

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

**MINUTES**

August 18, 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:**

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

**PUBLIC HEARING - 3:30 P.M.**

**I. 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: 3:10)*

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker 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.

- 2 A proposed ordinance of WHEELER GLEN L & FANNY R to zone from R: Single Family District to B: Business District, property located at 56325 ASH RD, St. Joseph County - APC# 2936-20.

*(Audio Position: 4:30)*

RYAN D. FELLOWS: The petitioner is requesting a zone change from R: Single Family District to B: Business District. On site: Eternal Life Community Outreach Church, zoned R: Single Family District. To the north is Midway Marine, zoned B: Business District. To the east is a Nextel telecommunication tower, zoned B-1: Neighborhood Business District (Elkhart County) To the South is United Steel Workers of America, Local 12273 union hall, zoned C: Commercial District. To the west are single family homes, zoned R: Single Family District. 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. Site Plan contemplates using the existing 24 parking space lot and adding another parking lot of 24 spaces, as well as a proposed retention area, septic field and replacement septic field. This property was zoned R: Single Family District from B: Business District in 1967. Ash Road (West County Line Road) is a two lane road with shoulders. The shoulder serves as a de facto right turn lane onto C.R. 16 (West Indiana Avenue) from northbound Ash Road. Vistula Road is a narrow two-lane road without shoulders. Vistula Road continues east from its

intersection with Ash Road as C.R. 16 in Elkhart County. The Vistula Road comes to Ash Road on an angle (see Engineering comment below.) Property served by Elkhart municipal water. No sanitary sewer available. A suitable septic system is needed for the proposed accompanying restaurant. Engineering: The drainage has to meet SJC Criteria for storage requirements. Given the proposed use and the potential impacts to traffic at the intersection of Ash Road and Vistula Road a Traffic Impact Study will be required. Please contact the SJC Engineering Division for the requirements of the Study. Health: The Department of Health recommends tabling this petition at this time in order to give an opportunity for the petitioner to make adjustments. Per the Technical Data Sheet issued by the Indiana State Department of Health (ISDH) for project #7115017, which regards the minimum design specifications for the septic system needed for a Midway Marina Cafe, three septic absorption areas were needed with a total of 7100 square feet of absorption trench bottom between them. This does not appear feasible with this site plan. Petitioner is not proposing any commitments at this time. Rezoning is supportive of the 2002 Comprehensive Plan's Goal 2: "Encourage the economic development of the County and its municipalities." Especially Objective C: "Develop quality business areas to meet the retail and service needs of the planning area." The Land Use Plan does not contemplate a change of use in this area. No other plans have been approved for this area. The current conditions and the character of the current structures on this site are a house of worship with a parking lot and woods. In the absence of an adequate septic system and a Traffic Impact Study, preservation of the R: Single Family District is advised at this time. In the absence of an adequate septic system and a Traffic Impact Study, the conservation of property values is not anticipated. Due to an adequate septic system not being worked out and the need for a Traffic Impact Study, it would be irresponsible development and growth at this time. No additional staff comments at this time. Per the Department of Health recommendation to table and County Engineering needing a Traffic Impact Study the Area Plan Commission Staff recommends tabling this petition. Due to the need to identify an adequate septic system for the accompanying proposed restaurant, and the need for a Traffic Impact Study, this petition is not ready for a recommendation to the County Council.

#### PETITIONER

TERRY LANG, of Lang, Feeny & Associates with offices located at 715 S Michigan St., 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 one person present to speak in remonstrance of this petition. She was: KATHRYN GATZIMOS, residing at 56547 Eastview Dr., Osceola, IN

#### REBUTTAL

TERRY LANG, of Lang, Feeny & Associates with offices located at 715 S Michigan St., South Bend, IN presented the rebuttal on behalf of the petitioner.

After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by Adam DeVon and carried, a proposed ordinance of WHEELER GLEN L & FANNY R to zone from R: Single Family District to B: Business District, property located at 56325 ASH RD, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation.

- 3 A proposed ordinance of The Estate of Rodney A. Daniel/Personal Representative Pattie Daniel to zone from C: Commercial District to R: Single Family District, property located at 11825 MCKINLEY HWY, St. Joseph County - APC# 2937-20.

*(Audio Position: 27:10)*

RYAN D. FELLOWS: The petitioner is requesting a zone change from C: Commercial District to R: Single Family District On site: On site is a single-family home and a pet shop. To the north are single family homes zoned R Single Family District. To the east is zoned C Commercial District. To the south are single family homes zoned R Single Family District. To the west are single family homes zoned R Single Family District. The R: Single Family Districts are established to protect, promote and maintain the development of single family dwellings as well as provide for other limited residential, public and institutional uses that are compatible with residential development located at the periphery of an urban area. No site plan provided. Intent is to revert property back into a residence. This property was rezoned from R Single Family District to C: Commercial District with a Commitment to only use as a pet shop in 2009, despite an unfavorable recommendation by the Area Plan Commission. The Commitment stated that the property owner would initiate rezoning to revert the property back to R: Single Family District zoning upon cessation of the use "pet store focused on wholesale/internet sales of aquatic plant and animals." McKinley Highway (Business U.S. Route 20) is a five-lane highway, including a center turn lane allowing dedicated left turns onto Cedar Trail. Cedar Trail has two lanes. Water and sewer are not available to the site. It currently has a well and septic system. SJC Engineering has no issues. Rezoning to residential is consistent with the 2002 Compressive Plan, Goal 3: Strengthen the neighborhoods of the County and its municipalities. Likewise with Objective A: Promote the development and/or maintenance of community and neighborhood character. The Land Use Plan identifies McKinley Highway between Capital Avenue and the County line as an Industrial Growth/Reserve Area. Current conditions and character of structures in the area are residential. The most desirable use is to return to residential use. Surrounding property values should be conserved by returning the use to residential. It is responsible development and growth to limit commercial zoning east of Cedar Trail and Buckeye Road, thereby protecting the existing residential area from further commercial encroachment. Based on information available prior to the public hearing, the Staff recommends that the petition be sent to the County Council with a favorable recommendation. The small size of the lot makes the commercial development of this lot without variances or encroachments difficult. The property is in close proximity to residential lots to the north, west and south, making its return to residential use preferable.

#### PETITIONER

STEVE ESLINGER, with offices located at 224 W Jefferson 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 John R. McNamara, P.E., L.S., being seconded by Rachel Rawls and unanimously carried, a proposed ordinance of The Estate of Rodney A. Daniel/Personal Representative Pattie Daniel to zone from C: Commercial District to R: Single Family District, property located at 11825 MCKINLEY HWY, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. The small size of the lot makes the commercial development of this lot without variances or encroachments difficult. The property is in close proximity to residential lots to the north, west and south, making its return to residential use preferable.

- 4 A proposed ordinance of ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT to zone from A: Agricultural District to I: Industrial District, property located at 56458 WILLOW RD and 31917 STATE ROAD 2 HWY and 56340 WILLOW RD, St. Joseph County - APC# 2938-20. *(Audio Position: 4:00)*

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker and unanimously carried, a proposed ordinance of ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT to zone from A: Agricultural District to I: Industrial District, property located at 56458 WILLOW RD and 31917 STATE ROAD 2 HWY and 56340 WILLOW RD, St. Joseph County is TABLED.

## ITEMS NOT REQUIRING A PUBLIC HEARING

### 1. Miscellaneous:

None at this time.

### 2. Executive Director's Report: *(Audio Position: 33:30)*

Abby Wiles, the new Executive Director of the Area Plan Commission introduced herself to the Commission. She continued by stating that staff is working on Zoning Ordinance amendments as well as finalizing the Subdivision Ordinance. She also stated that she is working on Zoning Enforcement and how to make that a better process. Lastly, it was announced that the Vacant seat on the Commission will soon be filled.

### 3. Minutes: *(Audio Position: 36:20)*

#### A. Approval of the minutes from the July 21, 2020 Area Plan Commission meeting


Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, the minutes from the July 21, 2020 Area Plan Commission meeting were approved.

B. Approval of the minutes from the June 16, 2020 Area Plan Commission meeting

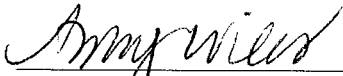
Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, the minutes from the June 16, 2020 Area Plan Commission meeting were approved.

4. Adjournment:

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dr. Jerry Thacker and unanimously carried, the August 18, 2020 Area Plan Commission meeting adjourned at 4:06 p.m.



Adam DeVon,  
President of the Commission



Abby Wiles,  
Secretary of the Commission