

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

MINUTES

April 19, 2022
3:30 p.m.

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

CALL TO ORDER

President Adam DeVon called the meeting to order at 3:33 P.M.

ROLL CALL

MEMBERS PRESENT:

Adam DeVon
Robert Hawley
John R. McNamara, P.E., L.S.
Elizabeth McCombs – Zoom attendance (joined at 3:37 P.M.)
James D. Moffitt
Phil Sutton – Zoom attendance
Ben Webb

MEMBERS ABSENT:

Dr. Jerry Thacker
Kirk Youell

ALSO PRESENT:

Abby Wiles
Kylie Abrams
Ryan D. Fellows
Shelley Marker
Mitch Heppenheimer, Counsel

Before the reading of the first petition Adam DeVon recused himself left the Chambers at 3:35 P.M. due to a personal interest.

PUBLIC HEARING

1. REZONINGS:

- 1 A proposed ordinance of DEVON DALE R & CHRISTINE K DEVON to zone from O/B: Office/Buffer District to O: Office District, property located at 17871 STATE ROAD 23 HWY and 17847 STATE ROAD 23 HWY, St. Joseph County - APC# 2970-22.

(Audio Position: 0:02:28)

Elizabeth McCombs joined the meeting via Zoom attendance at 3:37 P.M.

(Audio Position: 0:04:53)

STAFF REPORT

(Audio position: 0:03:00)

Ryan Fellows: This is rezoning application for 17871 & 17847 State Road 23 was tabled at the February APC meeting to provide time for petitioner to address the County Health Department well and septic concerns. The petition was unable to be heard at the March APC meeting due to

lack of quorum. The proposed rezoning site is along State Road 23 west of Northern Ave. There are two parcels proposed to be rezoned. On the left side (referring to the slide show) is 17871 State Road 23 which is currently vacant. However it is the former location of the offices of DeVon Custom Homes it was rezoned to OB: Office Buffer District in 2006. The proposed use is hair and nail salon. Here is a view (referring to the slide show) of 17847 State Road 23 looking south along Northern Ave. This property was rezoned to OB: Office Buffer District in 2019. At which time the offices of DeVon Custom Homes moved here from the neighboring building. Here (referring to the slide show) this is looking east on State Road 23 from Northern Ave. A Unique Image Hair Salon is across the street from the subject property. It was rezoned to O: Office District site plan specific in 1990 and then again site plan specific in 2002 and then not site plan specific in 2013. This pattern is typical of increasing commercialization acceptance along State Road 23 in this area.

The site plan is a reuse of their parking lot site development plan from February 2020. The site includes two office buildings with a shared parking lot. If the rezoning is approved, it is not anticipated there will be any changes from the site plan submitted. Any site changes would require commercial plan review through the Building Department. And would be evaluated at that time for compliance with the Zoning Ordinance.

Per state law, this rezoning is concerned based on five criteria including the Comprehensive Plan. Rezoning is supported by goal two encourage Economic Development of the County and the municipalities. Especially Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

In an email we received from the St Joseph County Health Department they request that approval be granted to subject to the installation and approval of a new septic system per the Indiana State Department of Health's technical data sheet, state rule, and County Code requirements. And Brett Davis from the Health Department is here to answer any questions.

This comes with a favorable recommendation from Staff subject to the conditions already explained.

PETITIONER

Dale DeVon, 7508 Toscana Court, Granger, IN 46530: Thank you for your time. For those that don't know, I am a State Representative here in Indiana and served 10 years on the County Council which I have chaired land use for nine years of those 10 years. I know State Road 23 was one of those areas that, if those that might remember Councilman Hank Cultures, State Road 23 was very important to him to keep it residential as much as possible. As chairman of the Land Use Committee and keeping within the Comprehensive Plan we kept that in the ordinance. And offices tend to be and 23 is a four-lane highway now a five lane with the center turn lane. It is a very busy structure and had both of these properties for almost 15 years. I use as a rental house, and we turned one into an office and I wasn't the best landlord. I didn't find very good tenants. Residentially it became very difficult. In the last couple of years with COVID most

people are working from home, so home office is very important. Very hard to find people to rent office space these days because the ability to use home office. This land use is important just for nail and hair salon it still works with residential and kept both structures residential looking to fit within the atmosphere of the community in the neighborhood. Most of these offices have a tend to be an 8:00 a.m. to 5:00 p.m. type business five days a week.

The person that we have selected to turn it into a nail and hair salon expects maybe 10 customers a day at the most. For the septic system with the health I think under 25 is a public well service. So we fall way under that 25 per day service as far as septic and well type concerns.

Robert Hawley: Dale, is the property sitting vacant now?

Dale DeVon: Yes. We had a about six months ago my electrician has a low voltage business with security cameras, sound theater room that type of stuff. He was in there for six months and the last three months he never went in there to use it. It really wasn't serving its purpose. That he thought he would have at it at.

(Audio position: 0:11:18.9)

John McNamara: At this time we will ask anyone who wishes to speak in favor of this petition, please give your name and address first.

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 Ben Webb, being seconded by Robert Hawley and unanimously carried, a proposed ordinance of DEVON DALE R & CHRISTINE K DEVON to zone from O/B: Office/Buffer District to O: Office District, property located at 17871 STATE ROAD 23 HWY and 17847 STATE ROAD 23 HWY, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation, subject to the installation and approval of a new septic system per the Indiana State Department of Health's technical data sheet, state rule, and County Code requirements.

Robert Hawley	Aye	Elizabeth McCombs	Aye
John McNamara	Aye	James Moffitt	Aye
Phil Sutton	Aye	BenWebb	Aye

(Audio position: 0:13:37)

ITEMS NOT REQUIRING A PUBLIC HEARING

Adam DeVon returned at 3:46 P.M. to finish runing the meeting after the motion was made on petition number one.

1. Miscellaneous:

A. Findings of Fact – March 15, 2022

Abby Wiles: We don't have very many combined hearings. You are approving Findings of Fact from the variances that were approved and denied at the last meeting. These are only when you have combined hearings.

Upon a motion by Ben Webb, being seconded by Elizabeth McCombs and unanimously carried 7-0, to approve the Finding of Facts from March 15, 2022, Area Plan Commission meeting.

Robert Hawley	Aye	Elizabeth McCombs	Aye
John McNamara	Aye	James Moffitt	Aye
Phil Sutton	Aye	Ben Webb	Aye
Adam DeVon	Aye		

2. Executive Director's Report:

(Audio position: 0:15:39.4)

Abby Wiles: We completed the first series of public meetings for the Comprehensive Plan at the end of March. Our next meeting series for the visioning phase will be held at the end of the summer beginning of fall. However even though we don't have any official meetings coming up for the Comprehensive Plan there are ample opportunities to be involved.

You can go to www.plansjc.com and use our online interactive mapping tool. We have meeting in a box it is a box you can check out have a meeting with your homeowner's association, church group or whatever civic organization you are part of. It is public meeting in a box.

We have a speaker series, where one of the staff members or myself will come out and do a facilitated discussion with you. We were out at the Home Builders last week.

Ryan Fellows (staff) and Mike Huber from Abonmarche were at the Town of Roseland with Liz last week (thank you for hosting) and we will continue to do that with the Towns and other areas.

We have a new employee Kylie Abrams a new planner with IPG. Bringing Kylie on was reinstating a position that was previously left vacant for the 2021 budget cycle. The Council gave us the go ahead to fill the position in 2022.

We finally have a full ABZA board. Lance Roush came on as our seventh member and will be at the May 2022 meeting.

Robert Hawley: Abby, can you bring us up to date where we now have a couple out making inspections in the County?

Abby Wiles: In March the Council and the Commissioners ratified the three Ordinances that went into effect for Code Enforcement program. They include abandoned vehicles which would cover inoperable vehicles. Weed and rank vegetation if you have grass or other unkept vegetation that is nine inches or above within the front-yard setback on residential properties that are two acres or less in area. Public nuisance which covers trash, appliances, scrap metal, etc. If there is a complaint you can submit it through the website, call the office to report it with one our administrative assistants and it will be logged and followed up if there is a violation. If there, we are leaving a courteous hangtag. This is the property owner's opportunity to contact one of the inspectors. If no response after leaving the hang tag then we would proceed with a violation notice and no response after the violation notice we will proceed to abatement.

We are in the process now of working on a request for quotes for contractors to do the clean ups, mowing and the towing. We aren't establishing a county crew like they have in the city where the city will send a crew of city employees to clean properties up and mow them. We are relying on private contractors to do that for us.

In summary if you have a question or a property of concern you can report it on the website or (574) 235-7800 and we will log it and follow up. We have Steve Szaday and Savhana Pletcher they share the County they each have a territory. Savhana is generally the southern half of the County and Steve is northern half of the County.

3. Minutes:

(Audio position: 0:19:58.4)

A. March 15, 2022

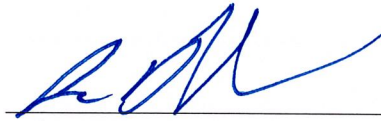
Upon a motion by Robert Hawley, being seconded by John McNamara and unanimously carried 7-0, to approve the minutes from March 15, 2022, Area Plan Commission meeting.

Robert Hawley	Aye	Elizabeth McCombs	Aye
John McNamara	Aye	James Moffitt	Aye
Phil Sutton	Aye	Ben Webb	Aye
Adam DeVon	Aye		

4. **Adjournment:**

(Audio position: 0:20:59.7)

Upon a motion by Ben Webb, being seconded by Elizabeth McCombs and unanimously carried 7-0, Area Plan Commission meeting adjourned at 3:55 p.m.



Adam DeVon,
President of the Commission



Abby Wiles,
Secretary of the Commission