

I.C. 36-7-4-312 requires the Executive Director, under the direction of the Area Plan Commission, to prepare and present to the Commission an Annual Report and an Annual Plan for the operation of the planning department. This Annual Report covers Commission and Staff activities performed in 2018, and the Annual Plan / Work Program for 2019.

Annual Report 2019

Area Plan Commission of St.
Joseph County, IN

Lawrence P. Magliozzi, Executive Director

Annual Report 2019

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“The statutes and regulations that govern land use affect the daily lives of average Americans more than any other part of the legal system”

Former Chief Justice Shepard

Prepared

February 2020

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I. PREFACE

This Annual Report provides information on the activities of the Area Plan Commission of St. Joseph County, IN and the staff of the planning department for 2019, and establishes the 2020 Work Program.

The Commission served the communities of the City of South Bend, the unincorporated areas of St. Joseph County and the Towns of Lakeville, New Carlisle, North Liberty, Osceola and Roseland.

Area Plan Commission

- Forwards recommendations on zoning petitions and text amendments to the legislative bodies
- As a part of the Combined Hearing Procedure
 - Hears petitions for variances – approves, approves with modifications or denies
 - Forwards recommendations to County Council on special uses
- Hears appeals from the Plat Committee on subdivision plats
- Considers proposals for comprehensive plan amendments
- Considers resolutions relative to redevelopment activities
- Area Plan Commission Committees
 - *Executive Committee* - Advises and counsels the Executive Director of the Commission in budget, personnel and other administrative matters; serves as the Site Plan Committee to determine appeals of Staff decisions on major changes to approved final site plans as required by the applicable zoning ordinances.
 - *Plat Committee* – approves or denies plats

Staff Functions

- Prepare all necessary documentation for the monthly Plan Commission meetings
- Administer and coordinate the rezoning application process
- Administer and coordinate the subdivision application process
- Administer and coordinate the variance and special use application process for the Area Board of Zoning Appeals
- Research and prepare text amendments to the zoning and subdivision ordinances
- Propose and prepare amendments to comprehensive plans
- Assists the public on land use related matters
- Issues Improvement Location Permits
- Acts as the Zoning Administrator for the unincorporated areas of St. Joseph County
- Assists APC member jurisdictions on land use related matters

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II. COMMISSION AND STAFF

Contact Information

227 W. Jefferson Boulevard
Suite 1140 County-City Building
South Bend, IN 46601

Phone: 574-235-7800 Fax: 574-235-5057 Web: www.sjcindiana.com

Area Plan Commission Staff

Executive Director/Secretary	Larry Magliozzi	March 2006 - Appointed May 2014
Deputy Director/Assistant Secretary	Angela Smith	February 2013 – March 2019
Senior Planner	Ryan Fellows	August 2019
Planner	Jordan Wyatt	January 2018
Planner	Shawn Klein	August 2018
GIS Manager	John Carlson	January 1994
GIS Technician	Beverly Kingston	January 2008
Office Manager	Jennifer Parcell	June 1993 – March 2019
ABZA Secretary	Jennifer Henthorn	January 2018 – September 2019
Commission Attorney	Mitch Heppenheimer	

Member Jurisdictions

St. Joseph County	City of South Bend	Town of Lakeville
Town of New Carlisle	Town of North Liberty	Town of Osceola
Town of Roseland		

Area Plan Commission (as of 1/1/2019)

<u>Member</u>	<u>Appointed By:</u>
Dan Brewer	Mayor, City of South Bend
Oliver J. Davis	Common Council, City of South Bend
John DeLee	Mayor, City of South Bend
Adam DeVon	St. Joseph County Council
Robert Hawley	St. Joseph County Commissioners
Martin Madigan	Council on Town Affairs, Town of Roseland
Elizabeth Maradik	Board of Public Works, South Bend
Vacant	Mayor, City of South Bend
John McNamara	St. Joseph County Surveyor
John Leszczynski	Mayor, City of South Bend
Greg Burris	Town Council, Town of Osceola
Rick Kennedy	County Agricultural Extension Educator
Dr. Jerry Thacker	School Corporation Superintendents – PHM School District
Harry Dudeck	Town Council, Town of New Carlisle
Velvet Canada	Town Council, Town of North Liberty

III. EXECUTIVE SUMMARY

2019 was a significant year for the planning staff:

1. A new department, the *Department of Infrastructure, Planning and Growth* (IPG) was formed at the start of the year. The Department is a consolidation of two departments: the planning department and public works (engineering and Surveyor) and includes the Director of Economic Development and one staff position. GIS, which was a part of the planning department, was also included in the merger. The Executive Director of the Area Plan Commission, the Executive Director of Economic Development, the County Engineer and the County Surveyor all retain their respective titles and responsibilities and jointly manage the new department.
2. The role, activities and responsibilities of the planning staff remain the same as the *Division of Planning and Zoning*. In previous years the planning took over administrative responsibility of the Area Board of Zoning Appeals and zoning administration (see previous Annual Reports). The Division will continue to staff the Area Plan Commission and its member jurisdictions.
3. In a further consolidation of land use related activities, the staff took over coordination of the street vacation process which previously resided in the County Council office.
4. The City of South Bend announced its withdrawal as a member of the Area Plan Commission and the Area Board of Zoning Appeals, effective January 1, 2020. South Bend was one of the founding members of the Area Plan Commission in 1964. The Area Plan Commission continues as a 9-member area plan commission, providing planning-related services to the unincorporated areas of St. Joseph County and the Towns of Lakeville, New Carlisle, North Liberty, Osceola and Roseland.

With the departure of the City of South Bend and the associated work load, the Planning and Zoning staff will be concentrating more of its time in updating the County zoning and subdivision ordinances., in addition to developing long needed land use plans.

Over the past number of years, the planning staff has been a leader in streamlining the development process, making it easier for the public and development community to file applications. The staff continuously explores new opportunities as they arise to maintain a high level of administrative responsibility and efficiency.

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IV. ACCOMPLISHMENTS – 2019

Accomplishments are exclusive to the planning staff. The new Department of Infrastructure, Planning and Growth has reorganized some functions, such as GIS.

Recurring Work Elements

- Administer zoning (map change) applications
- Administer subdivision plat applications
- Administer variance and special use applications
- Administer zoning violation complaints
- Review and issue Improvement Location Permits
- Administer the Project Advisory Team
- Research and propose ordinance text changes
- Review street and alley vacation requests
- Participate in the Building Department’s Plan Review process – issuance of ILPs
- Assist the public in a wide range of zoning and plat-related property issues
- Participation on the following:
 - Transportation Technical Advisory Committee (MACOG)
 - St. Joseph Regional Water & Sewer District
 - Economic Development Professional Network (Chamber of Commerce)
 - Juday Creek Task Force (MACOG)
 - Shirley Heinze Land Trust Advisory Committee
 - Census 2020 Complete Count Committee

Specific Accomplishments

- Assumed a new responsibility in late summer– taking over the administration of the street and alley vacation process for the unincorporated areas of the County from the County Council office.
- Completed the design and implementation of a database system using FileMaker Pro as the program platform. The data base covers all the major staff activities – zoning, variances, subdivisions and zoning violations. The database is shared with the Health, Public Works and Building Departments.
- Formation of Complete Count Committee and planning for Census2020.
- Implemented a series of zoning ordinance text changes.
- Completed a review of the St. Joseph County Subdivision Ordinance.

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V. 2020 ANNUAL PLAN / WORK PROGRAM

The Staff anticipates no change to its continuing duties relative to the administration of the zoning and subdivision ordinances, review of development projects, staff support to the Area Plan Commission and the Area Board of Zoning Appeals, and the assistance it provides to the public and government agencies that are members of the Area Plan Commission. Staff continually reviews the way it conducts business and implements changes when necessary.

2020 Work Program:

- Replacement of the St. Joseph County Subdivision ordinance
- Replace Sign Ordinance
- Add solar energy development standards
- Selected text changes to accessory uses. Trailers and mobile homes
- Begin preliminary work on revising the St. Joseph County Zoning Ordinance
 - Assessment of all sections
 - Provide quick fixes as needed
 - Develop general direction and format for a new ordinance
 - Develop public participation strategy

- Continue integration of electronic files with County GIS system
- Participate in Census 2020 Complete Count Committee activities
- Begin initial planning for implementing geography-specific land use plans
- Continue participation in:
 - Transportation Technical Advisory Committee (MACOG)
 - St. Joseph Regional Water & Sewer District
 - Economic Development Professional Network (Chamber of Commerce)
 - Juday Creek Task Force (MACOG)
 - Shirley Heinze Land Trust Advisory Committee
 - Census 2020 Complete Count Committee

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VI. ACTIVITY DATA

Summary of Public Hearing Agenda Activity

Jurisdiction	2019	2018	2017	2016	2015	2014	2013
St. Joseph County	20	9	20	10	10	17	18
Map Changes	4	4	3	1			
Combined Hearings	5	5	7	7			
Text Amendments	10		10	1			
Subdivision Appeals	1			1			
South Bend	14	15	24	22	24	16	10
Map Changes	4	6	5				
Combined Hearings	6	6	16				
Text Amendments	4	3	3				
Lakeville			2	1	3		
Map Changes			1	1	3		
Text Amendments			1				
New Carlisle	1					1	3
Map Changes	1					1	3
North Liberty			2	1	1	1	2
Map Changes			1	1	1	1	2
Text Amendments			1				
Osceola	1			2	1	3	1
Map Changes					1	3	1
Text Amendments	1			2			
Roseland	1				1		
Map Changes	1				1		
Totals	37	24	48	34	40	38	34
Map Changes	10	10	10	20	31	32	29
Combined Hearings	11	11	23	7			
Text Amendments	15	3	15	6	9	6	5
Subdivision Appeals	1			1			

Map Amendment (Zoning) Decisions

Jurisdiction	Number	Favorable	Unfavorable	No Rec	Passed	Denied	W/D
St. Joseph County	8	6	2		7		1
South Bend	10	7	2	1	7	2	1
Lakeville							
New Carlisle	1	1			1		
North Liberty							
Osceola							
Roseland	1	1			1		

Land Use Plans

None

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VI. ACTIVITY DATA (continued)

Subdivisions Filed – 2019

Jurisdiction	Major Primary	Major Secondary	Minor	Replats	Plat Vacations	Total
St. Joseph County	11	12	27	5		55
South Bend	1	1	18	3		23
Lakeville						
New Carlisle						
North Liberty						
Osceola	1	2				2

Street & Alley Vacations Reviewed

Jurisdiction	2019	2018	2017	2016	2015	2014
St. Joseph County	3	2	1 2		1	3
South Bend	23	30	26	18	12	4
Lakeville						
New Carlisle						
North Liberty						
Osceola	1					
Roseland						

Area Board of Zoning Appeals - Petitions Filed

Jurisdiction	2019	2018	2017	2016	2015	2014
St. Joseph County	59	62	66	84	51	48
<i>Variances (#)</i>	<i>142</i>	<i>97</i>	<i>118</i>	<i>144</i>	<i>76</i>	<i>93</i>
<i>Special Exceptions</i>	<i>3</i>	<i>3</i>	<i>6</i>	<i>9</i>	<i>5</i>	<i>4</i>
<i>Conditional Uses</i>						
South Bend	63	62	64	64	62	54
<i>Variances</i>	<i>151</i>	<i>150</i>	<i>191</i>	<i>112</i>	<i>106</i>	<i>109</i>
<i>Special Exceptions</i>	<i>8</i>	<i>14</i>	<i>12</i>	<i>10</i>	<i>4</i>	<i>9</i>
<i>Conditional Uses</i>						
Lakeville				1	1	
<i>Variances (#)</i>				<i>3</i>	<i>1</i>	
New Carlisle		1	1			
<i>Variances (#)</i>		<i>2</i>	<i>1</i>			
North Liberty	1		1	2		
<i>Variances (#)</i>	<i>4</i>		<i>2</i>	<i>2</i>		
Osceola	1	1				
<i>Variances (#)</i>	<i>5</i>	<i>1</i>				
<i>Special Exceptions</i>						
Roseland	1	1		1	1	
<i>Variances (#)</i>	<i>1</i>	<i>7</i>		<i>8</i>		
<i>Special Exceptions</i>		<i>1</i>			<i>1</i>	

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VII. FINANCIAL

Income History

	2019	2018	2017	2016	2015	2014
Zonings (map changes)	\$8,340	\$16,860	\$25,730	\$31,085	\$19,410	\$22,860
Subdivisions	\$35,600	\$50,150	\$4,3365	\$39,240	\$32,250	\$22,115
Variances / SEU	\$18,625	\$27,100	-	-	-	-
Zoning Administration	\$24,275	\$20,500	-	-	-	-
Other Income	<u>\$628.45</u>	<u>\$328</u>	<u>\$2,055.50</u>	<u>\$1402.50</u>	<u>\$3,938</u>	<u>\$3,584</u>
TOTAL	\$87,468.45	\$114,938	\$71,150.50	\$71,727.50	\$55,598	\$48,559

The fundamental goal of all zoning is to try and ensure that one owner's use of property does not have a significant detrimental impact on other owner's enjoyment of their property.
