

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

MINUTES

July 21, 2020
3:30 p.m.

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

MEMBERS PRESENT:

Dan Caruso
Adam DeVon
Jason Lambright
Rachel Rawls
Dr. Jerry Thacker
Kirk Youell

MEMBERS ABSENT:

Robert Hawley
John R. McNamara, P.E., L.S.

ALSO PRESENT:

Ryan D. Fellows
Shawn Klein
Samantha Keultjes
Mitch Heppenheimer, Counsel

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- 1 A proposed ordinance of Kimberli Phillips to zone from A: Agricultural District to I: Industrial District, property located at 30750 EDISON RD, St. Joseph County - APC# 2934-20. *(Audio Position: 2:05)*

Upon a motion by Dr. Jerry Thacker, being seconded by Jason Lambright and unanimously carried, a proposed ordinance of Kimberli Phillips to zone from A: Agricultural District to I: Industrial District, property located at 30750 EDISON RD, St. Joseph County is TABLED at the request of the petitioner.

- 2 A proposed ordinance of GFE ENTERPRISES LLC to zone from R: Single Family District to C: Commercial District and B: Business District, property located at 13145 STATE ROAD 23 HWY and VACANT PARCEL TO THE WEST , St. Joseph County - APC# 2935-20. *(Audio Position: 2:45)*

SHAWN KLEIN: The petitioner is requesting a zone change from R: Single Family District to C: Commercial District and B: Business District. On site is an R: Single Family District (County) zoned single family home and a garage. To the north are R: Single Family District (County) zoned single family homes. To the east is a C: Commercial (County) zoned Walgreen's pharmacy. To the south is a C: Commercial District (County) zoned Goodwill store, a B: Business District (County) zoned Dollar General store, and an R: Single Family District zoned single family home. To the west is a B: Business (County) zoned drywall business and a B: Business (County) zoned eye care clinic. 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. The B: Business District is established to provide for businesses which provide for the full range of convenience uses necessary to meet the daily needs of residential neighborhoods. Permitted uses within the B: Business Districts are regulated in character to assure harmonious development with the nearby residential districts served. The site plan shows a proposed restaurant with drive-through on the property to be zoned C: Commercial District. The property to be zoned B: Business District is to remain vacant for the time being and joined to the abutting parcel to the west zoned B: Business District through a subdivision. The parcel to the south zoned C: Commercial District was rezoned from R: Single Family District in 2003 to allow for retail and professional office uses. The parcel to the south zoned B: Business District was rezoned from R: Single Family District in 2010 to allow for retail uses. The parcel to the east zoned C: Commercial District was rezoned from R: Single Family District in 2007 to allow for a retail use with a drive-up window. The parcels to the west zoned B: Business were rezoned from OB: Office Buffer District and R: Residential District in 2015 to allow for office and retail uses. State Road 23 is a four lane road with a center turn lane. It provides adequate vehicle capacity. The site will be served by the St. Joseph County Regional Sewer District sanitary sewer and private well. The County Engineer's Office notes that the development will need to meet County drainage standards. Drive access approval for State Road 23 must be obtained from INDOT. The petitioner is not proposing any written commitments. The petition is consistent with the Comprehensive Plan for South Bend and Saint Joseph County Indiana (2002), Goal 2, Objective C: "Develop quality business areas to meet the retail and service needs of the planning area." The future land use plan contemplates residential growth in this area. No other plans have been adopted for this area. Although State Road 23 is traditionally and predominately a residential corridor, there has been an ongoing trend since 1989 wherein properties in the immediate vicinity of the petition area have rezoned to districts allowing for commercial uses, resulting in the formation of a commercial node at the intersection of SR 23 and Adams Road. The expansion of the road has weakened the residential value of the corridor. The most desirable use of this property is to take advantage of the high traffic capacity of SR 23 and one that limits the impact on surrounding residential properties. With required landscaping, setbacks, and lighting standards, surrounding property values should not be adversely affected. It is responsible development and growth to allow commercial uses along major corridors. 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 additional services to be provided at an existing commercial node on a major automobile route. Required landscaping and setbacks will minimize impact on adjacent residential properties.

PETITIONER

MIKEL CURRIER of Jones Petrie Rafinski, with offices located at 325 S Lafayette Blvd. 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 Dan Caruso, being seconded by Dr. Jerry Thacker and unanimously carried, a proposed ordinance of GFE ENTERPRISES LLC to zone from R: Single Family District to C: Commercial District and B: Business District, property located at 13145 STATE ROAD 23 HWY and VACANT PARCEL TO THE WEST , St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. This rezoning will allow additional services to be provided at an existing commercial node on a major automobile route. Required landscaping and setbacks will minimize impact on adjacent residential properties.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous: *(Audio Position: 9:30)*
 - A. APC #2919-20 APC Initiated (Sign Redulations)

After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by Rachel Rawls and unanimously carried, a proposed ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code to replace and update Sign Regulations is sent to the County Council with a FAVORABLE recommendation. This Ordinance will replace one of the most used, but most confusing sections of the Zoning Ordinance making sign permitting easier for both the user and staff. The new and updated regulations will promote creative, safe, and aesthetically pleasing sign design that meets the needs of St. Joseph County.

B. Findings of Fact

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the Findings of Fact for APC #2916-20 were approved.

Upon a motion by Adam DeVon, being seconded by Kirk Youell and unanimously carried, the Findings of Fact for APC #2922-20 were approved.

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the Findings of Fact for APC #2923-20 were approved.

Upon a motion by Adam DeVon, being seconded by Kirk Youell and unanimously carried, the Findings of Fact for APC #2927-20 were approved.

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the Findings of Fact for APC #2924-20 were approved.

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the Findings of Fact for APC #2929-20 were approved.

C. Approval of the revised By-Laws

Ryan Fellows stated that the By-Laws were revised and the contents related to the City of South Bend were removed.

Upon a motion by Adam DeVon, being seconded by Dan Caruso and unanimously carried, the revised By-Laws were approved.

2. Executive Director's Report:

Ryan Fellows gave the Executive Director's Report giving the Commission members an update on Robert Hawley and Abby Wiles. He also summarized some of the items that are current and upcoming projects related to the budget, Public Participation Plan, Zoning Ordinance Text Amendments, and Comprehensive Plans.

3. Minutes:

- A Approval of the Minutes from the June 16, 2020 Area Plan Commission meeting. (*Audio Position: 28:00*)

Upon a motion by Adam DeVon, being seconded by Jason Lambright and

unanimously carried, the Minutes from the June 16, 2020 Area Plan Commission meeting are tabled.

4. Adjournment:

Upon a motion by Rachel Rawls, being seconded by Adam DeVon and unanimously carried, the July 21, 2020 Area Plan Commission meeting adjourned at 4:02 p.m.



Adam DeVon,
PRESIDENT OF THE COMMISSION



Abby E. Wiles, AICP,
Secretary of the Commission