

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

MINUTES

June 9, 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
Kirk Youell

MEMBERS ABSENT:

Robert Hawley

ALSO PRESENT:

Ryan D. Fellows
Shawn Klein
Samantha Keultjes

PUBLIC HEARING - 3:30 P.M.

Upon a motion by John McNamara, being seconded by Jason Lambright and unanimously carried, APC #2923-20 was tabled until the next Area Plan Commission meeting on June 16, 2020.

1. REZONINGS:

- 1 A combined public hearing on a proposed ordinance of TIM MARTSOLF to zone from C Commercial District to I Industrial District and seeking the following variance(s): 1) front yard fence to be 6' with barbed wire along Third St frontage 2) gravel surface to be used for outside storage of unfinished and finished vehicle storage in side yard, property located at NW Corner of Beech and Third, Town of Osceola - APC# 2922-20.

(Audio Position: 9:00)

RYAN FELLOWS: The petitioner is requesting a zone change from C Commercial District to I Industrial District On site is a vacant lot. Railroad tracks, AEP power lines, and commercial properties zoned C: Commercial District. Commercial use property zoned C: Commercial District; single family home zoned C: Commercial District; and a single family homes zoned R1: Single Family District. Industrial use property zoned I: Industrial District; commercial use property zoned C: Commercial District; and single family home zoned C: Commercial District. Self-storage facility zoned I: Industrial District. The I Industrial District is established to provide for development of office/warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which transform previously manufactured or blended materials or substances into new products or into a useable form. Permitted uses in this district tend to

generate heavy traffic, require extensive community facilities, require outdoor storage and generate varying amounts of hazardous or objectionable elements such as noise, odor, dust, smoke or glare. The site plan shows the construction of a manufacturing building of 36,000 square feet, a future building expansion of 2,400 square feet, proposed pavement of 63,000 square feet for 90 total parking spaces, a bike rack for 18 bicycles, foundation landscaping, parking screening hedge, shade trees at 100 feet spacing, etc. Site is zoned I: Industrial District on the west and C: Commercial District on the east. Beech and Third Street are each two lanes. The site will be served by well and septic. Per Section 8.05 (D) of the Town of Osceola Zoning Ordinance, "All such off-street parking areas shall include at least one (1) required interior landscape island for every ten (10) parking spaces (or fraction thereof)". On the south side of the building, the interior parking spaces have two landscape islands on either end of the row of 29 parking spaces. Interior landscape islands shall be added at the correct spacing in this row per the ordinance described above. New commercial septic system and new commercial water supply well are needed. Applications have not yet been received. The proposed well location does not meet setbacks required under State and/or County Code. The septic location may need to be altered depending on sizing requirements issued by Indiana State Department of Health. Approval recommended for rezoning ONLY. Site plan will need to be altered for final septic and well locations. Recommends approval. The petitioner is not proposing any written commitments. Town of Osceola Comprehensive Plan (1992), Part IV Comprehensive Plan, "B. Summary of Development Opportunities and Constraints" notes the community's intent that "new light industrial parks should be planned for." The Town of Osceola Land Use Plan map of the Comprehensive Plan (1992) does not make any determination what the subject property should be used for in the future. However, the text in the Land Use Plan states that industrial use is desired "on the south side of Osceola near the Conrail line, east of Beach Road." This is were the subject property is. No other plans have been approved for this area. Current condition and character of current structures and uses in the I Industrial District match the proposed use. The most desirable use of this property is to continue the light industrial park use along Third Street 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 keep light industrial use adjacent to other light industrial use along Third Street. 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 Town Council with a favorable recommendation. The staff recommends approval of the variances. Industrial use of the subject property is consistent with the text of the 1992 Comprehensive Plan's future land use section.

PETITIONER

Deborah Hughes, of Marbach, Brady & Weaver, with offices located at 3220 Southview Dr. Elkhart, IN, presented on behalf of the petitioner.

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 Rachel Rawls and unanimously carried, a proposed ordinance of TIM MARTSOLF to zone from C Commercial District to I Industrial District, property located at NW Corner of Beech and Third, Town of Osceola, is sent to the Town Council with a FAVORABLE recommendation. Industrial use of the subject property is consistent with the text of the 1992 Comprehensive Plan's future land use section.

Upon a motion by Jason Lambright, being seconded by John R. McNamara, P.E., L.S. and unanimously carried, the variance(s) 1) from the maximum height for a fence between the front lot line and the front building line of 4' to 8'; 2) to allow a barbed wire fence between the front lot line and the building line and 3) from the required hard surface to gravel for parking areas property located at NW Corner of Beech and Third, Town of Osceola, were approved.

- 2 A combined public hearing on a proposed ordinance of THOMAS E LAWSON to zone from R1 Single Family District to LB Local Business District and seeking the following variance(s): 1) from the minimum required front yard setback of 25' to 14'; 2) from the minimum required side yard setback of 10' to 0'; 3) from the minimum rear residential bufferyard setback of 20' to 7' and 4) from the required hard surface to gravel for parking areas, property located at 501 W MICHIGAN ST, Town of New Carlisle - APC# 2923-20.
(Audio Position: 20:40)

RYAN FELLOWS: The petitioner is requesting a zone change from R1 Single Family District to LB Local Business District Auto repair shop. Homes zoned R1 Single Family District. Homes zoned MF Multifamily District. Homes zoned R1 Single Family District. Businesses zoned LB - Local Business District. The LB - Local Business District is established to provide for small businesses located outside of the town center and which provide for the full range of convenience uses necessary to meet the daily needs of nearby residential neighborhoods. Permitted uses within the LB Districts are regulated in character to assure harmonious development with the nearby Residential Districts served and are limited in size and scale to promote pedestrian access and neighborhood use. No site plan provided. Subject property was

reportedly missed during the last time the zoning map was updated. Requested action set to correct that apparent oversight. US Route 20 Lincoln Highway is two lanes with substantial shoulders. Meridian Street is two lanes. Subject property is served by municipal water and sewer service. No comments/issues regarding the requested change to LB. Health Department recommends the application be approved. The property was used as a car dealership from 1949-1984 and as an auto service center from 1984-Present. The rezoning is needed for sale of property. Site remediation may be required depending on future uses. Recommends approval. The petitioner is not proposing any written commitments. The proposed commercial use is consistent with the Town of New Carlisle Comprehensive Plan (2007) Achieving Quality Growth Goal, Objective 1 - Commercial Growth, "New commercial growth should meet a broad variety of the retail and service needs of residents in buildings of modest scale, consistent with the small-town scale of existing development, and concentrated in commercial clusters shown on the Future Land Use Plan." The Town of New Carlisle Comprehensive Plan (2007) shows the subject property as local business on the existing land use map; however, the proposed (future) land use map shows it as residential - reportedly an unintended oversight. No other land use plans have been approved for this area. Current condition and character of current structure and use is consistent with the Local Business District. Continued use of subject property as a local business is the most desirable use for this location along US Route 20. As this is the continuation of a long standing existing use, property values should remain largely unaffected. Making use of an existing building designed for business use at the edge of other local businesses and along US Route 20 represents responsible development and growth by continuing its 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. The staff recommends approval of the variances. Existing use as a local business in this location is consistent with Comprehensive Plan (2007) Achieving Quality Growth Goal, Commercial Growth Objective 1. It takes advantage of the existing building use and investment.

PETITIONER

Frank Robinson, with offices located at 814 E LaSalle St., South Bend, IN presented on behalf of the petitioner. Thomas Lawson, residing at 501 W Michigan St., New Carlisle, IN was also present as 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. She was:

Judith Rubleske, residing at 515 S. Main, South Bend, IN.

REBUTTAL

Frank Robinson, with offices located at 814 E LaSalle St., South Bend, IN presented the rebuttal.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Jason Lambright and unanimously carried, a proposed ordinance of THOMAS E LAWSON to zone from R1 Single Family District to LB Local Business District, property located at 501 W MICHIGAN ST, Town of New Carlisle, is sent to the Town Council with a FAVORABLE recommendation. Existing use as a local business in this location is consistent with Comprehensive Plan (2007) Achieving Quality Growth Goal, Commercial Growth Objective 1. It takes advantage of the existing building use and investment.

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, the variance(s) 1) from the minimum required front yard setback of 25' to 14'; 2) from the minimum required side yard setback of 10' to 0'; 3) from the minimum rear residential bufferyard setback of 20' to 7' and 4) from the required hard surface to gravel for parking areas property located at 501 W MICHIGAN ST, Town of New Carlisle, were approved.

- 3 A combined public hearing on a proposed ordinance of PENN CIVIL TOWNSHIP to zone from R: Single Family District to C: Commercial District and seeking the following variance(s): 1) from the requirement of "Type 2: full screening landscaping" along the north and east property lines to no landscaping 2) from the requirement of providing off-street parking area screening along the east line of the proposed parking to no screening as shown 3) from the requirement of foundation landscaping for the proposed maintenance building to no landscaping 4) from the requirement of a minimum of 200 feet linear spacing for an outdoor advertising sign from a residential district to a minimum of 90 feet and from the required minimum 100 feet radial spacing for an outdoor advertising signs from a residential district to a minimum of 90 feet 5) from the requirement of providing a minimum of one (1) loading dock to no loading dock, property located at 12661 & 12641 McKinley Hwy, St. Joseph County - APC# 2927-20. *(Audio Position: 35:00)*

RYAN FELLOWS: The petitioner is requesting a zone change from R: Single Family District to C: Commercial District. On outdoor advertising sign (billboard). Residentially zoned vacant land owned by the petitioner (PHM Schools). Residentially zoned vacant land owned by the petitioner (PHM Schools), then commercially zoned property. Residentially zoned vacant lots and a single

family home. Industrially zoned property, including the Royal Excursion bus company. 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 includes a proposed fire station, parking lot, future maintenance building, and a relocated outdoor advertising sign (billboard) with landscaping trees. Land use and trends in this area include industrial from the west and commercial from the east, meeting on this site makes logical sense. McKinley Highway (Old U.S. Route 20) is a five-lane highway, including a center-turn lane with suitable capacity. Site will be served by public water and sewer system. Engineering: Drainage and Runoff Storage will need to be designed per SJC Criteria. Proposed Drainage plans need to be included with Site Plan, but not required for rezoning. Engineering recommends approval. Surveyor: No issues. Recommends approval. The petitioner is not proposing any written commitments. Proposed use is consistent with and supportive of Goal 5: Provide adequate infrastructure and urban services. Future land use plan contemplates this area as an industrial growth area. A fire station is supportive of this goal. No other plans have been adopted for this area. Current condition and character of current structures and uses in the area match the proposed use. A fire station is the most desirable use for this property. Surrounding property values should not be adversely affected. It is responsible development and growth to allow a fire station in this location. 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. This rezoning will allow this property to be a good transition between industrially zoned properties to the west and commercially zoned properties to the east.

PETITIONER

Mike Danch, of Danch Harner & Associates, with offices located at 1643 Commerce Dr., 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 no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by Jason Lambright, being seconded by Kirk Youell and unanimously carried, a proposed ordinance of PENN CIVIL TOWNSHIP to zone from R: Single Family District to C: Commercial District, property located at 12661 & 12641 McKinley Hwy, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. This rezoning will allow this property to be a good transition between industrially zoned properties to the west and commercially zoned properties to the east.

Upon a motion by Jason Lambright, being seconded by Kirk Youell and unanimously carried, the variance(s) 1) from the requirement of "Type 2: full screening landscaping" along the north and east property lines to no landscaping; 2) from the requirement of providing off-street parking area screening along the east line of the proposed parking to no screening as shown; 3) from the requirement of foundation landscaping for the proposed maintenance building to no landscaping; 4) from the requirement of a minimum of 200 feet linear spacing for an outdoor advertising sign from a residential district to a minimum of 90 feet and from the required minimum 100 feet radial spacing for an outdoor advertising signs from a residential district to a minimum of 90 feet and 5) from the requirement of providing a minimum of one (1) loading dock to no loading dock property located at 12661 & 12641 McKinley Hwy, St. Joseph County, were approved.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

Daniel Caruso asked that the staff look into continuing to allow the virtual call in options for future meetings that are held in person. Mitch Heppenheimer stated that he would look into it.

2. Executive Director's Report:

Ryan Fellows updated the Commission on the steps being taken to run the June 16, 2020 Area Plan Commission meeting with social distancing procedures.

3. Minutes:

1. Approval of the Minutes from the May 19, 2020 meeting.

After due consideration, the following action was taken:


Upon a motion by John McNamara, being seconded by Dan Caruso and unanimously carried, the Minutes from the May 19, 2020 meeting were approved.

2. Approval of the Minutes from the May 26, 2020 meeting.

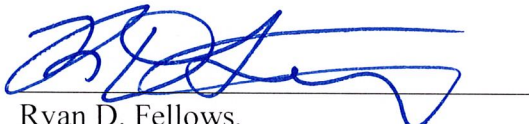
After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Dr. Jerry Thacker and unanimously carried, the Minutes from the May 26, 2020 meeting were approved.

4. Adjournment: 4:50



Adam DeVon,
PRESIDENT OF THE COMMISSION



Ryan D. Fellows,
Secretary of the Commission