

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

**MINUTES**

May 17, 2022  
3:30 p.m.

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

**MEMBERS PRESENT:**

Adam DeVon  
Robert Hawley  
Elizabeth J. McCombs by Zoom  
James D. Moffitt  
Phil Sutton by Zoom  
Dr. Jerry Thacker

**MEMBERS ABSENT:**

John R. McNamara, P.E., L.S.  
Kirk Youell

**ALSO PRESENT:**

Abby Wiles  
Kylie Abrams  
Ryan D. Fellows  
Shelley Marker  
Mitch Heppenheimer, Counsel

**PUBLIC HEARING - 3:30 P.M.**

**1. REZONINGS:**

- 1 A combined public hearing on a proposed ordinance of SANDRA K WOLF AND WOLF SANDRA KAY 1/4 INT HILLRING BETTY JANE 1/4 INT CLARK EVELY IRENE 1/4 INT & CLARK MARCIA ANN 1/24 INT CLARK MARTA RAE 1/24 INT CLARK GREGORY R 1/24 INT CLARK BRUCE RAY 1/24 INT CLARK BRICE JAY 1/24 INT CLARK JEFFREY LYNN 1/24 INT to zone from R: Single Family District to C: Commercial District and seeking a Special Use to allow garages, for storage, repair, and servicing of motor vehicles of over one and one-half tons capacity, including body repair, painting, and engine rebuilding, property located at 10113 MCKINLEY HWY and 10153 MCKINLEY HWY, St. Joseph County - APC# 2974-22. *(Audio Position: NONE)*

(Audio Position: 0:04:12.5)

Ryan D. Fellows: This rezoning application is to change property from R: Single Family District to C: Commercial District. This property is west of Ash Road and there are two parcels proposed to be rezoned. West along McKinley has two single family homes followed by an industrial property. This is a picture of subject property which has a single family home with woods on it (referring to the slide show). East along McKinley has a single-family home and a home furnishing store zoned C: Commercial District. Here is a view of the overall site plan and a zoomed in view of the site plan. All new site developments will be reviewed during commercial plan review. It does have Type 2 landscaping around the exterior. There is residential on the east and western sides, which will have Type 2 landscaping on each side buffering and protecting the residential homes. It does have front yard trees and will have foundation landscaping along with parking edge landscaping.

Per state law rezonings are considered based on five criteria including the Comprehensive Plan. Rezoning is supported by goal two, encourage economic development of the county and municipality especially Objective C. Develop quality business areas to meet the retail and service needs of the planning area. The petition includes a request for Special Use to allow for pontoon boat sales, storage, and repairs. The Zoning Ordinance would have us classify it as for garages, storage repair and servicing of motor vehicles of over 1 ½ tons compacity including body repair, painting, and engine rebuilding.

Staff recommends this petition be forwarded to the County Council with a favorable recommendation for both the rezoning and special use.

Robert Hawley: What is the situation on the septic and water?

Ryan Fellows: I will let the petitioner explain that.

(Audio Position: 0:07:28.8)

#### PETITIONER

Mike Danch, 1643 Commerce Drive, South Bend, IN: Representing the petitioner and the contingent purchaser. The contingent purchaser here is Coastline Inc. They already have a pontoon sales and service in the City of Mishawaka. They are located in the 3600 block of Home Street. They have run out of space and what they would like to do is add a new facility and came along this piece of property.

What you are seeing on the preliminary site plan that we have submitted is the new building. They would like to build a 30,000 square foot building that would include sales and service. A portion of that building would also be for storage of pontoon boats. Talking with the Staff, we have to ask for a Special Exception because they do work on pontoon boats with painting some of those. Any of the Special Use items that we are asking for would be totally done inside the building. No Special Use process going on the outside of the building. Where we would like to put the parking lot is along the east side. Only one access onto McKinley Highway is proposed. We have put all of the required landscaping along the two residential sites. What you see here is the Type 2 buffering landscaping. The property to west is a single family house and then to the west of that single family house if you remember is Indiana Earth and the processing of their materials which is zoned I: Industrial.

To the east there is a residential home and as you move farther east both sides of the street there is a mix of uses out there from commercial to business. What we have done hopefully is buffer this particular use. Any of the processes that we have talked about will be inside the building.

To answer the question about the water, there is no sewer lines out there. So, this would be septic and well. They are purchasing approximately 12.7 acres and we are only using 10% of the site so

that back portion of the property that you see on the overhead screen will remain as wooded. We are only going to use the front portion of the property.

We will meet all of the drainage standards for the county that is the 5.6” rainfall. What would happen assuming that we would receive approval through the Council and Area Plan Commission. There would have to be a final site plan that would have to be approved. The civil engineer plan would have to show how they would handle the onsite water for the building and parking area. With the soils that are out, there that would be acceptable. The type of septic system would be just a conventional one that would also need to be approved by the Health Department and because you have a commercial operation the state would also be involved.

What we would ask for is your favorable recommendation for the rezoning and hopefully a favorable recommendation for the Special Exception Use.

#### 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.

(Audio Position: 0:11:26.6)

Adam DeVon: Any last questions from the Commission or Staff otherwise I entertain a motion?

Ben Webb: I have one quick question. I know it is all transition towards industrial as it is moving across. So when you see something going up like this that is skipping a few properties, does that concern you guys in this process because it is not connected? Does that make sense?

Ryan Fellows: Across the street there is a business that is already zoned B: Business District; it is a bicycle shop. As you can see, there is a sprinkling of the C: Commercial District and the I: Industrial District. That is very indicative of the development patterns that we have seen along McKinley and this area. Abby, did you want to add any other thoughts on that?

Abby Wiles: We have looked at the Comprehensive Plan and admittedly it is a dated document that you all know we are in the process of updating. The current Comprehensive Plan identifies this area for industrial uses. Even though the Comprehensive Plan identifies it for industrial uses, this particular use can go in as commercial with a special use. We thought that was preferable than just going straight industrial. Ben, to your point, because of some of the neighboring residential uses.

Ryan Fellows: Highlighting also that our development standards do require Type 2 landscaping which is a double row of evergreen trees and the setbacks that are required as well, which are important to keep in mind.

Adam DeVon: Mike, does this mean they will have actual pontoons to sell?

Mike Danch: Yes. That is one of the reasons for the Staff to ask for them to do. Ask them to show the outside area. But even that has to be screened completely as well.

Robert Hawley: Mike, I can't remember at that entrance heading north is the highway just two lanes or is it four lane area?

Mike Danch: I believe it widens out as you get closer to Ash Road. As you look at that picture on that view. You can see that it is still two lanes and widening out to four lanes as you get to Ash Road.

Robert Hawley: I'm just thinking that a pontoon boat being towed in and taken out that you need some area to move around.

Mike Danch: Good thing here is everything is flat, and you have the sight distance. You also have that shoulder that is paved, and you can pull off that edge and go into the site.

After due consideration, the following action was taken:

Upon a motion by Elizabeth J. McCombs, being seconded by Robert Hawley and unanimously carried 7-0, a proposed ordinance of SANDRA K WOLF AND WOLF SANDRA KAY 1/4 INT HILLRING BETTY JANE 1/4 INT CLARK EVELY IRENE 1/4 INT & CLARK MARCIA ANN 1/24 INT CLARK MARTA RAE 1/24 INT CLARK GREGORY R 1/24 INT CLARK BRUCE RAY 1/24 INT CLARK BRICE JAY 1/24 INT CLARK JEFFREY LYNN 1/24 INT to zone from R: Single Family District to C: Commercial District and seeking a Special Use to allow for "garages, for storage, repair, and servicing of motor vehicles of over one and one-half tons capacity, including body repair, painting, and engine rebuilding;" property located at 10113 MCKINLEY HWY and 10153 MCKINLEY HWY, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. Rezoning is supported by the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 2: Encourage the economic development of the County and its municipalities. Especially supported by Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

James Moffitt	Aye	Phil Sutton	Aye
Dr Jerry Thacker	Aye	Ben Webb	Aye
Elizabeth J McCombs	Aye	Robert Hawley	Aye
Adam J Devon	Aye		

## ITEMS NOT REQUIRING A PUBLIC HEARING

### 1. Miscellaneous:

(Audio Position: 0:16:00.6)

A. Finding of Fact – March 15, 2022 (for the Special Use APC#2972-22)

Abby Wiles: Your combined hearing for the Finding of Fact was left out of the packet at the April meeting, so it is on the agenda for today.

Ryan Fellows: You approved the Finding of Facts for the variances, but we accidentally omitted the Finding of Facts for the Special Use. That is what is presented today.

Upon a motion by Benn Webb, being seconded by Elizabeth McCombs and unanimously carried 7-0, to approve the Finding of Facts from March 15, 2022, Special Use APC#2972-22, Area Plan Commission meeting.

James Moffitt	Aye	Phil Sutton	Aye
Dr Jerry Thacker	Aye	Ben Webb	Aye
Elizabeth J McCombs	Aye	Robert Hawley	Aye
Adam J Devon	Aye		

### 2. Executive Director's Report:

(Audio Postion: 0:17:11.5)

Abby Wiles: Would you all like to review the Annual Department report on your own time or would you like me to hit the highlights today? I can get it done within 30 seconds to a minute.

Rezoning petitions have decreased but map changes, which are strictly rezonings, remained unchanged 18-18. Of the 22 total petitions for Area Plan, 19 were in St. Joseph County, one in Roseland and two in North Liberty.

ABZA petitions were 78 variances, seven special uses. Alley or street vacations remained unchanged at four for the year.

What we saw an increase of were subdivisions; they went from 66 in 2020 to 77 last year. I would say outside the bulk work which I called the rezonings, variances, plan reviews, etc., the big things on the docket for 2021 were getting the Comprehensive Plan process up and going. Doing a lot of the leg work for the Code Enforcement program that launched April 1, 2022.

Those are the two big things on the docket for 2022—the Comprehensive Plan planning process and working to get the Code Enforcement program fully operational.

Adam DeVon: Executive Director's report?

Abby Wiles: Code Enforcement, Comprehensive Plan that is what is on the docket for 2022 in addition to continuing all of our counter work, rezonings, variances, etc.

Robert Hawley: How do you think that code enforcement process is going?

Abby Wiles: It is going very well. Wish I had stats for you. The media has contacted us and asking for basic stats which we put together for them couple of weeks ago. I would say the inspectors by their estimates have been able to resolve 30-40% of the properties by leaving courtesy notices and working with people.

There is a number they are working on monitoring plans of action for. We are past the stage where we have done first wave of courtesy notices and now, we are moving into violation notices. After the first round of violation notices, we will need to begin abatement more or less. We are still working on securing contractors for services. We didn't propose establishing a County mow crew or County cleanup crew like they do in the cities for code enforcement. We are still seeking private contractors and in the RFQ/RFP process for those. The RFP for towing is out presently. Any company that is interested in contracting with the County for towing services can go to our bid procurement page and read up on that.

**3. Minutes:**

(Audio Position: 0:

A. Minutes from April 19, 2022

Upon a motion by Ben Webb, being seconded by Dr. Jerry Thacker and unanimously carried 7-0, to approve the minutes from April 19, 2022, Area Plan Commission meeting.

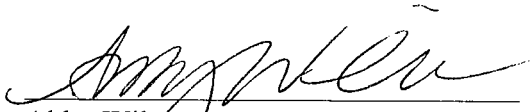
James Moffitt	Aye	Phil Sutton	Aye
Dr Jerry Thacker	Aye	Ben Webb	Aye
Elizabeth J McCombs	Aye	Robert Hawley	Aye
Adam J Devon	Aye		

**4. Adjournment:**

Upon a motion by Elizabeth McCombs, being seconded by Ben Webb and unanimously carried 7-0, Area Plan Commission meeting adjourned at 3:53 p.m.



Adam DeVon,  
President of the Commission



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Abby Wiles,  
Secretary of the Commission