AGENDA
Tuesday, July 21, 2020 - 3:30 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: 937 1788 7546
Password: 425536

Or join meeting via Zoom (click here or copy-paste link from below)
https://zoom.us/j/93717887546?pwd=aWo1U0pXb0duSW4yVHd3Zl4ZytqZz09

1. Roll Call

2. Public Hearings
   a. Rezonings
      (1) Location: 30750 EDISON RD
         Owner: Kimberli Phillips
         Requested Action: From A: Agricultural District to I: Industrial District
         APC #2934-20

      (2) Location: 13145 SR 23 and vacant parcel to the west
         Owner: GFE ENTERPRISES LLC
         Requested Action: From R: Single Family District to C: Commercial
         District and B: Business District
         APC #2935-20

3. Items Not Requiring a Public Hearing
   a. Sign Ordinance
   b. Findings of Fact
   c. Approval of the revised By-Laws

4. Executive Director's Report

5. Approval of Minutes
   a. June 16, 2020 Area Plan Commission Meeting Minutes

6. Adjournment
Petitioner:  Kimberli Phillips  
Location:  30750 EDISON RD  
Jurisdiction:  St. Joseph County  
Public Hearing Date:  7/21/2020  

**Requested Action:**

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

**Land Uses and Zoning:**

- On site:  A: Agricultural District (County) zoned farmland  
- North:  GI - General Industrial District (Town of New Carlisle) zoned I/N Tek and I/N Kote (steelwork manufacturer)  
- East:  A: Agricultural District (County) zoned farmland and I: Industrial District (County) zoned Edcoat (powder coating service)  
- South:  A: Agricultural District (County) zoned farmland and I: Industrial District (County) zoned R+L Carriers (shipping company)  
- West:  A: Agricultural District (County) zoned farmland and I: Industrial District (County) zoned Tejas Tubular (tubing manufacturer)  

**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 properties north of this site in the Town of New Carlisle were rezoned General Industrial in the 1980's. Tejas Tubular, to the west, was rezoned to industrial in 1996. Edcoat, the east, was rezoned to industrial in 1995. And R+L Carriers, to the south, was rezoned to industrial in 1997.

**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:**

Engineering:

- Any improvements/construction to the properties must meet Drainage and Runoff Storage will per SJC Criteria. Calculations and plan would be submitted with a specific site plan.
- 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.
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. Please note that goals are on an equal footing - they are not listed hierarchically. 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," Policy i: "In addition to establishing industrial areas that meet the County’s industrial needs to the Year 2020, establish reserve industrial areas for use in the time period following 2020."

Also, Goal 2, Objective A, Policy ii is supported: "No fewer than two areas in the County should be reserved for new and/or expanding heavy industrial uses. These areas will have no fewer than 1,200 and no more than 2,000 acres (gross, including existing heavy industry uses). Heavy uses are those industrial uses that incorporate outdoor activities and/or emit relatively high impacts on surrounding properties, including noise, vibration, odor, light, glare, air emissions, and/or heat." Prior to the 2002 Comprehensive Plan, this area had approximately 1,357 acres of properties that could be considered "existing heavy industry uses." This included the broadest possible interpretation, meaning all 672.8 acres of the Navistar property are counted, even though much of the land is wetland. Since the 2002 Comprehensive Plan this area has seen approximately 213 acres of properties that could be considered "heavy industry uses," again, with the broadest possible interpretation, as defined under this policy. This means approximately 1,570 acres of the 2,000-acre maximum has been developed for this area, leaving approximately 430 acres available for development, within the context of the 2002 Comprehensive Plan policy designed to last no longer than through 2020.

The proposed rezoning is also supportive of Goal 2, Objective B: "locate employment uses in such a manner that conflicts with residential land uses are minimized."

Land Use Plan:
Approximately 91% of this land is shown on the land use plan map as appropriate for industrial. The remaining 9% is shown as part of the industrial growth reserve (for the time period following 2020). Please note that the land use plan map is a guide, not meant to be exact.
Plan Implementation/Other Plans:
In 1997, the Area Plan Commission approved the St. Joseph County Economic Development District No. 2 Plan for the Tax Increment Financing (TIF) district area (renamed the New Carlisle Economic Development Area in 2016), including the area of this petition. The APC approving resolution noted that the plan "conform[ed] to the plan of development and redevelopment for the county." Further, the APC stated in the resolution that the TIF plan is, "in all respects ordered approved, ratified, and confirmed."

In 2016, the Area Plan Commission approved a resolution supporting the third and most recent expansion of the New Carlisle Economic Development Area (NC EDA) 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 the area is agricultural and industrial.

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.

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:
Rezoning will support the County's long standing economic development goals.
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 in the southwest quadrant of
   Larrison Boulevard and Edison Road
   New Carlisle, IN 46552

2) The property Tax Key Number(s) is/are: 71-07-06-100-002.000-017

3) Legal Description: A part of the Northwest Quarter of Section 6, Township 37 North, Range 1 East

4) Total Site Area: 46.174 Acres +/-

5) Name and address of property owner(s) of the petition site:
   Kimberli Phillips                                      Valeri Waters
   PO Box 213                                              7692 N Emery Road
   Louie, MS 39338                                       Rolling Priarie, IN 46371
   601-436-0631                                          239-240-5424
   kimberli.phillips1226@gmail.com          valeriewaters@aol.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: 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:

   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):
PHILLIPS-WATERS PROPERTY

All legal descriptions derived from current documents of record as referenced on the Rezoning Site Plan and recorded in the Office of Recorder of St. Joseph County, Indiana.

A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 1 EAST, DESCRIBED AS FOLLOWS, VIZ:

BEGINNING AT A POINT 808.50 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE SOUTH 2640 FEET; THENCE WEST 676.50 FEET; THENCE NORTH 1320 FEET; THENCE WEST 264 FEET TO THE SOUTHEAST CORNER OF LOT NUMBERED 11; THENCE NORTH 1320 FEET TO THE NORTH LINE OF SAID SECTION; THENCE EAST 940.50 FEET TO THE PLACE OF BEGINNING, CONTAINING 49 ACRES MORE OR LESS.

LESS AND EXCEPTING THEREFROM THE FOLLOWING FOR RIGHT-OF-WAY PURPOSES:

- RIGHT-OF-WAY FOR LARRISON BOULEVARD AND EDISON ROAD AS DESCRIBED IN WARRANTY DEED DATED NOVEMBER 9, 1988, RECORDED AS INSTRUMENT #8932879 ON JANUARY 17, 1989, CONTAINING 2.826 ACRES, MORE OR LESS.

NET ACREAGE BASED ON RECORD DOCUMENTS BEING 46.174 ACRES, MORE OR LESS.
REZONING SITE PLAN
A part of the Northwest Quarter of Section 6, Township 37 North, Range 1 East

**SITE NOTES:**
1. Approximate area = 46.17 acres (excluding existing right-of-way for Edison and Larrison).
2. Current Zoning District = Agricultural
3. Proposed Zoning District = Industrial
4. Start of Rezoning Analysis - Office of Community & Rural Affairs (OCRRA) Gold or Prime Site Certification
5. The entire parcel is owned by the petitioners.
6. The site shall comply with current ordinances as development occurs.
7. No Variations or Special Uses are being requested as part of this Reszone Petition.

**LEGEND**
- A Section Corner
- T Township
- W West
- E East
- NE Northeast
- SE Southeast
- N North
- S South
- NW Northwest
- SW Southwest
- Ex. Centerline
- Ex. Property Line
- Ex. Section Line
- Subject Parcels
APC #   2935-20
Petitioner:  GFE ENTERPRISES LLC
Location:  13145 STATE ROAD 23 HWY and VACANT PARCEL TO THE WEST
Jurisdiction:  St. Joseph County
Public Hearing Date:  7/21/2020

Requested Action:

The petitioner is requesting a zone change from R: Single Family District to C: Commercial District and B: Business District

Land Uses and Zoning:
On site: R: Single Family District (County) zoned single family home and a garage.
North: R: Single Family District (County) zoned single family homes.
East: C: Commercial (County) zoned Walgreen's pharmacy.
South: C: Commercial District (County) zoned Goodwill store, B: Business District (County) zoned Dollar General store, and R: Single Family District zoned single family home.
West: B: Business (County) zoned drywall business and B: Business (County) zoned eye care clinic.

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. The B: Business District is established to provide for businesses which provide for the full range of convenience uses necessary to meet the daily needs of residential neighborhoods. Permitted uses within the B: Business Districts are regulated in character to assure harmonious development with the nearby residential districts served.

Site Plan Description:
The site plan shows a proposed restaurant with drive-through on the property to be zoned C: Commercial District. The property to be zoned B: Business District is to remain vacant for the time being and joined to the abutting parcel to the west zoned B: Business District through a subdivision.

Zoning and Land Use History and Trends:
The parcel to the south zoned C: Commercial District was rezoned from R: Single Family District in 2003 to allow for retail and professional office uses. The parcel to the south zoned B: Business District was rezoned from R: Single Family District in 2010 to allow for retail uses. The parcel to the east zoned C: Commercial District was rezoned from R: Single Family District in 2007 to allow for a retail use with a drive-up window. The
parcels to the west zoned B: Business were rezoned from OB: Office Buffer District and R: Residential District in 2015 to allow for office and retail uses.

**Traffic and Transportation Considerations:**
State Road 23 is a four lane road with a center turn lane. It provides adequate vehicle capacity.

**Utilities:**
The site will be served by the St. Joseph County Regional Sewer District sanitary sewer and private well.

**Agency Comments:**
The County Engineer's Office notes that the development will need to meet County drainage standards. Drive access approval for State Road 23 must be obtained from INDOT.

**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 C: "Develop quality business areas to meet the retail and service needs of the planning area."

   **Land Use Plan:**
   The future land use plan contemplates residential growth in this area.

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

2. **Current Conditions and Character:**
   Although State Road 23 is traditionally and predominately a residential corridor, there has been an ongoing trend since 1989 wherein properties in the immediate vicinity of the petition area have rezoned to districts allowing for commercial uses, resulting in the formation of a commercial node at the intersection of SR 23 and Adams Road. The expansion of the road has weakened the residential value of the corridor.

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 required landscaping, setbacks, and lighting standards, surrounding property values should not be adversely affected.

5. **Responsible Development and Growth:**
   It is responsible development and growth to allow commercial uses along major corridors.
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 additional services to be provided at an existing commercial node on a major automobile route. Required landscaping and setbacks will minimize impact on adjacent residential properties.
Rezoning from: ST. JOSEPH COUNTY
R: SINGLE FAMILY DISTRICT to B: BUSINESS DISTRICT and C: COMMERCIAL DISTRICT

ZONING
- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "B" BUSINESS DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT

1 inch = 200 feet
APC # 2935-20
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:
   
   13145 SR 23 Granger, IN 46530 to Commercial
   50' wide vacant lot west of this address

2) The property Tax Key Number(s) is/are: 006-1004-003104 and 006-1004-003111

3) Legal Description:

   **Portion to be rezoned Commercial:**

   A parcel of land located in the East Half of the Northeast Quarter of Section 13, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana, and being more particularly described as follows:

   Commencing at the northwest corner of the East Half of the Northeast Quarter of said Section 13; thence North 88 degrees 59 minutes 25 seconds East, said bearing being the basis of bearing of the description with all other bearings herein relative thereto, along the north line of said Section 500.00 feet to the northeast corner of Deed Book 801, Page 230, St. Joseph County Recorder; thence South 0 degrees 29 minutes 31 seconds East 309.97 feet along the east line of said Deed Book to a 5/8” rebar and cap (LS20800152) marking the southwest corner of Deed Record 89-34617, St. Joseph County Recorder, and being the point of beginning of this description; thence North 72 degrees 21 minutes 06 seconds East 209.32 feet along the south line of said Deed Record to a ½” iron pipe marking the southeast corner of said Deed Record and further being the west line of Retail’s S.R. 23 Minor Subdivision, recorded in Instrument No. 0730371, St. Joseph County Recorder; thence South 0 degrees 34 minutes 50 seconds East 233.74 feet along said west line to a bar and cap (Lang Feeney) marking the southwest corner of said Subdivision and further being on the north boundary of S.R. 23; thence South 54 degrees 49 minutes 35 seconds West 95.67 feet along said north boundary; thence South 63 degrees 05 minutes 35 seconds West 70.69 feet along said north boundary to a concrete right-of-way marker; thence South 54 degrees 31 minutes 28 seconds West 24.97 feet along said north boundary to the southeast corner of Lot 2 of GFE Enterprises Minor Subdivision as recorded as Document #1522558, St. Joseph County Recorder; thence North 0 degrees 30 minutes 01 seconds West 317.61 along the east line of said Lot 2 to the said south line of Deed Book; thence North 72 degrees 21 minutes 06 seconds East 21.46 feet along said south line to the point of beginning and containing 1.43 acres, more or less.

   **Portion to be rezoned Business:**

   A parcel of land located in the East Half of the Northeast Quarter of Section 13, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana, and being more particularly described as follows:

   Commencing at the northwest corner of the East Half of the Northeast Quarter of said Section 13; thence North 88 degrees 59 minutes 25 seconds East, said bearing being the basis of bearing of the description with all other bearings herein relative thereto, along the north line of said Section 500.00 feet to the northeast corner of Deed Book 801, Page 230, St. Joseph County Recorder; thence South 0 degrees 29 minutes 31 seconds East 309.97 feet along the east line of said Deed Book to a 5/8” rebar and cap (LS20800152) marking the southeast corner of said Deed Book; thence South 72 degrees 21 minutes 06 seconds West 30.87 feet along the south line of said Deed Book to a 5/8” rebar and cap (LS20800152) and further being the point of beginning of this description; thence South 0 degrees 29 minutes 31 seconds East 309.62 feet to a 5/8” rebar and cap (LS20800152); thence North 0 degrees 29 minutes 31 seconds West 309.62 feet to a 5/8” rebar and cap (LS20800152) on the south line of Deed Book 801, page 230, St. Joseph County Recorder; thence North 72 degrees 21 minutes 06 seconds East 30.87 feet along said south line to the point of beginning and containing 0.15 acres, more or less.
4) Total Site Area: 1.43 Acres to be rezoned to Commercial, 0.15 acres to be rezoned to Business

5) Name and address of property owner(s) of the petition site:
   GFE Enterprises, LLC
   Anthony Svatos, President
   70541 Hilltop Drive
   Union, MI 49130
   (574) 277-4394
   asvatos1@gmail.com

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   For Commercial portion:
   S & L Properties Granger, LLC
   2651 Kirking Court
   Portage, WI 53901
   (608) 742-2893
   jeff@bleedblue.net

   For Business portion to remain as GFE Enterprises, LLC

   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: C COMMERCIAL DISTRICT & B BUSINESS DISTRICT

8) This rezoning is requested to allow the following use(s): Restaurant with drive thru service for Commercial portion, Business portion to remain as is currently used with it's west adjoiner(Pcl 006-1004-003102)

9) Provide a brief and descriptive narrative of the proposed project:
   To remove the residential residence and outbuildings. Construct a Culver's Restaurant and associated parking for Commercial portion. Business portion to combine with it's west adjoiner.

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

   1) None

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

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

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

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

IF A SPECIAL 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:

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

(c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and:

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

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

CONTACT PERSON:
Mikel Currier - Jones Petrie Rafinski
325 S. Lafayette Blvd.
South Bend, IN 46601
(574) 232-4388
mcurrier@jprrsource.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):

[Signature]

[Signature]
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Article I.

Repeal of Existing By-Laws

The by-laws officially adopted by the Area Plan Commission of St. Joseph County, Indiana, on July 19, 2011, are hereby repealed.

Article II.

Name, Statutory Authority and Jurisdictional Boundaries

Section 1. Name

The legal name of the Commission shall be “The Area Plan Commission of St. Joseph County, Indiana,” hereinafter referred to as “The Commission.”

Section 2. Statutory Authority

The Commission was established and shall function under the authority of the Indiana Code 36-7-4-100 et seq., and pursuant to an ordinance enacted on October 5, 1964, by the Board of County Commissioners of St. Joseph County, Indiana.

Section 3. Jurisdiction

The Commission exercises jurisdiction in all of unincorporated St. Joseph County pursuant to said statute and ordinances and also pursuant to ordinances of the Town Boards of Roseland (Ordinance adopted October 11, 1965), Lakeville (Ordinance No. 100, adopted January 3, 1966), North Liberty (Ordinance No. 2-1966, adopted May 4, 1966), New Carlisle (Ordinance 396, adopted May 15, 1973) and Osceola (Ordinance No. 15-1996, adopted December 16, 1996), Indiana.

Article III.

Membership, Qualifications, and Terms of Office

The membership of the Commission, the qualifications of members, and their terms of office shall be as set out and provided for in the Indiana Code 36-7-4-207 through 36-7-4-220, as amended.

Article IV.

Officers and Responsibilities

Section 1. Officers

1. The officers of the Commission shall include a President, Vice-President, Secretary, and an Assistant Secretary.

2. The election or appointment of the President, Vice-President and Secretary shall be pursuant to Indiana Code 36-7-4-303 and 36-7-4-304, as amended.
3. The President and Vice-President shall serve respectively in said capacities for a maximum of three (3) consecutive terms of one (1) year each.

4. The Executive Director of the Commission, by virtue of their office, is hereby designated as the Secretary of the Commission (Secretary).

5. In order to assure fulfillment of the duties of the Secretary in their absence, the Secretary shall appoint a senior member of the planning staff as the Assistant Secretary of the Commission for the duration of the absence.

Section 2. Responsibilities of the President

The President of the Commission shall have the following responsibilities:

1. Preside at all regular and special meetings and public hearings of the Commission.

2. Determine, with the assistance of the Secretary, the agenda for all regular and special meetings and public hearings of the Commission, provided, however, that any two (2) members, upon written notice to the Secretary, may place an item or items on the agenda.

3. Appoint members and designate chairpersons of committees except the Executive Committee and the Plat Committee.

4. Sign for and on behalf of the Commission, documents which require the President’s signature.

Section 3. Responsibilities of the Vice-President

The Vice-President of the Commission shall perform the duties incumbent upon the President of the Commission during the absence or disability of the President (IC 36-7-4-303).

Section 4. Responsibilities of the Secretary

The Secretary of the Commission shall have the following responsibilities:

1. In the absence or disability of both the President and the Vice-President, call the meeting to order and preside until the membership, as its first order of business, elects a President Pro-Tem who shall preside over the remainder of the meeting. The Secretary cannot act as President Pro-Tem.

2. Maintain custody of the official seal of the Commission and perform all other duties pursuant to IC 36-7-4-312.

3. Assist the President of the Commission in preparation of the agenda for all regular and special meetings and public hearings.

4. Distribute the agenda and staff reports for all regular meetings to all Commission members at least five (5) days in advance of the date of the meeting.

5. Distribute written notice for all special meetings to all Commission members at least three (3) days in advance of the date of the meeting (IC 36-7-4-307), unless set at a regular meeting.
6. Give notice, by publication in one newspaper of general circulation in St. Joseph County, of the date, time, and place of all public hearings at least ten (10) days in advance of the date of the hearing.

7. Record, attest after approval, and maintain the minutes of all regular and special meetings and public hearings on file in the office of the Commission and open to the public.

8. Maintain one copy of all official documents in the office of the Commission.

Section 5. Responsibilities of the Assistant Secretary

The Assistant Secretary of the Commission shall perform the duties incumbent upon the Secretary of the Commission during the absence or disability of the Secretary.

Article V.

Meetings

Section 1. Regular and Special Meetings

Regular meetings of the Commission shall be held on the third Tuesday of each month at 3:30 P.M., South Bend (Eastern Standard) time. Special meetings of the Commission shall be called by the President or by two (2) members upon written request to the Secretary.

Section 2. Quorum for Meetings

Pursuant to Indiana Code 36-7-4-301, a majority of the entire membership of the Commission shall constitute a quorum for meeting purposes.

Section 3. Quorum for Taking Action

Pursuant to Indiana Code 36-7-4-301, a majority of the entire membership of the Commission shall constitute a quorum required to take any official action.

Article VI.

Order of Business

Section 1. Regular Meetings

The order of business at any regular meeting of the Commission shall be:

1. Roll Call

2. EXECUTIVE SESSION
   a. Election of Officers
   b. Appointment of Plat Committee
   c. Appointment of Executive Committee
d. Appointment of ABZA Representative  
e. Ratification of motion

3. PUBLIC HEARINGS  
a. Rezonings (Zone map amendments)  
b. Written Commitments (adopt, modify or terminate)  
c. Text Amendments  
d. Appeals from Decisions of the Plat Committee  
e. Comprehensive Plans

4. ITEMS NOT REQUIRING A PUBLIC HEARING  
a. Miscellaneous  
i. Findings of Fact  
ii. Meeting Schedules  
iii. APC Resolutions (Fee Schedules, etc.)

5. Executive Director’s Report

6. Approval of Minutes

7. Adjournment

The President may move to amend the order of an agenda item upon a motion by the Commission.

Section 2. Special Meetings

The order of business at any Special Meeting of the Commission shall be determined by the President of the Commission.

Article VII.

Committees

Section 1. Executive Committee

The Executive Committee may be established (Resolution #35-74) and shall function as set out in Indiana Code 36-7-4-408, as amended. The President and Vice-President of the Commission, by reason of their office, shall serve as the Chairman and Vice-Chairman, respectively, of the Executive Committee. Meetings of the Executive Committee may be called by the Chairman or by two (2) members of the Committee. The Executive Committee may be charged with the responsibility of advising and counseling the Executive Director of the Commission in budget, personnel, and other administrative matters. The Executive Committee, if established, shall be charged with its responsibilities and its operation governed by resolution(s) adopted by the Commission.
Section 2. Plat Committee

The Plan Commission may appoint a Plat Committee (Resolution #067-82 & #088-86) to hold hearings on and approve subdivision plats behalf of the Commission as set out in Indiana Code 36-7-4-701, as amended. The Plat Committee may adopt rules of procedures and by-laws to govern its actions.

Section 3. Site Plan Committee

The Executive Committee shall serve as the Site Plan Committee to determine appeals of Staff decisions on major changes to approved final site plans.

Section 4. Special Committees

The President of the Commission may establish such Special Committees as may be deemed necessary from time to time. The President shall appoint the members of Special Committees, charge the members with their responsibilities, and designate the Chairman of the Committee.

Section 5. Advisory Council on Town Affairs

The Advisory Council on Town Affairs shall be established and shall function as set out in Indiana Code 36-7-4-210, as amended.

Section 6. Citizens’ Advisory Councils

The Commission may establish Citizens’ Advisory Councils as may be deemed necessary from time to time as set out in Indiana Code 36-7-4-407, as amended. The President shall appoint the members of Citizens’ Advisory Councils, charge the members with their responsibilities, and designate the Chairman of the Committee.

Article VIII.

Conflict of Interest

1. A member of the Commission is disqualified and may not participate in any hearings, recommendations or decisions of said Commission concerning a legislative act as described in IC 36-7-4-1016, in which the member has a direct or indirect financial interest.

2. Members who disqualify themselves shall leave the dais and meeting room during the particular action that they have disqualified themselves from participating.

3. A member of the Commission is disqualified and may not participate in any hearings of said Commission concerning a zoning decision as described in IC 36-7-4-1016, if the member is biased or prejudiced or otherwise unable to be impartial; or the member has a direct or indirect financial interest in the outcome of the zoning decision.
Article IX.

Rules of Procedures for Matters Requiring a Public Hearing

Section 1. General

1. Subject to the provisions of Indiana Code, Sections 36-7-4-100 et seq., as amended, public hearings shall be held on the adoption or amendment of any comprehensive plan, the adoption or amendment of a zoning ordinance, and when required, for the approval of a plat.

2. Before a member of the Commission may make a motion, ask a question, or be heard, the member must obtain recognition from the President. No member is entitled to be recognized by the President a second time on the same public hearing item as long as any other member who has not been heard desires to be recognized. If the member who makes the motion requests recognition from the President and has not already been heard on the item under consideration, that member shall be entitled to be recognized in preference to other members.

3. Decisions of the Commission shall be by voice vote of the members. In the event that a voice vote cannot determine the majority of the quorum, the President may call for a vote by show of hands.

4. All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present.

5. All exhibits submitted to the Commission by a presenter shall become the property of the Commission and a part of the petition file. The staff shall make the exhibits available to the presenter for subsequent public hearings.

6. Every person who addresses the Commission shall preface their remarks by giving their name and address. Either prior to speaking or after speaking, every speaker shall place their name and address on the sign-in sheet provided. All comments and exhibits offered shall be germane to the subject matter of the petition. All comments shall be directed to the Commission and not to the audience.

7. Written statements either in favor or in remonstrance addressed to the Commission shall be identified during the Staff Report by number and general description only, and copies presented to the Commission.

Section 2. Notice of Public Hearing

1. Notice of a Public Hearing shall be published in a local paper of general circulation in conformance with I.C. 36-7-4-604, as amended. The staff shall also notify interested parties by mail (see Article XI).

2. In the case of a rezoning petition, the petitioner shall be required to post sign(s) on the property in question. The staff shall determine the number of signs that will be required for each property and notify the petitioner. The petitioner is responsible for posting the signs no later than ten (10) days before the public hearing. The petitioner is responsible for ensuring that the sign remains posted until the petition receives final action by the legislative body. If the sign is lost or otherwise destroyed, the petitioner shall obtain a new sign from the staff.
The sign shall be removed by the petitioner within fifteen (15) days of the final decision by the legislative body.

Section 3. Public Hearings

1. Reading of Petition by Recording Secretary

The Recording Secretary shall read the short title or description of the petition as it appears on the agenda.

2. Staff Report

A Staff member shall present a Staff Report to the Commission. The Staff Report shall include information pertinent to the petition being presented and conclude with a recommendation.

3. Presentation by Petitioner

a. The petitioner, and/or their counsel or agents as identified below, shall address the Commission and be responsible for presenting the facts and arguments in support of the petition.

b. The petitioner includes the property owner, contingent purchaser, realtor, attorney, design professional, or any other individual or company employed by the petitioner.

c. The petitioner’s presentation shall be limited to thirty (30) minutes.

d. The burden is upon the petitioner to supply all information, including charts, plats, diagrams, and other exhibits necessary for a clear understanding of the petition. Any materials distributed at the meeting to individual Commission members shall be of sufficient quantity so that each Commission member receives a copy plus one copy each for the staff and the Commission attorney.

e. A copy of all materials presented by the petitioner shall become the property of the Commission and be a part of the file.

f. Any illustrations of the proposed project presented by the petitioner shall be deemed to be a representation by the petitioner as to how the project shall be developed and shall also be made part of the file.

4. Questions by Commission, Staff or Commission Attorney

The Commission, Staff or the Commission Attorney may ask any questions relative to the petition. At the conclusion of this question and answer session, the President shall open the discussion to the public.

5. Presentations by those in favor of the Petition

a. Any member of the public may address the Commission to speak in favor of the petition and present facts and arguments in support of the petition. A speaker shall not repeat previously made points.
b. Each speaker shall be limited to five (5) minutes and may not address the Commission a second time unless it is in response to a question from the Commission.

c. Any questions or comments raised by those in favor of the petition may be answered by the petitioner, Staff, or Commission Attorney during steps 7 and 8 below.

6. Presentations by those opposed to the Petition

a. Any member of the public may address the Commission to speak in opposition to the petition and present facts and arguments in opposition to the petition. A speaker shall not repeat previously made points.

b. Each speaker shall be limited to five (5) minutes and may not address the Commission a second time unless it is in response to a question from the Commission.

c. Any questions or comments raised by those opposed to the petition may be answered by the petitioner, Staff, or Commission Attorney during steps 7 and 8 below.

At the conclusion of the presentations by those opposed to the petition, the President shall close the discussion to the public.

7. Rebuttal by Petitioner

a. The President shall offer the petitioner the opportunity for rebuttal. The rebuttal shall be limited to ten (10) minutes.

b. The Petitioner may answer questions raised or rebut evidence or arguments presented during the public discussion. No new matters or arguments shall be presented during rebuttal. In the case of any evidence or arguments first raised during rebuttal, the President may instruct the Commission to disregard such matters or may permit additional comment by the public after which the petitioner shall not rebut.

8. Questions and Comments by Commission, Staff and Commission Attorney

a. The President shall entertain any additional questions by the Commission members to the staff or Commission Attorney.

b. The President and Commission members may also direct questions to the petitioner. The individual to whom such question is addressed shall answer it without additional rebuttal or comment.

c. At the conclusion of all questions and comments, the President shall ask the staff or Commission Attorney for any final comments they may have.

9. Commission Vote on the Proposal

a. The President shall then entertain a motion for appropriate action. The vote shall be by voice. In the event that a voice vote cannot determine the majority of the quorum, the President may call for a vote by show of hands.
b. For combined public hearings, each separate request (i.e. zonings, variances or plats) shall require a separate motion and vote following the same procedure outlined below.

c. The sequence of the vote shall occur as follows:

i. An initial motion of either a favorable recommendation or an unfavorable recommendation shall first be considered by the Commission.

ii. If the initial motion does not receive the necessary votes for passage, then the alternative of the initial motion shall be considered by the Commission.

iii. If the Commission cannot reach either a favorable recommendation or an unfavorable recommendation, then the Commission may consider a motion to forward the petition without a recommendation.

iv. The Commission may consider a motion to table a petition to the next regularly scheduled Commission meeting for the sole purpose of obtaining additional information from the petitioner or staff, or at the express request of the petitioner.

d. At the conclusion of the vote or votes on the petition, the President shall ask the Recording Secretary to read the next petition on the Commission’s public hearing agenda. All public hearings shall follow the above procedures.

**Article X.**

**Rules of Procedure for Matters not Requiring a Public Hearing**

**Section 1. General**

1. Although the petitioner or his counsel or agent need not be present for the petition to be considered by the Commission, it is strongly recommended that the petitioner or his representative be present if the matter to be considered by the Commission is likely to precipitate questions by the Commission members.

2. Any affected citizen may submit to the Commission’s office, on any matter not requiring a public hearing, a written statement, petition or remonstrance.

3. Decisions of the Commission shall be by voice vote of the members. In the event that a voice vote cannot determine the majority of the quorum, the President may call for a vote by show of hands.

4. All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present.

5. All exhibits submitted to the Commission by the petitioner or remonstrator shall become the property of the Commission and a part of the petition file.

**Section 2. Presentation Order**

1. Staff Report
A staff member may present a Staff Report outlining the proposal before the Commission. The report may be in either written or oral form.

2. Staff Recommendation

The Staff shall state its recommendation supported by information contained in the Commission file and any other information, including charts, plats, diagrams, and other exhibits necessary for a clear understanding of their position.

3. Questions by Commission, Staff and Commission Attorney

The Commission, Staff or the Commission Attorney may ask questions relative to the petition. The individual to whom such question is addressed shall answer it without additional rebuttal or comment.

4. Commission Vote on the Proposal

a. At the conclusion of all presentations, the Chair shall entertain a motion for appropriate action. The vote shall be by voice vote. In the event that a voice vote cannot determine the majority of the quorum, then the President may call for a vote by show of hands.

b. The Sequence of the vote shall occur per Article IX, Section 3 subsection 9.

c. At the conclusion of the vote on the petition, the President shall ask the Recording Secretary to read the next petition on the Commission’s meeting agenda. All meetings for matters not requiring a public hearing shall follow the above procedures.

Article XI

Interested Parties

The Area Plan Commission is required by law to determine by rule for all rezonings petitions and subdivisions under the jurisdiction of the Commission, who are interested parties; how notice is given to the interested parties; and who is to give the notice.

1. Items Requiring a Public Hearing such as Rezoning Petitions (including combined public hearings), Major Primary Subdivisions, Type 3 Corrective Plats, and Appealed Final Planned Unit Development Plans.

a. Within the unincorporated areas of St. Joseph County, interested parties are those property owners within six-hundred and sixty (660) feet of the boundaries of the property under consideration, the petitioner, and the Staff of the Area Plan Commission.

b. Within the incorporated limits of the Commission’s member municipalities, interested parties are those property owners within three-hundred (300) feet of the boundaries of the property under consideration, the petitioner, and the Staff of the Area Plan Commission.

c. Written notice of the public hearing shall be mailed to the interested parties by the Staff of the Area Plan Commission at least ten (10) days before the date of the initial public hearing date for the proposed action.
2. Items Not Requiring a Public Hearing such as Minor and Replat Subdivisions, Type 1 and Type 2 Corrective Plats, and Plat Vacations where all of the property owners have joined in the petition.

   a. Interested parties are the Staff of the Area Plan Commission and the petitioner.

   b. Written notice of the meeting shall be sent to the petitioner by the Staff of the Area Plan Commission at least ten (10) days before the date of the initial meeting on the action.

3. Plat Vacations where not all of the property owners have joined in the petition.

   a. The following are deemed to be Interested parties:

      i. All owners of land within the entire plat of which the proposed vacation is part of.

      ii. Within unincorporated areas, all property owners within six-hundred and sixty (660) feet, and within the incorporated limits of the Commission’s member municipalities (three-hundred (300) feet of any portion of the major subdivision proposed to be vacated.

      iii. The Staff of the Area Plan Commission.

      iv. The property owner(s) applying for the vacation.

   b. Written notice of the meeting shall be mailed to the interested parties by the Staff of the Area Plan Commission at least ten (10) days before the date of the initial public hearing date for the proposed action.

   

   Article XII

   Ex Parte Communication

No petitioner, person in favor of a petition, nor remonstrator against a petition shall communicate with any member of the Commission before a hearing with the intent of influencing the member’s action on a matter pending before the Commission. It is the responsibility of Commission members not to communicate with individuals outside of the hearing. Those members of the Commission who by virtue of their positions, i.e., the County Surveyor or City Public Works Director, who are responsible for reviewing drainage, traffic impacts, etc., may have contact with petitioners or members of the public, but at no time shall the petitioner or members of the public try to influence the member’s opinion. In addition, elected officials whose duties include listening to constituents' opinions, complaints, etc. may also have contact with petitioners and members of the public prior to a public hearing.
Article XIII

Exhibits

The Commission hereby establishes the following rules and procedures for the archiving of and the disposition of exhibits received by the Commission:

1. All exhibits will be available for view to the general public and will be made available to the Petitioner and the respective Councils for their public hearings.
2. All exhibits will be scanned or photographed by the Commission to be kept and archived in the Commission’s files.
3. Prior to final disposition of the exhibit(s), the petitioner or their representative and any member of the public who submitted an exhibit or exhibits during their presentation, will be notified by first class mail, e-mail, or a telephone call, or a combination of all three, and have an opportunity to retrieve the exhibit(s) fifteen (15) days of receipt of the notice.

Article XIV

Petitions: Withdrawal, Tabled and Re-Submittal of Denied Petitions

The Commission hereby establishes the following rules and procedures regarding petitions that have been filed for consideration before the Commission relative to zone map changes, variances from the development standards and special uses:

1. Withdrawal of Petitions
   Petitions may be withdrawn at any time.

2. Petitions Tabled Before Advertising or Public Notice
   a. The petitioner may request that the petition be tabled to a future meeting.
   b. After six (6) months from the date of the filing of the petition, if the petitioner has failed to allow the petition to be scheduled for a public hearing, the staff shall inform the Council (zone map and special use petitions) to withdraw the petition from further consideration. The Commission shall then remove the petition from further consideration.
   c. A new petition may be filed at any time according to the adopted filing schedule.

3. Petitions Tabled After Advertising or Public Notice and Prior to Public Hearing
   a. The petitioner may request that the petition be tabled to the next scheduled Commission hearing.
   b. A request for the petition to be docked to any future meetings after the next scheduled Commission meeting will require the petitioner to bear the cost of a new legal ad and provide new envelopes (in order to re-notify surrounding property owners) with corresponding postage. Staff will provide the notice.
c. After six (6) months from the date of the filing of the petition, if the petitioner has failed to allow the petition to be scheduled for a public hearing, the staff shall inform the Council (zone map and special use petitions) to withdraw the petition from further consideration. The Commission shall then remove the petition from further consideration.

d. A new petition may be filed at any time according to the adopted filing schedule.

4. Petitions Tabled at The Commission Meeting, After the Public Hearing

a. A petitioner may request to table a petition after the public hearing portion and prior to the Commission’s formal recommendation. The Commission reserves the right to either except the petitioner’s request or proceed with a recommendation.

b. The petitioner may only request that a petition be tabled once.

c. The petitioner must declare which Commission meeting they want the petition to be tabled to, but it must be no longer than the second meeting after the meeting at which the petition was tabled. The previously tabled petition may not be further tabled at the meeting at which it is heard.

d. The Commission reserves the right to consider whether to reopen the public hearing on a tabled petition.

5. Variances Considered by the Commission

a. Variances considered by the Commission may not be continued to another meeting unless the rezoning and/or special use petition that it is a part of is also continued (tabled) by the Commission.

b. Variances considered by the Commission and denied may not be resubmitted to the Commission unless it is filed with another rezoning or special use.

c. Variances denied by the Commission may not be submitted for consideration to the Area Board of Zoning Appeals earlier than six (6) months from the date it was denied.

d. Variances withdrawn by the petitioner may not be submitted for consideration to the Area Board of Zoning Appeals earlier than six (6) months from the date it was withdrawn.
Article XV.

Seal

The official seal of the Commission shall be:

Article XVI.

Amendment or Repeal of By-Laws

These by-laws may be amended, supplemented, changed, or repealed at any regular or special meeting of the Commission. Any amendment must be adopted by a majority of the Commission, except for amendments relating to Article VII, Section 1, Executive Committee, which require a two-thirds (2/3) majority vote of the entire membership of the Commission. However, any such proposed amendment shall be presented in written form at one meeting, to be acted upon at the next regular meeting of the Commission.

Adopted by the Area Plan Commission this 17th day of March 2020.

By: _______________________
    Adam J. DeVon, President

ATTEST: _____________________
    Lawrence P. Magliozzi, Secretary
PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

   1 A combined public hearing on a proposed ordinance of Henry Hong Le to zone from R: Single Family District to O: Office District and 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, property located at 13467 STATE ROAD 23 HWY and 13479 STATE ROAD 23 HWY and 1.7 ac lying and adjacent to 13479 STATE ROAD 23 HWY, St. Joseph County - APC# 2924-20. (Audio Position: 7:00)

RYAN FELLOWS: The petitioner is requesting a zone change from R: Single Family District to O: Office District Two single family homes are on site currently. Single family homes zoned R Single Family District. Single family homes zoned R Single Family District and commercial/office uses zoned C Commercial District and O Office District. Single family homes zoned R Single Family District and an office zoned OB Office Buffer District. Single family homes zoned R Single Family District. 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. Veterinary Clinic proposed building of 8,000 square feet, with future addition of 4,000 square feet. Amble 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. 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. SR 23 has four lanes and a center turn lane. It provides adequate traffic capacity. 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. 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. 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 the parking lot. Well location must meet all setbacks in State/County Codes. Recommends approval. The petitioner is not proposing any written commitments. 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." The future land use map identifies the area as residential. No other plans have been adopted for this area. 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. 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. With proper landscaping screening, surrounding property values should not be adversely affected. It is responsible development and growth to allow office uses along major corridors. The staff has no additional comments at this time. 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. 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.

PETITIONER

Terry Lang of Lang Feeney & Associates, with offices located at 715 S Michigan St. South Bend, IN presented on behalf of the petitioner.

IN FAVOR
There was one person present to speak in favor of this petition:

Sandi Hagen, residing at 23708 South Shore Dr., Edwardsburg, MI.

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 Dan Caruso and unanimously carried, a proposed ordinance of Henry Hong Le to zone from R: Single Family District to O: Office District, property located at 13467 STATE ROAD 23 HWY and 13479 STATE ROAD 23 HWY and 1.7 ac lying and adjacent to 13479 STATE ROAD 23 HWY, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. 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.

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker and unanimously carried, the 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 property located at 13467 STATE ROAD 23 HWY and 13479 STATE ROAD 23 HWY and 1.7 ac lying and adjacent to 13479 STATE ROAD 23 HWY, St. Joseph County, were\was approved.

2 A combined public hearing on a proposed ordinance of Mittal Properties LLC to zone from R: Single Family District to O: Office District and 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, property located at 14304 STATE ROAD 23 HWY, St. Joseph County - APC# 2929-20.  (Audio Position: 27:00)

RYAN FELLOWS: The petitioner is requesting a zone change from R: Single Family District to O: Office District A single family home zoned R: Single Family District A single family home zoned R: Single Family District A single family home zoned R: Single Family District A single family home zoned R: Single Family District A single family home zoned R: Single Family District 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 shows
existing house converted to doctor's office use. Landscaping shown. 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. SR 23 is now five lanes, including a center turn lane. Existing well and septic
systems. The petitioner is not proposing any written commitments. 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." The future land use map identifies the area as residential. No other plans have
been adopted for this area. 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.
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. With proper landscaping
screening, surrounding property values should not be adversely affected. It is responsible
development and growth to allow office uses along major corridors. 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 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.

PETITIONER

Terry Lang of Lang Feeney & Associates, with offices located at 715 S Michigan St. South
Bend, IN presented on behalf of the petitioner.

IN FAVOR

There was one person present to speak in favor of this petition:

Sonal Dhuper, residing at 51216 Leeward Pt., Granger, IN.

REMONSTRANCE

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

Marcia Braun, residing at 14295 Brick Rd., Granger, IN.

REBUTTAL
Terry Lang of Lang Feeney & Associates, with offices located at 715 S Michigan St. South Bend, IN presented a rebuttal on behalf of the petitioner.

After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by Rachel Rawls and unanimously carried, a proposed ordinance of Mittal Properties LLC to zone from R: Single Family District to O: Office District, property located at 14304 STATE ROAD 23 HWY, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. 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.

Upon a motion by Dan Caruso, being seconded by Jason Lambright and unanimously carried, the 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 except for the south property line, property located at 14304 STATE ROAD 23 HWY, St. Joseph County, were approved.

3 A proposed ordinance of Bhola Singh to zone from I: Industrial District to C: Commercial District, property located at 50941 STATE ROAD 933 HWY and 50945 STATE ROAD 933 HWY and 50941 STATE ROAD 933 HWY and 50941 STATE ROAD 933 HWY and 50935 STATE ROAD 933 HWY, St. Joseph County - APC# 2932-20.

(Audio Position: 42:30)

RYAN FELLOWS: The petitioner is requesting a zone change from I: Industrial District to C: Commercial District Point Blank Tattoo & Body and Cobra Systems, LLC truck accessories store zoned I: Industrial District Clayview Animal Clinic - zoned C: Commercial District Dale's Auto Sales - zoned C: Commercial District Council Oak Antiques - zoned C: Commercial District Single family homes - zoned B: Business District 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 shows a liquor store and liquor warehouse. 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. SR 933 (Old US Route 33) is a five lane highway, including a center turn lane, with ample capacity. No written commitments are being proposed. 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. The 2002 Comprehensive Plan land use plan does not contemplate anything changing in this area. No other plans have been adopted for this area. Current conditions and character of the current structures and uses is consistent with commercial use in this area. Commercial use in this area is the most desirable use. Commercial use of these properties will conserve property values. Commercial use in the corridor represents responsible development and growth. Staff recommends approval of this rezoning request. 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.

PETITIONER

Chad Harper, located at 327 W Marion St., 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 one person present to speak in remonstrance of this petition:

Dave Cherrone, residing at 18355 Auten Rd. South Bend, IN.

REBUTTAL

Chad Harper, located at 327 W Marion St., South Bend, IN presented a rebuttal on behalf of the petitioner.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker and unanimously carried, a proposed ordinance of Bhola Singh to zone from I: Industrial District to C: Commercial District, property located at 50935 STATE ROAD 933, 50941 STATE ROAD 933, and 50945 STATE ROAD 933, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. 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.
A proposed ordinance of STEVEN AND MELISSA WEISSER to zone from A: Agricultural District to PUD Planned Unit Development District, property located at 26725 New Road, St. Joseph County - APC# 2926-20.

APC #2926-20 was tabled at the Special Meeting of the Area Plan Commission Upon a motion by Dan Caruso, being seconded by Jason Lambright and unanimously carried, the Area Plan Commission returned APC #2926-20 to the agenda to be considered.

RYAN FELLOWS: The petitioner is requesting a zone change from A: Agricultural District to PUD Planned Unit Development District A single family home, barn with horses, and woods. Agriculturally zoned woods. Agriculturally zoned single family home and field. Potato Creek State Park. Agriculturally zoned single family home and woods. 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 includes, single family home, wedding venue barn, woods, horse pasture, parking, and room for a future horse barn and for parking expansion. Land use in area has been agricultural. The trend has been an increase in farmers providing agriculturally themed experiences, including special event venues. New Road is a two-lane road in good condition, with relatively low traffic counts. Site is on well and septic. 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. The petitioner is not proposing any written commitments. The petition is consistent with Goal 1: Alleviate and minimize the loss of agricultural land. The petition is consistent with continued use as mostly woods in an agricultural setting. The purpose of the venue is to supplant that use. No other plans have been adopted for this area. 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. 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. With existing wooded screening the surrounding property values should not be adversely affected. It is responsible development and growth to allow a PUD that is themed on agricultural 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. This rezoning will allow this property to keep its wooded, rural character, but also allow for an agriculturally themed experiences.

PETITIONER

Steven Weisser, located at 26725 New Road, North Liberty, IN presented as the petitioner.

IN FAVOR

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

REMONSTRANCE

There were eighteen people present to speak in remonstrance of this petition:

Howard Dosmann, residing at 26411 New Rd., North Liberty, IN  
Karen Schefmeyer, residing at 63262 Orange Rd., South Bend, IN  
Rodger Pendel, residing at 63520 Orange Rd., South Bend, IN  
Don Schefmeyer, residing at 63262 Orange Rd., South Bend, IN  
Oliver Davis, residing at 1801 Nash St., South Bend, IN  
Bob Watson, residing at 25945 New Rd., North Liberty, IN  
Sandra Ort, residing at 61500 Poppy Rd., South Bend, IN  
Jason Goodsell, residing at 26511 New Rd., North Liberty, IN  
Greg Pittman, residing at 26577 New Rd., North Liberty, IN  
Sadie Ritschard, residing at 28560 New Rd., North Liberty, IN  
Becky Pittman, residing at 26577 New Rd., North Liberty, IN  
Larry Meland, residing at 26233 New Rd., North Liberty, IN  
Brian Cooper, residing at 63981 SR 23, North Liberty, IN  
Victoria Dedonato, residing at 63830 Redwood Rd., North Liberty, IN  
Andrea Castle, residing at 63752 Redwood Rd., North Liberty, IN  
Diane Nyari, residing at 26775 New Rd., North Liberty, IN  
Emily Johnson, residing at 62295 Pine Rd., North Liberty, IN  
Zach Mark, residing at 27366 New Rd., North Liberty, IN

REBUTTAL

Steven Weisser, located at 26725 New Road, North Liberty, IN presented a rebuttal as the petitioner.

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 STEVEN AND MELISSA WEISSER to zone from A: Agricultural District to PUD Planned Unit Development District, property located at 26725 New Road, St. Joseph County, is sent to the County Council with an UNFAVORABLE recommendation. This rezoning will allow this property to keep its wooded, rural character, but also allow for an agriculturally themed experiences.

5 A proposed ordinance of KLINE CUSTOM HOMES INC to zone from A: Agricultural District to R: Single Family District, property located at 54280 BITTERSWEET RD, St. Joseph County - APC# 2933-20. (Audio Position: 2:27:20)

RYAN FELLOWS: The petitioner is requesting a zone change from A: Agricultural District to R: Single Family District Farmland and woods zoned A: Agricultural District Farmland and woods zoned A: Agricultural District Farmland zoned A: Agricultural District Willow Creek and then single family homes zoned R: Single Family District Farmland and single family homes zoned A: Agricultural District 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. No site plan submitted, but a subdivision of several single family homes intended. 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 Bittersweet is a two lane paved country road with no shoulders. Well and septic would need to be installed The petitioner is not proposing any written commitments at this time. 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 Rensselaer-Gilford-Maumee soil association, which is featured at this site. The land use plan of the 2002 Comprehensive Plan contemplates leaving the land use as is. No other plans have been adopted for this area. The most desired use of this land is to remain agricultural. Leaving the land agricultural will conserve property values. 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. 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. Based on information available prior to the public hearing, the staff recommends sending this rezoning petition to the County Council with an unfavorable recommendation. 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.

PETITIONER

Crystal Welsh of Abonmarche Consultants, LLC, with offices located at 315 W Jefferson Blvd. 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 one person present to speak in remonstrance of this petition:

Patricia Caparell, residing at 54372 Bittersweet Rd., Mishawaka, IN.

REBUTTAL

Crystal Welsh of Abonmarche Consultants, LLC, with offices located at 315 W Jefferson Blvd. South Bend, IN presented a rebuttal on behalf of the petitioner.

After due consideration, the following action was taken:

Upon a motion by Jason Lambright, being seconded by Rachel Rawls and carried, a proposed ordinance of KLINE CUSTOM HOMES INC to zone from A: Agricultural District to R: Single Family District, property located at 54280 BITTERSWEET RD, St. Joseph County, is sent to the County Council with an UNFAVORABLE recommendation. 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.
agricultural importance, and development must do everything possible to minimize the impact on agricultural land when utilities are generally not available.

6 A proposed ordinance of KENNETH E SEBASTY SR & ELAINE A SEBASTY to zone from A: Agricultural District to I: Industrial District, property located at 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, St. Joseph County - APC# 2928-20. (Audio Position: 2:58:00)

RYAN FELLOWS: The petitioner is requesting a zone change from A: Agricultural District to I: Industrial District. Agriculturally zoned farmland with some woods and wetlands, plus three single family homes and a county drain. 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. Agriculturally zoned farmland and industrially zoned R+L Carriers. Agriculturally zoned farmland and the industrially zoned Navistar Proving Grounds. Agriculturally zoned farmland, woods, and wetlands. 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 does not contemplate a specific use. But it does contemplate Fillmore Road leading to Larrison Blvd as the presumed site entrance corridor. 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. Fillmore Road leading to Larrison Blvd as the presumed site entrance corridor serves as good transportation planning, taking advantage of previously invested road infrastructure. No use is contemplated at this time. Municipal water and sewer services are in the area. Engineering: Any improvements/construction to the properties must meet Drainage and Runoff Storage will per SJC Criteria. Calculations and plan would be submitted with a specific site plan, but 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. The petitioner is not proposing any written commitments. 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. Subject land is further west then the land use plan map contemplates for industrial growth. Please note that the land use plan map is a guide, not meant to be exact. 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." Current conditions and character of current structures is agricultural in nature. 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. With suitable landscaping buffering as required by the development standards of the I: Industrial District, property values should not be adversely affected. Over the past several decades, investment after investment in infrastructure for road and rail transportation, water and sewer capacity, electricity, telecommunications, and other investments have prepared this area for industrial growth. Time after time the 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. 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 of a series 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 (which may change this recommendation) 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 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.) Rezoning the non-wetland portion of the subject 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.

PETITIONER
Aaron Blank of Lawson-Fisher Associates, with offices located at 525 W Washington St. Ste 200, South Bend, IN presented on behalf of the petitioner.

IN FAVOR

There were two people present to speak in favor of this petition:

Jeff Rea, President and CEO of the South Bend Regional Chamber of Commerce, with offices located at 101 N. Michigan St. Ste 300 South Bend, IN.
Commissioner President, Andy Kostielney, with offices located on the 7th Floor of the County-City Building at 227 W Jefferson Blvd., South Bend, IN.

REMONSTRANCE

There were 22 people present to speak in remonstrance of this petition:

Oliver Davis, residing at 1801 Nash St., South Bend, IN
John Daly, residing at 217 W Michigan St., New Carlisle, IN
Kathleen VanLue, residing at 413 S Filbert St., New Carlisle, IN
Susan Lingar, residing at 58640 Peach Rd., South Bend, IN
Chris Cobb, residing at 215 E. Pokagon St., South Bend, IN
Arthur Wheeler, residing at 50707 Carrington Place Ct., South Bend, IN
Kathy Schuth, residing at 911 Leland Ave., South Bend, IN
Carol Hesch, residing at 505 S Bray St., New Carlisle, IN
Chris Humbarger, residing at 58010 Tulip Rd., New Carlisle, IN
Rachel Fulmer, residing at 4912 N 800 E, New Carlisle, IN
Allen Hamlet, residing at 1102 N Lafayette Blvd., South Bend, IN
John DiTillo, residing at 701 Cushing St., South Bend, IN
Jennifer Betz, residing at 23150 Roosevelt Rd., South Bend, IN
Victor Myers, residing at 236 W Navarre St., South Bend, IN
Amy Radcliff, residing at 202 W Front St., New Carlisle, IN
Esther Powell, residing at 116 Eaton Rd., New Carlisle, IN
Bob Humbarger, residing at 29987 Hurd Rd., New Carlisle, IN
Judith Rubleske, residing at 515 S Main St., South Bend, IN
Michelle Gloss, residing at 759 Portage Ave., South Bend, IN
Marty Wolfson, residing at 809 Park Ave., South Bend, IN
Marcy Kauffman, residing at 106 N Bray St., New Carlisle, IN
Sybil Drew, residing in Chicago, IL

REBUTTAL
Aaron Blank of Lawson-Fisher Associates, with offices located at 525 W Washington St. Ste 200, South Bend, IN presented a rebuttal on behalf of the petitioner.

After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by John R. McNamara, P.E., L.S. and unanimously carried, a proposed ordinance of KENNETH E SEBASTY SR & ELAINE A SEBASTY to zone from A: Agricultural District to I: Industrial District, property located at 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, St. Joseph County, is sent to the County Council with an UNFAVORABLE recommendation. Rezoning the non-wetland portion of the subject 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.

7 A proposed ordinance of Todd L Kaminski to zone from A: Agricultural District to I: Industrial District, property located at 31000 FILLMORE RD, St. Joseph County - APC# 2930-20.  

RYAN FELLOWS: The petitioner is requesting a zone change from A: Agricultural District to I: Industrial District Agriculturally zoned farmland with a single family home and a county drain. Agriculturally zoned farmland and industrially zoned R+L Carriers. Agriculturally zoned farmland and C: Commercial District property Agriculturally zoned farmland. Agriculturally zoned farmland. 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 does not contemplate a specific use. The R+L Carriers property was zoned industrial in the mid-1990's. Larrison Blvd and SR 2 offer good transportation/traffic options. No use is contemplated at this time. Municipal water and sewer services are in the area. 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. The petitioner is not proposing any written commitments. 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."

Approximately 60% of the eastern side of this land is shown on the land use plan map as appropriate for industrial growth. Please note that the land use plan map is a guide, not meant to be exact. 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." Current conditions and character of current structures is agricultural in nature. The investment of infrastructure in this area makes it highly desirable for industrial development. With suitable landscaping buffering as required by the development standards of the I:Industrial District, property values should not be adversely affected. 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 recommends approving the rezoning petition. Rezoning of the petitioner's properties will support the County's long standing economic development goals.

PETITIONER

Aaron Blank of Lawson-Fisher Associates, with offices located at 525 W Washington St. Ste 200, 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 were three people present to speak in remonstrance of this petition:

Chris Cobb, residing at 215 E. Pokagon St., South Bend, IN
Kathleen VanLue, residing at 413 S Filbert St., New Carlisle, IN
Judith Rubleske, residing at 515 S Main St., South Bend, IN
Aaron Blank of Lawson-Fisher Associates, with offices located at 525 W Washington St. Ste 200, South Bend, IN presented a rebuttal on behalf of the petitioner.

After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by Jason Lambright and unanimously carried, a proposed ordinance of Todd L Kaminski to zone from A: Agricultural District to I: Industrial District, property located at 31000 FILLMORE RD, St. Joseph County, is sent to the County Council with an UNFAVORABLE recommendation. Rezoning of the petitioner's properties will support the County's long standing economic development goals.

A proposed ordinance of SEBASTY KENNETH E JR to zone from A: AGRICULTURAL DISTRICT to I: INDUSTRIAL DISTRICT, property located at 30750 EDISON RD, 31000 EARLY RD, 31000 SR 2, 30750 SR 2, St. Joseph County - APC# 2931-20. (Audio Position: 5:28:00)

RYAN FELLOWS: The petitioner is requesting a zone change from A: AGRICULTURAL DISTRICT to I: INDUSTRIAL DISTRICT 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
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 Agriculturally zoned farmland Agriculturally zoned farmland Agriculturally zoned farmland
30750 Edison - Agriculturally zoned farmland
31000 Early - Agriculturally zoned farmland
30750 SR 2 - Agriculturally zoned farmland
31000 SR 2 - Industrially zoned Navistar Proving Grounds 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 does not contemplate a specific use. 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. 30750 Edison - Edison Road 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. No use is contemplated at this time. Municipal water and sewer services are in the area. Engineering: Any improvements/constructive 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. The petitioner is not proposing any written commitments. 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. 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. 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." Current conditions and character of current structures is agricultural in nature. 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. With suitable landscaping buffering as required by the development standards of the I: Industrial District, property values should not be adversely affected. 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. 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. 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.

PETITIONER

Aaron Blank of Lawson-Fisher Associates, with offices located at 525 W Washington St. Ste 200, 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 were seven people present to speak in remonstrance of this petition:

Chris Cobb, residing at 215 E. Pokagon St., South Bend, IN
Chris Humbarger, residing at 58010 Tulip Rd., New Carlisle, IN
Judith Rubleske, residing at 515 S Main St., South Bend, IN
Allen Hamlet, residing at 1102 N Lafayette Blvd., South Bend, IN
Bob Humbarger, residing at 29987 Hurd Rd., New Carlisle, IN
Jennifer Betz, residing at 23150 Roosevelt Rd., South Bend, IN
Rachel Fulmer, residing at 4912 N 800 E, New Carlisle, IN

REBUTTAL

Aaron Blank of Lawson-Fisher Associates, with offices located at 525 W Washington St. Ste 200, South Bend, IN presented a rebuttal on behalf of the petitioner.
After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by John R. McNamara, P.E., L.S. and unanimously carried, a proposed ordinance of SEBASTY KENNETH E JR to zone from A: AGRICULTURAL DISTRICT to I: INDUSTRIAL DISTRICT, property located at 30750 EDISON RD, 31000 EARLY RD, 31000 SR 2, 30750 SR 2, St. Joseph County, is sent to the County Council with an UNFAVORABLE recommendation. 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

ITEMS NOT REQUIRING A PUBLIC HEARING

A. Miscellaneous:

1. Resolution No. 259-20 – Clarification of Start Date for Abby Wiles

   After due consideration, the following action was taken:

   Upon a motion by John McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, Resolution 259-20 was approved.

B. Executive Director's Report:

   None at this time.

C. Minutes:

1. Approval of the Minutes from the June 9, 2020 meeting.

   After due consideration, the following action was taken:

   Upon a motion by John McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, the minutes from the June 9, 2020 meeting were approved.

D. Adjournment:
Upon a motion by John McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, the Area Plan Commission meeting of June 16, 2020 adjourned at 9:17 p.m.

______________________________________
Adam DeVon,
PRESIDENT OF THE COMMISSION

______________________________________
Ryan D. Fellows,
Secretary of the Commission