AGENDA
Tuesday, June 9, 2020 - 3:30 p.m.

Due to the COVID-19 this meeting will be held virtually. Click to Join Meeting
Or dial 312-626-6799 | Meeting ID: 981 8881 3423 | Password: 423688

PUBLIC HEARINGS:

1. **Location:** NW Corner of Beech and Third (2.87 acres +/-)
   **Owner:** TIM MARTSOLF
   **Requested Action:** From C Commercial Dist. to I Industrial Dist.
   **Variance(s):** 1) from the maximum height for a fence between the front lot line and the front building line of 4’ to 8’; 2) to allow a barbed wire fence between the front lot line and the building line and 3) from the required hard surface to gravel for parking areas. **APC #2922-20**

2. **Location:** 501 W MICHIGAN ST (0.73 acres +/-)
   **Owner:** THOMAS E LAWSON
   **Requested Action:** From R1 Single Family District to LB Local Business District
   **Variance(s):** 1) from the minimum required front yard setback of 25’ to 14’; 2) from the minimum required side yard setback of 10’ to 0’; 3) from the minimum rear residential bufferyard setback of 20’ to 7’ and 4) from the required hard surface to gravel for parking areas. **APC #2923-20**

3. **Location:** 12661 & 12641 McKinley Hwy (5.0 acres +/-)
   **Owner:** PENN CIVIL TOWNSHIP
   **Requested Action:** From R: Single Family Dist. to C: Commercial Dist.
   **Variance(s):** 1) from the requirement of “Type 2: full screening landscaping” along the north and east property lines to no landscaping; 2) from the requirement of providing off-street parking area screening along the east line of the proposed parking to no screening as shown; 3) from the requirement of foundation landscaping for the proposed maintenance building to no landscaping; 4) from the requirement of a minimum of 200 feet linear spacing for an outdoor advertising sign from a residential district to a minimum of 90 feet and from the required minimum 100 feet radial spacing for an outdoor advertising signs from a residential district to a minimum of 90 feet and 5) from the requirement of providing a minimum of one (1) loading dock to no loading dock. **APC #2927-20**

ITEMS NOT REQUIRING A PUBLIC HEARING:

A. Miscellaneous
B. Executive Director’s Report
C. Minutes
   1. Approval of the Minutes from the May 19, 2020 meeting.
   2. Approval of the Minutes from the May 26, 2020 meeting.
D. Adjournment
Staff Report

APC # 2922-20
Petitioner: TIM MARTSOLF
Location: NW Corner of Beech and Third
Jurisdiction: Town of Osceola
Public Hearing Date: 3/17/2020

Requested Action:
The petitioner is requesting a zone change from C Commercial District to I Industrial District

Land Uses and Zoning:
On site: On site is a vacant lot.
North: Railroad tracks, AEP power lines, and commercial properties zoned C: Commercial District.
East: Commercial use property zoned C: Commercial District; single family home zoned C: Commercial District; and a single family homes zoned R1: Single Family District.
South: Industrial use property zoned I: Industrial District; commercial use property zoned C: Commercial District; and single family home zoned C: Commercial District.
West: Self-storage facility zoned I: Industrial District.

District Uses and Development Standards:
The I Industrial District is established to provide for development of office/warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which transform previously manufactured or blended materials or substances into new products or into a useable form. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, require outdoor storage and generate varying amounts of hazardous or objectionable elements such as noise, odor, dust, smoke or glare.

Site Plan Description:
The site plan shows the construction of a manufacturing building of 36,000 square feet, a future building expansion of 2,400 square feet, proposed pavement of 63,000 square feet for 90 total parking spaces, a bike rack for 18 bicycles, foundation landscaping, parking screening hedge, shade trees at 100 feet spacing, etc.

Zoning and Land Use History and Trends:
Site is zoned I: Industrial District on the west and C: Commercial District on the east.

Traffic and Transportation Considerations:
Beech and Third Street are each two lanes.

Utilities:
The site will be served by well and septic.

Agency Comments:
Engineering: Per Section 8.05 (D) of the Town of Osceola Zoning Ordinance, “All such off-street parking areas shall include at least one (1) required interior landscape island for every ten (10) parking spaces (or fraction thereof)”. On the south side of the building, the
interior parking spaces have two landscape islands on either end of the row of 29 parking spaces. Interior landscape islands shall be added at the correct spacing in this row per the ordinance described above.

**Health Department:** New commercial septic system and new commercial water supply well are needed. Applications have not yet been received. The proposed well location does not meet setbacks required under State and/or County Code. The septic location may need to be altered depending on sizing requirements issued by Indiana State Department of Health. Approval recommended for rezoning ONLY. Site plan will need to be altered for final septic and well locations.

**Surveyor:** Recommends approval.

**Commitments:**
The petitioner is not proposing any written commitments.

**Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:**

1. **Comprehensive Plan:**

   **Policy Plan:**
   Town of Osceola Comprehensive Plan (1992), Part IV Comprehensive Plan, "B. Summary of Development Opportunities and Constraints" notes the community's intent that "new light industrial parks should be planned for."

   **Land Use Plan:**
   The Town of Osceola Land Use Plan map of the Comprehensive Plan (1992) does not make any determination what the subject property should be used for in the future. However, the text in the Land Use Plan states that industrial use is desired "on the south side of Osceola near the Conrail line, east of Beach Road." This is were the subject property is.

   **Plan Implementation/Other Plans:**
   No other plans have been approved for this area.

2. **Current Conditions and Character:**
   Current condition and character of current structures and uses in the I Industrial District match the proposed use.

3. **Most Desirable Use:**
   The most desirable use of this property is to continue the light industrial park use along Third Street and one that limits the impact on surrounding residential properties.

4. **Conservation of Property Values:**
   With proper landscaping screening, surrounding property values should not be adversely affected.

5. **Responsible Development and Growth:**
   It is responsible development and growth to keep light industrial use adjacent to other light industrial use along Third Street.

**Combined Public Hearing**
The petitioner is seeking the following variance(s):

1) from the maximum height for a fence between the front lot line and the front building line of 4’ to 8’
2) to allow a barbed wire fence between the front lot line and the building line
3) from the required hard surface to gravel for parking areas

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;

The approval of the variances will not be injurious to the public health, safety, morals and general welfare of the community, because the proposed fencing and gravel do not pose serious concerns for the public health, safety, morals and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

The use and value of adjacent property will not be adversely affected by the approval of the variances, because the gravel parking area is of suitable distance to allow ample settling of dust before it could reach residential uses and the fencing matches the character of the area.

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

The strict application of this ordinance would cause practical difficulties in utilizing this site, because of the needs for the industrial use require additional fencing beyond normal for security considerations and the size of this property allows enough distance for gravel dust to settle before getting to residential uses.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation. The staff recommends approval of the variances.

Analysis:

Industrial use of the subject property is consistent with the text of the 1992 Comprehensive Plan's future land use section.
I (we) the undersigned make application to the Town of Osceola to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
   West of Beech Road, North of Third Street, south of Railroad ROW and east of 1244 3rd Street
   Osceola, Indiana

2) The property Tax Key Number(s) is/are: 015-1048-097806

3) Legal Description: Lot 2 Third Street Minor Subdivision

4) Total Site Area: 2.87 Acres

5) Name and address of property owner(s) of the petition site:
   Tim Martzolf
   10274 Charles Street
   Osceola, Indiana 46561
   (574) 309-3091

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   T&T Marchetti LLC
   730 Vistula Road
   Osceola, Indiana 46561
   (574) 532-1021
   tony@deliveryconcepts.com

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:

   From: C Commercial District  Additional Zoning District, if Applicable
   To:   I Industrial District

8) This rezoning is requested to allow the following use(s): Proposed Industrial Building for truck customization activities by Delivery Concepts company.

9) Provide a brief and descriptive narrative of the proposed project:
   Zone Change is requested to allow the entire property to be zoned as Industrial. Prospective purchaser is Tony Marchetti of Delivery Concepts. Delivery Concepts currently operates on the south side of Third Street across from this property. The owner wants to expand production with a new manufacturing building for assembly of customized trucks for food preparation and sales. This use is permitted in the I zone. Site construction would include proposed pavement, drainage and grading work. A new Commercial Well would be installed for water supply. Sanitary sewer services would be provided by new commercial septic system.

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

(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:

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):
1) The Special Exception Use(s) being requested:  Not applicable

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

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:

(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein:

(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:

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan.

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

CONTACT PERSON:
Tony Marchetti, Owner, Delivery Concepts
730 Vistula Road
Osceola, Indiana 46561
(574) 532-1021
tony@deliveryconcepts.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 TOWN COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

[Signatures]
October 31, 2019

Larry Magliootti, Executive Director
Area Plan Commission of St. Joseph County
1140 County City Building
South Bend, Indiana 46601

Re: T & T Marchetti LLC/Delivery Concepts Zone Change Petition

Dear Larry:

I, Tim Martzolf, am the owner of the property at the northwest corner of the Beech Road/Third Street intersection in Osceola, Indiana. The property is known as Lot 2 of the Third Street Minor Subdivision.

I authorize Tony Marchetti of T&T Marchetti LLC to file the Petition for the Rezoning for this property.

Please contact me if you have any questions.

Thank you.

Sincerely,

Tim Martzolf
10274 Charles Street
Osceola, Indiana 46561
(574) 309-3091
This Indenture Witnesseth, That Kelly Howell Prentkowski, as Successor Co-Trustee of the Susan E. Howell 2003 Amended and Restated GST Revocable Trust, dated December 11, 1990, as amended, residuary devisee under the will of Susan Howell, deceased

Convey(s) and Warrant(s) to Tim Martsolf

for the sum of Ten & 00/100 Dollars ($10.00) and other valuable consideration, the following described real estate in St Joseph County, in the State of Indiana:

Lot Numbered Two (2) as shown on the recorded plat of Third Street Minor Subdivision, recorded October 8, 1999 in the Office of the Recorder of St. Joseph County, Indiana, as Instrument No. 995201.

Subject to real estate taxes not yet due and payable.

The undersigned certifies that said trust is in full force and effect, that the undersigned is/are the duty qualified trustee/trustees of said trust with full power to execute this document on behalf of such trust, and that the real estate described herein has not previously been transferred from said trust.

Responsibility for the performance of the undersigned fiduciary's obligations hereunder, is limited to, and assured only by the trust estate it administers, and no personal or individual liability of the fiduciary in its non-fiduciary or private status or capacity, is created by this instrument.

The undersigned certifies that the property was devised to Grantor herein by the will of Susan Howell, deceased, probated in Estate Number 7101-0611-ES-000465, St. Joseph Probate Court.

Subject To any and all easements, agreements, and restrictions of record, and to legal highways.

Signed this 3 day of November, 2011.

File No.: 4041-19765 -- A

Page 1 of 2

DUTY ENTERED FOR TAXATION
PETER H. MULLIN
ST. JOSEPH CO. INDIANA

FILED -
DECEMBER 20, 2019
AREA PLAN COMMISSION
Application # 2472-20
Susan E. Howell 2003 Amended and Restated GST Revocable Trust, dated December 11, 1990, as amended

By: Kelly Howell Prentkowski, Trustee
Kelly Howell Prentkowski
Its: Successor Co-Trustee

Acknowledgement

State of   IN    ;  St. JOSEPH County:

Before me, a Notary Public in and for the said County and State, personally appeared Kelly Howell Prentkowski as Successor Co-Trustee of the Susan E. Howell 2003 Amended and Restated GST Revocable Trust, dated December 11, 1990, who acknowledged the execution of the foregoing Trustee’s Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and notarial seal this 3 day of November, 2011.

My commission expires: 1-1-17

Signature:  
Printed:  
Residing in St. JOSEPH County:

This instrument prepared by Louis Klatch, Attorney at Law.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Aimee R. Rightley

Grantee’s Mailing Address and Mailing Address for Tax Bills:
(must be a street address)

File No.: 4041-19765  Page 2 of 2

1130312
Legal Description for Zone Change Petition
Parcel ID: 015-1048-097806

East 300 feet of Lot Numbered Two (2) as shown on the recorded plat of Third Street Minor Subdivision, recorded October 8, 1999 in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9950201.
APC #   2923-20
Petitioner:  THOMAS E LAWSON
Location:  501 W MICHIGAN ST
Jurisdiction:  Town of New Carlisle
Public Hearing Date:  3/17/2020

Requested Action:
The petitioner is requesting a zone change from R1 Single Family District to LB Local Business District

Land Uses and Zoning:
On site:  Auto repair shop.
North:  Homes zoned R1 Single Family District.
East:  Homes zoned MF Multifamily District.
South:  Homes zoned R1 Single Family District.
West:  Businesses zoned LB - Local Business District.

District Uses and Development Standards:
The LB - Local Business District is established to provide for small businesses located outside of the town center and which provide for the full range of convenience uses necessary to meet the daily needs of nearby residential neighborhoods. Permitted uses within the LB Districts are regulated in character to assure harmonious development with the nearby Residential Districts served and are limited in size and scale to promote pedestrian access and neighborhood use.

Site Plan Description:
No site plan provided.

Zoning and Land Use History and Trends:
Subject property was reportedly missed during the last time the zoning map was updated. Requested action set to correct that apparent oversight.

Traffic and Transportation Considerations:
US Route 20 Lincoln Highway is two lanes with substantial shoulders. Meridian Street is two lanes.

Utilities:
Subject property is served by municipal water and sewer service.

Agency Comments:
Engineering: No comments/issues regarding the requested change to LB.
Health Department: Recommends the application be approved. The property was used as a car dealership from 1949-1984 and as an auto service center from 1984-Present. The rezoning is needed for sale of property. Site remediation may be required depending on future uses.
Surveyor: Recommends approval.

Commitments:
The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:
1. Comprehensive Plan:
Policy Plan:
The proposed commercial use is consistent with the Town of New Carlisle Comprehensive Plan (2007) Achieving Quality Growth Goal, Objective 1 - Commercial Growth, "New commercial growth should meet a broad variety of the retail and service needs of residents in buildings of modest scale, consistent with the small-town scale of existing development, and concentrated in commercial clusters shown on the Future Land Use Plan."

**Land Use Plan:**

The Town of New Carlisle Comprehensive Plan (2007) shows the subject property as local business on the existing land use map; however, the proposed (future) land use map shows it as residential - reportedly an unintended oversight.

**Plan Implementation/Other Plans:**

No other land use plans have been approved for this area.

2. **Current Conditions and Character:**

Current condition and character of current structure and use is consistent with the Local Business District.

3. **Most Desirable Use:**

Continued use of subject property as a local business is the most desirable use for this location along US Route 20.

4. **Conservation of Property Values:**

As this is the continuation of a long standing existing use, property values should remain largely unaffected.

5. **Responsible Development and Growth:**

Making use of an existing building designed for business use at the edge of other local businesses and along US Route 20 represents responsible development and growth by continuing its use.

**Combined Public Hearing**

The petitioner is seeking the following variance(s):

1) from the minimum required front yard setback of 25’ to 14’
2) from the minimum required side yard setback of 10’ to 0’
3) from the minimum rear residential bufferyard setback of 20’ to 7’
4) from the required hard surface to gravel for parking areas

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;

The approval of the variances will not be injurious to the public health, safety, morals and general welfare of the community, because it is a continuation of the existing use.

(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;

The use and value of adjacent property will not be adversely affected by the approval of the variances, because the use is long standing and no change is being proposed, this will keep the character of the area the same.
(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property
The strict application of this ordinance would cause practical difficulties in utilizing this site, because this is already an existing building which does not meet current development standards. Strict application would require the demolition of a section of building which could otherwise continue to be used.

Staff Comments:
The staff has no additional comments at this time.

Recommendation:
Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation. The staff recommends approval of the variances.

Analysis:
Existing use as a local business in this location is consistent with Comprehensive Plan (2007) Achieving Quality Growth Goal, Commercial Growth Objective 1. It takes advantage of the existing building use and investment.
I (we) the undersigned make application to the Town of New Carlisle to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
   501 W. Michigan Street
   New Carlisle, IN 46552

2) The property Tax Key Number(s) is/are: 013-1093-0463

3) Legal Description: Lots 20 21 22 23 Monfries & Campbells 1st Add

4) Total Site Area: .73 acres

5) Name and address of property owner(s) of the petition site:
   Thomas Lawson
   501 W. Michigan Street
   New Carlisle, IN 46552
   (574) 654-8451
   E-Mail Address: na

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   NA

   Name and address of additional property owners, if applicable: NA

7) It is desired and requested that this property be rezoned:

   From: R1 Single Family District     Additional District, if applicable

   To: LB Local Business District

8) This rezoning is requested to allow the following use(s): Auto repair shop or any use allowable under LB

9) Provide a brief and descriptive narrative of the proposed project:
   The property that the building is located on was originally built as a car dealership in 1949-50 and continued in this capacity until purchased by the current owner Tom Lawson in 1984. Tom does auto repair and service out of the building. In recent months, as he has been looking to put the property on the market. In doing so, he discovered that the property was zoned single-family and never appropriately zoned. In order for him to sell, he is seeking to re-zone to the appropriate LB Local Business district.

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

1) List each variance. Please contact Commission Staff if assistance is needed.

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: Please explain how your variance request petition addresses this criteria.

(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: Please explain how your variance request petition addresses this criteria.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: Please explain how your variance request petition addresses this criteria.

IF A SPECIAL USE IS BEING REQUESTED, (if not, please skip to next section):
1) A detailed description and purpose of the Special Use(s) being requested:

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

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: Please explain how your Special Exception Use request petition addresses this criteria.

(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: Please explain how your Special Exception Use request petition addresses this criteria.

(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: Please explain how your Special Exception Use request petition addresses this criteria.

(d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. Please explain how your Special Exception Use request petition addresses this criteria.

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

CONTACT PERSON:
Tom Lawson
501 W. Michigan Street
New Carlisle, IN 46552
(374) 654-8431
E-Mail Address: NA

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 TOWN COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

-FILED-

JAN 21 2020

AREA PLAN COMMISSION
Application #2923-20
Hi Jordan, thanks for your help in the matter of 501 West Michigan St in New Carlisle. This property should be rezoned from residential to LB. Site plans or other documents should not be necessary in this case. Thank you, Robert Middlebrook Zoning Administrator, Building Inspector for New Carlisle.

Sent from Yahoo Mail on Android

On Tue, Jan 21, 2020 at 1:16 PM, Jordan A. Wyatt <jwyatt@sjcindiana.com> wrote:

Bob,

Please confirm their need to request this rezoning and the need for the variances.

Thank you.

Jordan Wyatt

Planner

Department of Infrastructure, Planning & Growth

227 W. Jefferson Blvd. | 11th Fl.
South Bend, IN 46601

(574) 235-7800 | (574) 235-5057 fax

jwyatt@sjcindiana.com

sjcindiana.com

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I (we) the undersigned make application to the St. Joseph County Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
   26725 New Road
   North Liberty, IN 46554

2) The property Tax Key Number(s) is/are: 71-12-14-300-012.000-010

3) Legal Description: A lot or parcel of land in the east half of the southwest quarter of section 14, township 36 North, range 1 east, bounded by a line running as follows, VIZ: beginning at the southeast corner of the west half of the east half of the southwest quarter of said section, township and range; thence north along the east line of the west half of the east half of said southwest quarter a distance of 1642.31 feet; thence west on a line parallel to the south line of said quarter section 238.6 feet; thence south on a line parallel to the first described line 1644.09 feet to the South line of said quarter section; thence east along said south line 238.6 feet to the place of beginning.

4) Total Site Area: 27.9

5) Name and address of property owner(s) of the petition site:
   Steven & Melissa Weisser
   26725 New Road
   North Liberty, IN 46554
   (574) 309-1396
   stevenweisser@yahoo.com

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   N/A

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:

   From: Agricultural
   To: PUD

8) This rezoning is requested to allow the following use(s): Wedding Venue

9) Provide a brief and descriptive narrative of the proposed project:
   Wedding Venue in barn.

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

1) N/A

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: N/A
APC #   2927-20
Petitioner:  PENN CIVIL TOWNSHIP
Location:  12661 & 12641 McKinley Hwy
Jurisdiction:  St. Joseph County
Public Hearing Date:  4/21/2020

Requested Action:
The petitioner is requesting a zone change from R: Single Family District to C: Commercial District.

Land Uses and Zoning:
On site:  On outdoor advertising sign (billboard).
North:  Residentially zoned vacant land owned by the petitioner (PHM Schools).
East:  Residentially zoned vacant land owned by the petitioner (PHM Schools), then commercially zoned property.
South:  Residentially zoned vacant lots and a single family home.
West:  Industrially zoned property, including the Royal Excursion bus company.

District Uses and Development Standards:
The C: Commercial District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the C: Commercial District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses.

Site Plan Description:
Site plan includes a proposed fire station, parking lot, future maintenance building, and a relocated outdoor advertising sign (billboard) with landscaping trees.

Zoning and Land Use History and Trends:
Land use and trends in this area include industrial from the west and commercial from the east, meeting on this site makes logical sense.

Traffic and Transportation Considerations:
McKinley Highway (Old U.S. Route 20) is a five-lane highway, including a center-turn lane with suitable capacity.

Utilities:
Site will be served by public water and sewer system.

Agency Comments:
Engineering:
- Drainage and Runoff Storage will need to be designed per SJC Criteria. Proposed Drainage plans need to be included with Site Plan, but not required for rezoning.
Engineering recommends approval.

Surveyor: No issues. Recommends approval.
Commitments:
The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:
1. Comprehensive Plan:
   Policy Plan:
   Proposed use is consistent with and supportive of Goal 5: Provide adequate infrastructure and urban services.

   Land Use Plan:
   Future land use plan contemplates this area as an industrial growth area. A fire station is supportive of this goal.

   Plan Implementation/Other Plans:
   No other plans have been adopted for this area.

2. Current Conditions and Character:
   Current condition and character of current structures and uses in the area match the proposed use.

3. Most Desirable Use:
   A fire station is the most desirable use for this property.

4. Conservation of Property Values:
   Surrounding property values should not be adversely affected.

5. Responsible Development and Growth:
   It is responsible development and growth to allow a fire station in this location.

Combined Public Hearing
The petitioner is seeking the following variance(s):
1) from the requirement of “Type 2: full screening landscaping” along the north and east property lines to no landscaping
2) from the requirement of providing off-street parking area screening along the east line of the proposed parking to no screening as shown
3) from the requirement of foundation landscaping for the proposed maintenance building to no landscaping
4) from the requirement of a minimum of 200 feet linear spacing for an outdoor advertising sign from a residential district to a minimum of 90 feet and from the required minimum 100 feet radial spacing for an outdoor advertising signs from a residential district to a minimum of 90 feet
5) from the requirement of providing a minimum of one (1) loading dock to no loading dock

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;
(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property
Staff Comments:
The staff has no additional comments at this time.

Recommendation:
Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation.

Analysis:
This rezoning will allow this property the be a good transition between industrially zoned properties to the west and commercially zoned properties to the east.
PETITION FOR ZONE MAP AMENDMENT

Unincorporated St. Joseph County

I (we) the undersigned make application to the St. Joseph County Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
   
   Address: 12661 & 12641 McKinley Highway, Mishawaka, Indiana 46545

2) The property Tax Key Number(s) is/are: 014-1042-075101, 014-1042-075114,

3) Legal Description: A PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 4 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE CENTER MARKER OF SAID SECTION, TOWNSHIP AND RANGE; THENCE SOUTH 89°34'38" WEST ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION, A DISTANCE OF 1517.81 FEET MORE OR LESS TO THE EAST LINE OF PART OF LOT 2 OF "H. DEACON MINOR SUBDIVISION" AS RECORDED IN DOCUMENT NUMBER 9026129 IN THE OFFICE OF THE ST. JOSEPH COUNTY, INDIANA RECORDER; THENCE SOUTH 00°28'35" EAST ALONG SAID EAST LINE AND THE EAST LINE OF LOT 6 OF "EVERGREEN PLAZA MAJOR SUBDIVISION (SECTION ONE)" AS RECORDED IN DOCUMENT NUMBER 0820867 IN THE OFFICE OF THE ST. JOSEPH COUNTY, INDIANA RECORDER, A DISTANCE OF 1285.10 FEET MORE OR LESS TO THE POINT OF BEGINNING; THENCE NORTH 89°31'25" EAST, A DISTANCE OF 421.07 FEET MORE OR LESS; THENCE SOUTH 00°28'35" EAST, A DISTANCE OF 216.17 FEET MORE OR LESS; THENCE NORTH 89°31'25" EAST, A DISTANCE OF 303.52 FEET MORE OR LESS; THENCE SOUTH 00°21'32" EAST, A DISTANCE OF 116.73 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF MCKINLEY HIGHWAY; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 69°47'08" WEST (REC. SOUTH 70°00'19" WEST), A DISTANCE OF 769.57 FEET MORE OR LESS; THENCE NORTH 00°28'35" WEST AND ALONG THE EAST LINE LOT 2 AND LOT 6 OF SAID EVERGREEN PLAZA SUBDIVISION, A DISTANCE OF 592.80 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 6.19 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

4) Total Site Area: 6.19 Acres +/-

5) Name and address of property owner(s) of the petition site:
   
   Name: Penn Civil Township  Penn Harris Madison School Corporation
   Address: 210 East Russ Avenue   55900 Bittersweet Road
   City, State Zip Code: Both: Mishawaka, Indiana 46545
   Phone number with Area Code: 574-259-7941 & 574-256-6213
   E-Mail Address: N/A

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   
   Name: N/A
   Address
   City, State Zip Code
   Phone number with Area Code
   E-Mail Address

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:

   From: R SINGLE FAMILY DISTRICT L LIGHT INDUSTRIAL DISTRICT
   To: C COMMERCIAL DISTRICT

8) This rezoning is requested to allow the following use(s): Public Fire Station with training facility.
9) Provide a brief and descriptive narrative of the proposed project:

The petitioners desire to build a Public Township Fire Station with a training facility on a portion of the property facing McKinley Highway.

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

1) List each variance being requested. Contact Commission Staff if you need assistance.
   A). Requested Variances Parcels "A":
   1). From the requirement of Type 2 Landscaping along the north and east property lines to no landscaping.
   2). From the requirement of providing off-street parking area screening along the east line of the proposed parking bay to no screening as shown.
   3). From the requirement of foundation landscaping for the proposed maintenance building to no landscaping.
   4). From the requirement of a minimum of 200 ft. linear spacing for a Outdoor Advertising sign from a residential district to a minimum of 90 feet and from the required minimum 100 ft. radial spacing for a Outdoor Advertising sign from a residential district to a minimum of 90 ft.
   5). From the requirement of providing a minimum of one (1) loading dock for Parcel "A" to no loading dock.

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: The request for not having a Type 2 Landscape along the north and east property lines is due to the fact that the adjacent property is proposed to have future development have will require a commercial zoning classification. The development is being done with PHM School corp. which is also a petitioner for this project. Residential development is not going to happen on the PHM property. There is not a need for the intense screening requirement. The request for no off-street parking area screening along the east line of the parking bay which is adjacent to the PHM property is for the same reasoning as the first variance request, since the adjacent property will be developed for a commercial use and is owned by one of the petitioners for this request. There will be landscaping placed along the front of the parking bay as shown. The request for no foundation landscaping for the future Maintenance building is due to the proposed use and location of the structure. The building is utilitarian in nature and not used by the public. It is also located behind the fire station facility and not in direct view from the street. There is a landscape screen in front of the parking area which will provide a buffer between the building and the street. The request for no loading dock is because the proposed use is a Fire Station which does not have deliveries that require a loading dock. The variances for the Outdoor Advertising sign are just to move an existing sign to the east of its present location to remove any conflict with the fire station building.

   (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: This area has a mix of uses from residential to industrial in nature. The proposed fire station facility will be a benefit to the area and will allow for protection of the surrounding industrial, commercial and residential uses. This proposed use should not have a detrimental affect on surrounding properties.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The ordinance would require additional screening where none is needed due to the existing land uses adjacent to the site and proposed uses for this area. The intent of the ordinance was to create a buffer from higher intense uses and residential uses. The petitioner has complete control over the adjacent vacant land that is zoned residential, and no homes will be built on the property.
IF A SPECIAL USE IS BEING REQUESTED, (if not, please skip to next section):

1) The Special Use(s) being requested: N/A

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

   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:

   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein:

   (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:

   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan.

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

CONTACT PERSON:
Name: Michael Danch-Danch, Harner & Associates, Inc.
Address: 1643 Commerce Drive
City, State Zip Code: South Bend, Indiana 46628
Phone number with Area Code: 574-234-4003,
E-Mail Address: mdanch@danchharner.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 COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
May 19, 2020  Virtual Meeting
3:30 p.m.

MEMBERS PRESENT:
Dr. Jerry Thacker
John R. McNamara
Jason Lambright
Dan Caruso
Kirk Youell
Rachel Rawls
Adam DeVon

ALSO PRESENT:
Ryan Fellows
Shawn Klein
Samantha Keultjes
Mitch Heppenheimer

PUBLIC HEARINGS

Rezoning public hearings are canceled due to the COVID-19 pandemic

ITEMS NOT REQUIRING A PUBLIC HEARING

A. Miscellaneous
   1. Resolution of the Area Plan Commission of St. Joseph County, Indiana, appointing Ryan D. Fellows as the Interim Executive Director of the Area Plan Commission #R256-20

      After careful consideration, the following action was taken:

      Upon a motion by John McNamara, being seconded by Dan Caruso and unanimously carried, Resolution #256-20, appointing Ryan D. Fellows as the Interim Executive Director of the Area Plan Commission was approved.

   2. Selection of a new Executive Director of the Area Plan Commission

      The Executive Committee recommended the Abby Wiles be appointed the new Executive Director of the Area Plan Commission. However, no resolution was provided, therefore no vote was taken. The Commission members would be provided with the information of possible candidates and vote at the next Area Plan Commission meeting.

B. Executive Director's Report

      Ryan Fellows gave the Executive Director’s Report summarizing some of the upcoming plans for updating the Area Plan Commission Bylaws, Public Participation Plan, and Zoning Ordinance Text Amendments. He also discussed the possible need for a Special Meeting of the Area Plan Commission help spread out the postponed rezoning hearings.

C. Minutes
1. Approval of the Minutes from the February 18, 2020 meeting.

   After careful consideration, the following action was taken:

   Upon a motion by John McNamara, being seconded by Dan Caruso and unanimously carried, the
   minutes from the February 18, 2020 Area Plan Commission Meeting were approved.

D. Adjournment: 4:30 p.m.

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ADAM J. DEVON,
PRESIDENT OF THE COMMISSION

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RYAN D. FELLOWS,
INTERIM SECRETARY OF THE COMMISSION
THE AREA PLAN COMMISSION
OF ST. JOSEPH COUNTY, IN

MINUTES

May 26, 2020  Virtual Meeting
3:30 p.m.  Special Meeting

MEMBERS PRESENT:
Dr. Jerry Thacker
John R. McNamara
Dan Caruso
Kirk Youell
Rachel Rawls
Adam DeVon

ALSO PRESENT:
Ryan Fellows
Shawn Klein
Samantha Keultjes
Mitch Heppenheimer

ITEMS NOT REQUIRING A PUBLIC HEARING

A. Miscellaneous
1. Resolution 257-20: Appointing Abby Wiles as Executive Director of the Area Plan Commission

   After careful consideration, the following action was taken:

   Upon a motion by John McNamara, being seconded by Dr. Jerry Thacker and unanimously carried, Resolution 257-20, appointing Abby Wiles as the Executive Director of the Area Plan Commission was approved.

2. Resolution 258-20: Temporarily Increasing the Salary for the Interim Executive Director.

   An amendment needs to be made to change the title of “Planner” to “Senior Planner.”

   After careful consideration, the following action was taken:

   Upon a motion by John McNamara, being seconded by Dan Caruso and unanimously carried, the amendment to Resolution 258-20 was approved.

   Upon a motion by John McNamara, being seconded by Dan Caruso and unanimously carried, the amended Resolution 258-20 was approved.

B. Executive Director's Report

   Ryan Fellows gave the Executive Director’s Report explaining that a Special Meeting of the Area Plan Commission is going to be scheduled before the next regular scheduled meeting on June 16. An email will be sent out with more information to coordinate a day and time.

C. Minutes-None

D. Adjournment: 4:07 p.m.

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ADAM J. DEVON,
PRESIDENT OF THE COMMISSION

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RYAN D. FELLOWS,
INTERIM SECRETARY OF THE COMMISSION