THE AREA PLAN COMMISSION OF
ST. JOSEPH COUNTY, INDIANA

MINUTES

June 16, 2020
3:30 p.m.

Council Chambers, 4th Floor
County-City Building, South Bend, IN

MEMBERS PRESENT:
Dan Caruso
Adam DeVon
John R. McNamara, P.E., L.S.
Jason Lambright
Rachel Rawls
Dr. Jerry Thacker

MEMBERS ABSENT:
Robert Hawley
Kirk Youell

ALSO PRESENT:
Ryan D. Fellows
Shawn Klein
Samantha Keultjes
Mitch Heppenheimer, Counsel

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. Ample parking lot of 67 parking spaces including handicap accessible spaces shown. Existing driveway to be removed with a new driveway to be added. Adequate foundation landscaping and trash enclosure screening shown. SR 23 in this area has historically been residential between South Bend and the core of Granger, but over time more properties have been rezoned to commercial and office uses, such as across the street with a rezoning to OB Office Buffer in 2016, a C Commercial District rezoning in 2006, and an O Office District rezoning in 2016/2018. SR 23 has four lanes and a center turn lane. It provides adequate traffic capacity. Proposed well will need to be on a parking island to observe required commercial well setbacks. Municipal sewer service extension is proposed and will be paid for by petitioner to provide sewer service. Access from SR 23 will require INDOT approval and drainage and runoff storage will need to be designed per SJC Criteria. Calculations will need to be provided with final site plan. The expansion of the Granger Sewer system must be in action for a site plan to be considered without on-site sewage system. Alternatively, the applicant could begin the process of obtaining the proper information required for on-site sewage system sizing. Sewer connection is not currently available. Possibility of future sewer expansion is not currently under consideration by RWSD. Proposed well is shown in the middle of the parking lot. Well location must meet all setbacks in State/County Codes. Recommends approval. The petitioner is not proposing any written commitments. The petition is consistent with the Comprehensive Plan for South Bend and Saint Joseph County Indiana (2002), Goal 2, Objective B: "Locate employment uses in such a manner that conflicts with residential land uses are minimized." The future land use map identifies the area as residential. No other plans have been adopted for this area. SR 23 has predominately been a residential corridor, however the expansion of the road has weakened the residential value of the corridor. Several properties have rezoned to a district that allows for office or commercial uses nearby within the last few years. The most desirable use of this property is to take advantage of the high traffic capacity of SR 23 and one that limits the impact on surrounding residential properties. With proper landscaping screening, surrounding property values should not be adversely affected. It is responsible development and growth to allow office uses along major corridors. The staff has no additional comments at this time. Bicycle parking not shown on site plan, but is required and no variance is sought. Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation. The staff recommends approval of the variances. This rezoning will allow this property to be adopted into a use more suitable for its location and provide a buffer between a highly-traveled five-lane highway and the residential properties around it.

PETITIONER

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

IN FAVOR

JUNE 16, 2020—AREA PLAN COMMISSION
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 21,503.48 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 A single family home zoned R: Single Family District A single family home zoned R: Single Family District A single family home zoned R: Single Family District A single family home zoned R: Single Family District The intent of the O: Office District is to provide specific areas where only certain limited offices and businesses may be developed. Since the district excludes retail and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas, it may serve as a buffer between residential areas and commercial developments. The O: Office District is expressly intended to be limited to the area in association with commercial areas, and the intersection of certain arterial streets, where a gradual transition from residential uses should
occur, with other arterial and collector streets. 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/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} was approved.

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

(Audio Position: 42:30)

RYAN 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 WEISER 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

**REBUFFAL**

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 fo the APC staff is changed to unfavorable.

After due consideration, the following action was taken:

**JUNE 16, 2020– AREA PLAN COMMISSION**
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.”

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

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, IN 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
REBUTTAL

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

After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by John R. McNamara, P.E., L.S. and unanimously carried, a proposed ordinance of KENNETH E SEBASTY SR & ELAINE A SEBASTY to zone from A: Agricultural District to I: Industrial District, property located at 56000 Willow Road, 31751 Fillmore Road, vacant land Walnut Road at Early Road, 31540 Fillmore Road, vacant land Fillmore Road at Walnut Road, 31443 Fillmore Road, and 31333 Fillmore Road, St. Joseph County, is sent to the County Council with an UNFAVORABLE recommendation. Rezoning the 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.”

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

(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

JUNE 16, 2020– AREA PLAN COMMISSION
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.”

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

JUNE 16, 2020– AREA PLAN COMMISSION
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 S 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 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.

   [Signature]

   Adam DeVon,
   PRESIDENT OF THE COMMISSION

   [Signature]

   Abby E. Miles, AICP,
   Secretary of the Commission