

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

**MINUTES**

February 6, 2020  
8:30 a.m.

Commission Office, Room 1140  
County-City Building, South Bend, IN

**MEMBERS PRESENT:**

John R. McNamara  
Chuck Bulot  
Dave Cherrone  
Brett Davis

**ALSO PRESENT:**

Lawrence P. Magliozzi  
Shawn Klein  
Samantha Keultjes

**SUBDIVISIONS REQUIRING A PUBLIC HEARING**

**1. MAJOR SUBDIVISIONS - PRIMARY APPROVAL:**

None for consideration at this time.

**SUBDIVISIONS NOT REQUIRING A PUBLIC HEARING**

**1. MAJOR SUBDIVISIONS - PRIMARY APPROVAL:**

A. Mitschelen Lilac Heights B Major

7114-19-P  
(Audio Position: :10)

SHAWN KLEIN: This Major Primary subdivision is located approximately 200' East of the southeast corner of Johnson Road and Lilac Road, St. Joseph County. This subdivision will consist of 5 building lots. The total area is 9.9 acres. National Wetland Inventory maps indicate that wetlands are present on a portion of each lot. A note has been placed on the plat regarding restrictions on development and construction within the areas as delineated on this plat. Property owners should contact the Army Corps of Engineers, Detroit Branch and the Indiana Department of Environmental Management for any restrictions that apply to this portion of the property. The rights-of-way are correct as shown. The County Surveyor recommends approval. The County Engineer recommended approval subject to requesting waivers for access onto Johnson and Lilac, labeling of the 40' half right-of-way for Johnson and Lilac, and drainage plan approval. These concerns have since been addressed, but the latest submittal shows 3 access openings for Lot 2, and only 1 will be permitted. The County Health Department issued a deficiency on October 24, 2019, stating that soils and topography indicate that all lots may not be suitable for septic systems, and that additional soil borings would be required to determine buildability of lots. The proposed Subdivision was since reduced from 7 to 5

lots, and is currently being reviewed by the Health Department. The registered land surveyor, on behalf of the applicant, requests the following waivers: 1) From Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street 2) From Section 153.025(M) to allow for one 30' opening across the 5' non-access easement for future access onto Lilac Road for Lot 1, one 30' opening for current access to Lot 2, one shared 30' opening for future access to Lots 3 and 4, and one 15' opening for future access to Lot 5. On August 14, 2019, the Area Board of Zoning Appeals granted the following waivers: 1) from the required 100' of frontage to 90' for Lot 1, and 2) to allow an accessory structure without a primary use, subject to a written commitment restricting use of this structure to residential purposes by the owner of Lot 2. This subdivision received its public hearing at the November 7, 2019 meeting of the Plat Committee meeting, at which it was tabled indefinitely.

The Staff has reviewed this subdivision and finds that if the Health Department approves and only one opening is provided for Lot 2, it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. If Health Department approval is received prior to the Plat Committee meeting, then the Staff recommends granting Primary Approval. Otherwise, the Staff recommends tabling this subdivision to the Plat Committee meeting on February 20, 2020.

Brett Davis stated that the Health Department now recommends approval.

After due consideration, the following action was taken:

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the waivers from 1) From Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street 2) From Section 153.025(M) to allow for one 30' opening across the 5' non-access easement for future access onto Lilac Road for Lot 1, one 30' opening for current access to Lot 2, one shared 30' opening for future access to Lots 3 and 4, and one 15' opening for future access to Lot 5, were approved.

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and Mitschelen Lilac Heights B Major Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval.

## 2. MINOR PLATS:

### A. Andrews' McKinley Highway Minor

7125-19-M  
(Audio Position: 1:10)

SHAWN KLEIN: This Minor Primary subdivision is located northeast of the intersection of McKinley Highway and Buckeye Road, St. Joseph County. This subdivision will consist of 2 building lots. The total area is 8.66 acres. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. The rights-of-way are correct as shown. The County Surveyor and County Engineer recommend approval. The County Health Department issued a deficiency on December 31, 2019, stating that the proposed use of the commercial building on Lot 2 has not been stated, the septic tank location for Lot 1 has not been indicated, the proposed well locations do not meet setback standards listed in County Code 52, and the required setbacks between wells and septic systems have not been met. A revised deficiency was issued by the Health Department on January 10, 2020, stating that the septic tank location for Lot 1 has not been indicated and the required setbacks between septic and well have not been met. The registered land surveyor, on behalf of the applicant, requests the following waivers: 1) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street, and 2) from Section 153.025(M) to allow for two 15' opening across the 5' non-access easement for continued access onto McKinley Highway for Lot 1 and one 52' opening across the 5' non-access easement for continued access onto access onto McKinley Highway for Lot 2. On November 13, 2019, the Area Board of Zoning Appeals granted the following variance: 1) from the minimum required side setback for parking of 5' to 2.5' for Lot 2. This subdivision was tabled by the Plat Committee on January 2, 2020, and January 16, 2020, to allow time for the Health Department deficiency to be addressed.

The Staff has reviewed this Subdivision and recommends that it be tabled indefinitely to allow time for the Health Department deficiency to be addressed.

After due consideration, the following action was taken:

Upon a motion by Brett Davis, being seconded by Chuck Bulot and unanimously carried, Andrews' McKinley Highway Minor Subdivision is tabled indefinitely to allow time for the Health Department deficiency to be addressed.

### B. Waters' US 20 Minor

7127-19-M  
(Audio Position: 1:30)

SHAWN KLEIN: This Minor Primary subdivision is located on the north side of US Highway 20 approximately 1215' east of Spruce Road, St. Joseph County. This subdivision will consist of 1 building lot. The total area is 1.039 acres. A check of the

Agency's maps indicates that no environmental hazard areas or wetlands are present. The rights-of-way are correct as shown. The County Surveyor and County Engineer recommend approval. The County Health Department issued a deficiency on January 10, 2020, as the existing septic field and proposed reserve septic area had not been shown. The Health Department now recommends approval, subject to submittal of a full sized Site Data Sheet, as revised on January 27, 2020. This document was submitted to the Health Department on February 3, 2020. The registered land surveyor, on behalf of the applicant, requests the following waivers: 1) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street, and 2) from Section 153.025(M) to allow for two 20' openings across the 5' non-access easement for continued access onto US Highway 20 for Lot 1. On January 8, 2020, the Area Board of Zoning Appeals granted the following variances: 1) from the minimum required lot area of 20 acres to 1.039 for Lot 1, 2) from the minimum required frontage and lot width of 200' to 137' for Lot 1, and 3) from the minimum required side setback of 30' to 24'.

The Staff has reviewed this Subdivision and finds that if the waivers are granted, it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval.

After due consideration, the following action was taken:

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the waivers from 1) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street, and 2) from Section 153.025(M) to allow for two 20' opening across the 5' non-access easement for continued access onto US Highway 20 for Lot 1, were approved.

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and Waters' US 20 Minor Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval.

C. Wright's Currant Rd

7132-19-M  
(Audio Position: 1:48)

SHAWN KLEIN: This Minor Primary subdivision is located on the west side of Currant Road approximately 260' north of Brick Road, St. Joseph County. This subdivision will consist of 2 building lots. The total area is 1.49 acres. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. The rights-of-way

are correct as shown. The County Surveyor and County Engineer recommend approval. The County Health Department issued a deficiency on January 31, 2020, stating that the Site Date Sheet did not allocate sufficient room for the proposed and reserve septic areas, and that the existing system on Lot 1 will require at 10' easement for dispersal area and only a 5' easement has been provided. The registered land surveyor, on behalf of the applicant, requests the following waiver: 1) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street, and 2) from Section 153.025(M) to allow for one 20' opening across the 5' non-access easement for continued access onto Currant Road for Lot 1, and one 20' opening across the 5' non-access easement for future access onto Currant Road for Lot 2.

The Staff has reviewed this Subdivision and recommends that it be tabled until the February 20, 2020, meeting of the Plat Committee to provide time to satisfy the Health Department deficiency and add a note to the plat stating that there are no encroachments upon existing building setback lines and/or easements.

After due consideration, the following action was taken:

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, Wright's Currant Rd Subdivision is tabled to the February 20, 2020 Plat Committee meeting to provide time to satisfy the Health Department deficiency and add a note to the plat stating that there are no encroachments upon existing building setback lines and/or easements.

D. Fuchs Farms Minor Subdivision

7130-19-M  
(Audio Position: 2:07)

SHAWN KLEIN: This Minor Primary subdivision is located approximately 575' west of the intersection of Patterson Road and Kenilworth Road, St. Joseph County. This subdivision will consist of 1 building lot. The total area is 5 acres. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. The rights-of-way are correct as shown. The County Surveyor and County Engineer recommend approval. The County Health Department recommends approval, subject to a revision to the Site Date Sheet to indicate elevated sand mounds for both the current and future reserve septic systems. The registered land surveyor, on behalf of the applicant, requests the following waivers: 1) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street, and 2) from Section 153.025(M) to allow for two 20' opening across the 5' non-access easement for continued access onto Patterson Road for Lot 1. On November 13, 2019, the Area Board of Zoning Appeals granted the following variances: 1) from the required minimum lot area of 20 acres to 5 acres for Lot 1, and 2) from the minimum lot frontage of 600' to 450' for Outlot A.

The Staff has reviewed this Subdivision and finds it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval, subject to the following: a revision to the Site Data Sheet to indicate elevated sand mounds for both the current and future reserve septic systems.

After due consideration, the following action was taken:

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the waivers from 1) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street, and 2) from Section 153.025(M) to allow for two 20' opening across the 5' non-access easement for continued access onto Patterson Road for Lot 1, were approved.

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and Fuchs Farms Minor Subdivision Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval.

E. New Life Bible Center Minor

7131-19-M  
(Audio Position: 3:00)

SHAWN KLEIN: This Minor Primary subdivision is located at the northeast corner of Day Road and Fir Road, St. Joseph County. This subdivision will consist of 3 building lots. The total area is 31.91 acres. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. The rights-of-way are correct as shown. The County Surveyor and County Engineer recommend approval. The County Health Department issued a deficiency on January 31, 2020, stating that septic schematics suggest that the septic shown on Lot 1 is utilized by the building on Lot 2, and that a septic for Lot 1 has not been shown. The Health Department now recommends approval, subject to submittal of a full sized version of the Site Data Sheet submitted on February 3, 2020. The registered land surveyor, on behalf of the applicant, requests the following waivers: 1) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street, and 2) Section 153.025(M) to allow for two 30' opening across the 5' non-access easement for continued access onto Fir Road for Lot 1, one 70' opening across the 5' non-access easement for continued access onto Day Road for Lot 2, and one 40' opening across the 5' non-access easement for continued access onto Day Road for Lot 3. On January 8, 2020, the Area Board of Zoning Appeals granted the following variances: ) from the minimum required side setback of 20' to 2.2' for proposed Lot 1; 2) from the minimum required front setback for parking and interior access drives of 35' to 17' for proposed Lot 1; 3) from the

minimum required front setback for parking and interior access drives of 35' to 17' along Fir Rd and to 0' along Day Rd for proposed Lot 2; 4) from the minimum required side setback for parking and interior access drives of 20' to 7' along the south side line and to 0' along the north side line for proposed Lot 2; 5) from the required minimum side setback of 20' to 17.3' along the north side line for proposed Lot 2 and 6) from the minimum required front freestanding sign setback of 5' to 0' for proposed Lot 2.

The Staff has reviewed this Subdivision and finds it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval, subject to the following: submittal of a full sized version of the Site Data Sheet submitted on February 3, 2020, to the Health Department.

After due consideration, the following action was taken:

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the waivers from 1) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street, and 2) Section 153.025(M) to allow for two 30' opening across the 5' non-access easement for continued access onto Fir Road for Lot 1, one 70' opening across the 5' non-access easement for continued access onto Day Road for Lot 2, and one 40' opening across the 5' non-access easement for continued access onto Day Road for Lot 3, were approved.

Upon a motion by Chuck Bulot, being seconded by Brett Davis and unanimously carried, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and New Life Bible Center Minor Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval.

### 3. REPLATS:

#### A. Halstead Hickory Road 1st Replat

6955-17-R  
(Audio Position: 3:18)

SHAWN KLEIN: This Replat Primary subdivision is located on the east side of Hickory Road approximately 100' north of Springwood Drive, St. Joseph County. This replat will consist of 2 lots being replatted to 2 lots. The total area for this replat is 7.13 acres. The current zoning is R: Single Family District. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. The rights-of-way are correct as shown. The County Surveyor, County Engineer, and County Health Department recommend approval. This subdivision was tabled at the December 21, 2017, January 4, 2018, January 16, 2020 Plat Committee meetings. The registered land surveyor, on behalf

of the applicant, requests the following waivers: 1) from Section 153.025(M) to allow for one 20' opening across the 5' non-access easement for continued access onto Hickory Road for Lot B, and one 20' opening for future access onto Hickory Road for Lot A and 2) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street. This subdivision was tabled on January 16, 2020, to provide time to correct the non-conformance items communicated on December 20, 2019, and revise the classification of Hickory Road. The Staff has reviewed this Subdivision and finds that if the waivers are granted, it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval.

After due consideration, the following action was taken:

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the waivers from 1) from Section 153.025(M) to allow for one 20' opening across the 5' non-access easement for future access onto Hickory Road for Lot B and 2) from Section 153.021(F) to not have a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street. were approved.

Upon a motion by Chuck Bulot, being seconded by Brett Davis and unanimously carried, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and Halstead Hickory Road 1st Replat Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval.

#### 4. TYPE II CORRECTIVE PLATS:

None for consideration at this time.

#### 5. MINUTES:

##### A. Approval of the minutes from the January 16, 2020 Plat Committee meeting

After due consideration, the following action was taken: (Audio Position: 3:45)


Upon a motion by Dave Cherrone, being seconded by Brett Davis and unanimously carried, the minutes from the January 16, 2020 Plat Committee meeting were approved.



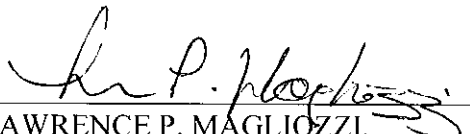
6. ADJOURNMENT:

Upon a motion by Chuck Bulot, being seconded by Dave Cherrone and unanimously carried, the February 6, 2020 Plat Committee meeting adjourned at 8:34 a.m.

RESPECTFULLY SUBMITTED,

  
JOHN R. MCNAMARA,  
CHAIRMAN OF THE COMMITTEE

ATTEST:

  
LAWRENCE P. MAGLIOZZI,  
SECRETARY OF THE COMMITTEE