AGENDA
Tuesday, August 18, 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: 1-312-626-6799
Meeting ID: 992 0176 0880
Password: 426753

Or join meeting via Zoom (click here or copy-paste the link below into your browser)
https://zoom.us/j/99201760880?pwd=a3k2K3NKTXRhd0ZxcUpla2hOWDRYdz09

1. Roll Call
2. Public Hearings
   a. Rezonings

(1) Location: 30750 EDISON RD
   Owner: Kimberli Phillips
   Requested Action: From A: Agricultural Dist. to I: Industrial Dist.
   APC #2934-20 – Request to be tabled by petitioner

(2) Location: 56325 ASH RD
   Owner: GLEN L & FANNY R WHEELER
   Requested Action: From R: Single Family Dist. to B: Business Dist.
   APC #2936-20

(3) Location: 11825 MCKINLEY HWY
   Owner: Estate of Rodney A. Daniel/Personal Rep. Pattie Daniel
   Requested Action: From C: Commercial Dist. to R: Single Family Dist.
   APC #2937-20

(4) Location: 56458 WILLOW RD, 31917 SR 2, and 56340 WILLOW RD
   Owner: ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT
   Requested Action: From A: Agricultural Dist. to I: Industrial Dist.
   APC #2938-20 – Request to be tabled by petitioner

3. Items Not Requiring a Public Hearing
   a. Miscellaneous – None.
4. Executive Director's Report
5. Approval of Minutes
   a. July 21, 2020 Area Plan Commission Meeting
   b. June 16, 2020 Area Plan Commission Meeting
6. Adjournment
Ryan-

On behalf of the petitioners, I would like to request that the public hearing for the Kimberli Phillips and Valerie Waters rezone petition (APC# 2934-20) be tabled to the next meeting. In addition, I would like to request that the public hearing for the St. Joseph County Department of Redevelopment rezone petition (APC# 2938-20) be tabled to the next meeting.

Thank You,

Aaron Blank | Survey Director
525 West Washington Avenue | South Bend, IN 46601
O: 574-234-3167
C: 574-276-7693
www.lawson-fisher.com
APC # 2934-20
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 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.
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 Prairie, 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.
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.
SITE NOTES:
1. Aggregate Area = 46.174± acres (excluding existing right-of-way for Edison and Larrison).
2. Current Zoning District = Agricultural
3. Proposed Zoning District = Industrial
4. Intent of Rezoning Petition = Indiana Office of Community & Rural Affairs (OCRA) Gold or Prime Site Certification for Economic Development
5. The entire parcel is owned by the petitioners.
6. The site shall comply with current ordinances as development occurs.
7. No Variances or Special Uses are being requested as part of this Rezone Petition.
Petitioner: WHEELER GLEN L & FANNY R  
Location: 56325 ASH RD  
Jurisdiction: St. Joseph County  
Public Hearing Date: 8/18/2020  

**Requested Action:**
The petitioner is requesting a zone change from R: Single Family District to B: Business District.

**Land Uses and Zoning:**
- **On site:** Eternal Life Community Outreach Church, zoned R: Single Family District.
- **North:** To the north is Midway Marine, zoned B: Business District.
- **East:** To the east is a Nextel telecommunication tower, zoned B-1: Neighborhood Business District (Elkhart County)
- **South:** To the South is United Steel Workers of America, Local 12273 union hall, zoned C: Commercial District.
- **West:** To the west are single family homes, zoned R: Single Family District.

**District Uses and Development Standards:**
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 nearbyresidential districts served.

**Site Plan Description:**
Site Plan contemplates using the existing 24 parking space lot and adding another parking lot of 24 spaces, as well as a proposed retention area, septic field and replacement septic field.

**Zoning and Land Use History and Trends:**
This property was zoned R: Single Family District from B: Business District in 1967.

**Traffic and Transportation Considerations:**
Ash Road (West County Line Road) is a two lane road with shoulders. The shoulder serves as a de facto right turn lane onto C.R. 16 (West Indiana Avenue) from northbound Ash Road. Vistula Road is a narrow two-lane road without shoulders. Vistula Road continues east from its intersection with Ash Road as C.R. 16 in Elkhart County. The Vistula Road comes to Ash Road on an angle (see Engineering comment below.)

**Utilities:**
Property served by Elkhart municipal water. No sanitary sewer available. A suitable septic system is needed for the proposed accompanying restaurant.

**Agency Comments:**
Engineering: The drainage has to meet SJC Criteria for storage requirements. Given the proposed use and the potential impacts to traffic at the intersection of Ash Road and Vistula Road a Traffic Impact Study will be required. Please contact the SJC Engineering Division for the requirements of the Study.
Health: The Department of Health recommends tabling this petition at this time in order to give an opportunity for the petitioner to make adjustments. Per the Technical Data Sheet issued by the Indiana State Department of Health (ISDH) for project #7115017, which regards the minimum design specifications for the septic system needed for a Midway Marina Cafe, three septic absorption areas were needed with a total of 7100 square feet of absorption trench bottom between them. This does not appear feasible with this site plan.

Commitments:
Petitioner is not proposing any commitments at this time.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:
1. Comprehensive Plan:
Policy Plan:
Rezoning is supportive of the 2002 Comprehensive Plan's Goal 2: "Encourage the economic development of the County and its municipalities." Especially Objective C: "Develop quality business areas to meet the retail and service needs of the planning area."

Land Use Plan:
The Land Use Plan does not contemplate a change of use in this area.

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

2. Current Conditions and Character:
The current conditions and the character of the current structures on this site are a house of worship with a parking lot and woods.

3. Most Desirable Use:
In the absence of an adequate septic system and a Traffic Impact Study, preservation of the R: Single Family District is advised at this time.

4. Conservation of Property Values:
In the absence of an adequate septic system and a Traffic Impact Study, the conservation of property values is not anticipated.

5. Responsible Development and Growth:
Due to an adequate septic system not being worked out and the need for a Traffic Impact Study, it would be irresponsible development and growth at this time.

Staff Comments:
No additional staff comments at this time.

Recommendation:
Per the Department of Health recommendation to table and County Engineering needing a Traffic Impact Study the Area Plan Commission Staff recommends tabling this petition.

Analysis:
Due to the need to identify an adequate septic system for the accompanying proposed restaurant, and the need for a Traffic Impact Study, this petition is not ready for a recommendation to the County Council.
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:
   56325 Ash Road
   Osceola, Indiana 46561

2) The property Tax Key Number(s) is/are: 014-1046-088312

3) Legal Description:
   Part of the East 1/2 of the Northeast 1/4 of Section 9, Township 37 North, Range 4 East described as follows:
   Assuming the east line of the said Northeast 1/4 of said Section 9 to have a bearing of North 0 degrees 46 minutes East from a stone at the southeast corner of said Northeast 1/4, beginning on the said east line of the said Northeast 1/4, 710 feet North 0 degrees 46 minutes East of said stone; thence North 0 degrees 46 minutes East along said east line 990.92 feet to the center of Vistula Road extended eastwardly; thence along the center of Vistula Road by the following two courses South, 64 degrees 32 minutes West 365.31 feet and South 62 degrees 35 minutes West 93.39 feet; thence South 0 degrees 48 minutes West 758.28 feet to an iron stake on the north line of a road; thence South 89 degrees 17 minutes East 410 feet to the place of beginning.
   Excepting Therefrom: strips of land from and off the north and east sides now used as public road.

4) Total Site Area: 2.18 ACRES

5) Name and address of property owner(s) of the petition site:
   Glen L. Wheeler and Fanny R. Wheeler
   3703 N Home Street
   Mishawaka, Indiana 46545
   Phone number with Area Code
   E-Mail Address

   Name and address of additional property owners, if applicable:

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

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:
   From: R SINGLE FAMILY DISTRICT
   To: B BUSINESS DISTRICT

   Additional zoning district, if applicable

8) This rezoning is requested to allow the following use(s): the construction of off site parking for the proposed restaurant, north and across the street.
9) Provide a brief and descriptive narrative of the proposed project:

   The owners of the marina to the north and across the street are proposing a restaurant within the existing building. This Restaurant will require additional parking and area for their septic system and the future replacement system. The petitioned parcel has ample space for both and help improve the function of the Marina with minimal impact on surrounding properties.

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:

Lang, Feeney & Associates, Inc. Terance D. Lang, PS
715 S Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

[Signatures]

-FILED-
JUN 04 2020
AREA PLAN COMMISSION
Application# 2936-20
PRELIMINARY SITE PLAN

FOR REZONING PURPOSES ONLY

MIDWAY MARINA & RESTAURANT
Porch, Deck & Boardwalk at Location indicated
Part of the Marina's Outer Harbor to be Warmi

PRELIMINARY SITE PLAN
APC #   2937-20
Petitioner: The Estate of Rodney A. Daniel/Personal Representative Pattie Daniel
Location: 11825 MCKINLEY HWY
Jurisdiction: St. Joseph County
Public Hearing Date: 8/18/2020

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

Land Uses and Zoning:
On site: On site is a single-family home and a pet shop.
North: To the north are single family homes zoned R Single Family District.
East: To the east is vacant land zoned C Commercial District.
South: To the south are single family homes zoned R Single Family District.
West: To the west are single family homes zoned R Single Family District.

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

Site Plan Description:
No site plan provided. Intent is to revert property back into a residence.

Zoning and Land Use History and Trends:
This property was rezoned from R Single Family District to C: Commercial District with a
Commitment to only use as a pet shop in 2009, despite an unfavorable recommendation by
the Area Plan Commission. The Commitment stated that the property owner would initiate
re zoning to revert the property back to R: Single Family District zoning upon cessation of
the use "pet store focused on wholesale/internet sales of aquatic plant and animals."

Traffic and Transportation Considerations:
McKinley Highway (Business U.S. Route 20) is a five-lane highway, including a center
turn lane allowing dedicated left turns onto Cedar Trail. Cedar Trail has two lanes.

Utilities:
Water and sewer are not available to the site. It currently has a well and septic system.

Agency Comments:
SJC Engineering has no issues.

Commitments: None.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:
1. Comprehensive Plan:
Policy Plan:
Rezoning to residential is consistent with the 2002 Compressive Plan, Goal 3: Strengthen
the neighborhoods of the County and its municipalities. Likewise with Objective A:
Promote the development and/or maintenance of community and neighborhood character.

Land Use Plan:
The Land Use Plan identifies McKinley Highway between Capital Avenue and the
County line as an Industrial Growth/Reserve Area.
Plan Implementation/Other Plans:
No other plans approved for this area.

2. Current Conditions and Character:
Current conditions and character of structures in the area are residential.

3. Most Desirable Use:
The most desirable use is to return to residential use.

4. Conservation of Property Values:
Surrounding property values should be conserved by returning the use to residential.

5. Responsible Development and Growth:
It is responsible development and growth to limit commercial zoning east of Cedar Trail and Buckeye Road, thereby protecting the existing residential area from further commercial encroachment.

Recommendation:
Based on information available prior to the public hearing, the Staff recommends that the petition be sent to the County Council with a favorable recommendation.

Analysis:
The small size of the lot makes the commercial development of this lot without variances or encroachments difficult. The property is in close proximity to residential lots to the north, west and south, making its return to residential use preferable.
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:
   11825 McKinley Avenue
   Mishawaka, Indiana  46545

2) The property Tax Key Number(s) is/are:  Key No.: 014-1041-0708. State I.D. 71-10-05-151-027.000-31

3) Legal Description:  See attached legal description

4) Total Site Area:  .75 acres

5) Name and address of property owner(s) of the petition site:
   The Estate of Rodney A. Daniel/personal representative Pattie Daniel
   11825 McKinley Avenue
   Mishawaka, Indiana  46545
   (574) 807-2230
   E-Mail Address

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   Shad Ruthruff
   13720 Esther Avenue
   Mishawaka, Indiana  46545
   (574) 850-6817
   E-Mail Address

   Name and address of additional property owners, if applicable:

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

   From: C COMMERCIAL DISTRICT  Additional zoning district, if applicable
   To:     R SINGLE FAMILY DISTRICT

8) This rezoning is requested to allow the following use(s):  residential home

9) Provide a brief and descriptive narrative of the proposed project:
   Former pet store and house no longer needs commercial zoning. Purchaser plans on using property for solely residential purposes.

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:
Stephen L. Eslinger, attorney for the Estate of Rodney A. Daniel
224 W. Jefferson Blvd., Suite 517
South Bend, Indiana 46601
(574) 233-9604
eslingerlawoffice@hotmail.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):

Pattie D. Daniel Personal Representative of Estate of Rodney Daniel

-FILED-
JUN 26 2020
AREA PLAN COMMISSION
Application# 2131-20
LEGAL DESCRIPTION:

A tract of land in the Southwest Quarter (1/4) of the Northwest Quarter (1/4) and the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Five (5), Township Thirty-seven (37) North, Range Four (4) East, bounded by a line running as follows, viz: Beginning at the intersection of the center line of McKinley Highway with the center line of Cedar Trail which intersection is in the East and West center line of said Section 5, at a point 55 rods, more or less, East of the West line of said Section 5; thence running North along the said center line of Cedar Trail a distance of 202 feet; thence West 196.8 feet; thence South 242.4 feet to the said center line of McKinley Highway; thence North 77°50' East along the said center line of McKinley Highway, a distance of 191.8 feet; thence East along said center line of McKinley Highway a distance of 9.2 feet to the place of beginning.

Excepting therefrom,

A permanent right-of-way parcel located in the West half of Section 5, Township 37 North, Range 4 East of the Second Principal Meridian, Penn Township, St. Joseph County, Indiana being more particularly described as follows:

Commencing at the Northwest corner of Section 5, as evidenced by an iron bolt; thence South 00°09'26" West on the West line of the Northwest Quarter of Section 5, a distance of 2634.83 feet to the Northwest corner of the Southwest Quarter of section 5; thence South 00°00'33" East on the West line of the Southwest Quarter of Section 5, a distance of 237.03 feet to line "a" per I.N.D.O.T. Road plans STP-9971 (034) Station 71+00.00; thence North 09°50'46" East, on said line "a", a distance of 89.58 feet to station 72+80.18 being the beginning of a tangent curve; thence Northeasterly, on said curve, Concave to the Southeast, having a delta angle of 08°26'13", a radius of 2209.00 feet, a distance of 325.28 feet to station 76+05.46; thence North 79°17'00" East on line "a", a distance of 333.72 feet to station 79+39.18; thence North 11°43'00" West, a distance of 40.00 feet to Northerly the right-of-way of McKinley Avenue being the point of beginning; thence North 00°00'03" West on the West line of a parcel of land described in deed Document No. 0125903, a distance of 5.11 feet; thence North 79°17'00" East, a distance of 14.91 feet to the beginning of a Tangent Curve; thence Northeasterly on said curve, concave to the Southeast, having a Delta Angle of 03°48'56", a radius of 1845.00 feet, a distance of 122.87 feet; thence North 74°43'57" East, a distance of 36.27 feet; thence North 16°26'31" East, a distance of 21.74 feet to the Westerly right-of-way of cedar road; thence South 00°00'03" East, on said right-of-way, a distance of 30.20 feet to the beginning of a curve on the Northerly right-of-way of McKinley Avenue; thence Southwesterly, on said right-of-way, on said curve, concave to the Southeast, having a delta angle of 05°05'05", a radius of 1640.00 feet, a distance of 163.29 feet; thence South 78°17'00" West, a distance of 15.98 feet to the point of beginning.

parcel contains 0.0247 acres more or less.
APC # 2938-20
Petitioner: ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT
Location: 56458 WILLOW RD, 31917 SR 2, and 56340 WILLOW RD
Jurisdiction: St. Joseph County
Public Hearing Date: 8/18/2020
Requested Action:
The petitioner is requesting a zone change from A: Agricultural Dist. to I: Industrial Dist.

Land Uses and Zoning:
On site: Farmland and three single family homes zoned A: Agricultural District
North: Farmland zoned A: Agricultural District
East: Farmland zoned A: Agricultural District
South: Navistar Proving Grounds zoned I: Industrial District
West: Farmland and two single family homes zoned A: Agricultural District

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:
Navistar Proving Grounds, to the south, was rezoned I: Industrial District in 1969. R+L Carriers, to the northeast, was rezoned to I: Industrial District in 1997.

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

Utilities:
No use is contemplated at this time. Municipal water and sewer services are as far as R+L Carriers. Any industrial user in this area would necessitate extension of municipal water and sewer services to it.

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-IPG Div. 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:

This area is beyond the 2002 Comprehensive Plan Land Use Plan map shaded industrial growth area and reserve.

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.
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:

56458 Willow Road, New Carlisle, IN 46552
31917 State Road 2, New Carlisle, IN 46552
56340 Willow Road, New Carlisle, IN 46552

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

71-06-12-100-003.000-017
71-06-12-100-004.000-017
71-06-12-100-002.000-017

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

4) Total Site Area:  21.64± Acres

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

St. Joseph County Redevelopment Commission  
c/o Department of Infrastructure, Planning and Growth  
227 West Jefferson Boulevard, 11th Floor  
South Bend, IN  46601  
574-235-9812  
bschalliol@sjcindiana.com

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

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

Name and address of additional property owners, if applicable:

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

From:  A AGRICULTURAL DISTRICT
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 1 - Industrial Zoning.

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

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

-[FILED-]
JUN 29 2020
AREA PLAN COMMISSION
Application# 2938-20
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 a 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 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.  

RYAN FELLOWS: The petitioner is requesting a zone change from R: Single Family District to O: Office 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.

(Ryan D. 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.

4 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. (Audio Position: 53:15)
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. Rezoning the woodlands of this property is against Goal 4 of the 2002 Comprehensive Plan: “preserve and protect the natural environment” and Goal 4, Objective A: “Discourage development in environmentally sensitive areas,” especially Policy iv:
“Development should be avoided in areas with important natural habitats, including wetlands and forested areas.”

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.

Ryan Fellows stated that due to the remonstrance, the recommendation of the APC staff is changed to unfavorable.

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. Rezoning the woodlands of this property is against Goal 4 of the 2002 Comprehensive Plan: “preserve and protect the natural environment” and Goal 4, Objective A: “Discourage development in environmentally sensitive areas,” especially Policy iv: “Development should be avoided in areas with important natural habitats, including wetlands and forested areas.”

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.

RYAN D. 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.

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 farmland of these properties is against Goal 1 of the 2002 Comprehensive Plan: “alleviate and minimize the loss of agricultural land” and Goal 1, Objective A: “Minimize the amount of new development in areas with high agricultural importance.” Rezoning the wetlands and woodlands of these properties is against Goal 4 of the 2002 Comprehensive Plan: “preserve and protect the natural environment” and Goal 4, Objective A: “Discourage development in environmentally sensitive areas,” especially
Policy iv: “Development should be avoided in areas with important natural habitats, including wetlands and forested areas.”

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.
County Board of 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
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 farmland of these properties is against Goal 1 of the 2002 Comprehensive Plan: “alleviate and minimize the loss of agricultural land” and Goal 1, Objective A: “Minimize the amount of new development in areas with high agricultural importance.” Rezoning the wetlands and woodlands of these properties is against Goal 4 of the 2002 Comprehensive Plan: “preserve and protect the natural environment” and Goal 4, Objective A: “Discourage development in environmentally sensitive areas,” especially Policy iv: “Development should be avoided in areas with important natural habitats, including wetlands and forested areas.”

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. (Audio Position: 5:15:00)

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 the farmland of these properties is against Goal 1 of the 2002 Comprehensive Plan: “alleviate and minimize the loss of agricultural land” and Goal 1, Objective A: “Minimize the amount of new development in areas with high agricultural importance.”

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

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 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 the farmland of these properties is against Goal 1 of the 2002 Comprehensive Plan: “alleviate and minimize the loss of agricultural land” and Goal 1, Objective A: “Minimize the amount of new development in areas with high agricultural importance."

8 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 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/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."

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 farmland of these properties is against Goal 1 of the 2002 Comprehensive Plan: “alleviate and minimize the loss of agricultural land” and Goal 1, Objective A: “Minimize the amount of new development in areas with high agricultural importance.” Rezoning the wetlands and woodlands of these properties is against Goal 4 of the 2002 Comprehensive Plan: “preserve and protect the natural environment” and Goal 4, Objective A: “Discourage development in environmentally sensitive areas,” especially Policy iv: “Development should be avoided in areas with important natural habitats, including wetlands and forested areas.”

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.

Ryan Fellows stated that due to the remonstrance, the recommendation of the APC staff is changed to unfavorable for 30750 SR 2 AND 31000 SR 2, but remains favorable for the remainder of the properties.

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 farmland of these properties is against Goal 1 of the 2002 Comprehensive Plan: “alleviate and minimize the loss of agricultural land” and Goal 1, Objective A: “Minimize the amount of new development in areas with high agricultural importance.” Rezoning the wetlands and woodlands of these properties is against Goal 4 of the 2002 Comprehensive Plan: “preserve and protect the natural environment” and Goal 4, Objective A: “Discourage development in environmentally sensitive areas,” especially Policy iv: “Development should be avoided in areas with important natural habitats, including wetlands and forested areas.”

**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,
Interim Secretary of the Commission
PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

1 A proposed ordinance of Kimberli Phillips to zone from A: Agricultural District to I: Industrial District, property located at 30750 EDISON RD, St. Joseph County - APC# 2934-20.  

Upon a motion by Dr. Jerry Thacker, being seconded by Jason Lambright and unanimously carried, a proposed ordinance of Kimberli Phillips to zone from A: Agricultural District to I: Industrial District, property located at 30750 EDISON RD, St. Joseph County is TABLED at the request of the petitioner.

2 A proposed ordinance of GFE ENTERPRISES LLC to zone from R: Single Family District to C: Commercial District and B: Business District, property located at 13145 STATE ROAD 23 HWY and VACANT PARCEL TO THE WEST, St. Joseph County - APC# 2935-20.  

SHAWN KLEIN: The petitioner is requesting a zone change from R: Single Family District to C: Commercial District and B: Business District. On site is an R: Single Family District (County) zoned single family home and a garage. To the north are R: Single Family District (County) zoned single family homes. To the east is a C: Commercial (County) zoned Walgreen's pharmacy. To the south is a C: Commercial District (County) zoned Goodwill store, a B: Business District (County) zoned Dollar General store, and an R: Single Family District zoned single family home. To the west is a B: Business (County) zoned drywall business and a B: Business (County) zoned eye care clinic. 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. 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. 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. State Road 23 is a four lane road with a center turn lane. It provides adequate vehicle capacity. The site will be served by the St. Joseph County Regional Sewer District sanitary sewer and private well. 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. 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 C: "Develop quality business areas to meet the retail and service needs of the planning area." The future land use plan contemplates residential growth in this area. No other plans have been adopted for this area. 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. 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 required landscaping, setbacks, and lighting standards, surrounding property values should not be adversely affected. It is responsible development and growth to allow commercial 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 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.
MIKEL CURRIER of Jones Petrie Rafinski, with offices located at 325 S Lafayette 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 no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by Dr. Jerry Thacker and unanimously carried, a proposed ordinance of GFE ENTERPRISES LLC to zone from R: Single Family District to C: Commercial District and B: Business District, property located at 13145 STATE ROAD 23 HWY and VACANT PARCEL TO THE WEST, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. 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.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:  
   A. APC #2919-20 APC Initiated (Sign Redulations)

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 initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code to replace and update Sign Regulations is sent to the County Council with a FAVORABLE recommendation. This Ordinance will replace one of the most used, but most confusing sections of the Zoning Ordinance making sign permitting easier for both the user and staff. The new and updated regulations will promote creative, safe, and aesthetically pleasing sign design that meets the needs of St. Joseph County.
B. Findings of Fact

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the Findings of Fact for APC #2916-20 were approved.

Upon a motion by Adam DeVon, being seconded by Kirk Youell and unanimously carried, the Findings of Fact for APC #2922-20 were approved.

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the Findings of Fact for APC #2923-20 were approved.

Upon a motion by Adam DeVon, being seconded by Kirk Youell and unanimously carried, the Findings of Fact for APC #2927-20 were approved.

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the Findings of Fact for APC #2924-20 were approved.

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the Findings of Fact for APC #2929-20 were approved.

C. Approval of the revised By-Laws

Ryan Fellows stated that the By-Laws were revised and the contents related to the City of South Bend were removed.

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the revised By-Laws were approved.

2. Executive Director's Report:

Ryan Fellows gave the Executive Director’s Report giving the Commission members an update on Robert Hawley and Abby Wiles. He also summarized some of the items that are current and upcoming projects related to the budget, Public Participation Plan, Zoning Ordinance Text Amendments, and Comprehensive Plans.

3. Minutes:

A Approval of the Minutes from the June 16, 2020 Area Plan Commission meeting. (Audio Position: 28:00)

Upon a motion by Adam DeVon, being seconded by Jason Lambright and
unanimously carried, the Minutes from the June 16, 2020 Area Plan Commission meeting are tabled.

4. Adjournment:

Upon a motion by Rachel Rawls, being seconded by Adam DeVon and unanimously carried, the July 21, 2020 Area Plan Commission meeting adjourned at 4:02 p.m.

________________________________
Adam DeVon,
PRESIDENT OF THE COMMISSION

________________________________
Ryan D. Fellows,
Interim Secretary of the Commission