AGENDA
Tuesday, September 15, 2020 - 3:30 p.m.

1. Roll Call
2. Public Hearings
   a. Rezonings
      (1) Location: 30750 EDISON RD
         Owner: Kimberli Phillips
         Requested Action: From A: Agricultural District to I: Industrial District
         APC #2934-20 – As tabled
      (2) Location: 56458 WILLOW RD, 31917 SR 2, and 56340 WILLOW RD
         Owner: ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT
         Requested Action: From A: Agricultural District to I: Industrial District
         APC #2938-20 – As tabled
      (3) Location: 14042 STATE ROAD 23 HWY and 14018 STATE ROAD 23 HWY
         Owner: DRAGONFLY PROPERTIES LLC
         Requested Action: From R: Single Family District to O: Office District
         APC #2939-20
   b. Text Amendments
      (1) Campground Ordinance (St. Joseph County)
         Initiated by: Area Plan Commission. APC #2940-20
3. Items Not Requiring a Public Hearing – None.
4. Executive Director's Report
5. Approval of Minutes
   a. August 18, 2020 Area Plan Commission Meeting Minutes
6. Adjournment
Staff Report

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 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, electriciy, telecommunications, and other investments have prepared this area for industrial growth. Economic development parties in the area have repeatedly gone through public review processes first establishing and then expanding in phases the NC EDA TIF districts, plus they have drafted a proposed area management plan. This demonstrates responsible development and growth.

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

Analysis:
Rezoning will support the County's long standing economic development goals.
PETITION FOR ZONE MAP AMENDMENT
Unincorporated St. Joseph County

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

1) The property sought to be rezoned is located at:
   Vacant land in the southwest quadrant of
   Larrison Boulevard and Edison Road
   New Carlisle, IN 46552

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

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

4) Total Site Area: 46.174 Acres +/-

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

   Name and address of additional property owners, if applicable:

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

   Name and address of additional property owners, if applicable:

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

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

9) Provide a brief and descriptive narrative of the proposed project:
   The petitioners wish to rezone their properties for Industrial uses in order to make them more marketable. There are no current development plans. The Petitioners will be working with St. Joseph County officials to establish a site that achieves a "Gold" or "Prime" level of readiness for economic development pursuant to the Indiana Site Certified Program through the Indiana Office of Community & Rural Affairs (OCRA). Indiana Site Certified sites are featured on Indiana’s Site Selector Database and will be included in the Indiana Economic Development Corporation’s (IEDC) marketing materials.
IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) List each variance being requested. Contact Commission Staff if you need assistance.

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

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community:  
   Please explain how your variance petition addresses this criteria

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and:  
   Please explain how your variance petition addresses this criteria

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

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

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

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

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

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

(c) The proposed use will be consistent with the character of the district in which it is located and the land 
   uses authorized therein; and:  
   Please explain how your Special Use petition addresses this criteria

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

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

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

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE- 
DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY 
REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):
PHILLIPS-WATERS PROPERTY

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

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

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

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

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

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

SITE NOTES:
1. 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. Start of Building Freeze in 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. No Variances or Special Uses are being requested as part of this Rezone Petition.
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.
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:

   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: 1 INDUSTRIAL DISTRICT

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

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

   St. Joseph County Redevelopment Commission 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):

[Signature]

-FILED-
JUN 29 2020
AREA PLAN COMMISSION
Application# 2938-20
Area Plan Commission St. Joseph County
227 W. Jefferson Blvd
County – City Building 11th Floor
South Bend IN 46601

To: Adam J De Von / Commission President
    Dr. Jerry L Thacker / Commission Vice President
    John R McNamara, PE, LS
    Robert M. Hawley / ABZA & Citizens Representative
    Dan Caruso / ABZA & Town Council
    Jason Lambright / Town Council Representative
    Kirk Youell / Town Council Representative
    Rachel Rawls / Commission Member
    Abby E Wiles AICP/Executive Director
    Mitchell R Heppenheimer, Esq / Commission Council

Subject: Proposed ordinance of ST. JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT to Zone from A : Agricultural District to I : Industrial, property located at 56458 WILLOW RD and 31917 STSAT ROAD 2 HWY and 56340 WILLOW RD St Joseph County - APC#2938-20

I’m a Olive Twp. St Joseph County resident located in the immediate zone area unable to attend the August 18 2020 meeting due to the COVID-19 threat respectfully submitting my opposition to the above referenced property zoning changes for the following reasons:

A. Because each of the properties are included as part of the land mass directly above the Kankakee aquifer system should be prohibited from being considered for industrial/manufacturing use and limited to only agricultural applications and appropriate EPA considerations regarding natural resource fresh water protection.

B. It allows more or all other Kankakee aquifer system property to be considered for significantly higher risk applications and daily use potentially threatening and exposing ground water and or Kankakee aquifer water to irreversible contamination caused by accidental spills during construction of future manufacture or by ongoing industrial process eventually established after construction of such facilities subsequently in operation on these properties

C. It sets a totally undesirable precedent allowing a potentially higher risk, undesirable, unnatural manufacturing/industrial environment within a large existing established agricultural landscape consisting of high quality land.

D. It will negatively affect existing surrounding established residential property value and potentially encourage expansion of undesirable uncontrolled land use.

The Kankakee fresh water aquifer system is a irreplaceable natural resource which should be protected from potential hazards including manufacturing/industrial development activity on all land covering the Kankakee aquifer system.

Respectfully submitted

Nils H Parsons
APC # 2939-20
Petitioner: DRAGONFLY PROPERTIES LLC
Location: 14042 STATE ROAD 23 HWY and 14018 STATE ROAD 23 HWY
Jurisdiction: St. Joseph County
Public Hearing Date: 9/15/2020

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

Land Uses and Zoning:
On site: Onsite are two single-family homes (on separate parcels).
North: Immediately north is a vacant lot zoned R: Single-Family. Clay Fire Station 24 is located at the northeast corner of the intersection of SR 23 and Elm Rd, also zoned R: Single Family District.
East: To the east are single-family homes zoned R: Single Family District.
South: To the south are vacant lots owned by the petitioner zoned R: Single Family District.
West: Immediately west and adjacent is a single-family home zoned R: Single-Family. Goddard School of Granger is located west and to the north of SR 23.

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

Site Plan Description:
The site plan submitted, for rezoning purposes only, shows the existing structures. The existing structures do not meet the required setbacks. As noted on the site plan, all future construction must meet the required setbacks.

Zoning and Land Use History and Trends:
The SR 23 corridor has historically been single-family residential. After SR 23 was upgraded to a five-lane highway, several properties were rezoned to O: Office District in this area. Clay Fire Harris Township Fire Station and the Goddard School of Granger are newly built land uses in the immediate area, establishing a more commercial-like character.

Traffic and Transportation Considerations:
State Road 23 is a five-lane highway, including a center turn lane. It is classified as a minor arterial. It provides adequate vehicle capacity.

Utilities:
Existing well and septic systems.

Agency Comments:
None.

Commitments:
The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

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

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

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

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

3. Most Desirable Use:
The most desirable use of this property is to take advantage of the high traffic capacity of SR 23 and one that limits the impact on surrounding residential properties.

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

5. Responsible Development and Growth:
The O: Office District allows limited offices and businesses; it is responsible to allow such a use at an intersection along a major corridor.

Staff Comments:

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

Analysis:
This rezoning will allow this property to serve as a more suitable for its location and provide a buffer between a highly-traveled five-lane highway and the residential properties around it.
PETITION FOR ZONE MAP AMENDMENT
Unincorporated St. Joseph County

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

1) The property sought to be rezoned is located at:
   14018 and 14042 State Road 23
   Granger, Indiana 46530

2) The property Tax Key Number(s) is/are: 006-1005-0052 and 006-1005-0053

3) Legal Description: A part of the Southeast Quarter of Section 14, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana and being more particularly described as Lot 1 and Lot 2 as shown on the recorded plat of Soto's Elm Road Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 0028275.

4) Total Site Area: 1.66 acres

5) Name and address of property owner(s) of the petition site:
   Dragonfly Properties, LLC
   2219 Treys Trail
   Mishawaka, Indiana
   574-276-3717
   Connie1222@earthlink.net

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   a/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 Additional zoning district, if applicable
   To: O OFFICE DISTRICT

8) This rezoning is requested to allow the following use(s): General office operations within the district guidelines

9) Provide a brief and descriptive narrative of the proposed project:
   This site currently has existing structures with capabilities in providing general office space for future use. There is ample space to provide individual septic systems, parking and retention basin to hold storm water runoff.

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

1) N/a

2) A statement on how each of the following standards for the granting of variances is met:
(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: \( N/a \)

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

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

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

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

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

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

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

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

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. \( N/a \)

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

CONTACT PERSON:

Lang, Feeney & Associates, Inc. c/o Terry Lang
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):

[Signature]

[Signature]
State of Indiana
Office of the Secretary of State

CERTIFICATE OF ORGANIZATION

of

DRAGONFLY PROPERTIES, LLC

I, TODD ROKITA, Secretary of State of Indiana, hereby certify that Articles of Organization of the above Domestic Limited Liability Company (LLC) have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Business Flexibility Act.

NOW, THEREFORE, with this document I certify that said transaction will become effective Friday, May 07, 2004.

In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, May 7, 2004.

TODD ROKITA,
SECRETARY OF STATE

-FILED-

JUL 31 2020

AREA PLAN COMMISSION
Application# 2439-20

2004051300034 / 2004051397765
Articles of Organization
of
Dragonfly Properties, LLC

Pursuant to the provisions of the Indiana Business Flexibility Act, Indiana Code 23-18-1-1 et seq. hereinafter referred to as the "Act", the undersigned manager executes the following Articles of Organization to indicate the desire of the undersigned to form a Limited Liability Company:

Article 1.
Name and Principal Office

The name of the Limited Liability Company is Dragonfly Properties, LLC.

The address of the principal office of the Limited Liability Company is 1375 Dogwood Road, Bremen, Indiana

Article 2.
Registered Agent

The name and address of the Limited Liability Company's registered agent is Connie Soto, 1375 Dogwood Road, Bremen, Indiana

Article 3.
Duration

The duration of the Limited Liability Company is perpetual until dissolution in accordance with I.C. 23-18-1-1 et seq.

Article 4.
Management

Management of this Limited Liability Company will be accomplished by the members.
Article 5.
Authority of Person Executing

The names and post office addresses of the persons executing these Articles of Organization for the Limited Liability Company are Leonel Soto, 1375 Dogwood Road, Bremen, Indiana and Connie Soto, 1375 Dogwood Road, Bremen, Indiana. Said persons are members of the Limited Liability Company and are authorized to execute these Articles of Organization.

Article 6.
Provisions for Regulation of Business
and Conduct of Affairs of the Limited Liability Company

Section a. Power to Amend Operating: The affirmative vote of a majority of the members shall be necessary to effect any alteration, amendment, or repeal of the Operating Agreement.

Section b. Use and Selection of Managers: Until further action by the members, the Limited Liability Company will be operated by the members. If the members decide to use managers, and managers shall be selected by the members. If a vacancy occurs the managers, including a vacancy resulting from an increase in the number of managers, such vacancy shall be filled by the members.

Section c. Amendments of Articles of Organization: The Limited Liability Company reserves the right to amend, alter, change or repeal any provision contained in the Articles of Organization, or in any amendment hereto, or to add any provision to the Operating Agreement or to any amendment hereto, in any manner hereafter prescribed or permitted by the provisions of the Act or any amendment thereto, or by the provisions of any other applicable statute of the State of Indiana; and all rights conferred upon members or managers of this Limited Liability Company in these Articles of Organization or any amendment hereto are granted subject to this reservation.

IN WITNESS WHEREOF, the undersigned, being one of the members described in the Operating Agreement, executes these Articles of Organization and certifies to the truth of the facts herein stated, this 23 day of April, 2004.

Leonel Soto
Leonel Soto - Member

Connie Soto
Connie Soto - Member

K:\SLE\Client\Soto\organization.art.wpd

-FILED-
JUL 31 2020
AREA PLAN COMMISSION
Application # 2939-20
Staff Report

APC # 2940-20
Petitioner: APC initiated
Amendment: Campground Ordinance
Jurisdiction: St. Joseph County
Public Hearing Date: 9/15/2020

Requested Action:
An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Title XV, Chapter 154: Land Usage of St. Joseph County Code by amending Section 154.091 to amend A: Agricultural District to add Campgrounds (Seasonal) as a Special Use.

Staff Comments:
This Ordinance proposes to restore "Campgrounds (Seasonal)" as a Special Use in the A: Agricultural District after an earlier text amendment had the unintended consequence of eliminating it from the list.

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

Analysis:
This Ordinance will restore "Campgrounds (Seasonal)" as a Special Use in the A: Agricultural District after an earlier text amendment had the unintended consequence of eliminating it from the list.
AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE XV, CHAPTER 154: LAND USAGE OF ST. JOSEPH COUNTY CODE BY AMENDING SECTION 154.091 TO AMEND A: AGRICULTURAL DISTRICT TO ADD CAMPGROUNDS (SEASONAL) AS A SPECIAL USE.

PETITIONER: ST. JOSEPH COUNTY AREA PLAN COMMISSION

WHEREAS, the County Council of St. Joseph County, Indiana, adopted a new zoning ordinance for St. Joseph County that went into effect on June 13, 2005, and

WHEREAS, the ordinance has been in use since that time, and it has been determined that certain changes are necessary to revise and clarify various sections of the ordinance;

IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA, THAT:

SECTION 1.
Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Sections 154.091, as amended, is hereby further amended and supplemented as follows:

154.091 PERMITTED USES.

* * *

(B) Special uses.

(1) Adult care facilities offering care for no more than five (5) adults on a parcel that meets the requirements of a legal lot of record;

(2) Airport, heliport;

(4) —

(3) Boarding school;

(4) Club, conservation, hunt and gun;

(5) Campground (seasonal)
SECTION 2.
This ordinance shall be in full force and effect from and after its enactment and publication as required by law, and full execution of any conditions of Commitments placed upon the approval.

____________________________________
MEMBER, ST. JOSEPH COUNTY COUNCIL
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.  

   (Audio Position: 3:10)

   Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker 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.

   2 A proposed ordinance of WHEELER GLEN L & FANNY R to zone from R: Single Family District to B: Business District, property located at 56325 ASH RD, St. Joseph County - APC# 2936-20.  

   (Audio Position: 4:30)

   RYAN D. FELLOWS: The petitioner is requesting a zone change from R: Single Family District to B: Business District. On site: Eternal Life Community Outreach Church, zoned R: Single Family District. To the north is Midway Marine, zoned B: Business District. To the east is a Nextel telecommunication tower, zoned B-1: Neighborhood Business District (Elkhart County) To the South is United Steel Workers of America, Local 12273 union hall, zoned C: Commercial District. To the west are single family homes, zoned R: Single Family District. 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 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. This property was zoned R: Single Family District from B: Business District in 1967. 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.) Property served by Elkhart municipal water. No sanitary sewer available. A suitable septic system is needed for the proposed accompanying restaurant. 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. Petitioner is not proposing any commitments at this time. 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." The Land Use Plan does not contemplate a change of use in this area. No other plans have been approved for this area. The current conditions and the character of the current structures on this site are a house of worship with a parking lot and woods. 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. In the absence of an adequate septic system and a Traffic Impact Study, the conservation of property values is not anticipated. 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. No additional staff comments at this time. 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. 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.

PETITIONER

TERRY LANG, of Lang, Feeny & Associates with offices located at 715 S Michigan 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. She was:
KATHRYN GATZIMOS, residing at 56547 Eastview Dr., Osceola, IN

REBUTTAL

TERRY LANG, of Lang, Feeny & Associates with offices located at 715 S Michigan St., South Bend, IN presented the rebuttal on behalf of the petitioner.

After due consideration, the following action was taken:
Upon a motion by Dan Caruso, being seconded by Adam DeVon and carried, a proposed ordinance of WHEELER GLEN L & FANNY R to zone from R: Single Family District to B: Business District, property located at 56325 ASH RD, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation.

A proposed ordinance of The Estate of Rodney A. Daniel/Personal Representative Pattie Daniel to zone from C: Commercial District to R: Single Family District, property located at 11825 MCKINLEY HWY, St. Joseph County - APC# 2937-20.

(Audio Position: 27:10)

RYAN D. FELLOWS: The petitioner is requesting a zone change from C: Commercial District to R: Single Family District On site: On site is a single-family home and a pet shop. To the north are single family homes zoned R Single Family District. To the east is zoned C Commercial District. To the south are single family homes zoned R Single Family District. To the west are single family homes zoned R Single Family 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 provided. Intent is to revert property back into a residence. 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 rezoning 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." 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. Water and sewer are not available to the site. It currently has a well and septic system. SJC Engineering has no issues. 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. The Land Use Plan identifies McKinley Highway between Capital Avenue and the County line as an Industrial Growth/Reserve Area. Current conditions and character of structures in the area are residential. The most desirable use is to return to residential use. Surrounding property values should be conserved by returning the use to residential. 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. 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. 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.

PETITIONER

STEVE ESLINGER, with offices located at 224 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 no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Rachel Rawls and unanimously carried, a proposed ordinance of The Estate of Rodney A. Daniel/Personal Representative Pattie Daniel to zone from C: Commercial District to R: Single Family District, property located at 11825 MCKINLEY HWY, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. 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.

A proposed ordinance of ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT to zone from A: Agricultural District to I: Industrial District, property located at 56458 WILLOW RD and 31917 STATE ROAD 2 HWY and 56340 WILLOW RD, St. Joseph County - APC# 2938-20. (Audio Position: 4:00)

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker and unanimously carried, a proposed ordinance of ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT to zone from A: Agricultural District to I: Industrial District, property located at 56458 WILLOW RD and 31917 STATE ROAD 2 HWY and 56340 WILLOW RD, St. Joseph County is TABLED.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

None at this time.

2. Executive Director's Report: (Audio Position: 33:30)

Abby Wiles, the new Executive Director of the Area Plan Commission introduced herself to the Commission. She continued by stating that staff is working on Zoning Ordinance amendments as well as finalizing the Subdivision Ordinance. She also stated that she is working on Zoning Enforcement and how to make that a better process. Lastly, it was announced that the Vacant seat on the Commission will soon be filled.

3. Minutes: (Audio Position:36:20)

A. Approval of the minutes from the July 21, 2020 Area Plan Commission meeting

Upon a motion by John R. McNamara, P.E., L.S., being seconed by Dan Caruso and unanimously carried, the minutes from the July 21, 2020 Area Plan Commission meeting were approved.
B. Approval of the minutes from the June 16, 2020 Area Plan Commission meeting

Upon a motion by John R. McNamara, P.E., L.S., being seconed by Dan Caruso and unanimously carried, the minutes from the June 16, 2020 Area Plan Commission meeting were approved.

4. Adjournment:

Upon a motion by John R. McNamara, P.E., L.S., being seconed by Dr. Jerry Thacker and unanimously carried, the August 18, 2020 Area Plan Commission meeting adjourned at 4:06 p.m.

________________________________
Adam DeVon,
President of the Commission

________________________________
Abby Wiles,
Secretary of the Commission