

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

**MINUTES**

July 19, 2022  
3:30 p.m.

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

**MEMBERS PRESENT:**

**MEMBERS ABSENT:**

**ALSO PRESENT:**

Adam DeVon  
Brittani Gendron  
Robert Hawley  
John R. McNamara, P.E., L.S.  
James D. Moffitt  
Dr. Jerry Thacker  
Ben Webb  
Emily Lauren Evers (Non-Voting Advisory)

Elizabeth J. McCombs

Shawn Klein  
Kylie Abrams  
Brandie Ecker, Counsel  
Shelley Marker

**PUBLIC HEARING - 3:30 P.M.**

Adam Devon: Called meeting to order at 3:33 p.m.

**1. REZONINGS:**

- A) A proposed ordinance of ST JOE FARM LIMITED LIABILITY COMPANY to zone from A: Agricultural District to R: Single Family District, property located at 12000 CLEVELAND ROAD (on the south side of Cleveland Road on both the east and west sides of Bittersweet Road, County Parcel ID: 006-1023-0306), St. Joseph County - APC# 2975-22.

*(Audio Position: 0:01:46.7)*

After due consideration, the following action was taken:

Upon a motion by Ben Webb, being seconded by Dr. Jerry Thacker and carried 6-1, a proposed ordinance of ST JOE FARM LIMITED LIABILITY COMPANY to zone from A: Agricultural District to R: Single Family District, property located at 12000 CLEVELAND ROAD (on the south side of Cleveland Road on both the east and west sides of Bittersweet Road, County Parcel ID: 006-1023-0306), St. Joseph County is **TABLED**.

Adam DeVon	Aye	Robert Hawley	Aye
John McNamara	Nay	James Moffitt	Aye
Dr Jerry Thacker	Aye	Ben Webb	Aye
Brittani Gendron	Aye		

## 2. TEXT AMENDMENTS:

- A) A proposed ordinance amending Title XV, Land Usage, Chapter 153, Subdivisions, of the St. Joseph County Code, Section 153.050 to exempt parcel divisions of properties owned by public utilities or to be acquired by public utilities from subdivision compliance - APC# 2980-22.

*(Audio Position: 02:52.5)*

SHAWN KLEIN: This ordinance proposes to explicitly exempt public utilities from compliance with the St. Joseph County Subdivision Control Ordinance, thereby allowing public utilities to acquire portions of existing parcels without a formal subdivision. Utilities regularly purchase small portions of parcels rather than securing easements. Many jurisdictions exempt public utilities from subdivision ordinance compliance, and it is very likely that Indiana case law already exempts public utilities from local subdivision regulations. The new parcels acquired by the public utility through these splits will not be developable for any other purposes based on the terms of the Zoning Ordinance. Therefore, an exemption from subdivision compliance will not threaten orderly development in the County.

Based on the information available prior to the public hearing, the staff recommends that the petition be sent to the County Council with a FAVORABLE recommendation. The text amendment will be beneficial to all parties involved. It will allow the utility to avoid the time and expense resulting from lot area and frontage variances and subdivisions. There is no public interested to be served by requiring a subdivision, as the terms of the Zoning Ordinance will not allow any development on these parcel fragments other than those associated with utility service. If subdivisions are required for public utilities to acquire a portion of an existing parcel, the variances required for subdivision approval could allow other types of development on the resulting lots which may not have the frontage or area to ensure that this development is appropriate.

### **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 Robert Hawley and unanimously carried 7-0, a proposed ordinance amending Title XV, Land Usage, Chapter 153, Subdivisions, of the St. Joseph County Code, Section 153.050 to exempt parcel divisions of properties owned by public utilities or to be acquired by public utilities from subdivision compliance, is sent to the County Council with a FAVORABLE recommendation. The text amendment will be beneficial to all parties involved. It will allow the utility to avoid the time and expense resulting from lot area and frontage variances and subdivisions. There is no public interested to be served by requiring a subdivision, as the terms of the Zoning Ordinance will not allow any development on these parcel fragments other than those associated with utility service. If subdivisions are required for public utilities to acquire a portion of an existing parcel, the variances required for subdivision approval could allow other types of development on the resulting lots which may not have the frontage or area to ensure that this development is appropriate.

Adam DeVon	Aye	Robert Hawley	Aye
John McNamara	Aye	James Moffitt	Aye
Dr Jerry Thacker	Aye	Ben Webb	Aye
Brittani Gendron	Aye		

### 3. COMPREHENSIVE PLANS

- A) Comprehensive Plan for the incorporated Town of North Liberty - APC# R-260-22  
(Audio Position: 0:06:42.1)

Shawn Klein: Abonmarche has been working with the Town of North Liberty to develop their new Comprehensive Plan and Mike Huber from Abonmarche here to make a presentation.

#### **PETITIONER** (Audio position: 0:07:46.8)

Mike Huber, Abonmarche Consultants, Inc., 315 W. Jefferson Blvd., South Bend, IN: We have been fortunate enough to work with Town of North Liberty over the last year to update their 2015 Comprehensive Plan right before they were named a Stellar Community. To guide a lot of their stellar investments.

I want to hit a couple of highlights and not go over the whole plan. Mostly I want to concentrate on areas of land use concern that might come from the Area Plan Commission. In terms of rezoning or items like that.

Our task was to update the plan that was originally completed in 2015. There were items in there that hadn't been fully accomplished or the Town thought was still important. We left those in, but we did significantly update a lot of census data and growth projections. To give you a little understanding all of those are the plan element themes that were addressed in the Plan. Looked at analysis of that and created goals and objectives and action steps for those themes.

Guiding the process with us was the Steering Committee from the Town. There was nice representation from both the Town Council and the Chamber of Commerce, Merchants Association, and the Town as well. A little bit of summary in terms of Public Engagement. During the Plan, you can see we were pretty extensive in number of Public Engagement activities that we tried to implement. Wish we were a little bit more successful in these, but it wasn't for a lack of trying, there were a number of outreach activities. As we look at who did participate in the process there was strong representation from the Town residents that were involved. We felt really good that we were able to capture the feelings of the Town residents and the development process.

The Process was organized around four phases. Discovery is where we did the bulk of our research. Our existing condition analysis, contact analysis and have some outreach engagement to the community in form a three public surveys. One around parks, one around community character and one around housing development.

The Visioning and Framework went back out to the community to confirm the vision that the community had established in original Comprehensive Plan to see if any refinement was needed. We also went out to confirm their overall growth objectives terms of how much they wanted to grow, how fast and what still feels like the Town of North Liberty. The Framework is where we pulled all of those planning element themes together and looked at the goals and action steps. Addressing items that might need to be looked at in the Future Land Use Plan. Visioning and Framework both include community workshops as a way to get additional community support.

The last section is where we created the draft plan and presented it twice to the Town Council. One a rough draft and one that was a final draft that was given out last night. Our intent is after you approve today we will take the final back to them on August 01, 2022, when they have their Council meeting to be formally adopted by the Town Council.

The Vision that was identified in the previous plan really highlighted a number of things that were their core values. That is quality of life, small town character, family values, quality education, near South Bend and Potato Creek State Park. They want to maintain their unique identity where people love to live, work, play and worship and as North Liberty grows will strive to preserve the traits that are valued by the residents and visitors alike. Really tried to take that

out to the community to make sure that is still resonated. As you can see by the chart on the right, 88% agreed to the vision as it was stated.

We wanted to make sure as we make adjustments to uses and land use plan, we are reinforcing all those items and values that were identified and stated so well in the vision statement.

The growth milestones that the Community and Steering Committee came back with. These are increases and totals by 2041 they would like to have about a population of 2,500. That feels comfortable to them and will get them about a total of 1,000 housing units. As we look at the future land use and the strategies for growth for the Town, we are keeping those milestones in mind. What does that mean on an annual basis and how do we go about attracting that level of future growth?

When we looked at land use as well, we identified a few key findings/objectives. The first one is recognizing that North Liberty has that sense of safety and quality education and those small-town values that is really well suited and set up to be attractive for future growth for families. That families will want to live there and to capture the benefits of living in a high-quality school district. Understanding that families will be attractive there we wanted to make sure we were not just so focused on just one market. When looking a future residential development we wanted to broaden the appeal to make sure that we are appealing to people in all life stages. Including young professionals, empty nesters, and seniors. It is attractive, but how do we make sure we have strategies that don't just limit to one segment and broaden that appeal to reach those growth objectives.

There was significant amount of investment by the Town in the downtown as part of the Stellar and it is a healthy environment downtown. Maintaining that health and environment for the downtown is integral also in attracting and retaining not just resident and visitors to Potato State Park. That is a big significant opportunity for the Town there are about 600,000 visitors to the park each year. They recognize that, that is a significant strategy as we found out during the development of this plan. The DNR will be building a new inn there, about 110 rooms. Additional visitors that might be attractive to the downtown of North Liberty.

Looking at the Town and future growth we felt there was enough and sufficient undeveloped areas within the Town. That they really need to try and focus growth in those undeveloped areas and try and maintain any future growth within the Town. Don't get distracted by having development occur outside the Town or adjacent to Town limits. Really try to develop those growth strategies that do maintain if it is housing or how we find space to accommodate additional commercial and future expansion of the Town center boundaries to allow some expansion of commercial businesses in the Town center. Really focusing inside the Town to build it out because there is plenty of opportunities.

With the new inn at Potato Creek, the State has also reached out to the Town and will be running new utilities, sewer, and water from the Town to Potato Creek State Park to help upgrade the

system that currently serves the park but also better serve the inn. Recognizing that is going to happen, we also understand that will drive the pressure on the east side of town along SR4. How do we manage any future development out there if it is appropriate for commercial or residential? We don't want to take away from or do anything that will negatively impact the strength of downtown. Being cognizant of that and as we talk about a little bit later, that is one of the core areas where I think you guys and the Town will really have to be on the same page. In terms of a lot of that is out in the county now. It is an incremental approach for the Town to potentially annex out there. As those pressures happen and development pressures happen, I think being sure that you guys are on the same page in terms of understanding what the Town has established is their vision out there and helping support that through decision that are made by this body.

Protecting the rural character of growth policies, balancing development with conserving agricultural natural resources. We heard from the public and from the Steering Committee that is one of the things that people are attracted to about North Liberty is that rural landscape, wetlands, natural conservatory areas immediately around town limits. Might also, limit some development but how do we protect those and how do we maintain that those natural landscapes that make the area really attractive. That future growth policies should really look at requiring development to utilize municipal water and sewer as much as possible.

In the development of the plan we came up with four primary land use goals. They were hinted at in the key objectives. The first one is to make sure development happens within existing town limits. Second one is using the Land Use Map to direct growth in identified areas. As you can see in this gray map, we highlighted in the shaded areas, those are areas that the Town has deemed might be suitable for expansion areas for the Town if they're going to grow outside limits. It is not a lot of land, but they have identified these are the areas if we are going to grow outside the Town limits.

Land Use Goal 3 really speaks to that conserving green space and agricultural land uses. The fourth one is an important one as it relates to the relationship between the Town and this body. That is making sure there is consistency between plans and ordinances related to land use. This Land Use Plan the Town Zoning Ordinance, Future Land Use Plan of the County and the County Zoning Ordinance are making sure we have consistency between all of those documents and policies to make sure the goals of this plan can be achieved.

This is an overview (referring to the slide on the screen with the document) of the Land Use Plan and the list of the land use classifications on the right. It is primarily residential around the town neighborhoods. If we have new commercial, it is along the SR23 corridor. The purple is the Town Center which we have expanded that Town Center zone a little bit.

As we moved out towards Potato Creek, we have identified a couple of new land use classifications. In the development of this plan we have recognize some of these pressures and created three new land use classifications for this. In order to meet the housing unit goal the

Town currently only has a low density and high density residential. We thought we might want to look at ways we can incorporate utilizing the sewer and water and the smaller lots. Some of the low density residential the lots sizes suite themselves to moderate density. We are looking at those infilled lots or opportunities in the traditional buildout areas inside of the city. We are looking at kind instituting this moderate density residential. Which is four to eight dwelling units, maybe two family or attached town house, nothing super dense. Something that will allow some flexibility in there to get more density in the Town Center where it makes sense. Recognizing that this allows them to build on and meet the density goals and growth goals within the vacant spaces, within the town, provide them that flexibility. This will require either allowing some rezoning of some of the single family, R1-Single Family district lots. Or going back in an revising the zoning district classification and the Ordinance to allow some attached townhouses. Currently duplex and single family, are both allowed in single family but I think duplex is probably special exception.

(Audio position: 0:21:20.3)

We looked at the mixed density residential which we feel is more appropriate. In particular (referring to the Future Land Use Map on the screen) the real white yellow in the center. These are some large lot areas that maybe make sense from a larger development parcel standpoint. We want to have this mix density residential classification to allow a plan development to go in that might accommodate some high and middle density and single family all within the same kind of development. That should be allowed with in their R2-Single Family district looking at the Zoning Ordinance. Wanted to call out that classification that something that speaks to allowing developers to have that flexibility in larger master plan development tracks.

The one is Mixed Use, that is what we really kind of envision along with the mixed density residential as we push out from the Town east towards Potato Creek. This allows to meet some of the goals but hopefully create this at density that brings in roof tops to support what kinds of commercial that might go out there. Keep it at a scale or level that doesn't compete with downtown.

Looking at some action steps for each of the land use goals. I wanted to highlight the areas where I think it is important because we will have to work with you on these. As we look at Prioritizing Development Within the Existing Town Limits. This is about that infill, so how we identify those areas that are appropriate for infill and how do we work with realtors and property owners to make sure people are aware that it is there and there are buildable lots. This one works hand in hand with Housing Bill Number Two which is promoting North Liberty as a community of choice for residents. That gets back to the broadening not just families, but who all do we want to attract to live here.

(Audio position: 0:23:25.7)

As we are looking at new projects and new proposal projects that there is coordination between the Town and Area Planning staff on things that are happening on the outside of the area. So we are aware of them and know what is going on as it relates to being able to try find ways to get

them to inside the Town limits instead of outside. The same approach with residential, commercial, and industrial development ,and make sure they build on the inside, infill.

Looking at the second land use goal Directing Growth in Identified Areas. The Town has an existing agreement for utilities and services and requiring waiver of right to remonstrance for annexations that happen when they can't be annexed if it is outside the areas of contiguity. Want to make sure you have this future land use map and vision as well as future owners and property owners around the annexation areas. To help guide those future decisions. And specifically we called out any industrial section the current industrial park is full and need to look at where potentially have some industrial expansions inside the Town.

The third goal is about protecting the green spaces and the agricultural land uses. We did adopt the previous land use plan, did not adopt the County's Agricultural Zone as a way to guide growth around the Town. We think that is an effective tool to utilize the existing Agricultural Zoning that exists and also the rules and regulations that come along with that guide in future development. As a way to keep it insure and the consistency of the agricultural look around the Town. Making sure that we provide opportunities for mixed residential land use. Outside of Town are ways to make sure we are getting the densities that we want to see happen and help support the growth goals as well.

Looking for areas of new recreational opportunities to conserve natural resources and open space that is parks and items outside. Looking at reinforcing the businesses compliments the small-Town character of North Liberty. We want to preserve that community character and maybe provide incentives and permissions to new businesses by having them come downtown. Or at least have them compliment the small town character.

Making sure the Land Use Map is considered by you guys when reviewing development applications out in those natural and agricultural areas.

The last one is the consistency piece, making sure that these policies are integrated into all land related ordinances that is the Town's Zoning Ordinances, County's Comprehensive Use Plan the items you look at to guide your decisions.

We talked about a couple of areas where in the residential piece, some of the Ordinances might need to have some revisions made and or potentially rezonings. We want the polices and the goals to be reflected here to help inform those decisions both at the Town level and the County level. There is room for better coordination and corporation between the Town and Area Planning staff. When we look at how local officials are notified of projects that could impact the Town or are not consistent with the Future Land Use Map. Just making sure that level of communication is there.

By you adopting this and having this available to you. that you will actually use this when making decisions that come before you.



I know Ben was a great participant in our process as a Town Council member. I don't know if you have anything you want to add at this point or not Ben? Appreciate your consideration of this and we spent a decent amount of time working with them and feel confident and comfortable that we got the Town and the town resident's feelings and thoughts in terms of what they want to see happen that is reflected in this plan.

Appreciate you adopting this, and we can take it back out to the Town Council.

**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 Robert Hawley and unanimously carried 7-0, the Area Plan Commission approves the North Liberty Comprehensive Plan and certifies the Plan to the North Liberty Town Council.

Adam DeVon	Aye	Robert Hawley	Aye
John McNamara	Aye	James Moffitt	Aye
Dr Jerry Thacker	Aye	Ben Webb	Aye
Brittani Gendron	Aye		

**ITEMS NOT REQUIRING A PUBLIC HEARING**

**1. Miscellaneous:**

No items to review.

**2. Executive Director's Report:**

(Audio position: 0:29:48.4)

Adam DeVon: Is there a Director's report or anything else to review?

Shawn Klein: I don't have anything from Abby.

**3. Minutes:**

(Audio position: 0:30:01.8)

Upon a motion by John McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker and unanimously carried 7-0, to approve the minutes from June 21, 2022, Area Plan Commission meeting.

Adam DeVon	Aye	Robert Hawley	Aye
John McNamara	Aye	James Moffitt	Aye
Dr Jerry Thacker	Aye	Ben Webb	Aye
Brittani Gendron	Aye		


**4. Adjournment:**

(Audio position: 0:30:23.6)

Upon a motion by John McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker and unanimously carried 7-0, Area Plan Commission meeting adjourned at 4:00 p.m.

Adam DeVon	Aye	Robert Hawley	Aye
John McNamara	Aye	James Moffitt	Aye
Dr Jerry Thacker	Aye	Ben Webb	Aye
Brittani Gendron	Aye		

  
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Abby Wiles  
Secretary of the Commission

  
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Adam DeVon,  
President of the Commission