

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

AGENDA

Tuesday, July 19, 2016
3:30 p.m.

Fourth-Floor Council Chambers
County-City Building, South Bend, IN

PUBLIC HEARINGS:

1. Rezoning:

- A. A combined public hearing on a proposed ordinance of JJAGG Properties LLC to zone from SF1 Single Family & Two Family District to OB Office Buffer District, and seeking the following variance(s): 1) From the required 15' minimum side residential bufferyard to 13'; 2) From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan; and 3) From the required off-street parking area screenings to none, property located at 1311 North Ironwood Drive, City of South Bend - [APC# 2785-16](#).

- B. A combined public hearing on a proposed ordinance of River Walk, LLC and Gregory J. Gluchowski to zone from SF2 Single Family & Two Family District, MF1 Urban Corridor Multifamily District and MU Mixed Use District to MF1 Urban Corridor Multifamily District and SF2 Single Family & Two Family District, and seeking the following two variance(s): 1) From the required 25' minimum front yard building setback to 15' for Tract 2B; and 2) From the required minimum side yard of 5' or 10% of lot width, whichever is greater, to 4' for Tract 2B, property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street, City of South Bend - [APC #2786-16](#).

2. Text Amendments:

- A. An Ordinance Initiated by the Area Plan Commission of St. Joseph County, Indiana on behalf of the Town Council of the Town of Osceola, Indiana, amending Chapter 14 Floodplain Regulations of the Town of Osceola Zoning Ordinance - [APC# 2787-16](#).

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Findings of Fact for denying Variances for property located at 2724 Lincolnway West, City of South Bend – [APC #2777-16](#)

- B. Findings of Fact for granting Variances for property located at 13988 Cleveland Road, St. Joseph County – [APC #2780-16](#)

- C. Findings of Fact for granting Variances for property located at 51380 Currant Road, St. Joseph County –[APC #2783-16](#)

- 2. Executive Director's Report:
- 3. Minutes and Expenditures:
- 4. Adjournment:

Staff Report

7/5/2016

APC # 2785-16
Owner: JJAGG Properties LLC
Location: 1311 North Ironwood Drive
Jurisdiction: City of South Bend
Public Hearing Date: 7/19/2016

Requested Action:

The petitioner is requesting a zone change from SF1 Single Family & Two Family District to OB Office Buffer District and seeking 3 variances from the development standards.

Land Uses and Zoning:

- On site: On site is a single family home.
- North: To the north is an office zoned OB Office Buffer District and a single family home zoned SF1 Single Family & Two Family District.
- East: To the east across Ironwood Drive are single family homes zoned SF1 Single Family & Two Family District.
- South: To the south is a single family home zoned SF1 Single Family & Two Family District.
- West: To the west is a single family home zoned SF1 Single Family & Two Family District.

District Uses and Development Standards:

The OB - Office Buffer District is established to promote the development of small scale office, professional, business, governmental and quasi-governmental uses. Since the types of permitted uses in the OB District are typically less commercial in appearance and are architecturally more harmonious with residential structures, this district can serve as a buffer between residential districts and more intense commercial or industrial districts. The OB District may also serve as a gradual and reasonable transition between major thoroughfares and residential districts. The OB District development standards are established to assure small scale developments.

Site Plan Description:

The 0.76 acre site contains a 2,970 square foot home that is proposed to be converted to an office building. The current access from Ironwood Drive would be removed. The access to the parking lot to the rear of the property would be from the public alley that currently terminates at this property. The site plan shows a parking lot with 17 spaces. The north and west property lines adjacent to the residential property will be screened with a 6' vinyl fence. The south property line would consist of a mixture of a proposed 6' vinyl fence and landscaping consisting of narrow spread evergreen trees and existing vegetation.

Zoning and Land Use History And Trends:

The property to the north was rezoned to Office in 1972.

Traffic and Transportation Considerations:

Ironwood Drive has two lanes.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment recommends approval, but suggests the parking lot be shifted north in order to meet the residential bufferyard on the south. In lieu of the other landscaping, DCI suggests some trees and shrubs could be planted near the west end of the new parking lot along the north and between the existing and new parking lots to visually break up the mass of combined parking. The City Engineer recommends approval subject to final site plan approval at the time of construction.

Commitments:

The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006), Objective LU 2: Encourage a compatible mix of land uses in the community.

Land Use Plan:

The future land use map identifies this area as low density residential.

Plan Implementation/Other Plans:

There are no other plans for this area.

2. Current Conditions and Character:

The intersection of Ironwood and Edison serve as a commercial node for the surrounding properties. There are 2 properties between the petition property and the commercial node to the north that serve as a buffer to the residential neighborhood to the south.

3. Most Desirable Use:

The most desirable use of the land is one that provides a buffer between the commercial properties to the north and the surrounding residential neighborhoods.

4. Conservation of Property Values:

With proper buffering, the low intensity of the proposed office surrounding property values should not be affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow the conversion of the existing structure to an office use, while retaining its residential character.

This is a combined public hearing procedure with a rezoning and 3 variances from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking the following variance(s):

- 1) From the required 15' minimum side residential bufferyard to 13';

- 2) From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan;
- 3) From the required off-street parking area screenings to none.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

Due to the location of the parking relative to the existing parking on the adjacent site and the screening proposed, the variances should not be injurious to the general safety or welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

The proposed landscaping is consistent with the intent of the ordinance to provide a visual and noise buffer to the adjacent residential properties. The use and value of the adjacent properties should not be adversely affected.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

Due to the narrow width of the lot, strict application of the Ordinance would create practical difficulties.

Staff Comments:

Staff has no additional comments.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variances.

Analysis:

By removing the access on Ironwood Drive and connecting through the established office properties to the north, rezoning this site to OB Office Buffer District will allow a reasonable extension of services provided in this area while minimizing the impact on the residential neighborhoods in the immediate area.

REZONING
#2785-16

POWERS

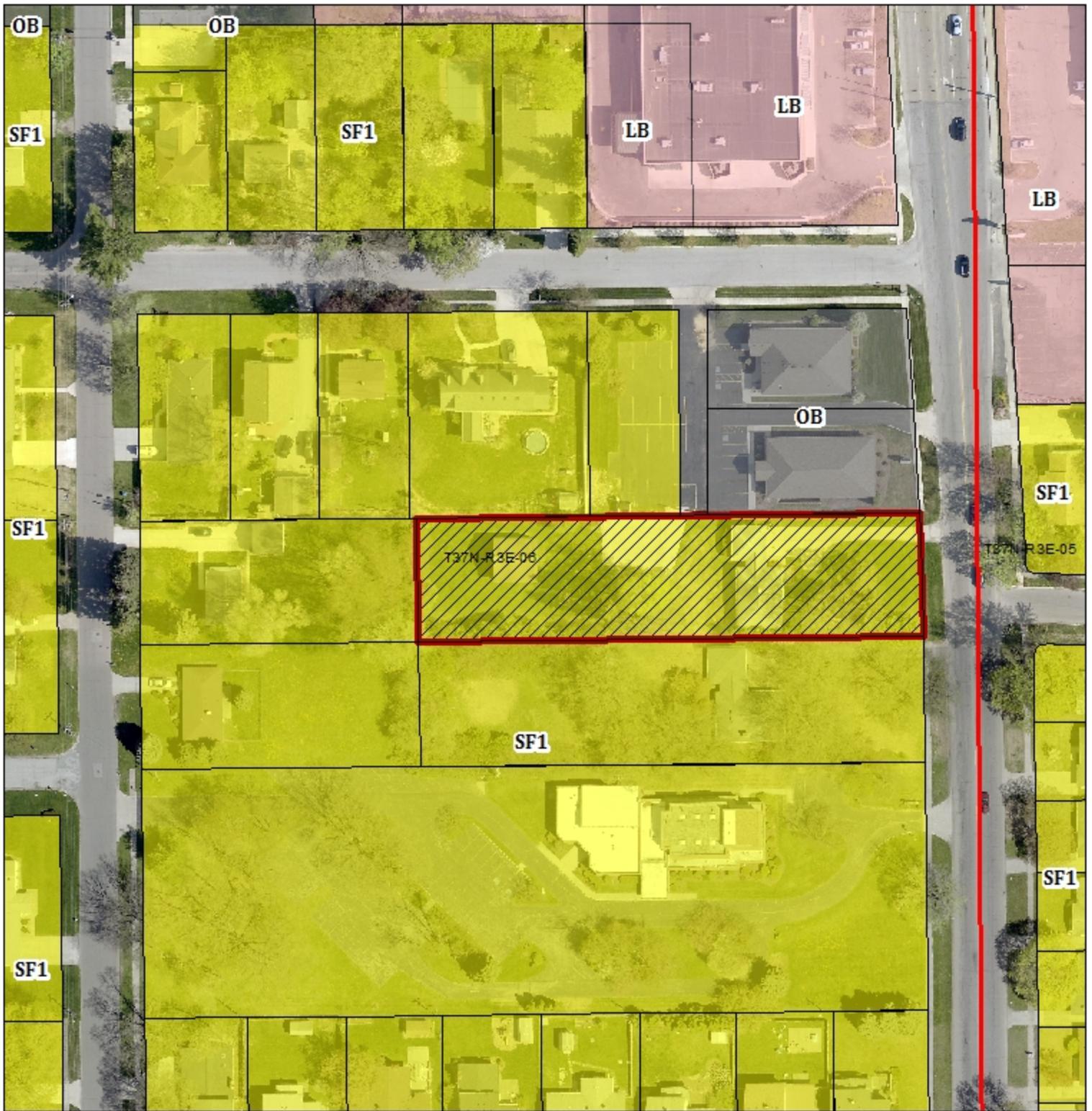
Oak Park

Union

SOUTH BEND

1 inch = 100 feet
Peac h, etc
PORTAGE TOWNSHIP



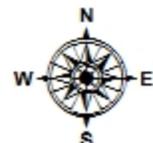


**Rezoning from: CITY OF SOUTH BEND
 "SF1" SINGLE FAMILY & TWO FAMILY DISTRICT
 to "OB" OFFICE BUFFER DISTRICT**

MASTER ZONING KEY

DISTRICT, ZONING

- SOUTH_BEND, LB
- SOUTH_BEND, OB
- SOUTH_BEND, SF1



1 inch = 100 feet

APC # 2785-16

Staff Report

7/7/2016

APC # 2786-16
Owner: River Walk, LLC
Location: generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street
Jurisdiction: City of South Bend
Public Hearing Date: 7/19/2016

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District, MF1 Urban Corridor Multifamily District and MU Mixed Use District to MF1 Urban Corridor Multifamily District and SF2 Single Family & Two Family District

Land Uses and Zoning:

- On site: On site is vacant land.
- North: To the north of Tract 1 are homes zoned MF1 Urban Corridor Multifamily District. To the north of Tracts 2 and 3 are office buildings zoned MU Mixed Use District.
- East: To the east of Tract 1 is vacant land zoned SF2 Single Family and Two Family. To the east of Tracts 2 and 3, across Frances Street, are single family homes zoned SF2 Single Family and Two Family and Robert Henry Corporation zoned LI Light Industrial District.
- South: To the south is vacant land zoned SF2 Single Family and Two Family District.
- West: To the west of Tract 1, across St. Peter, is an office complex zoned MU Mixed Use District. To the west of Tracts 2 and 3 is vacant land zoned SF2 Single Family and Two Family.

District Uses and Development Standards:

The MF1 District is established to protect, promote and maintain the development of urban style multifamily dwellings and to provide for limited public and institutional uses that are compatible with a multifamily residential neighborhood. The development standards are designed to promote the establishment of: multifamily dwelling projects (including apartment, townhouse or row house style developments); and, high density two family dwelling developments located along a block face, in developed areas of the community which are served by a full range of public amenities.

The SF2 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings in the urban core of the City of South Bend as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district.

Site Plan Description:

The 2.88 acre site included in this petition are part of a larger development project that includes a mix of single-family home and town homes. The residential project will consist

of varying home sizes with reduced front setbacks of 15' and parking from private alleys internal to the site. The townhomes, as shown, are designed around a central courtyard.

Zoning and Land Use History And Trends:

The site has historically been focused around transportation. Originally the trolley barn for the trolley system, it later became the administration offices and service area for TRANSPO. In 2015 it was rezoned to SF2 Single Family and Two Family for the proposed housing development. Additional land has been acquired increasing the scope of the project.

Traffic and Transportation Considerations:

Frances Street has two lanes with on-street parking. The City is currently working to extend St. Peter Street south to intersect with Northside Boulevard.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation stating that it would facilitate housing options within the neighborhood and allow the developer's project to proceed. They further recommend that the end units on the courtyard homes be designed to interface with the street. The City Engineer commented that a drainage plan will be needed prior to final approval.

Commitments:

The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy H 1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Land Use Plan:

The future land use map identifies this area as mixed use and high density residential.

Plan Implementation/Other Plans:

The Howard Park Neighborhood Plan (2012) identifies this area as single family residential.

2. Current Conditions and Character:

The area has a wide mix of uses ranging from single family to industrial typical of an area that was once bordered by a rail line.

3. Most Desirable Use:

The most desirable use of the land is medium density residential.

4. Conservation of Property Values:

Due to the low impact of residential development, surrounding property values should not be affected.

5. Responsible Development And Growth:

It is responsible development and grown to support the redevelopment of this area with a mix of single family homes and townhomes.

This is a combined public hearing procedure, which includes a rezoning and 2 variances from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances

The petitioner is seeking the following variance(s):

- 1) From the required 25' minimum front yard building setback to 15' for Tract 2B;
- 2) From the required minimum side yard of 5' or 10% of lot width, whichever is greater, to 4' for Tract 2B

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

The reduced setback and lot width allow homes to be built in the development that will be consistent with the adjacent neighborhoods, which should not negatively impact the general welfare of the community because the appropriate infrastructure is already in place.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

The low impact of the development should not affect surrounding property values.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

Strict application of the ordinance would prevent the development from instituting a neighborhood layout appropriate to this specific location. It's close proximity to downtown and the river support the request for a more urban residential pattern.

Staff Comments:

The Staff has no additional comments.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. Staff recommends approval of the variances.

Analysis:

Redevelopment of this site for single family and townhome style residential will strengthen the existing Howard Park Neighborhood and address a demand for urban housing as identified by local developers, real estate professionals, and the Howard Park Neighborhood Plan.

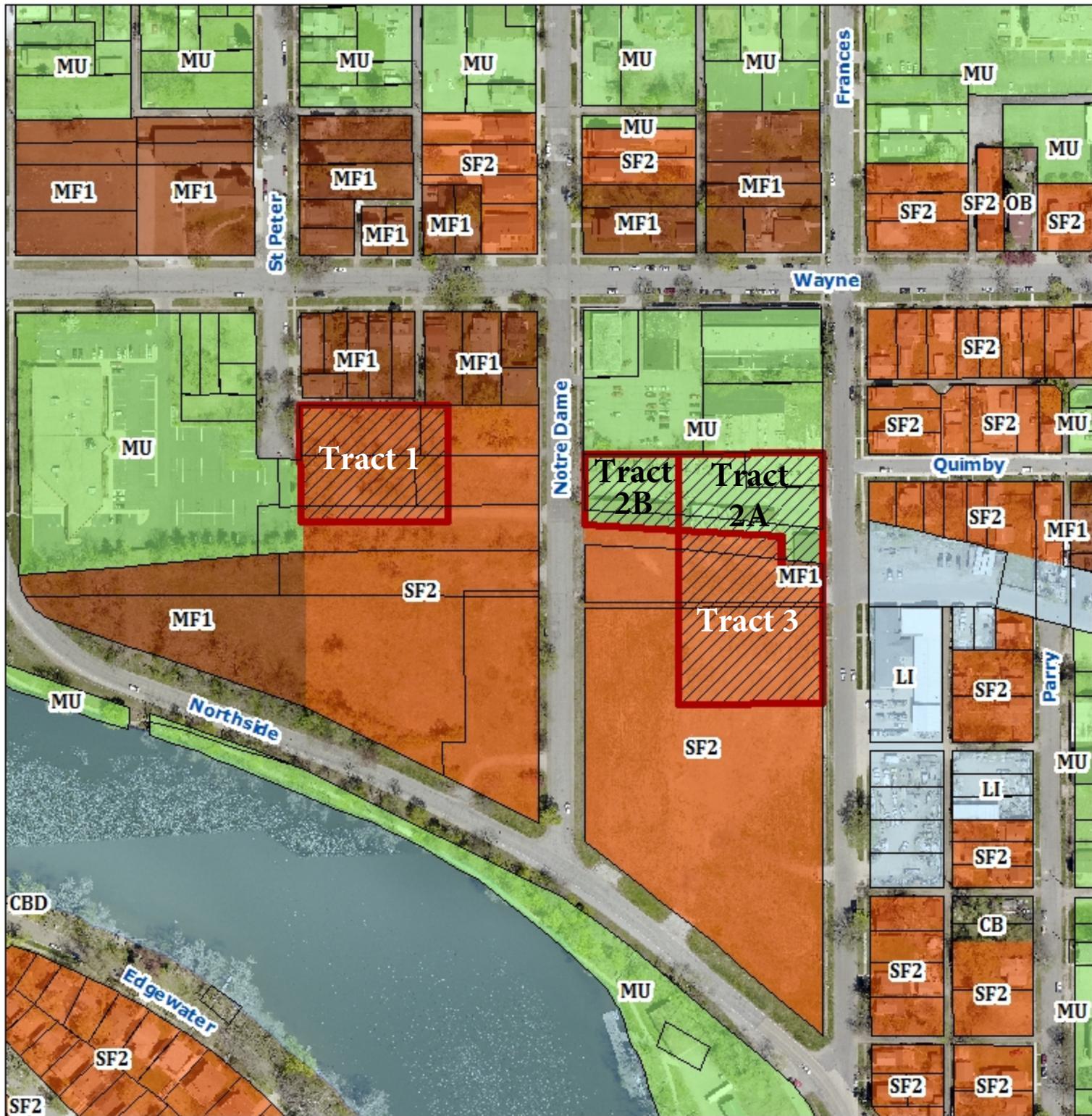
REZONING
#2786-16



SOUTH BEND

1 inch = 200 feet
PORTAGE TOWNSHIP

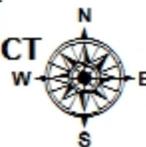




**Rezoning from: CITY OF SOUTH BEND
 "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT, "MU" MIXED USE DISTRICT,
 AND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
 to "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT
 AND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT**

MASTER ZONING KEY

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 200 feet

APC # 2786-16

Staff Report

7/5/2016

APC # 2787-16
Owner: APC Initiated
Location: Text Amendment
Jurisdiction: Town of Osceola
Public Hearing Date: 7/19/2016

Requested Action:

An Ordinance initiated by the Area Plan Commission of St. Joseph County, amending Chapter IV, District Regulations, Section 4.80 Floodplain Regulations, of the Zoning Ordinance of the Town of Osceola, St. Joseph County, Indiana.

Agency Comments:

The Department of Natural Resources has reviewed the text changes and recommends approval.

Staff Comments:

Chapter 14 Floodplain Regulations was replaced in its entirety on December 2, 2015 by Ordinance 07-2015. Additional changes were required by FEMA and DNR, those changes being adopted in April of 2016. Upon further review by FEMA and DNR, further changes are required:

- 1) to correct a number of inaccurate citations.
- 2) in Section 14.07.D.4 where a reference to a "new structure" is being replaced by "substantial improvement or relocation of an existing structure"

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the petition be sent to the Town Council with a favorable recommendation.

Analysis:

This ordinance addresses required changes in the Osceola Floodplain Ordinance, in order for the Town of Osceola to continue its participation in the National Flood Insurance Program.

FINDINGS OF FACT

APC# 2777-16
Janice Kimbrough
2724 Lincolnway West
South Bend

On Tuesday, June 21, 2016, the Area Plan Commission **denied** the following variances from the Development Standards of the South Bend Zoning Ordinance:

- 1) from the required landscaping of required perimeter landscaping yards to none;
- 2) from the required off-street parking area screening to none; and
- 3) from the required hard surface paving to gravel

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.

Hard surface paving prevents soil erosion and surface contaminant runoff issues. The use of gravel on this site may negatively impact surrounding soil conditions and create dust and debris that could create a negative impact on the general welfare of the neighborhood.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The lack of landscaping on this site will be burdensome for adjacent property owners, and negatively affect property values.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

No practical difficulties exist to warrant variances on this site.

The Minutes of the June 21, 2016 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 19th day of July, 2016.

Daniel H. Brewer, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary

FINDINGS OF FACT

APC# 2780-16
Tom E. Kelsey
13988 Cleveland Road
St. Joseph County

On Tuesday, June 21, 2016, the Area Plan Commission **approved** the following variances from the Development Standards of the South Bend Zoning Ordinance:

- 1) From the minimum 28 required off-street parking spaces to 3 spaces; and
- 2) From the required landscaping of required front yards to no landscaping for the eastern-most 200' along Cleveland Road.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.

The eastern 200' of the north property line is within an electrical easement, and under high-tension power lines. Having to place landscaping within the electric easement could hinder public safety.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

There is an existing grade change in the location where the trees would be required that would limit the impact on surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

The ordinance requires parking spaces based on a calculation for square footage for the storage buildings, which would require far more than practically necessary. Drive-up storage units typically do not require dedicated parking spaces, since deliveries and pick-ups usually occur directly in front of each unit. The ordinance would require large, over-story trees to be placed under high-tension power lines, which is a safety hazard.

The Minutes of the June 21, 2016 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 19th day of July, 2016.

Daniel H. Brewer, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary

FINDINGS OF FACT

APC# 2783-16
Larry A. Anderson
51380 Currant Road
St. Joseph County

On Tuesday, June 21, 2016, the Area Plan Commission **approved** the following variances from the Development Standards of the St. Joseph County Zoning Ordinance:

- 1) from the required 15' front setback for parking and drive aisles to 5'

The Area Plan Commission **denied** the following variances from the Development Standards of the St. Joseph County Zoning Ordinance:

- 2) from the required 25' setback from the pavement to 19.6' for a sign with less than 10' clearance; and
- 3) from the required landscaping of required yards to the existing landscaping

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.

The location of parking spaces within five feet of the property line, along with the sign being closer to the intersection than allowed may impact the line-of-sight for motorists.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Lack of landscaping would negatively affect surrounding properties. It has not been verified whether or not the trees shown on the site plan are actually on the petitioner's property. Proper screening and buffering is critical in order to protect the use and value of adjacent residential properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

No practical difficulty exists to warrant the landscaping or sign variances. Locating the interior access drive beyond the required setback would create a practical difficult in using of the existing driveway and 2 existing garages.

The Minutes of the June 21, 2016 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 19th day of July, 2016.

Daniel H. Brewer, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary