded by Elizabeth McCombs and unanimously carried, the February 15, 2022, Area Plan Commission meeting adjourned at 4:05 p.m.



Adam DeVon
President of the Commission



Abby Wiles
Secretary of the Commission