

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

MINUTES

May 16, 2023
3:30 p.m.

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

MEMBERS PRESENT:

Adam DeVon
Tom England
Brittini Gendron
Robert L. Kruszynski, Jr.
Elizabeth J. McCombs
Dr. Jerry Thacker

MEMBERS ABSENT:

Molly Hannon
Robert Hawley

ALSO PRESENT:

Abby Wiles
Carl Brown-Grimm (absent)
Shawn Klein (absent)
Shelley Marker
Brandie Ecker, Counsel

PUBLIC HEARING - 3:30 P.M.

Adam DeVon called the meeting to order at 3:30 p.m.

1. REZONINGS:

(Audio Position: 0:01:55.7)

Adam DeVon: We had a request for the rezoning for petition APC #3004-23 to be tabled until next month's meeting. No need for a motion since the petitioner tabled before the meeting.

- 1 A proposed ordinance of VELD KOFF ENTERPRISES LLC to amend the zoning commitments required by Ordinance No. 1212 as approved by the New Carlisle Town Council on August 17, 2009 for the property located at Unaddressed 9.74+/- acre parcel immediately northeast of the intersection of Timothy Road and Marvel Lane- APC# 3004-23.

2. ITEMS NOT REQUIRING A PUBLIC HEARING

A. Resolutions

A Resolution of the St. Joseph County Area Plan Commission Approving a Resolution of the Lakeville Redevelopment Commission Amending the Economic Development Plan - APC# R-262-23.

(Audio Position: 0:02:44.5)

PETITIONER

Carol McDougal, Lakeville Redevelopment, President, 409 E. Washington St, Lakeville, IN: I am here today to amend the acquisition list a property came available that we would like to

purchase. We are going through the process of amending our acquisition list and need your approval to do that.

Brandie Ecker: I am also Lakeville's RDC attorney, I am not presenting it because I am both of your attorney's and didn't feel like that was appropriate. If you have questions about the process, I can answer them.

Elizabeth McCombs: Is Lakeville a five-member board?

Brandie Ecker: The Redevelopment Commission, I believe is.

Carol McDougal: Yes.

Elizabeth McCombs: I mean like their whole council board.

Brandie Ecker: The Town Council is only three people.

Elizabeth McCombs: The Town of Roseland, the way the law states if you didn't have a five-member town council you could not have a TIF district.

Carol McDougal: We have had one since 2008 I believe.

Brandie Ecker: It is not new. Nothing about the district itself is changing, and nothing about the plan itself is changing, except the one appendix where the acquisition list is. And the only changes to that, were removing a couple of properties that they have already, since it was last done, they purchased them. Or they have been donated, and adding a few properties that they had, one offered to them that they would like to buy, and a couple that they would like the ability to in the future.

Adam DeVon: Since they are purchasing a property, they have to come to the Commission to get it approved?

Brandie Ecker: Unfortunately, I have been told in the past there was a statute that allowed the acquisition list to be changed on its own. That is not the case anymore and hasn't been for a couple of years. So, unfortunately the process, when changing the acquisition list, is exactly the same as if you were amending, doing a significant amendment to the whole district.

Adam DeVon: Okay. They are amending the list because they are purchasing a new piece of property.

Brandie Ecker: Yes.

Adam DeVon: This does not require a public hearing, correct.

Brandie Ecker: I pored over that statute. I must have read it four times because Abby and I were conferring on that to figure it out. There is nothing in the statute that says there needs to be a

public hearing for the Area Plan’s review of this. It just says that the RDC, after they do their first part of the declaratory resolution, it has to go to you to review it and issue an order either approving, disapproving, or modifying what they want to do.

Adam Devon: Is there any reason why we wouldn’t let them purchase a piece of property.

Elizabeth McCombs: So, we don’t even vote?

Brandie Ecker: You must vote to approve and approve and adopt the resolution that approves it. And once the RDC get that they go to their Town Council and ask for them essentially the same thing. And once they get it from both of you, then they can go back to their board and have a public hearing and finish.

Robert Kruszynski: This doesn’t go to the County Council then?

Brandie Ecker: It does not. It is just in the Town.

Adam DeVon: We need a motion to approve the resolution.

(Audio position: 0:06:05.0)

After due consideration, the following action was taken:

Upon a motion by Elizabeth J. McCombs, being seconded by Dr. Jerry Thacker and unanimously carried 6-0, a Resolution to Approve a Resolution of the Lakeville Redevelopment Commission Amending the Economic Development Plan, Town of Lakeville, APC# R-262-23 is approved.

| | | | |
|-------------------|--------|------------------------|--------|
| Adam DeVon | Aye | Tom England | Aye |
| Brittini Gendron | Aye | Robert Hawley | Absent |
| Elizabeth McCombs | Aye | Robert Kruszynski, Jr. | Aye |
| Molly Hannon | Absent | Dr. Jerry Thacker | Aye |

B. Approval of Minutes:

(Audio position: 0:06:42.4)

- a. March 21, 2023
- b. April 18, 2023

Upon a motion by Brittini Gendron, being seconded by Elizabeth McCombs and unanimously carried 6-0, the March 21 and April 18, 2023, meeting minutes of Area Plan Commission meetings are approved.

| | | | |
|-------------------|-----|------------------------|--------|
| Adam DeVon | Aye | Tom England | Aye |
| Brittini Gendron | Aye | Robert Hawley | Absent |
| Elizabeth McCombs | Aye | Robert Kruszynski, Jr. | Aye |

Molly Hannon

Absent

Dr. Jerry Thacker

Aye

4. Executive Director's Report:

(Audio position: 0:07:13.8)

Abby Wiles: I have started including a table showing the actions that were taken on all of the petitions that ultimately go to County Council. The IEC Overlay District and the establishment of the IEC Overlay District and the Ordinance and the actual rezoning was approved. As was the modification and termination of the commitments for two different sets of properties in the IEC area. Rezoning from Single-Family to Office also approved for the Anderson Road property owned by Miller Family Development and 16700 Cleveland owned by Reinks Group.

We are still in the process of continuing on with our Comprehensive Plan. Adam and I had a great task force meeting this afternoon with the consultant and the rest of the folks participating with us. We anticipate we will have a draft out later this summer and will be holding a couple of public meetings on that. Then bring it to you all for review.

Adam DeVon: Timing-wise, for us to review in the fall?

Abby Wiles: Yes, likely.

I think I mentioned it last meeting, but Mae Kratzer, our planner who just joined us in January was called back to Elkhart County to be their director. She is now me for Elkhart County, and we are still searching to fill her vacancy.

5. Adjournment:

(Audio position: 0:08:50.6)

Upon a motion by Brittni Gendron, being seconded by Elizabeth McCombs and unanimously carried 6-0, the Area Plan Commission meeting was adjourned at 3:38 p.m.

Adam DeVon

Aye

Tom England

Aye

Brittni Gendron

Aye

Robert Hawley

Absent

Elizabeth McCombs

Aye

Robert Kruszynski, Jr.

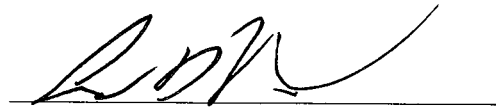
Aye

Molly Hannon

Absent

Dr. Jerry Thacker

Aye



Adam DeVon,
President of the Commission



Abby Wiles,
Secretary of the Commission