

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

MINUTES

August 16, 2022
3:30 p.m.

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

MEMBERS PRESENT:

Adam DeVon
Brittni Gendron
Robert Hawley
John R. McNamara, P.E., L.S.
Elizabeth J. McCombs
James D. Moffitt
Dr. Jerry Thacker

MEMBERS ABSENT:

Tom England

ALSO PRESENT:

Abby Wiles
Kylie Abrams
Carl Brown-Grimm
Emily Evers
Shelley Marker
Mitch Heppenheimer, Counsel

PUBLIC HEARING - 3:30 P.M.

No items.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. REZONINGS:

- 1 A Resolution of the St. Joseph County Area Plan Commission Approving a Resolution of the St. Joseph County Redevelopment Commission Declaring an Area in St. Joseph County, Indiana, as an Economic Development Area and Approving an Economic Development Plan for Said Area (Solar Project Economic Development Area) - APC# R-261-22.

(Audio Position: 02:14:7)

KYLIE ABRAMS: The petitioner is requesting approval of a resolution to declare an area of 1,100 acres in Olive Township in St. Joseph County as an Economic Development Area (EDA). This EDA will be used for a 150 megawatt (MW) solar farm also known as Project Honeysuckle. Staff has reviewed the resolution to construct the solar farm. A solar farm at this location reflects the County and Comprehensive Plan's desire to facilitate and support solar energy production. St. Joseph County finds that it is in the public interest to encourage the use and development of renewable energy systems. This site is compatible with the interests of the County in that it is best located away from residential and commercial corridors, and is located harmoniously with the existing Agricultural District. The project will follow all Solar Energy System (SES) and Agricultural District standards including setbacks, pollinator friendly plantings, and the inclusion of a decommissioning agreement. The site partially sits within the "Reserve" Growth Area of the 2002 St. Joseph County Comprehensive Plan.

Based on information available prior to the public hearing, the staff recommends that the resolution be sent to the County Council with a favorable recommendation.

Abby Wiles: This is a TIF Resolution that is required by the Area Plan Commission that would declare an area of approximately 1,100 acres in Olive Township as a Economic Development Area (EDA). Pursuant to Indiana State Code 36-7-14-16, the Area Plan Commission is required to approve the resolution.

The project is for a solar farm. Solar is supported and encouraged in the Zoning Ordinance. The site is partially located within the reserve growth area of the 2002 St Joseph County Comprehensive Plan. Staff recommends that the resolution be approved in Economic Development Area (EDA) and staff are here today to speak about the project.

PETITIONER

Christian Brown, Economic Development, Specialist, Department Infrastructure Planning and Growth, offices on 7 and 11th floor of this building: This EDA request is for Project Honeysuckle which is the 150 megawatt solar farm that was approved by the County Council, Board of Commissioners, and Redevelopment Commission in July. The 150 megawatts approximately \$165,000,000 project to go out there. It will create 150-200 construction jobs between 2023 and 2024, over0 about an 18-month construction phase. The request for the EDA is this is part of the incentive that we have provided the company. As a single user TIF, it will not have any other users associated with the project. It will only be for Project Honeysuckle. The company is Lightsource BP which is a 50/50 joint venture between British Petroleum in the UK and Lightsource, their US base solar arm.

The request today is for approval of the Redevelopment Commission's Economic Development Plan and Area. They approved it at their meeting last week. If you have any questions, I'd be happy to answer them.

Adam DeVon: So this is something we are voting on today?

Abby Wiles: Correct.

Elizabeth McCombs: So we are voting to pass the resolution?

Adam DeVon: I believe so. Any questions by the commission members?

Mitch Heppenheimer: There is no public hearing on this. This is a resolution for the commission.

Adam DeVon: You said it was already voted on by Council, or no?

Christian Brown: Yes. A development agreement has been approved by Council, Board of Commissioners, and the Redevelopment Commission. In that development agreement, it basically stipulates and governs how everything proceeds with the creation of the EDA and the TIF and how the TIF proceeds are then used as an incentive to get the project to go forward.

Mitch Heppenheimer: So this has been approved by all the other...?

Adam DeVon: So we are not sending it to the County Council, we are voting on it?

Mitch Heppenheimer: No, it's gone through Council already.

Christian Brown: This is one step out of about 15 steps to create the EDA and the TIF. It does find its way through the County Council; Board of Commissioners and I think back to Abby for some written comments here in a couple of weeks. Ultimately, approved by the Commissioners or by the County Council by the end.

Abby Wiles: As I am looking up at the board, I see a lot of new faces in the last few years and some faces that have been on the board for a while. In Indiana, when a TIF area Economic Area Development is designated or expanded, it goes to the Plan Commission for a resolution. Basically stating that it is in line with the Comprehensive Plan. That is what we are doing here today. A resolution, not a public hearing item, stating that it is not in conflict with the Comprehensive Plan.

John McNamara: I move we adopt Resolution 261-22 and Elizabeth McCombs seconds it.

Adam DeVon: A motion and a second to adopt APC, R-261-22 all those in favor say "aye" opposed same sign. The resolution passes.

Upon a motion by John McNamara, being seconded by Elizabeth McCombs and carried 7-0, has approved a declared area in St Joseph County as an Economic Development Area (EDA) and approving an Economic Development Plan of said area in Resolution 261-22, Solar project Economic Development Area (EDA)

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

2. Presentations:

(Audio position: 0:07:19.6)

Abby Wiles: This is a teaser of sorts. Area Plan Commission staff have been working alongside Economic Development staff and a consultant on a new zoning district for the Indiana Enterprise

Center (IEC). Back in the spring, Area Plan Commission staff solicited quotes for consultants to take some design guidelines that were prepared by the Antero Group as part of the IEC Master Plan and work with us to turn those into actual text for the Zoning Ordinance.

This came about because several of the rezonings that went through in the IEC area, later after you had reviewed them, went to County Council and had commitments that limited the uses. We had some that had some language and others that had other language. We wanted to look at everything uniformly for the IEC area and make sure there was consensus on what type of uses we wanted to see, what kind of architectural and site design standards we wanted to implement.

Staff solicited three quotes and ultimately Kendig Keast Collaborative just on the other side of the border in Louisville was brought under contract with the Redevelopment Commission to help us with this process. The overlay that I will go through at a real high level today helps staff to have the regulations necessary to ensure development is consistent with assurances we made during the planning process of the IEC. We will not have a slaughter house or additional steel mills or very heavy industrial uses.

To help the consultant with developing the new Zoning District, we established a working group. I know a lot of folks from the working group are on. Marcy Kaufman, who I believe is on, from Town Council in New Carlisle. Brian Corrigan is a developer. I see Carl Baxmeyer in the gallery who is on the Redevelopment Commission and Jim who has been participating with us on the working group, helping to provide direction to the consultant as we go through the process.

The IEC Overlay District is being established to promote and support the types of development envisioned for the area, which includes a broad manufacturing base, commercial and industrial opportunities, agricultural uses, open space, and conservation uses, while setting higher aesthetic and sustainability standards.

Just for clarification, as I mentioned before, we are not asking you to vote on it. We are introducing the concept of the Overlay District here today. We are letting the public know this is an opportunity for questions or concerns from them to come to staff and make those known until we bring it back to you in September to actually vote on a recommendation to the County Council and the Town Council. Because this Overlay District is proposed to be adopted into the St. Joseph County Zoning Ordinance and the Town of New Carlisle Zoning Ordinance.

The Overlay District is proposed for the IEC core development area. The Zoning Ordinance would prescribe where it goes you can't solicit to be brought into the IEC area. Within the existing IEC area, it would apply to a change of use would trigger the standards and increase the intensity of 25% or more in gross floor area or impervious surface area.

There are far more restricted uses. In your packets, we have included the working draft but admittedly we are still revising these. We have gone ahead and added a list of prohibited uses,

and you can see here slaughter house, sewage treatment plant, all heavy industrial uses, mining, and junkyards. Everything you would traditionally consider a heavy industrial use. We have made some additional things special uses that are not necessarily special uses in the industrial district and we will have a few conditional uses.

We are increasing setbacks from the Industrial District. We will have heightened architectural requirements. Right now, we don't require mechanical screening in the Industrial District. That will be required. Building articulation standards where the developer needs to address the façade will be required. We will have enhanced parking design standards where only a certain percentage of parking can be located in the front yard versus along the side or behind the building.

I am not hitting everything today; I am giving you a really high overview of where we are going with this. We are also introducing additional sustainability standards. The IEC will have open space requirements; I believe a minimum threshold of 20 or 25% of the site has to be open space. Will have additional landscaping requirements. Presently, we don't require landscaping for signs; that will be required in the IEC. We are still working on what threshold of the required landscaping we should require to be native. Looking at what required plantings would be for foundation landscaping, parking area landscaping and how much we can require to be native and whether or not we assign additional points in the sustainability index for native landscaping.

As I mentioned before, we will be doing introducing the sustainability index and green design features that a developer can select to meet a minimum threshold. There will be a table of site and building features that they can elect to implement in their overall design to meet that sustainability threshold. Admittedly, we are still determining what goes in the sustainability index and how many points to assign each of the features and how many points will be required for the minimum threshold, but this is the concept we are introducing in the IEC Overlay.

We had a working group meeting last week with the consultant where we went through the draft you have in front of you and some additional revisions that we are looking to make. We will be bringing it to you for a recommendation to the Council next month. Today is just a teaser. We will be looking at first reading at the County Council on September 13th, Committee on the 27th and public hearing on October 11th and to the Town of New Carlisle on October 4th.

I know I provided a lot to you, but as you are looking at the new district standards and you have questions or suggestions, feel free to reach out to myself or anyone on the staff. If there are questions from the public, they can reach out to me as well.

Adam DeVon: Essentially these are more stringent standards than if someone would rezone a parcel industrial, commercial or whatever is required currently?

Abby Wiles: Yes, increased setbacks, increased landscaping, increased building design, architectural standards down the line will be heightened beyond what is currently required in our Industrial District.

(Audio position: 0:15:44.6)

Mitch Heppenheimer: When are you going to have the final draft ready before our next meeting?

Abby Wiles: I believe the consultant has their revisions based on the working group due to us the week of August 27.

Mitch Heppenheimer: They will get a final draft at least a week prior....

Abby Wiles: We would include the final draft in the packet for September, so that will be ten days prior.

Adam DeVon: So as a contractor I have dealt with Overlay Districts and usually you have to have someone specifically to review. If I go and pull a building permit or whatever, someone separate is reviewing that because it is a lot more stringent regulations than just a Building Department. Is it going to be you reviewing that?

Abby Wiles: Industrial projects, commercial projects would go through commercial plan review through the Building Department. They are submitted I believe Mondays. The plan reviews are kicked out to staff and other reviewing departments on Tuesday afternoons. Our comments are due to the Building Department on Friday. So, when we get comments kicked out, they go to all of the building trades, zoning, the Health Department, Engineering, the appropriate fire territory. They would be reviewed by myself or one of the planners anyways. But yes, as we are going through the process, we are having to ask ourselves what is feasible to review in a plan review.

Adam DeVon: I remember it being a nightmare years ago. You have the Building Commissioner reviewing the guidelines and taking it one way and it was meant for another way. It was a lot of head butting and back and forth.

Mitch Heppenheimer: Hopefully that doesn't occur anymore.

Abby Wiles: I know it is also murky, it's my understanding that South Bend has an Overlay District for one or more their residential areas. Residential reviews are done by the Building Department. This will fall under a commercial plan review for an industrial project that would be reviewed by the planning staff. It would also be reviewed by the relevant building trades, right? Every building trade would be reviewing for their stuff, but planning would be reviewing for everything that we went through today.

John McNamara: You are just presenting this to us today? We will act on it in the future?

Abby Wiles: Yes, I thought this would be a lot to digest and ask you to vote on in one meeting, which is why we are presenting it to you today. Letting you review and digest it. Come to staff with questions, comments, suggestions and we'll bring it back to you to vote on a recommendation to the County Council and Town of New Carlisle Council next month.

Mitch Heppenheimer: It's a lengthy document.

Brittni Gendron: I have a question, is this Overlay requested by the Town of New Carlisle?

Abby Wiles: I don't know if Bill Schalliol would like to come up to the podium and give a little background on the design guidelines because it was something that was requested in the MOA.

Bill Schalliol, part of IPG office on 7th and 11th floor: This is one of 13 commitments that was made between the Town, Township, the Redevelopment Commission, and the Board of Commissioners as part of an agreement to better position and the understanding on the IEC. This piece all parties agreed needed to happen. Redevelopment Commission is paying for this. We believe it is an important piece and it is something we stand behind and the work that has been done at this point we fully endorse.

Brittni Gendron: Thank you so much. I was wondering if the residents were excited about it as everyone else.

Bill Schalliol: I think once it is shared and disseminated, they will be supportive of it, too.

Adam DeVon: As Abby mentioned if there are questions for those that might be here to reach out to you or who do they reach out to?

Abby Wiles: Myself or Shawn.

Adam DeVon: Is this posted on the website?

Abby Wiles: Yes, it is in the packet.

Adam DeVon: I mean on the website for public to view.

Abby Wiles: Yes, the clean draft we put into the packet which is under the "agenda center" webpage under Area Plan Commission with today's date. So, members of the public can go and look at the draft ordinance. I also, have a red line version that is kind of crazy that we started with the industrial standards, our existing industrial standards, but we gave you a clean copy just because it would be a lot. If anyone wants to see it, they can reach out to me as well.

Just a general note, if you look at our existing industrial standards. I don't want to say there is nowhere to go but up, but I don't think we have watered down any one of the standards in the Overlay. The goal is to have elevated standards beyond what is existing in the Industrial District.

Adam DeVon: Any questions or otherwise we vote on this next month?

Abby Wiles: Yes. We will bring it to you for a vote on a recommendation to the Councils next month.

1. Miscellaneous:

None.

2. Executive Director's Report:

(Audio position: 0:22:25.3)

Abby Wiles: We do have Carl Brown-Grim who is our new planner with the department. Carl joins us from the Town of New Carlisle, welcome Carl.

Comprehensive Plan update, we passed the deadline to sign up for working groups yesterday. I believe we have an average of 21 people signed up for the working groups. Some have more, some have less. We have eight working groups for the Comprehensive Plan and as I am looking around, I know a number of you volunteered—thank you Brittini and Emily. I know for sure one is going to volunteer on environmental and one on farmland preservation.

We have a very full list of working groups. We will be sending out a doodle pole here shortly to get the first meeting scheduled for each of the groups next week. They will be responsible for drafting the goals and recommendations for each of the subject areas for the plan alongside with the consultant and staff.

Code Enforcement update—we added a third inspector. We now have three that cover the county. I have also included a link in the packet to a map that we made public where you can go and look at all of the stats for the entire program. What is open, what is closed, what the status of cases are. If you have a question about a property in your neighborhood, you can go to the map.

Robert Hawley: Abby, when you thought about the development of Code Enforcement, was the goal to hire three people at that time?

Abby Wiles: We started off with two and based on support and the desire to expand the program, we added the third inspector. I was looking to potentially add a third inspector as part of the 2023 budget, but we did that now in 2022 while we are still really in the heart of the enforcement season. I have not put in an additional request for another inspector for 2023.

Robert Hawley: Are you pleased with the progress?

Abby Wiles: Oh, for sure. We just got towing contracts underway last week. We are actually towing abandoned vehicles.

I did get one question about the rezoning on Cleveland Road that was with St. Joe Farms. That was withdrawn at the beginning of this month. The petitioner stated that they may resubmit their proposal after they work out some additional details on the project, but for now it is withdrawn and you will not see it on the agenda.

3. Minutes:

(Audio position: 0:25:40.3)

Upon a motion by John McNamara, P.E., L.S., being seconded by Robert Hawley and unanimously carried 7-0, to approve the minutes from July 19, 2022, Area Plan Commission meeting.

Adam DeVon	Aye	Robert Hawley	Aye
John McNamara	Aye	James Moffitt	Aye
Dr Jerry Thacker	Aye	Elizabeth McCombs	Aye
Brittani Gendron	Aye		

4. Adjournment:

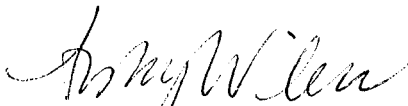
(Audio position: 0:25:51.5)

Upon a motion by John McNamara, P.E., L.S., being seconded by Elizabeth McCombs and unanimously carried 7-0, to adjourn the Area Plan Commission meeting at

Adam DeVon	Aye	Robert Hawley	Aye
John McNamara	Aye	James Moffitt	Aye
Dr Jerry Thacker	Aye	Elizabeth McCombs	Aye
Brittani Gendron	Aye		



Adam DeVon,
President of the Commission



Abby Wiles,
Secretary of the Commission