AGENDA
Tuesday, June 16, 2020 - 3:30 p.m.

Join meeting in person:  Or join meeting by phone:
227 W. Jefferson Blvd.  Call: 312-626-6799
County-City Building  Meeting ID: 947 7855 2572
4th-Floor Council Chambers  Password: 423919

We ask for your help. Wear a face-covering when attending meeting in
person and using proper social distancing. Please do not enter the
Council Chamber until the agenda item you care about is called. You can
wait in the 4th floor hall or the 1st floor lobby until staff tells you your
petition is next to be heard. We ask for your patience and understanding.

PUBLIC HEARINGS:
1. Location: 13467 STATE ROAD 23 HWY and 13479 STATE ROAD 23
HWY and 1.7 ac lying and adjacent to 13479 STATE ROAD 23 HWY
Owner: Henry Hong Le; Patrick McGann
Requested Action: From R: Single Family District to O: Office District
Variance(s): 1) from the required rear yard landscaping screening to
utilizing the existing tree line and 2) from the required side yard
landscape screening to only the south 300’ of each line and utilizing
the existing beyond that. APC #2924-20

2. Location: 14304 STATE ROAD 23 HWY (0.49 acres +/-)
Owner: Mittal Properties LLC
Requested Action: From R: Single Family District to O: Office District
Variance(s): 1) from the minimum 21,780 sf lot area to 21503.48
sf and 2) from the required side and rear residential screening to
utilizing the existing trees. APC #2929-20

3. Location: 50935 SR 933, 50941 SR 933, and 50945 SR 933
Owner: Bholu Singh. Requested Action: From I: Industrial
District to C: Commercial District. APC #2932-20

4. Location: 26725 New Road (27.9 acres +/-)
Owner: STEVEN AND MELISSA WEISSER
Requested Action: From A: Agricultural District to PUD Planned
Unit Development District. APC #2926-20

5. Location: 54280 Bittersweet Road
Owner: KLINE CUSTOM HOMES
Requested Action: From A: Agricultural to R: Residential. APC
#2933-20
New Carlisle area (Olive Township) rezoning petition public hearings will not start until 4:30 (or later if the first 5 petitions take longer than 1 hour.)

Tuesday, June 16, 2020 - 4:30 p.m.

Join meeting in person: 227 W. Jefferson Blvd.  
County-City Building  
4th-Floor Council Chambers

Or join meeting by phone: Call: 312-626-6799  
Meeting ID: 947 7855 2572  
Password: 423919

Or join meeting via Zoom (click here)

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6. Location: 56000 Willow Road, 31751 Fillmore Road, vacant land Walton Road at Early Road, 31540 Fillmore Road, vacant land Fillmore Road at Walnut Road, 31443 Fillmore Road, and 31333 Fillmore Road (579.96 acres +/-)  
Owner: KENNETH E SEBASTY SR & ELAINE A SEBASTY; KENNETH E SEBASTY JR  
Requested Action: From A: Agricultural District to I: Industrial District.  
APC #2928-20

7. Location: 31000 Fillmore RD (152.58 acres +/-)  
Owner: Todd L Kaminski, Jill F. Oudhuis, and Tim V. Kaminski  
Requested Action: From A: Agricultural District to I: Industrial District.  
APC #2930-20

8. Location: 30750 Edison RD, 31000 Early RD, 31000 SR 2, & 30750 SR 2 (708 acres +/-)  
Owner: KENNETH E SEBASTY JR; KENNETH E SEBASTY SR & ELAINE A SEBASTY  
Requested Action: From A: Agricultural District to I: Industrial District.  
APC #2931-20

ITEMS NOT REQUIRING A PUBLIC HEARING:
A. Miscellaneous  
1. Resolution No. 259-20 - Clarification of Start Date for Abby Wiles
B. Executive Director’s Report
C. Minutes  
1. Approval of the Minutes from the June 9, 2020 meeting.
D. Adjournment
APC #   2924-20
Petitioner:  Henry Hong Le
Location:  13467 STATE ROAD 23 HWY and 13479 STATE ROAD 23 HWY and 1.7 ac lying and adjacent to 13479 STATE ROAD 23 HWY
Jurisdiction:  St. Joseph County
Public Hearing Date:  6/16/2020

Requested Action:
The petitioner is requesting a zone change from R: Single Family District to O: Office District

Land Uses and Zoning:
On site: Two single family homes are on site currently.
North: Single family homes zoned R Single Family District.
East: Single family homes zoned R Single Family District and commercial/office uses zoned C Commercial District and O Office District.
South: Single family homes zoned R Single Family District and an office zoned OB Office Buffer District.
West: Single family homes zoned R Single Family District.

District Uses and Development Standards:
The intent of the O: Office District is to provide specific areas where only certain limited offices and businesses may be developed. Since the district excludes retail and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas, it may serve as a buffer between residential areas and commercial developments. The O: Office District is expressly intended to be limited to the area in association with commercial areas, and the intersection of certain arterial streets, where a gradual transition from residential uses should occur, with other arterial and collector streets. O: Office uses and buildings shall be compatible in architectural type and style with adjacent residential uses and structures.

Site Plan Description:
Veterinary Clinic proposed building of 8,000 square feet, with future addition of 4,000 square feet. Ample parking lot of 67 parking spaces including handicap accessible spaces shown. Existing driveway to be removed with a new driveway to be added. Adequate foundation landscaping and trash enclosure screening shown.

Zoning and Land Use History and Trends:
SR 23 in this area has historically been residential between South Bend and the core of Granger, but over time more properties have been rezoned to commercial and office uses, such as across the street with a rezoning to OB Office Buffer in 2016, a C Commercial District rezoning in 2006, and an O Office District rezoning in 2016/2018.

Traffic and Transportation Considerations:
SR 23 has four lanes and a center turn lane. It provides adequate traffic capacity.

Utilities:
Proposed well will need to be on a parking island to observe required commercial well setbacks. Municipal sewer service extension is proposed and will be paid for by petitioner to provide sewer service.

Agency Comments:
Engineering: Access from SR 23 will require INDOT approval and drainage and runoff storage will need to be designed per SJC Criteria. Calculations will need to be provided with final site plan.

Health: The expansion of the Granger Sewer system must be in action for a site plan to be considered without on-site sewage system. Alternatively, the applicant could begin the process of obtaining the proper information required for on-site sewage system sizing. Sewer connection is not currently available. Possibility of future sewer expansion is not currently under consideration by RWSD. Proposed well is shown in the middle of a the parking lot. Well location must meet all setbacks in State/County Codes.

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 petition is consistent with the Comprehensive Plan for South Bend and Saint Joseph County Indiana (2002), Goal 2, Objective B: "Locate employment uses in such a manner that conflicts with residential land uses are minimized."

   Land Use Plan:
   The future land use map identifies the area as residential.

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

2. Current Conditions and Character:
   SR 23 has predominately been a residential corridor, however the expansion of the road has weakened the residential value of the corridor. Several properties have rezoned to a district that allows for office or commercial uses nearby within the last few years.

3. Most Desirable Use:
   The most desirable use of this property is to take advantage of the high traffic capacity of SR 23 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 allow office uses along major corridors.

Combined Public Hearing
The petitioner is seeking the following variance(s):
   1) from the required rear yard landscaping screening to utilizing the existing tree line
   2) from the required side yard landscape screening to only the south 300' of each line and utilizing the existing beyond that

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 existing tree line already provides adequate screening to neighboring homes, which already have a substantial distance from their own lot lines.

(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 existing and proposed screening should adequately protect neighboring properties.

(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 unusual depth of the surrounding properties and the existing vegetative screening.

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

Recommendation:
Bicycle parking not shown on site plan, but is required and no variance is sought. 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:
This rezoning will allow this property to be adopted into a use more suitable for its location and provide a buffer between a highly-traveled five-lane highway and the residential properties around it.
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:
   13463, 13479 State Road 23 and 1.7 ac lying and adjacent to 13479 State Road 23
   
   Granger, Indiana 46530

2) The property Tax Key Number(s) is/are:  006-1004-002916, 006-1004-002914 & 006-1004-002915

3) Legal Description:
   Part of the Northeast Quarter of Section 13, Township 38 North, Range 3 East, Harris Township St. Joseph County, Indiana being that 6.02 acre parcel surveyed by Lang, Feeney & Associates, Inc. Terance D. Lang, Indiana Professional Surveyor No. 80040523 and shown on a site plan of that survey certified on January 31, 2020 (all monuments referenced herein are set or found on the aforesaid Lang survey), being more particularly described as follows:
   Commencing at the northwest corner of said Northeast Quarter; thence South 00°00'00" East along the west line of said Northeast Quarter, a distance of 1168.85 feet to the point of beginning; thence South 89°55'07" East, a distance of 183.69 feet to a 5/8" rebar iron found, said point being on the west line of Lot 3 as shown on the recorded plat in the Office of the St. Joseph County, Indiana in Plat Book 29, Page C; thence North 00°00'00" West along said west line, a distance of 152.22 feet to a 5/8" rebar iron set with Lang Feeney S0513 S0309 cap; thence North 89°32'29" East along the north line of said Lot 3, a distance of 217.67 feet to a ¾" open top iron found; thence South 00°04'48" East along the east line of said Lot 3, a distance of 584.55 feet to a point on the north right-of-way line of State Road 23; thence South 55°22'31" West along said right-of-way line, a distance of 488.72 feet; thence North 00°00'00" West, a distance of 708.53 feet to the point of beginning.

4) Total Site Area:  6.02 acres

5) Name and address of property owner(s) of the petition site:
   Patrick McGann
   2313 E Edison Road
   South Bend, Indiana 46615

   Henry Hong Le
   13463 State Road 23
   Granger, Indiana 46530

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   Jessica Murphy
   14391 Taddington Drive
   Granger, Indiana 46530
   574-993-3342
   JKryder574@aol.com

   Name and address of additional property owners, if applicable:
   Stephanie Harr
   '66894 Hess Road
   Edwardsburg, Mi 49112
   574-220-8481
   K9DrHarr@yahoo.com

7) It is desired and requested that this property be rezoned:
8) This rezoning is requested to allow the following use(s): Veterinary Clinic

9) Provide a brief and descriptive narrative of the proposed project:
The Kryder Veterinary Clinic located at 12355 Adams Road, Granger has had great success serving the community for their small pet needs. With this success, they have outgrown the current facility. The current location is also shared with a few medical buildings that have the potential for growth as well. With this in mind, they wish relocate and build a new facility while staying within the current community. This site shall have an independent drive and drainage facility. They wish to connect to the sanitary sewer servicing the Granger Area. The lot shall have ample room for a private well and future expansion need. The business shall remain as a small pet facility.

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

1) A variance from the require rear yard landscaping screening to utilizing the existing tree line
   A variance from the required side yard landscape screening to only the south 300' of each line and utilizing the existing beyond that.

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: All construction shall comply to required standards.
   (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 is mix of small business and residential. Proposed construction shall follow the continuity of the area.
   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the owners the most applicable use of their property.

IF A SPECIAL USE IS BEING REQUESTED, (if not, please skip to next section):
1) The Special Use(s) being requested: None

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: 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
   (c) The proposed use is compatible with the recommendations of the Comprehensive Plan. N/a
CONTACT PERSON:
   Lang, Feeney & Associates, Inc.
   715 South Michigan Street
   South Bend, Indiana 46601
   574-233-1841
   Terry@LangFeeney.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):

X

Patrick McGann
CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.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):

X

Henry Hong Le
APC #   2929-20
Petitioner:  Mittal Properties LLC
Location:  14304 STATE ROAD 23 HWY
Jurisdiction:  St. Joseph County
Public Hearing Date:  6/16/2020

Requested Action:
The petitioner is requesting a zone change from R: Single Family District to O: Office District

Land Uses and Zoning:
- On site: A single family home zoned R: Single Family District
- North: A single family home zoned R: Single Family District
- East: A single family home zoned R: Single Family District
- South: A single family home zoned R: Single Family District
- West: A single family home zoned R: Single Family District

District Uses and Development Standards:
The intent of the O: Office District is to provide specific areas where only certain limited offices and businesses may be developed. Since the district excludes retail and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas, it may serve as a buffer between residential areas and commercial developments. The O: Office District is expressly intended to be limited to the area in association with commercial areas, and the intersection of certain arterial streets, where a gradual transition from residential uses should occur, with other arterial and collector streets. O: Office uses and buildings shall be compatible in architectural type and style with adjacent residential uses and structures.

Site Plan Description:
Site plan shows existing house converted to doctor's office use. Landscaping shown.

Zoning and Land Use History and Trends:
Historically this area has been residential. In 2004 and in 2005 the neighboring property to the northeast petitioned for rezoning and failed, but since that time SR 23 has increased from two lanes to five lanes and other properties in the corridor have been rezoned to office/ buffer, office, business, and commercial.

Traffic and Transportation Considerations:
SR 23 is now five lanes, including a center turn lane.

Utilities:
Existing well and septic systems.

Agency Comments:

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 petition is consistent with the Comprehensive Plan for South Bend and Saint Joseph County Indiana (2002), Goal 2, Objective B: "Locate employment uses in such a manner that conflicts with residential land uses are minimized."
Land Use Plan:  
The future land use map identifies the area as residential.

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

2. Current Conditions and Character:  
SR 23 has predominately been a residential corridor, however the expansion of the road has weakened the residential value of the corridor. Several properties have rezoned to a district that allows for office or commercial uses nearby within the last few years.

3. Most Desirable Use:  
The most desirable use of this property is to take advantage of the high traffic capacity of SR 23 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 allow office uses along major corridors.

Combined Public Hearing

The petitioner is seeking the following variance(s):  
1) from the minimum 21,780 sf lot area to 21503.48 sf  
2) from the required side and rear residential screening to utilizing the existing trees

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:  
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 to be adopted into a use more suitable for its location and provide a buffer between a highly-traveled five-lane highway and the residential properties around it.
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:
   14304 State Road 23
   Granger, Indiana 46530

2) The property Tax Key Number(s) is/are:  006-1005-004801

3) Legal Description: Part of the Southeast Quarter (1/4) of Section Fourteen (14), in Township Thirty-eight (38) North, Range Three (3) East, bounded by a line running as follows, viz: Beginning at a point 1703.6 feet West and 20 feet North of the southeast corner of said Section 14; thence North 266.5 feet to an iron stake and the point of beginning of the land herein described; thence East 200 feet to a point 288 feet North of the South line of said Section 14; thence North 188.5 feet to the Southerly line of Edwardsburg Highway (State Road #23); thence Southwesterly along the Southerly line said Edwardsburg Highway, 277.0 feet; thence Southeasterly 70.6 feet to the place of beginning, in St. Joseph County, Indiana. Subject to legal highways.

4) Total Site Area: 0.49 ac

5) Name and address of property owner(s) of the petition site:
   Mittal Properties LLC
   51216 Leeward Point
   Granger, Indiana 46530
   574-215-485-7914
   SonalDhuper@gmail.com

   Name and address of additional property owners, if applicable:

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

   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
   Additional zoning district, if applicable
   To: O OFFICE DISTRICT

8) This rezoning is requested to allow the following use(s): convert a house into a doctors office.

9) Provide a brief and descriptive narrative of the proposed project:

   The new Owners wish to remodel the existing house into a doctors office. Provide additional parking and handicap ramp for access. They shall utilize the existing curb cut/driveway.
IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) A variance from the minimum 21780 sf lot area to 21503.48 sf.
   A variance from the required side and rear residential screening to utilizing the existing trees.

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: All construction shall comply with required standards.

   (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 rezoning to O Office is keeping with the genral continuity with the area.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the owers the most applicable use of their 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: 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 Comprehensive Plan. N/a

* 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:
Lang Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com
CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.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 BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

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

Sonal Dhuper

X Mittal Properties LLC

(print name) Sonal Dhuper

-FILED-
MAR 24 2020
AREA PLAN COMMISSION
Application #2924-20
APC #   2932-20
Petitioner:  Bhola Singh
Location:  50935 SR 933, 50941 SR 933, and 50945 SR 933
Jurisdiction:  St. Joseph County
Public Hearing Date:  6/16/2020

Requested Action:

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

Land Uses and Zoning:

On site:  Point Blank Tattoo & Body and Cobra Systems, LLC truck accessories store zoned I: Industrial District
North:  Clayview Animal Clinic - zoned C: Commercial District
East:  Dale's Auto Sales - zoned C: Commercial District
South:  Council Oak Antiques - zoned C: Commercial District
West:  Single family homes - zoned B: Business District

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 shows a liquor store and liquor warehouse.

Zoning and Land Use History and Trends:

SR 933 has been a commercial corridor for a long time. Subject properties were rezoning to industrial in 1981 over the objection of the Area Plan Commission staff and against the board's recommendation, to allow for marina sales. After the marina sales use it has had various commercial uses.

Traffic and Transportation Considerations:

SR 933 (Old US Route 33) is a five lane highway, including a center turn lane, with amble capacity.

Utilities:

Agency Comments:

Commitments:

No written commitments are being proposed.

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

1. Comprehensive Plan:

Policy Plan:
Rezoning these properties is consistent with the Comprehensive Plan's Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area.
Land Use Plan:
The 2002 Comprehensive Plan land use plan does not contemplate anything changing in this area.

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

2. Current Conditions and Character:
Current conditions and character of the current structures and uses is consistent with commercial use in this area.

3. Most Desirable Use:
Commercial use in this area is the most desirable use.

4. Conservation of Property Values:
Commercial use of these properties will conserve property values.

5. Responsible Development and Growth:
Commercial use in the corridor represents responsible development and growth.

Staff Comments:
Recommendation:
Staff recommends approval of this rezoning request.

Analysis:
Rezoning these properties is consistent with the Comprehensive Plan's Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area.
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: 
   50921SR933, South Bend IN 46637

2) The property Tax Key Number(s) is/are: 
   71-03-12-357-014.000-003 
   71-03-12-357-013.000-003 
   71-03-12-357-010.000-003 
   71-03-12-357-011.000-003 
   71-03-12-357-12.000-003

3) Legal Description: Commercial Relestate

4) Total Site Area: .75 Acreage

5) Name and address of property owner(s) of the petition site: 
   Bhola Singh 
   7106 Grape Road 
   Granger IN 46530 
   269-506-3085 
   turnainc@yahoo.com

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable: 
   Not Applicable

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:
   From: I INDUSTRIAL DISTRICT  Additional zoning district, if applicable
   To: C COMMERCIAL DISTRICT

8) This rezoning is requested to allow the following use(s): Warehousing and Liquor Store

9) Provide a brief and descriptive narrative of the proposed project: 
   This property was used for warehouse and commerical use before we bought the property. We are using the existing buildings with some improvements to use for warehousing and liquor store use.

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

1) NA

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:  \( NA \)

(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:  \( NA \)

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

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:  \( N/A \)

   (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 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:

\( Chad Harper \)
327 W Marion Street
South Bend, IN 46601
547-536-2709
chad@pennwrestling.org

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):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
APC # 2926-20
Petitioner: STEVEN AND MELISSA WEISSER
Location: 26725 New Road
Jurisdiction: St. Joseph County
Public Hearing Date: 4/21/2020

Requested Action:
The petitioner is requesting a zone change from A: Agricultural District to PUD Planned Unit Development District

Land Uses and Zoning:
On site: A single family home, barn with horses, and woods.
North: Agriculturally zoned woods.
East: Agriculturally zoned single family home and field.
South: Potato Creek State Park.
West: Agriculturally zoned single family home and woods.

District Uses and Development Standards:
The Planned Unit Development (PUD) District is intended to: establish a compatible and efficient mix of land uses and open space; ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs; establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style; achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and provide for any individual land or combination of land uses not otherwise specified elsewhere in this Ordinance. The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Exception Uses which are provided for within any district of this Ordinance. The PUD District is not intended for developments seeking relief from developments standards within a district in which the use is permitted.

Site Plan Description:
Site plan includes, single family home, wedding venue barn, woods, horse pasture, parking, and room for a future horse barn and for parking expansion.

Zoning and Land Use History and Trends:
Land use in area has been agricultural. The trend has been an increase in farmers providing agriculturally themed experiences, including special event venues.

Traffic and Transportation Considerations:
New Road is a two-lane road in good condition, with relatively low traffic counts.

Utilities:
Site is on well and septic.

Agency Comments:
Engineering:
· Drainage and Runoff Storage will need to be designed per SJC Criteria.
Calculations will need to be provided with final site plan, but not needed for rezoning approval.
Any additional access onto New Road will require approval and will need to meet SJC Engineering Standards. An Accel/Decel Lane was considered but determined to be unneeded due to low traffic counts.
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:
   The petition is consistent with Goal 1: Alleviate and minimize the loss of agricultural land.
   Land Use Plan:
   The petition is consistent with continued use as mostly woods in an agricultural setting. The purpose of the venue is to supplant that use.

2. Current Conditions and Character:
   Current condition and character of current structures and uses in a PUD Planned Unit Development District influenced by the A Agricultural District match the proposed use.

3. Most Desirable Use:
   The most desirable use for the land is to continue its agricultural/woods setting and adding an agriculturally themed venue works in support of this goal.

4. Conservation of Property Values:
   With existing wooded screening the surrounding property values should not be adversely affected.

5. Responsible Development and Growth:
   It is responsible development and growth to allow a PUD that is themed on agricultural use.

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 to keep its wooded, rural character, but also allow for an agriculturally themed experiences.
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
(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: N/A

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

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: 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 Comprehensive Plan. N/A

* 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:
Steven & Melissa Weisser
26725 New Road
North Liberty, IN 46554
(574) 309-1396
stevenweisser@yahoo.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):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
Introduction

The Petitioners, Steven J. and Melissa A. Weisser, requests the rezoning of 27.9 acres from the “A” – Agricultural District to the PUD classification to provide for a commercial development including but not limited to the following uses; agricultural use; a seasonal banquet and events facility; single-family residential; and permitted accessory uses.

1.Intent: Silver Arrow barn is an existing and fully functioning farmstead. The rezoning of the property will allow the existing agricultural focus of the farm to continue but with a commercial component, as well. The Owner’s vision is to repurpose the existing large barn, built with Timber and Beam construction, into a banquet and events facility, seasonal for now with the potential of year-round operations in the future. The barn would host events, such as weddings, reunions, and meetings for the public. A portion of the barn will be set up as a History Exhibition to offer visitors the ability to see historically methods used for timber and beam construction. The NE corner of the site would be established as a garden area for outdoor wedding ceremonies and nature trails through an Indiana Department of Natural Resources designated classified forest and wildlands program. Temporary seating would be provided for this function. The existing house will remain as a permanent residence, but its use over time
may evolve into a bed and breakfast. Accessory buildings onsite and the grounds and other natural areas would be maintained to support these uses.

A. Permitted Uses:
   1. Primary Uses:
      a. Opening a banquet & Events Facility. Seasonal for now with the potential of year-round operations in the future.
      b. Agricultural use
      c. Single-family Dwelling with permitted Accessory Uses
   2. Secondary Uses:
      b. Agricultural Educational Programs, nature trails and Gardening
      c. Classified Forest and Wildlands program with DNR

B. Development Standards.
   1. Minimum Lot Area: 1,215,324 square feet.
   3. Minimum Yards and Building Setbacks:
      a. We will be following agricultural district setbacks, Front yard and building setback 40’ from right-of-way, Side yard and building setback 30’ feet from lot line, and Rear yard and building setback 30’ feet from lot line.
   4. Floor Area Ratio: 1.0
   5. Maximum Building Height: 70 feet.
      a. Gross floor area is 2140 sq. feet.
   6. Location of private well and Septic location: Private wells located a minimum of 125 feet away from septic drain fields. New septic system approved by State of Indiana commercial requirements.
   7. Landscaping: Existing tree preservation and use of open space complying with current ordinances.
   8. Lighting: Event parking lot lighting will be provided consisting of utility exterior fixtures mounted on utility poles combined with solar lighting. These fixtures would be used only during the events and would not be on during any other time. Cutoff for the venue is midnight.
   9. Signs: One on-premise, free standing monument type sign, where:
      a. The sign does not exceed 64 square feet in area;
      b. The top of the sign does not exceed six feet above ground; and
      c. The sign meets the setback requirements of 154.380.
   9. Off-Street Parking: Parking shall be provided for in a surface parking area located east of the existing drive.
      a. 100 parking spaces in unpaved gravel surface parking area located east of the exiting drive and south of the field line.
      b. 3 accessible parking spaces located south of the Existing barn.
      c. Drainage calculations will account for improvements on the site plan at the southern portion of the property per SJC standards.
   10. Off-Street Loading:
a. Not required.

PROPERTY DESCRIPTION: (PROPOSED P.U.D.)

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.

PROPERTY ADDRESS: 26725 NEW ROAD
NORTH LIBERTY, IN 46554

OWNERS/PETITIONERS: STEVEN J. & MELISSA A. WEISSER
26725 NEW ROAD
NORTH LIBERTY, IN 46554

CURRENT ZONING: “A” AGRICULTURAL DISTRICT

PROPOSED ZONING: (PUD) PLANNED UNIT DEVELOPMENT
Petitioner: KLINE CUSTOM HOMES INC
Location: 54280 BITTERSWEET RD
Jurisdiction: St. Joseph County
Public Hearing Date: 6/16/2020

Requested Action:
The petitioner is requesting a zone change from A: Agricultural District to R: Single Family District

Land Uses and Zoning:
On site: Farmland and woods zoned A: Agricultural District
North: Farmland and woods zoned A: Agricultural District
East: Farmland zoned A: Agricultural District
South: Willow Creek and then single family homes zoned R: Single Family District
West: Farmland and single family homes zoned A: Agricultural District

District Uses and Development Standards:
The R: Single Family Districts are established to protect, promote and maintain the development of single family dwellings as well as provide for other limited residential, public and institutional uses that are compatible with residential development located at the periphery of an urban area.

Site Plan Description:
No site plan submitted, but a subdivision of several single family homes intended.

Zoning and Land Use History and Trends:
In 1979, this area was included in a rezoning that consisted of 300 square miles of St. Joseph County to a new intensive A: Agricultural District. The goal of this rezoning was to preserve land of high agricultural importance and discourage development where public services such as sewer and water were not available, and would not be in the long term

Traffic and Transportation Considerations:
Bittersweet is a two lane paved country road with no shoulders.

Utilities:
Well and septic would need to be installed

Agency Comments:

Commitments:
The petitioner is not proposing any written commitments at this time.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:
1. Comprehensive Plan:

Policy Plan:
This petition is not consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 1: Alleviate and minimize the loss of agricultural land. The petition is also inconsistent with Goal 1, Objective A: Minimize the amount of new development in areas with high agricultural importance. The petition is also inconsistent with Goal 1, Objective A, Policy iii: Direct public utility investment away from areas designated as being of high agricultural importance, including the Rennselaer-Gilford-Maumee soil association, which is featured at this site.
Land Use Plan:
The land use plan of the 2002 Comprehensive Plan contemplates leaving the land use as is.

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

2. Current Conditions and Character:

3. Most Desirable Use:
The most desired use of this land is to remain agricultural.

4. Conservation of Property Values:
Leaving the land agricultural will conserve property values.

5. Responsible Development and Growth:
It is responsible development and growth to protect agricultural uses as outlined on the Comprehensive Plan and the 1979 St. Joseph County agricultural preservation program. Preserving prime farmland is essential for protecting the success of St. Joseph County's agricultural community and we should guide growth where suitable infrastructure can be provided.

Staff Comments:
In 1979, St. Joseph County rezoned 300 square miles of the County to a new intensive Agricultural Zoning District. The intent of this new district was to strongly enforce the preservation of agricultural land in St. Joseph County. Agricultural land is a natural resource that must be protected to meet the food needs of not only Indiana, but the entire Country. The plan highlights the issues of allowing suburban sprawl to infiltrate into agricultural areas, including: 1) increases in the County's burden to provide services (fire, police, schools, and roads); 2) non-farm complaints of odors, chemical spraying, fertilizing, and night farming could interrupt farm operations; and 3) scattered residential sites fragment economic farming tracts thereby causing land to be taken out of production.

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

Analysis:
Agricultural areas have economic importance that must be preserved. Allowing this kind of development is inconsistent with the objectives in the Comprehensive Plan for South Bend and St. Joseph County, Indiana and with the intent of the 1979 agricultural zoning modifications. This area is shown as being of high agricultural importance, and development must do everything possible to minimize the impact on agricultural land when utilities are generally not available.
LETTER OF TRANSMITTAL

TO: St Joseph County Area PC
227 W. Jefferson Blvd
County-City Building, 11th Floor
South Bend, IN 46601

DATE: May 4, 2020 JOB NO.: 20-0559

RE: Kline Custom Homes
Bittersweet Road
Rezoning Petition

ATTN: Shawn Kline

WE ARE SENDING YOU:

☐ Contract / Agreement ☐ Prints / Plans ☐ Shop Drawings
☐ Change Order ☐ Specifications

COPIES DATE DESCRIPTION
2 Rezoning Petition

1 5/4/2020 Check # 23852 Filing Fees payable to Area Plan Commission - $200

1 5/4/2020 Check # 23853 Filing Fees payable to St. Joseph County Council - $10

THESE ARE TRANSMITTED as checked below:

☐ For Review & Comment ☑ For Your Use ☐ As Requested
☐ Approved as Submitted ☐ Approved as Noted ☐ Returned for Corrections
☐ For Bids Due:

REMARKS:

COPY TO:

SIGNED: ____________________________

If enclosures are not as noted, kindly notify us at once.
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:
   Vacant Land on the East Side of Bittersweet Road between 54310 & 54260 Bittersweet Road
   Mishawaka, IN 46545

2) The property Tax Key Number(s) is/are: 014-1062-1289

3) Legal Description: Part of the Southwest Quarter of the Northeast Quarter of Section 31, Township 38 North, Range 4 East, described as beginning at a point 205 feet East and 490.34 feet North of the center of said Section 31, which point is in the center of a ditch; thence North, parallel with the North and South centerline of said Section 31 a distance of 573.66 feet; thence West, parallel with the East and West centerline of said Section 31 a distance of 175 feet to the East line of Bittersweet Road; thence North, along the East line of Bittersweet Road, a distance of 165 feet; thence East, parallel with the East and West centerline of said Section 31, a distance of 175 feet; thence North, parallel with the North and South centerline of said Section 31, a distance of 101.9 feet to the North line of the Southwest Quarter of the Northeast Quarter of said Section 31; thence East, along the North line of said Quarter Quarter Section, 1105.45 feet to the Northeast corner of said Quarter Quarter Section; thence South, along the East line of said Quarter Quarter Section, a distance of 842 feet to the center of the ditch hereinabove referred to thence Westerly; along the center of said ditch, a distance of 1108.78 feet to the point of beginning.

4) Total Site Area: 21.98 acres

5) Name and address of property owner(s) of the petition site:
   Kline Custom Homes
   12200 Adams Road
   Granger, IN 46530
   Phone number with Area Code
   todd.klinecustomhomes@gmail.com

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   Name
   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: A AGRICULTURAL DISTRICT Additional zoning district, if applicable
   To: R SINGLE FAMILY DISTRICT

8) This rezoning is requested to allow the following use(s): Single family homes

9) Provide a brief and descriptive narrative of the proposed project:
   The property is requesting be rezoned to allow for the development of a single-family home subdivision.
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.

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 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 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 petition addresses this criteria*

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

1) The Special Use(s) being requested:  *Insert text*

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 Use 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 Use 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 Use petition addresses this criteria*

   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan.  *Please explain how your Special Use 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:

*Mike Huber, Abonmarche Consultants
750 Lincolnway East
South Bend, IN 46601
5743474610
mhuber@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 COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

______________________________
Petitioner: KENNETH E SEBASTY SR & ELAINE A SEBASTY
Location: 56000 Willow Road, 31751 Fillmore Road, vacant land Walnut Road at Early Road, 31540 Fillmore Road, vacant land Fillmore Road at Walnut Road, 31443 Fillmore Road, and 31333 Fillmore Road
Jurisdiction: St. Joseph County
Public Hearing Date: 4/21/2020
Requested Action: The petitioner is requesting a zone change from A: Agricultural District to I: Industrial District.

Land Uses and Zoning:
- **On site:** Agriculturally zoned farmland with some woods and wetlands, plus three single family homes and a county drain.
- **North:** Agriculturally zoned farmland and industrially zoned wooded wetlands and farmland. And further north is the industrially zoned Tejas Tubular, I/N Tek, Airgas USA LLC, AEP Elderberry Station, and the water treatment plant.
- **East:** Agriculturally zoned farmland and industrially zoned R+L Carriers.
- **South:** Agriculturally zoned farmland and the industrially zoned Navistar Proving Grounds.
- **West:** Agriculturally zoned farmland, woods, and wetlands.

District Uses and Development Standards:
The I: Industrial District is established to provide for development of industrial uses. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require substantial screening to protect the surrounding properties from potential negative impacts. The permitted uses provided for in this district should be separated from residential districts with adequate setbacks and screening.

Site Plan Description:
The site plan does not contemplate a specific use. But it does contemplate Fillmore Road leading to Larrison Blvd as the presumed site entrance corridor.

Zoning and Land Use History and Trends:
This area has a long standing history of land use pairing industrial and natural land uses, for example, Studebaker test rack (now the Navistar Proving Grounds) and Bendix Woods. The R+L Carriers property was zoned industrial in the mid-1990's, but only about half of it is improved. The Tejas Tubular site and Smith Ready Mix are similarly only about half improved.

Traffic and Transportation Considerations:
Fillmore Road leading to Larrison Blvd as the presumed site entrance corridor serves as good transportation planning, taking advantage of previously invested road infrastructure.

Utilities:
No use is contemplated at this time. Municipal water and sewer services are in the area.

Agency Comments:
Engineering:
· Any improvements/construction to the properties must meet Drainage and Runoff Storage will need to be designed per SJC Criteria. Calculations and plan would be submitted with a specific site plan, but is not required for rezoning.
· Access onto SJC Right-of-way will need to be coordinated with SJC-IP&G Division of Engineering. Any access onto a state highway would need to be approved by INDOT.
Surveyor: Notes presence of county drain.

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 2002 Comprehensive Plan was approved with several competing goals. The proposed rezoning is at odds with Goal 1, "alleviate and minimize the loss of agricultural land." Goal 1, Objective A is to "minimize the amount of new development in areas with high agricultural importance." To achieve this objective the Plan includes three policies, none of which are applicable to this situation at this time. Objective B and its policies likewise do not apply in this situation.

The proposed rezoning is supportive of Goal 2, "encourage the economic development of the county and its municipalities." This includes Objective A, "ensure that suitable areas are available for future industrial development," Objective B: "locate employment uses in such a manner that conflicts with residential land uses are minimized," and Objective C: "develop quality business areas to meet the retail and service needs of the planning area."

Goal 4, "preserve and protect the natural environment," specifically Objective A: "discourage development in environmentally sensitive areas," however, cannot be reconciled with the rezoning the wetlands of the petition properties.

Land Use Plan:
The property requested for rezoning is further west than the land use plan map contemplates for industrial growth. Please note that the land use plan map is a guide, and is not meant to be exact.

Plan Implementation/Other Plans:
In 2016, the Area Plan Commission approved a resolution supporting the most recent expansion of the New Carlisle Economic Development Area (NC EDA) Tax Increment Financing (TIF) district area including the area of this petition. The APC Resolution stated the NC EDA TIF plan "conform[ed] to the plan of development for the county."
Further, the APC stated in the resolution that the TIF plan is, "in all respects approved, ratified, and confirmed."

2. Current Conditions and Character:
Current conditions and character of current structures is agricultural in nature.

3. Most Desirable Use:
The investment of infrastructure in this area makes it highly desirable for industrial development; however, the need to keep wetlands serving their essential purpose means the wetlands need to stay, even if the rest of the property is suitable for development.

4. Conservation of Property Values:
With suitable landscaping buffering as required by the development standards of the I: Industrial District, property values should not be adversely affected.

5. Responsible Development and Growth:
Over the past several decades, investment in infrastructure for road and rail transportation, water and sewer capacity, electricity, telecommunications, and other investments have prepared this area for industrial growth. Economic development parties in the area have repeatedly gone through public review processes first establishing and then expanding in phases the NC EDA TIF districts, plus they have drafted a proposed area management plan. This demonstrates responsible development and growth.

Staff Comments:
Recommendation:
1) This is one of the most consequential decisions the Commission will advise the County Council on. The current COVID-19 pandemic conditions do not allow adequate opportunity for public input and deliberation. Also note that this rezoning petition is the first in a series of petitions contemplating industrial zoning for agricultural land in this area. A holistic review of these petitions is advisable. For all of these reasons staff recommends this petition be tabled.

2) Given the evidence and reasoning noted above and below, prior to hearing public comment on this issue, staff recommends approving the rezoning petition for the non-wetland portion only. Staff recommends land designated on the US FWS National Wetlands Inventory (NWI) map as wetland (highlighted in light purple on the attached map) should not be rezoned. (Please note, the northern portion of wetland on subject properties has been contemplated for rail and drainage infrastructure improvements, which would still be permitted in agriculturally zoned land so long as wetland regulations are followed.)

3) The staff report recommendation is being made before public input is received. The recommendation may change based public input.

Analysis:
Rezoning the non-wetland portion of the petitioner's properties will support the County's long standing economic development goals. And not allowing the wetlands to be rezoned will support the County's long standing goal to preserve and protect the natural environment, as well as allow parts of this property to keep its wooded, rural character. Wetlands serve as a natural filter to allow rainwater to return to the aquifer.
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:

- 56000 Willow Road, New Carlisle, IN 46552
- 31751 Fillmore Road, New Carlisle, IN 46552
- Vacant Land Early Road, New Carlisle, IN 46552
- 31540 Fillmore Road, New Carlisle, IN 46552
- Vacant Land Fillmore Road, New Carlisle, IN 46552
- 31443 Fillmore Road, New Carlisle, IN 46552
- 31333 Fillmore Road, New Carlisle, IN 46552

2) The property Tax Key Number(s) is/are: Enter property tax key number(s)

- 71-06-12-100-001.000-017
- 71-06-01-300-002.000-017
- 71-06-01-100-002.000-017
- 71-06-12-100-005.000-017
- 71-06-01-400-003.000-017
- 71-06-01-400-001.000-017
- 71-06-01-400-002.000-017

3) Legal Description: A part of the Southwest Quarter, Southeast Quarter, and Northwest Quarter of Section 1, Township 37 North, Range 1 West,
and
A part of the Northwest Quarter and Northeast Quarter of Section 12, Township 37 North, Range 1 West

4) Total Site Area: 579.96 / Acres

5) Name and address of property owner(s) of the petition site:
Kenneth E. Sebasty, Sr. & Elaine A. Sebasty
P.O. Box 178
New Carlisle, IN 46552
574-654-7294

Name and address of additional property owners, if applicable:
Kenneth E. Sebasty, Jr.
27920 U.S. 20
New Carlisle, IN 46552
574-993-4500
kensebastyfarms@gmail.com

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

Name and address of additional property owners, if applicable:
7) It is desired and requested that this property be rezoned:

From: AGRICULTURAL DISTRICT R SINGLE FAMILY DISTRICT

To: INDUSTRIAL DISTRICT

8) This rezoning is requested to allow the following use(s): Any permitted primary, special, accessory, or temporary use permitted within I – Industrial Zoning.

9) Provide a brief and descriptive narrative of the proposed project:

The petitioners wish to rezone their properties for Industrial uses in order to make them more marketable. There are no current development plans. The Petitioners will be working with St. Joseph County officials to establish a site that achieves a "Gold" or "Prime" level of readiness for economic development pursuant to the Indiana Site Certified Program through the Indiana Office of Community & Rural Affairs (OCRA). Indiana Site Certified sites are featured on Indiana's Site Selector Database and will be included in the Indiana Economic Development Corporation's (IEDC) marketing materials.

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.

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 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 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 petition addresses this criteria

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

1) The Special Use(s) being requested: Insert text
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 Use 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 Use 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 Use petition addresses this criteria

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. Please explain how your Special Use 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:
Aaron W. Blank, PS, PE
525 West Washington Street
South Bend, IN 46601
574-234-3167
ablank@lawson-fisher.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):

[Signatures with dates]
APC #   2930-20  Page 1 of 2

Petitioner:  Todd L Kaminski  
Location:  31000 FILLMORE RD  
Jurisdiction:  St. Joseph County  
Public Hearing Date:  6/16/2020

**Requested Action:**
The petitioner is requesting a zone change from A: Agricultural District to I: Industrial District

**Land Uses and Zoning:**
- On site: Agriculturally zoned farmland with a single family home and a county drain.
- North: Agriculturally zoned farmland and industrially zoned R+L Carriers.
- East: Agriculturally zoned farmland and C: Commercial District property
- South: Agriculturally zoned farmland.
- West: Agriculturally zoned farmland.

**District Uses and Development Standards:**
The I: Industrial District is established to provide for development of industrial uses. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require substantial screening to protect the surrounding properties from potential negative impacts. The permitted uses provided for in this district should be separated from residential districts with adequate setbacks and screening.

**Site Plan Description:**
Site plan does not contemplate a specific use.

**Zoning and Land Use History and Trends:**
The R+L Carriers property was zoned industrial in the mid-1990's.

**Traffic and Transportation Considerations:**
Larrison Blvd and SR 2 offer good transportation/traffic options.

**Utilities:**
No use is contemplated at this time. Municipal water and sewer services are in the area.

**Agency Comments:**
- **Engineer:**
  - Any improvements/construction to the properties must meet Drainage and Runoff Storage will need to be designed per SJC Criteria. Calculations and plan would be submitted with a specific site plan, but is not required for rezoning.
  - Access onto SJC Right-of-way will need to be coordinated with SJC-IP&G Division of Engineering. Any access onto a state highway would need to be approved by INDOT.

**Surveyor:** Notes presence of county drain.

**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 2002 Comprehensive Plan was approved with several competing goals. The proposed rezoning is at odds with Goal 1, "alleviate and minimize the loss of agricultural
land." Goal 1, Objective A is to "minimize the amount of new development in areas with high agricultural importance." To achieve this objective the Plan includes three policies, none of which are applicable to this situation at this time. Objective B and its policies likewise do not apply in this situation.

The proposed rezoning is supportive of Goal 2, "encourage the economic development of the county and its municipalities." This includes Objective A, "ensure that suitable areas are available for future industrial development," Objective B: "locate employment uses in such a manner that conflicts with residential land uses are minimized," and Objective C: "develop quality business areas to meet the retail and service needs of the planning area."

**Land Use Plan:**
Approximately 60% of the eastern side of this land is shown on the land use plan map as appropriate for industrial growth reserve. Please note that the land use plan map is a guide, not meant to be exact.

**Plan Implementation/Other Plans:**
In 2016, the Area Plan Commission approved a resolution supporting the most recent expansion of the New Carlisle Economic Development Area (NC EDA) Tax Increment Financing (TIF) district area including the area of this petition. The APC Resolution stated the NC EDA TIF plan "conform[ed] to the plan of development for the county." Further, the APC stated in the resolution that the TIF plan is, "in all respects approved, ratified, and confirmed."

**2. Current Conditions and Character:**
Current conditions and character of current structures is agricultural in nature.

**3. Most Desirable Use:**
The investment of infrastructure in this area makes it highly desirable for industrial development.

**4. Conservation of Property Values:**
With suitable landscaping buffering as required by the development standards of the I: Industrial District, property values should not be adversely affected.

**5. Responsible Development and Growth:**
Over the past several decades, investment in infrastructure for road and rail transportation, water and sewer capacity, electricity, telecommunications, and other investments have prepared this area for industrial growth. Economic development parties in the area have repeatedly gone through public review processes first establishing and then expanding in phases the NC EDA TIF districts, plus they have drafted a proposed area management plan. This demonstrates responsible development and growth.

**Staff Comments:**
**Recommendation:**
Staff recommends approving the rezoning petition.

**Analysis:**
Rezoning of the petitioner's properties will support the County's long standing economic development goals.
PETITION FOR ZONE MAP AMENDMENT  
\textit{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:

\textit{31000 Fillmore Road, New Carlisle, IN 46552}

2) The property Tax Key Number(s) is/are: \textit{Enter property tax key number(s)}

\textit{71-06-12-200-001.000-017}

3) Legal Description: \textit{A part of the West half of the Northwest Quarter of Section 7, Township 37 North, Range 1 East, and a part of the East half of the Northeast Quarter of Section 12, Township 37 North, Range 1 West, excepting right-of-way for Larrison Boulevard and S.R. 2.}

4) Total Site Area: \textit{152.58 +/- Acres}

5) Name and address of property owner(s) of the petition site:

\begin{tabular}{lll}
Todd L. Kaminski & Jill F. Oudhuis & Tim V. Kaminski \\
29255 Fillmore Road & 32837 Early Road & 408 Lakeside Drive \\
New Carlisle, IN 46552 & New Carlisle, IN 46552 & Walkerton, IN 56574 \\
574-654-3823 & 574-654-9176 & 574-532-7095
\end{tabular}

Name and address of additional property owners, if applicable: None

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

Name and address of additional property owners, if applicable:

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

\begin{itemize}
  \item From: \textit{A AGRICULTURAL DISTRICT}
  \item To: \textit{I INDUSTRIAL DISTRICT}
\end{itemize}

8) This rezoning is requested to allow the following use(s): \textit{Any permitted primary, special, accessory, or temporary use permitted within I – Industrial Zoning.}

9) Provide a brief and descriptive narrative of the proposed project:

\textit{The petitioners wish to rezone their properties for Industrial uses in order to make them more marketable. There are no current development plans. The Petitioners will be working with St. Joseph County officials to establish a site that achieves a "Gold" or "Prime" level of readiness for economic development pursuant to the Indiana Site Certified Program through the Indiana Office of Community & Rural Affairs (OCRA). Indiana Site Certified sites are featured on Indiana's Site Selector Database and will be included in the Indiana Economic Development Corporation’s (IEDC) marketing materials.}

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

1) \textit{List each variance being requested. Contact Commission Staff if you need assistance.}

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

\begin{enumerate}
  \item The approval will not be injurious to the public health, safety, morals and general welfare of the community: \textit{Please explain how your variance petition addresses this criteria}
\end{enumerate}
(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 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 petition addresses this criteria

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

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 Use 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 Use 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 Use petition addresses this criteria

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. Please explain how your Special Use 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:
Aaron W. Blank, PS, PE
525 West Washington Street
South Bend, IN 46601
574-234-3167
ablank@lawson-fisher.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):
No Variances or Special Uses are being requested as part of this Rezone Petition.

The site shall comply with current ordinances as development occurs.

The entire parcel is owned by the petitioners.

The Intent of Rezoning Petition = Indiana Office of Community & Rural Affairs (OCRA) Gold or Prime

Aggregate Area = 152.58± acres (including undedicated right-of-way).

SITE NOTES:

1. Proposed Zoning District = Industrial
2. Current Zoning District = Industrial, Agriculture
3. Proposed Zoning District = Industrial
5. The entire parcel is the property of the petitioners.
6. The project is part of an economic development strategy.
7. No Variances or Special Uses are being requested as part of this Rezone Petition.

REZONING SITE PLAN

A part of East Half of Northeast Quarter of Section 12, Township 37 North, Range 1 West
and West Half of Northwest Quarter of Section 7, Township 37 North Range 1 East
APC #   2931-20
Petitioner:  SEBASTY KENNETH E JR
Location:  30750 EDISON RD, 31000 EARLY RD, 31000 SR 2, 30750 SR 2
Jurisdiction:  St. Joseph County
Public Hearing Date:  6/16/2020

**Requested Action:**

The petitioner is requesting a zone change from A: AGRICULTURAL DISTRICT to I: INDUSTRIAL DISTRICT

**Land Uses and Zoning:**

**On site:**
- 30750 Edison - Agriculturally zoned farmland with a single family home
- 31000 Early - Agriculturally zoned farmland
- 30750 SR 2 - Agriculturally zoned farmland with a county drain
- 31000 SR 2 - Agriculturally zoned farmland with a single family home and wetlands

**North:**
- 30750 Edison - Industrially zoned I/N Tek plant
- 31000 Early - Industrially zoned Tejas Tubular
- 30750 SR 2 - Agriculturally zoned farmland
- 31000 SR 2 - Agriculturally zoned farmland

**East:**
- Agriculturally zoned farmland

**South:**
- Agriculturally zoned farmland

**West:**
- 30750 Edison - Agriculturally zoned farmland
- 31000 Early - Agriculturally zoned farmland
- 30750 SR 2 - Agriculturally zoned farmland
- 31000 SR 2 - Industrially zoned Navistar Proving Grounds

**District Uses and Development Standards:** The I: Industrial District is established to provide for development of industrial uses. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require substantial screening to protect the surrounding properties from potential negative impacts. The permitted uses provided for in this district should be separated from residential districts with adequate setbacks and screening.

**Site Plan Description:** Site plan does not contemplate a specific use.

**Zoning and Land Use History and Trends:** This area has a long standing history of land use pairing industrial and natural land uses, for example, Studebaker test rack (now the Navistar Proving Grounds) and Bendix Woods. The R+L Carriers property was zoned industrial in the mid-1990's, but only about half of it is improved. The Tejas Tubular site and Smith Ready Mix are similarly only about half improved.

**Traffic and Transportation Considerations:**

- 30750 Edison - Edison Raod and nearby Larrison provide good transportation/traffic access.
- 31000 Early - Elderberry to Edison to Larrison provide good transportation/traffic access.
- 30750 SR 2 - SR 2 provides good transportation/traffic access.
- 31000 SR 2 - SR 2 provides good transportation/traffic access.

**Utilities:** No use is contemplated at this time. Municipal water and sewer services are in the area.

**Agency Comments:**

**Engineering:**
· Any improvements/construction to the properties must meet Drainage and Runoff Storage will need to be designed per SJC Criteria. Calculations and plan would be submitted with a specific site plan, but is not required for rezoning.
· Access onto SJC Right-of-way will need to be coordinated with SJC-IP&G Division of Engineering. Any access onto a state highway would need to be approved by INDOT.
Surveyor: Notes presence of county drain.

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 2002 Comprehensive Plan was approved with several competing goals. The proposed rezoning is at odds with Goal 1, "alleviate and minimize the loss of agricultural land." Goal 1, Objective A is to "minimize the amount of new development in areas with high agricultural importance." To achieve this objective the Plan includes three policies, none of which are applicable to this situation at this time. Objective B and its policies likewise do not apply in this situation.

The proposed rezoning is supportive of Goal 2, "encourage the economic development of the county and its municipalities." This includes Objective A, "ensure that suitable areas are available for future industrial development," Objective B: "locate employment uses in such a manner that conflicts with residential land uses are minimized," and Objective C: "develop quality business areas to meet the retail and service needs of the planning area.

Goal 4, "preserve and protect the natural environment," specifically Objective A: "discourage development in environmentally sensitive areas," however, cannot be reconciled with the rezoning the wetlands of the petition properties.

Land Use Plan: 30750 Edison - Land use plan map contemplates this area for industrial growth.
31000 Early - Land use plan map contemplates this area partially for industrial growth, partially for industrial growth reserve, and partially no designation, but marked areas are only generalized.
30750 SR 2 - Land use plan map contemplates the area north of this property for industrial growth reserve, but marked areas are only generalized.
31000 SR 2 - Land use plan map contemplates the area northeast of this property for industrial growth reserve, but marked areas are only generalized.

Plan Implementation/Other Plans: In 2016, the Area Plan Commission approved a resolution supporting the most recent expansion of the New Carlisle Economic Development Area (NC EDA) Tax Increment Financing (TIF) district area including the area of this petition. The APC Resolution stated the NC EDA TIF plan "conform[ed] to the plan of development for the county." Further, the APC stated in the resolution that the TIF plan is, "in all respects approved, ratified, and confirmed."

2. Current Conditions and Character: Current conditions and character of current structures is agricultural in nature.

3. Most Desirable Use: The investment of infrastructure in this area makes it highly desirable for industrial development; however, the need to keep wetlands serving their essential
purpose means the wetlands need to stay, even if the rest of the property is suitable for development.

4. **Conservation of Property Values:** With suitable landscaping buffering as required by the development standards of the I: Industrial District, property values should not be adversely affected.

5. **Responsible Development and Growth:** Over the past several decades, investment in infrastructure for road and rail transportation, water and sewer capacity, electricity, telecommunications, and other investments have prepared this area for industrial growth. Economic development parties in the area have repeatedly gone through public review processes first establishing and then expanding in phases the NC EDA TIF districts, plus they have drafted a proposed area management plan. This demonstrates responsible development and growth.

**Staff Comments:**

**Recommendation:** 30750 Edison - Staff recommends approving the rezoning petition for this property.
31000 Early - Staff recommends approving the rezoning petition for this property.
30750 SR 2 - Staff recommends approving the rezoning petition for this property.
31000 SR 2 - Staff recommends approving the rezoning petition for the nonwetland portion only.
Staff recommends land designated on the US FWS National Wetlands Inventory (NWI) map as wetland (highlighted in light purple and green on the attached map) should not be rezoned.

**Analysis:** Rezoning the non-wetland portion of the petitioner's properties will support the County's long standing economic development goals. And not allowing the wetlands to be rezoned will support the County's long standing goal to preserve and protect the natural environment, as well as allow parts of this property to keep its wooded, rural character. Wetlands serve as a natural filter to allow rainwater to return to the aquifer.
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:
   - 30750 Edison Road, New Carlisle, IN 46552
   - Intersection of Elderberry Road, Early Road, and Spruce Road, New Carlisle, IN 46552
   - 31000 State Route 2, New Carlisle, IN 46552
   - 30750 State Route 2, New Carlisle, IN 46552

2) The property Tax Key Number(s) is/are:
   - 71-07-06-100-001-000-017
   - 71-06-01-100-002-000-017
   - 71-06-12-400-001-000-017
   - 71-07-07-300-001-000-017

3) Legal Description:
   - A part of the Northwest Quarter of Section 6, Township 37 North, Range 1 East,
   - A part of the Northeast Quarter of Section 1, Township 37 North, Range 1 West,
   - A part of the South Half of Section 12, Township 37 North, Range 1 West,
   - A part of the Southwest Quarter of Section 7, Township 37 North, Range 1 East,
   - A part of the North Half of Section 13, Township 37 North, Range 1 West,
   - A part of the Northwest Quarter of Section 18, Township 37 North, Range 1 East

4) Total Site Area: 708 Acres +/-

5) Name and address of property owner(s) of the petition site:
   - Kenneth E. Sebasty Jr.                              Kenneth E. Sebasty , Sr. & Elaine A. Sebasty
     27920 US 20                                             P.O. Box 178
     New Carlisle, IN 46552                           New Carlisle, IN 46552
     574-993-4500                                          574-654-7294
     kensebastyfarms@gmail.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: A AGRICULTURAL DISTRICT Additional zoning district, if applicable
   - To: I INDUSTRIAL DISTRICT

8) This rezoning is requested to allow the following use(s): Any permitted primary, special, accessory, or temporary use permitted within I - Industrial Zoning.
9) Provide a brief and descriptive narrative of the proposed project:

   St. Joseph County Redevelopment Commission either currently owns or is seeking options to purchase all of the property listed within this petition to rezone with the express intent to establish a site that achieves a "Gold" or "Prime" level of readiness for economic development pursuant to the Indiana Site Certified Program through the Indiana Office of Community & Rural Affairs (OCRA). Indiana Site Certified sites are featured on Indiana's Site Selector Database and will be included in the Indiana Economic Development Corporation's marketing materials.

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.

   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 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 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 petition addresses this criteria

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

   1) The Special Use(s) being requested: Insert text

   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 Use 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 Use 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 Use petition addresses this criteria

      (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. Please explain how your Special Use 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:

   Aaron Blank, PS, PE
   525 West Washington Street
   South Bend, IN 46601
   574-234-3167
   ablank@lawson-fisher.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):

[Signatures]

[Signatures]

[Signatures]
REZONING SITE PLAN
A part of the Northeast Quarter of Section 1, Township 37 North, Range 1 West and
the Northwest Quarter of Section 6, Township 37 North Range 1 East

SITE NOTES:
1. Aggregate Area = 68± acres (including undedicated right-of-way).
2. Current Zoning District = Agricultural
3. Proposed Zoning District = Industrial
4. Intent of Rezoning Petition = Indiana Office of Community & Rural Affairs (OCRA) Gold or Prime Site Certification for Economic Development
5. The site shall comply with current ordinances as development occurs.
6. No Variances or Special Uses are being requested as part of this Rezone Petition.

LEGEND
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N North
T Township
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M Instrument
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REZONING SITE PLAN
A part of the South Half of Section 12, Township 37 North, Range 1 West, the Southwest Quarter of Section 7, Township 37 North, Range 1 East, the North Half of Section 13, Township 37 North, Range 1 West, and the Northwest Quarter of Section 18, Township 37 North, Range 1 East

SITE NOTES:
1. Aggregate Area = 640± acres (including undedicated right-of-way).
2. Current Zoning District = Agricultural
3. Proposed Zoning District = Industrial
4. Site of Rezoning Request = Indicators Office of Community & Rural Affairs (OCRA) Gold or Prime Site Certification for Economic Development
5. Intent of Rezoning Petition = Indiana Office of Community & Rural Affairs (OCRA) Gold or Prime Site Certification for Economic Development
6. The entire parcel is owned by the petitioners.
7. The site shall comply with current ordinances as development occurs.
8. No variances or special uses are being requested as part of this Rezone Petition.

REZONING PETITION ON BEHALF OF:
KENNETH E. SEBASTY and
ELAINE A. SEBASTY, H/W
RESOLUTION NO. 259-20

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

APPOINTING ITS EXECUTIVE DIRECTOR

WHEREAS, on May 26, 2020, at a Special Meeting of the Area Plan Commission, the Area Plan Commission members approved Resolution No. 257-20 which appointed Abby Wiles as Executive Director of the Area Plan Commission; and

WHEREAS, the start date for Ms. Wiles was determined by the Area Plan Commission to be “on or about August 3, 2020”; and

WHEREAS, the St. Joseph County Human Resources Department has requested that the start date for Ms. Wiles to be August 1, 2020, for purposes of insurance and payroll start dates; and

NOW THEREFORE, BE IT RESOLVED by the Area Plan Commission of St. Joseph County, Indiana as follows:

The Area Plan Commission of St. Joseph County, Indiana does hereby appoint Abby Wiles as Executive Director effective August 1, 2020.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 16th day of June 2020.

_____________________________
Adam J. DeVon, President

Attest:

_______________________________________
Ryan D. Fellows, Acting Secretary
PUBLIC HEARING - 3:30 P.M.

Upon a motion by John McNamara, being seconded by Jason Lambright and unanimously carried, APC #2923-20 was tabled until the next Area Plan Commission meeting on June 16, 2020.

1. REZONINGS:

1. A combined public hearing on a proposed ordinance of TIM MARTSOLF to zone from C Commercial District to I Industrial District and seeking the following variance(s): 1) front yard fence to be 6’ with barbed wire along Third St frontage 2) gravel surface to be used for outside storage of unfinished and finished vehicle storage in side yard, property located at NW Corner of Beech and Third, Town of Osceola - APC# 2922-20.

(Ryan Fellows: The petitioner is requesting a zone change from C Commercial District to I Industrial District. On site is a vacant lot. Railroad tracks, AEP power lines, and commercial properties zoned C: Commercial District. Commercial use property zoned C: Commercial District; single family home zoned C: Commercial District; and a single family homes zoned R1: Single Family District. Industrial use property zoned I: Industrial District; commercial use property zoned C: Commercial District; and single family home zoned C: Commercial District. Self-storage facility zoned I: Industrial District. 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. 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. Site is zoned I: Industrial District on the west and C: Commercial District on the east. Beech and Third Street are each two lanes. The site will be served by well and septic. 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. 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. Recommends approval. The petitioner is not proposing any written commitments. 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." 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. No other plans have been approved for this area. Current condition and character of current structures and uses in the I Industrial District match the proposed 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. With proper landscaping screening, surrounding property values should not be adversely affected. It is responsible development and growth to keep light industrial use adjacent to other light industrial use along Third Street. The staff has no additional comments at this time. Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the Town Council with a favorable recommendation. The staff recommends approval of the variances. Industrial use of the subject property is consistent with the text of the 1992 Comprehensive Plan's future land use section.

PETITIONER

Deborah Hughes, of Marbach, Brady & Weaver, with offices located at 3220 Southview Dr. Elkhart, IN, presented on behalf of the petitioner.
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 R. McNamara, P.E., L.S., being seconded by Rachel Rawls and unanimously carried, a proposed ordinance of TIM MARTSOLF to zone from C Commercial District to I Industrial District, property located at NW Corner of Beech and Third, Town of Osceola, is sent to the Town Council with a FAVORABLE recommendation. Industrial use of the subject property is consistent with the text of the 1992 Comprehensive Plan's future land use section.

Upon a motion by Jason Lambright, being seconded by John R. McNamara, P.E., L.S. and unanimously carried, the 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 property located at NW Corner of Beech and Third, Town of Osceola, were approved.

2 A combined public hearing on a proposed ordinance of THOMAS E LAWSON to zone from R1 Single Family District to LB Local Business District and 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’ and 4) from the required hard surface to gravel for parking areas, property located at 501 W MICHIGAN ST, Town of New Carlisle - APC# 2923-20.

(Ryan Position: 20:40)

RYAN FELLOWS: The petitioner is requesting a zone change from R1 Single Family District to LB Local Business District Auto repair shop. Homes zoned R1 Single Family District. Homes zoned MF Multifamily District. Homes zoned R1 Single Family District. Businesses zoned LB - Local Business District. 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. No site plan provided. Subject property was
reportedly missed during the last time the zoning map was updated. Requested action set to correct that apparent oversight. US Route 20 Lincoln Highway is two lanes with substantial shoulders. Meridian Street is two lanes. Subject property is served by municipal water and sewer service. 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. Recommends approval. The petitioner is not proposing any written commitments. 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." 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. No other land use plans have been approved for this area. Current condition and character of current structure and use is consistent with the Local Business District. Continued use of subject property as a local business is the most desirable use for this location along US Route 20. As this is the continuation of a long standing existing use, property values should remain largely unaffected. 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. The staff has no additional comments at this time. 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. 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.

PETITIONER
Frank Robinson, with offices located at 814 E LaSalle St., South Bend, IN presented on behalf of the petitioner. Thomas Lawson, 501 W Michigan St., New Carlisle, IN was also present as the petitioner.

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

REMONSTRANCE
There was one person present to speak in remonstrance of this petition. She was:

Judith Rubleske, residing at 515 S. Main, South Bend, IN.
REBUTTAL

Frank Robinson, with offices located at 814 E LaSalle St., South Bend, IN presented the rebuttal.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Jason Lambright and unanimously carried, a proposed ordinance of THOMAS E LAWSON to zone from R1 Single Family District to LB Local Business District, property located at 501 W MICHIGAN ST, Town of New Carlisle, is sent to the Town Council with a FAVORABLE recommendation. 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.

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, the 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 property located at 501 W MICHIGAN ST, Town of New Carlisle, were approved.

3 A combined public hearing on a proposed ordinance of PENN CIVIL TOWNSHIP to zone from R: Single Family District to C: Commercial District and 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, property located at 12661 & 12641 McKinley Hwy, St. Joseph County - APC# 2927-20.

(Audio Position: 35:00)

RYAN FELLOWS: The petitioner is requesting a zone change from R: Single Family District to C: Commercial District. On outdoor advertising sign (billboard). Residentially zoned vacant land owned by the petitioner (PHM Schools). Residentially zoned vacant land owned by the petitioner (PHM Schools), then commercially zoned property. Residentially zoned vacant lots and a single
family home. Industrially zoned property, including the Royal Excursion bus company. 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 includes a proposed fire station, parking lot, future maintenance building, and a relocated outdoor advertising sign (billboard) with landscaping trees. Land use and trends in this area include industrial from the west and commercial from the east, meeting on this site makes logical sense. McKinley Highway (Old U.S. Route 20) is a five-lane highway, including a center-turn lane with suitable capacity. Site will be served by public water and sewer system. 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. The petitioner is not proposing any written commitments. Proposed use is consistent with and supportive of Goal 5: Provide adequate infrastructure and urban services. Future land use plan contemplates this area as an industrial growth area. A fire station is supportive of this goal. No other plans have been adopted for this area. Current condition and character of current structures and uses in the area match the proposed use. A fire station is the most desirable use for this property. Surrounding property values should not be adversely affected. It is responsible development and growth to allow a fire station in this location. The staff has no additional comments at this time. Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation. 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.

PETITIONER

Mike Danch, of Danch Harner & Associates, with offices located at 1643 Commerce Dr., South Bend, IN presented on behalf of the petitioner.

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 Jason Lamright, being seconded by Kirk Youell and unanimously carried, a proposed ordinance of PENN CIVIL TOWNSHIP to zone from R: Single Family District to C: Commercial District, property located at 12661 & 12641 McKinley Hwy, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. 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.

Upon a motion by Jason Lamright, being seconded by Kirk Youell and unanimously carried, the 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 property located at 12661 & 12641 McKinley Hwy, St. Joseph County, were approved.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

Daniel Caruso asked that the staff look into continuing to allow the virtual call in options for future meetings that are held in person. Mitch Heppenheimer stated that he would look into it.

2. Executive Director's Report:

Ryan Fellows updated the Commission on the steps being taken to run the June 16, 2020 Area Plan Commission meeting with social distancing procedures.

3. Minutes:

1. Approval of the Minutes from the May 19, 2020 meeting.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Dan Caruso and unanimously carried, the Minutes from the May 19, 2020 meeting were approved.
2. Approval of the Minutes from the May 26, 2020 meeting.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Dr. Jerry Thacker and unanimously carried, the Minutes from the May 26, 2020 meeting were approved.

4. Adjournment: 4:50 p.m.

________________________________
Adam DeVon,
PRESIDENT OF THE COMMISSION

________________________________
Ryan D. Fellows,
Interim Secretary of the Commission