

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

MINUTES

October 19, 2023
8:30 a.m.

Commission Office, Room 1140
County-City Building, South Bend, IN

MEMBERS PRESENT:
Robert L. Kruszynski, Jr.
Sky Medors, P.E.
Randy James
Ron Melser

MEMBERS ABSENT:
Mark Espich

ALSO PRESENT:
Abby Wiles
Shawn Klein
Shelley Marker
Faryal Sharif

Sky Medors started the meeting at 8:30 a.m.

SUBDIVISIONS REQUIRING A PUBLIC HEARING

1. MAJOR SUBDIVISIONS - PRIMARY APPROVAL:

Pitt's Auten Road

7369-23 P

Staff Report:

SHAWN KLEIN: This Major Primary subdivision is located on the north side of Auten Road between the eastern terminus of Riverlan Road and Laurel Road, St. Joseph County. This subdivision will consist of 9 building lots. The total area is 15.17 acres. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. The rights-of-way are correct as shown. The County Surveyor recommends approval. The County Engineer has requested revisions to the drainage plan and continues to review this subdivision. The County Health Department issued a deficiency stating that sanitary sewer and water supply feasibility reports had not been submitted. The Professional Land Surveyor, on behalf of the applicant, requests the following waiver: 1) From Section 153.154 (H) to allow for one 20' opening across the 5' non-access easement per Lots 7-9 to allow each lot access onto Laurel Road, and one 40' opening across the 5' non-access easement for shared access onto Auten Road for Lots 5 and 6. If the waiver is granted and the County Health Department and County Engineer recommend approval, Staff recommends that this Subdivision be granted Primary Approval, subject to the following: revisions request by the non-conformance memo dated September 26, 2023. Otherwise, Staff recommends that this subdivision be tabled to the November 2nd meeting of the Plat Committee.

(Audio position: 0:00:08.1)

Shawn Klein, Area Plan Commission Staff: This is a proposed major primary that is located on the north side of Auten between the eastern terminus of Riverland Road and Laurel Road. It

would consist of nine building lots, total acreage is just over 15 acres. There are no environmental hazard areas or wetlands present. The site is proposed to be served by private well and private septic. The County Surveyor recommends approval, the County Engineer has some outstanding issues related to drainage plan and access. The County Health Department has not signed off on this as well. The professional land surveyors are requesting waivers to allow Lots 7 and 9 to access Laurel Road. Lots 5 and 6 would access Auten Road via a share access that is shown on the plat.

The County Engineer and County Health Department still have some outstanding issues with this one, we recommend that it be tabled to the next Plat Committee meeting.

Sky Medors: We will open this up to the public hearing. Petitioner.

(Audio position: 0:01:28.9)

Terry Lang, Wightman, 1402 Mishawaka Ave., South Bend, IN: I represent the petitioner's the Pitts family. I know there are a few issues with regards to the Engineering office and the Health Department. I have notification from the City of South Bend that they will not let me tie onto the city sewer which is located south and east of our site. We will have to be going through septic and well use at that location. It has been forwarded onto to Brett, and Brett is obviously out-of-town, I received a kicked on an email from that.

I like to proceed forward if we could because of one reason, we have a buyer for the house that sits on lot 7. In secondary, we would only be doing that lot. The reason is, Mr. Pitt had to go into a nursing home and the sale of the home will generate revenue so that we can do the improvements with regards to the cul-de-sac and the acceleration and deceleration lane that the County Highway Department had asked for, for the lots along Auten Road there. With that being said, I need to be able to sell the house to get the revenue to do the rest of the plat. We are working through those details with regards to that access right there. I need to do it in two steps, I need to be able to sell the house to be able to move forward with the rest of it. If at all possible, we would like to do it in that fashion.

Sky Medors: Let's get through the public hearing part and I'll tell you my issues.

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.

(Audio position: 0:04:12.7)

Sky Medors: We are not sure how drainage is going to be handled on Lots 8 and 9. Very concerned with access with Lots 8 and 9 out on Laurel Road it is a blind curve. If we have access for those lots onto Laurel Road, it is not a good situation. It is hard for me to approve lots

with the only accesses out onto Laurel Road where I know there will be issues with the blind curve. You just can't see.

Terry Lang: I hear your concern; we already have an existing driveway there for Lots 7...

Sky Medors: Yes, but you can see from that drive it is further south. The other two you cannot see from those drives.

Terry Lang: Would you be looking for a commitment for clearing the trees for a line of sight each way from a common driveway between Lots 8 and 9?

Sky Medors: I don't think you can clear the trees enough to get sight out there. Someone would have to look at. And then I still have no clue what is happening with drainage on Lots 8 and 9. I really can't sign off without answering those questions. And we still have the issue with the water.

Terry Lang: With those concerns, then we will go ahead and table it.

Robert Kruszynski: Shawn, I thought when I sent my paperwork back, we had concerns about the wetland area. You said that I approved it but I also, made some comments at the bottom...

Shawn Klein: You did, and they will be showing the wetlands on the plat. Yes.

Terry Lang: We have had a certified soil scientist and wetland specialist on site this last week. I haven't gotten his report yet. I anticipate there aren't any wetlands on that site. The small pond up by the house is an excavated pond for a reflecting pond right there for koi fish. And the area the finger that comes down from the Manun property to the north onto the site that was investigated, and I expect the report back any time. I will get a copy to you also, Bobby.

Robert Kruszynski: I appreciate that. I believe Mr. Law also had some concerns about the ravine going through there also, Terry. I thought there was some ravine through there.

Terry Lang: That is the area where the wetland was in question, is there a ravine that goes down through there and with that being said that is where our proposed drainage for the project is going to be located. Excavated on the north end Lots 5 and 6 and if you want, I can get you a copy of the drainage plan so that what we will be doing is retaining our drainage on site so it doesn't go through the finger to the north on the Manun property.

Sky Medors: Looking at the contours it looks to me like everything about midway through around Lots 7, 8 and 9 drains to the east.

Terry Lang: Correct. The house sits on the high spot.

Sky Medors: That is what some of the uncertainty is for Lots 7, 8 and 9 going to get water to the basin. I wish we could move forward but I think there are a lot of questions that need to be answered.

Terry Lang: I might have to submit it as a one lot minor sub for the house only. I can't do that without an approved primary for the whole project.

Sky Medors: We can't approve something without having the information we need. Was that a question?

Terry Lang: I have a question for Abby. Is there any way I can do a minor sub on strictly the house which is shown on Lot 7.

Shawn Klein: Would you want to do the remainder just as one large outlot until you come back with the primary?

Terry Lang: It won't because the house sits on both sides of the ... you have the lots on each side of it. So, technically I can't do ...

Shawn Klein: We will take a closer look and get back with you today.

Terry Lang: Let's go ahead and table it for right now. If you guys would check into that. Technically, I will not be able to move forward until I can sell the house with regards to that. We can work through the issues with regards to the drainage with Sky and the Drainage Board then.

Sky Medors: Thank you, Terry. Do we have a motion to table?

After due consideration, the following action was taken:

Upon a motion by Ron Melser, being seconded by Robert L. Kruszynski, Jr. and carried 4-0, Pitt's Auten Road Subdivision is tabled to the November 02, 2023, Plat Committee meeting.

Randy James	Aye	Robert Kruszynski	Aye
Sky Medors	Aye	Ron Melser	Aye

SUBDIVISIONS NOT REQUIRING A PUBLIC HEARING

1. MAJOR SUBDIVISIONS - SECONDARY APPROVAL:

None for consideration at this time.

2. MINOR PLATS:

Ulbricht 2nd Mayflower Road Minor

7365-23 M

Staff Report:

FARYAL SHARIF: This Minor Primary subdivision is located at 60502 Mayflower Road, St. Joseph County. This subdivision will consist of 1 building lot and 2 outlots. The total area is 8.2 acres. National Wetlands Inventory wetlands are present on Outlot A and Outlot B. These areas have been shown on the plat. The rights-of-way are correct as shown. The County Surveyor, the County Engineer, and the County Health Department

recommend approval. The Professional Land Surveyor, on behalf of the applicant, requests the following waivers: 1) From Section 153.135 (H) to allow for two 20' openings across the 5' non-access easement to allow for continued access onto Mayflower Road for Lot 1. The Staff has reviewed this Subdivision and finds that if the waivers are granted, it complies with the requirements for Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Approval.

(Audio position: 0:09:20.8)

After due consideration, the following action was taken:

Upon a motion by Randy James, being seconded by Ron Melser and carried 4-0, the waivers from 1) From Section 153.135 (H) to allow for two 20' openings across the 5' non-access easement to allow for continued access onto Mayflower Road for Lot 1 were approved.

Randy James	Aye	Robert Kruszynski	Aye
Sky Medors	Aye	Ron Melser	Aye

Upon a motion by Randy James, being seconded by Ron Melser and carried 4-0, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and Ulbricht 2nd Mayflower Road Minor Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval.

Randy James	Aye	Robert Kruszynski	Aye
Sky Medors	Aye	Ron Melser	Aye

Shafer's Madison Road Minor 7367-23 M

Staff Report:

This Minor Primary subdivision is located On the south side of Madison Road, approximately 4600' east of Ironwood Road, St. Joseph County. This subdivision will consist of 2 building lots. The total area is 20.1 acres. A check of the Agency's maps indicates that wetlands are present on proposed lot 2. These wetlands have been shown on the plat. The rights-of-way are correct as shown. The County Surveyor, County Engineer recommend approval, while the County Health Department issued a deficiency on October 4, 2023, stating that there as insufficient information regarding availability of subsurface drainage. It appears that additional information has since been submitted. The Professional Land Surveyor, on behalf of the applicant, requests the following waiver: 1) From Section 153.135 (H) to allow for one 20' opening across the 5' non-access easement for each of lots 1 and 2 for future access onto Madison Road. The applicant is requesting an easement reduction from the St. Joseph County Drainage Board. This petition will go

before the Board on November 6, 2023.

If the waiver is granted and the Health Department recommends approval, Staff recommends that this Subdivision be granted Primary Approval, subject to the following: The ditch easement reduction request being granted by the St. Joseph County Drainage Board, or showing the full 75' easement on the plat.

(Audio position: 0:09:47.5)

Sky Medors: The Health Department was still reviewing this.

Shawn Klein: I don't know if you had any conversations with Brett on this, okay (looking at David Ekkens from the Health Department).

Sky Medors: So, we don't have any information back from the Health Department then?

David Ekkens: No, Brett was looking at stuff before he left. I don't know the status of it.

Sky Medors: Terry.

Terry Lang: I had submitted information to Brett showing the depth at the tiles 7' deep right there which is sufficient depth to provide perimeter drains for the proposed two lots right there. I had submitted to the Drainage Board a request for the reduction from 75' down to 30' and I was just talking with John Law about that earlier. To see if he had gotten that, he has been having some issues because they are upgrading that system on the Drainage Board site with regards to it. But we have submitted that petition for that. If you want to approve subject to those items, but Brett has everything that he needed with regards to the depth to be able to do perimeter drains for that. The stuff has been submitted through the Drainage Board website portal for the reduction request which would be coming up at their next meeting the first part of November.

Shawn Klein: I prefer we would table a couple of weeks. It still needs to go before the Drainage Board, so we couldn't grant secondary approval until after that.

Sky Medors: That is Staff's recommendation.

Shawn Klein: That is my recommendation.

Sky Medors: We have Staff's recommendation to table.

(Audio position: 0:11:36.4)

After due consideration, the following action was taken:

Upon a motion by Randy James, being seconded by Ron Melser and carried 4-0, Shafer's Madison Road Minor Subdivision is tabled to the November 02, 2023, Plat Committee meeting.

Randy James	Aye	Robert Kruszynski	Aye
Sky Medors	Aye	Ron Melser	Aye

3. REPLATS:

Northbridge Valley Sec Five & Replat of Lot 211 Sec 4-Second Replat 7368-23 R

Staff Report:

This Primary Replat is located On the west side of Columbia Bay Drive, approximately 560' north of Raleigh Vista Way and at northeastern terminus of Salem Farms Court, St. Joseph County. This replat will consist of 4 lots being replatted to 3 lots. The total area for this replat is 1.76 acres. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. The rights-of-way are correct as shown. The County Surveyor, County Engineer, and County Health Department recommend approval. The Staff has reviewed this Subdivision and finds it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval.

(Audio position: 0:12:15.0)

After due consideration, the following action was taken:

Upon a motion by Ron Melser, being seconded by Randy James and carried 4-0, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and Northbridge Valley Sec Five & Replat of Lot 211 Sec 4-Second Replat Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval.

Randy James	Aye	Robert Kruszynski	Aye
Sky Medors	Aye	Ron Melser	Aye

4. MINUTES: *(Audio position: 0:12:25.6)*

Upon a motion by Randy James and seconded by Ron Melser and unanimously carried 4-0, the Plat Committee meeting minutes of October 05, 2023, were approved.

Randy James	Aye	Robert Kruszynski	Aye
Sky Medors	Aye	Ron Melser	Aye

6. ADJOURNMENT: *(Audio position: 0:12:38.1)*

Upon a motion by Ron Melser and seconded by Randy James and unanimously carried 4-0, the adjournment of the Plat Committee meeting was at 8:43 a.m.

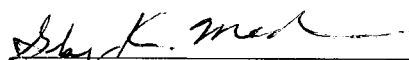
Randy James
Sky Medors

Aye
Aye

Robert Kruszynski
Ron Melser

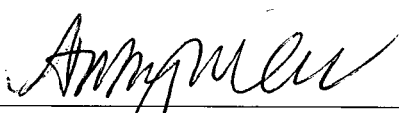
Aye
Aye

RESPECTFULLY SUBMITTED,



Sky Medors, P.E.,
Chairman of the Committee

ATTEST:



Abby Wiles,
Secretary of the Committee