

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

AGENDA

Tuesday, August 18, 2015
3:30 p.m.

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

PUBLIC HEARINGS:

Rezonings:

- A. A combined public hearing on a proposed ordinance of Trent Runyon & Leah Hudson-Runyon to zone from MF1 Urban Corridor Multifamily District to SF2 Single Family & Two Family District, and seeking a Special Exception Use to allow for an accessory dwelling unit, property located at 803 West Washington Street, City of South Bend – As tabled – REQUEST TO WITHDRAW - APC# 2743-15.

- B. A combined public hearing on a proposed ordinance of Mishawaka Federal Bank (a.k.a. Mutual Bank) to zone from LB Local Business District to CB Community Business District and seeking the following five variances: 1) from the required perimeter and residential bufferyard landscaping to the existing landscaping, as shown on the site plan; 2) from the required 30' front yard setback for off-premise signs to 5' along Ireland Road and to 14' along High Street; 3) from the required 200' linear separation between an off-premise sign and a residential district to 0'; 4) from the required 100' radial separation between an off-premise sign and a residential district to 55'; and 5) from the required maximum 2 displays per off-premise sign surface to a maximum of 11 displays, property located at 742 East Ireland Road, City of South Bend – As tabled – REQUEST TO TABLE - [APC# 2744-15](#).

- C. A combined public hearing on a proposed ordinance of County Development, LLC to zone from R: Single Family District, B: Business District and C: Commercial District, (County) to CB Community Business District (City), and seeking the following ten variances: 1) From the required minimum residential bufferyard of 20' to 12' for parking on the south and east property lines as shown; 2) From the requirement that outdoor seating shall not be located between a building line and a residential bufferyard to allow for outdoor seating between the south building line and the south residential bufferyard; 3) From the maximum height of 36" in height for a fence located in a minimum front yard to 6' in height for a fence along Hollywood Boulevard; 4) From the required screening of trash containers to none; 5) From the requirement that trash containers not be located between the front façade of the primary building and the front lot line to allowing trash containers between the west façade of the primary building and the front (west) lot line; 6) From the required “bail out” lane for drive through facilities to none; 7) From the required landscaping of required perimeter yards and residential bufferyards to landscaping as shown on the site plan; 8) From the required foundation landscaping to landscaping as shown on the site plan; 9) From the required off-street parking area screening to none on the east, west, or south parking areas; and 10) From the required no off-street loading between the front lot line and the front façade to allowing loading spaces between front (west) lot line and the west building façade, property located at 23530 State Road 2; 56575, 56589, 56605 Mayflower Road; 23562, 23580 Huron Street; 56546, 56576, 56586 and 56660 Hollywood Boulevard, City of South Bend - [APC# 2747-15](#).

- D. A combined public hearing on a proposed ordinance of Flowers by Stephen & Assoc. LLC to zone from CB Community Business District to MU Mixed Use District and seeking the following four variances: 1) From the required landscaping of required perimeter yards to none; 2) From the required off-street parking area screening to none; 3) From the required minimum front facade height of 22' to 21'; and 4) From the requirement that trash containers not be located between the front facade of the primary building and the front lot line to allowing trash container between the west facade and the front (west) lot line, property located at 4325 S. Michigan Street, City of South Bend - [APC# 2748-15](#).

ITEMS NOT REQUIRING A PUBLIC HEARING

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

Staff Report

8/7/2015

APC # 2744-15
Owner: Mishawaka Federal Bank (a.k.a. Mutual Bank)
Location: 742 East Ireland Road
Jurisdiction: City of South Bend
Public Hearing Date: 8/18/2015

Requested Action:

The petitioner is requesting a zone change from LB Local Business District to CB Community Business District and seeking 5 variances from the development standards.

Land Uses and Zoning:

- On site: On site is a bank with a walk-in lobby and drive-through access.
- North: To the north across Ireland Road is a golf course zoned SF1 Single Family & Two Family District.
- East: To the east across High Street is a vacant fitness center building zoned CB Community Business District.
- South: To the south across Hawbaker Street are single family homes zoned SF1 Single Family & Two Family District, and a multi-tenant shopping plaza zoned CB Community Business District.
- West: To the west is a dental clinic zoned OB Office Buffer District.

District Uses and Development Standards:

The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts.

Site Plan Description:

This 0.81 acre site contains an existing bank with two access points on High Street. No modifications are proposed to the existing bank structure. A new off-premise sign is proposed at the northeast corner of the site which will advertise businesses in the adjacent shopping plaza. The new off-premise sign would be approximately 28' in height with 196 square feet of display area.

Zoning and Land Use History And Trends:

The southwest corner of Miami and Ireland Roads has developed as a commercial node. A multitude of retail, service, and dining options are available to serve area residents. Less intense office-buffer uses have developed along the edges of the node, effectively establishing its borders and proving a tapered transition from commercial to residential uses.

Traffic and Transportation Considerations:

High Street has two northbound lanes and one southbound lane. Ireland Road has four lanes. A right-of-way expansion is proposed by City Engineering along the south side of Ireland Road to allow for a right-turn deceleration lane for eastbound traffic entering High

Street. The proposed right-of-way expansion project would include the removal of the existing non-conforming off-premise sign for the shopping plaza.

Utilities:

This site is served by municipal sewer and water.

Agency Comments:

County Surveyor and City Engineer recommend approval.

Staff Comments:

This petition was tabled from the July 21, 2105 Area Plan Commission meeting. The petitioner has requested this petition be tabled until the September 15, 2015 Plan Commission Meeting.



1 inch = 150 feet
PORTAGE TOWNSHIP

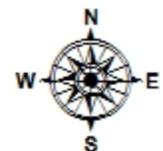




**Rezoning from:
"LB" LOCAL BUSINESS DISTRICT to
"CB" COMMUNITY BUSINESS DISTRICT**

MASTER ZONING KEY

-  SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
-  SOUTH BEND "OB" OFFICE BUFFER DISTRICT
-  SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
-  SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT



1 inch = 150 feet

APC # 2744-15

Staff Report

8/7/2015

APC # 2747-15
Owner: County Development, LLC
Location: 23530 State Road 2; 56575, 56589, 56605 Mayflower Road; 23562, 23580 Huron Street; 56546, 56576, 56586 and 56660 Hollywood Boulevard
Jurisdiction: City of South Bend
Public Hearing Date: 8/18/2015

Requested Action:

The petitioner is requesting a zone change from C: Commercial District, B: Business District and R: Single Family District in unincorporated St. Joseph County to CB Community Business District in the City of South Bend, and seeking ten variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing restaurant zoned C: Commercial District, and vacant single family homes zoned R: Single Family District and B: Business District.
- North: To the north is an integrated commercial center zoned C: Commercial District in the County. Across Western Avenue is a church zoned B: Business District in the County.
- East: To the east across Mayflower Road is a gas station and a lawnmower sales shop zoned GB General Business District and single family homes with screening fences zoned SF1 Single Family & Two Family District, all in the City of South Bend.
- South: To the south are single family homes and a tavern zoned R: Single Family District in the County.
- West: To the west across Hollywood Boulevard are single family homes zoned R: Single Family District and B: Business District in the County.

District Uses and Development Standards:

The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts.

Site Plan Description:

The 8.4 acre site will contain an existing restaurant on the northeast corner and a proposed 40,000 square foot grocery store, which will front on Mayflower Road. The petitioner has filed a petition to vacate Huron Street. The proposed site plan includes 296 parking spaces for the grocery store and 61 spaces for the restaurant. A variances has been

requested to allow the employee parking to encroach into the 20' residential bufferyards along the south and east property lines. A combination of Type B partial screening and a 6' ornamental fence with arborvitae evergreen trees are proposed along the majority of the bufferyard with lower shrubs along the access drive into the site. The petitioner is providing increased buffering along Hollywood Boulevard, including landscaping and a solid ornamental fence. Parking screening is proposed along Western Avenue. Along Mayflower an ornamental fence is proposed.

Zoning and Land Use History And Trends:

In 1966, the southwest corner of Western and Mayflower was rezoned to C: Commercial District, subject to a final site development plan for a restaurant. The southwest corner of Western and Hollywood was rezoned to C: Commercial District in 2009.

Traffic and Transportation Considerations:

Western Avenue is a four lane divided highway with turn lanes at the intersection with Mayflower. Mayflower Road has two lanes with a left turn lane at the intersection with Western. Huron Street and Hollywood Boulevard have two lanes.

Utilities:

This site will be served by municipal sewer and water.

Agency Comments:

The County Surveyor, the Department of Community Investment, and County Engineering offer a favorable recommendation. City Engineering has not yet provided comments.

Commitments:

The petitioner is not proposing any written commitments. Staff is requesting a written commitment for no off-premise signage on site.

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 ED 4.6: Encourage business investment that actively seeks to employ and promote a diverse workforce; and Policy LU 2.2: Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

Land Use Plan:

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

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

Western Avenue into the City of South Bend has developed as a commercial corridor, which includes several other large retail buildings, gas stations, restaurants, shopping

plazas, and car lots. The area between Mayflower Road and Hollywood Boulevard, bordered by Western Avenue and Sample Street have remained predominantly residential, with the exception of the properties along Western Avenue and Sample Street, which have developed as commercial. A tavern also exists on the southwest corner of Mayflower Road and Huron Street.

3. Most Desirable Use:

The most desirable use for this site is one that expands and promotes the commerce along Western Avenue, while limiting any negative impact to the residential properties to the south and west.

4. Conservation of Property Values:

Due to the extensive existing and proposed screening in the form of landscaping and fencing, surrounding property values should not be adversely affected.

5. Responsible Development And Growth:

It is responsible growth and development to allow the expansion of the Western Avenue Commercial Corridor in this natural progression.

Staff Comments:

This is a combined public hearing procedure, which includes a rezoning and ten 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 variances are as follows:

- 1) From the required Minimum Residential Bufferyard of 20' to 12' for parking on the south and east property lines as shown;
- 2) From the requirement that outdoor seating shall not be located between a building line and a residential bufferyard to allow for outdoor seating between the south building line and the south residential bufferyard;
- 3) From the maximum height of 36" in height for a fence located in a minimum front yard to 6' in height for a fence along Hollywood Boulevard;
- 4) From the required screening of trash containers to none;
- 5) From the requirement that trash containers not be located between the front façade of the primary building and the front lot line to allowing trash containers between the west façade of the primary building and the front (west) lot line;
- 6) From the required "bail out" lane for drive through facilities to none;
- 7) From the required landscaping of required perimeter yards and residential bufferyards to landscaping as shown on the site plan;
- 8) From the required foundation landscaping to landscaping as shown on the site plan;
- 9) From the required off-street parking area screening to none on the east, west, or south parking areas; and
- 10) From the required no off-street loading between the front lot line and the front façade to allowing loading spaces between front (west) lot line and the west building façade.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved.

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. This is an appropriate extension of commercially zoned property consistent with the character of the area.
- (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 substantial amount of screening that will be provided will protect surrounding residential property values.
- (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The property fronts on two streets, creating a practical difficulty for locating some of the essential items for the commercial development. The strict application will prevent the site from being developed into a functional grocery store.

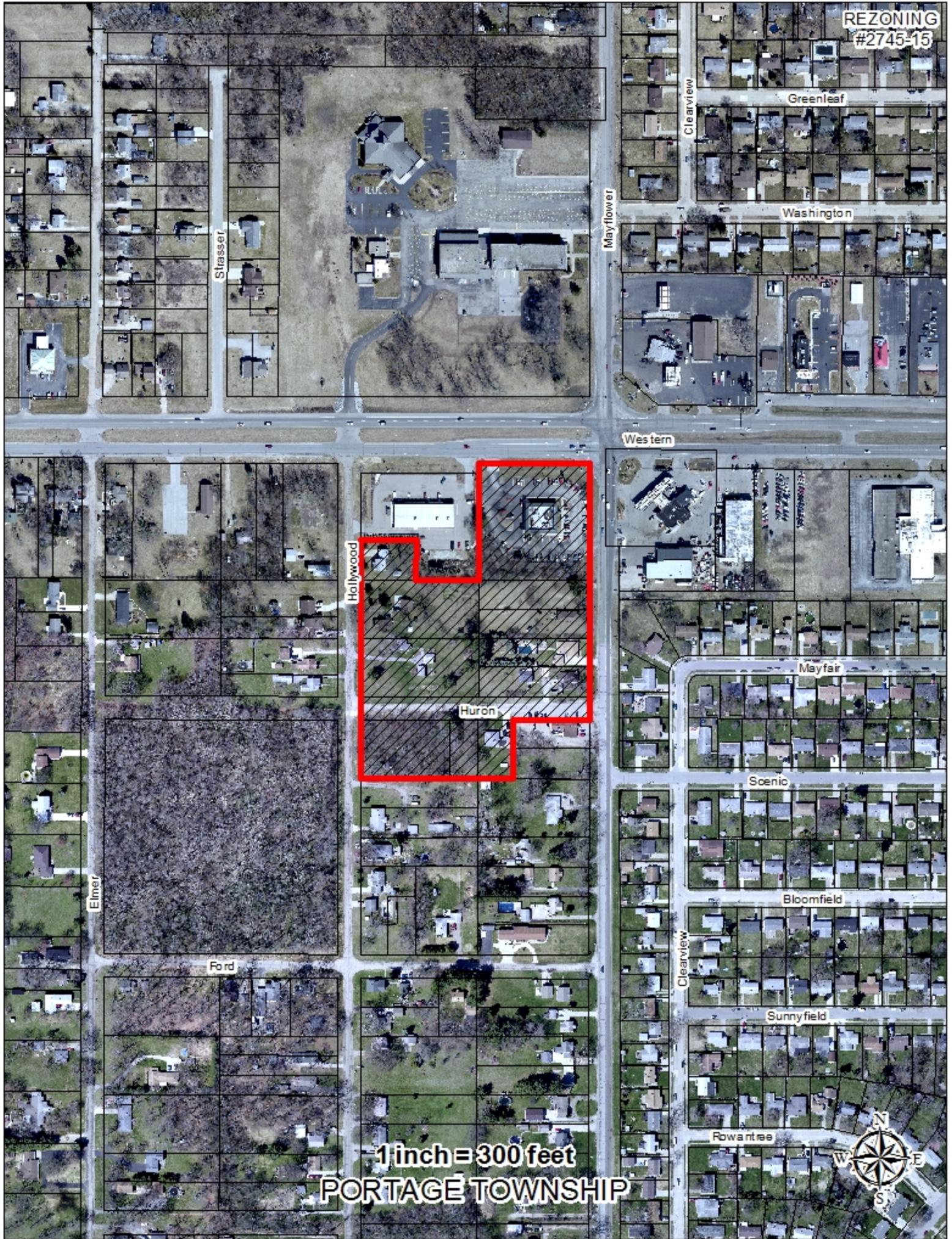
Recommendation:

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

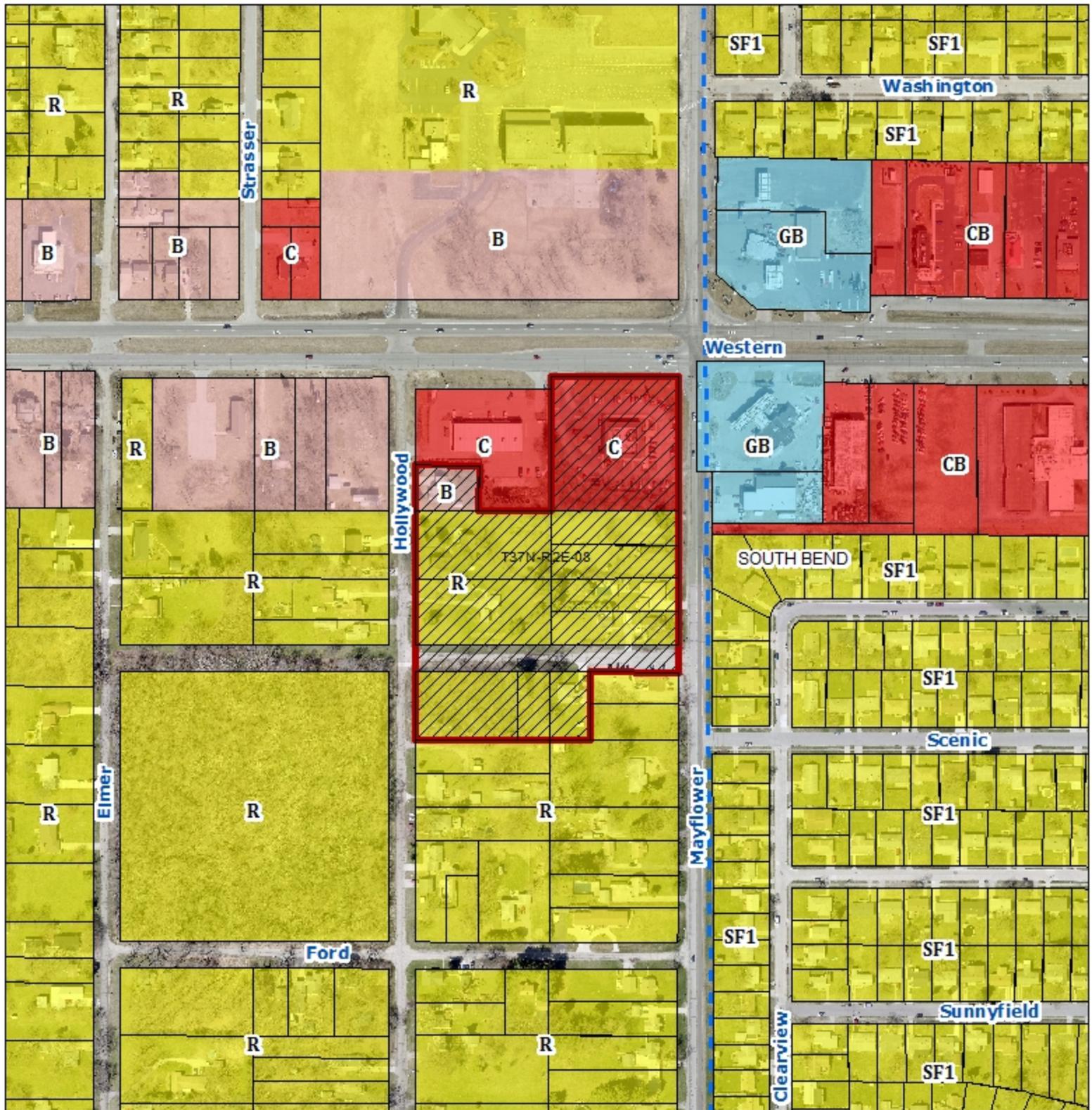
Analysis:

This location is an appropriate expansion of a commercial area. The Western Avenue Corridor is already equipped to handle the traffic which this site will draw. Surrounding residential properties should be minimally impacted by this use due to the extensive screening that will exist and the orientation of the traffic to Mayflower Road.

REZONING
#2745-15



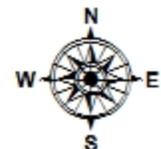
1 inch = 300 feet
PORTAGE TOWNSHIP



**Rezoning from:
 "C" COMMERCIAL DISTRICT, "B" BUSINESS DISTRICT,
 & "R" SINGLE FAMILY DISTRICT ST JOSEPH COUNTY to
 "CB" COMMUNITY BUSINESS DISTRICT CITY OF SOUTH BEND**

MASTER ZONING KEY

- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "B" BUSINESS DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT



1 inch = 300 feet

APC # 2745-15

Staff Report

8/7/2015

APC # 2748-15
Owner: Flowers by Stephen & Assoc LLC
Location: 4325 S. Michigan Street
Jurisdiction: City of South Bend
Public Hearing Date: 8/18/2015

Requested Action:

The petitioner is requesting a zone change from CB Community Business District to MU Mixed Use District for a flower shop with an upper level dwelling unit, and seeking four variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing flower shop, zoned CB Community Business District
- North: To the north is a music store, a retail store, and an accessory structure, zoned CB Community Business District.
- East: To the east across Michigan Street is a drive-through restaurant and an auto parts store, zoned CB Community Business District.
- South: To the south is the future site of Belle Tire, zoned CB Community Business District.
- West: To the west across Main Street is a vacant lot zoned SF2 Single Family & Two Family District.

District Uses and Development Standards:

The MU Mixed Use District is established to promote the development a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district.

Site Plan Description:

The site is made up of two lots joined by a parking lot, totaling 0.34 acres. The site has frontage on both Michigan Street and Main Street. Parking is provided for 10 vehicles between the rear of the business and Main Street, and two parking spaces are provided along Michigan Street. The existing building is part of an integrated center, with two other storefronts on the adjacent lot to the north. The building is approximately 21' in height, and houses retail space on the first floor, with a residential dwelling unit above.

Zoning and Land Use History And Trends:

Michigan Street is a commercial corridor into the City of South Bend with very limited need for zone map amendments since the 1980's.

Traffic and Transportation Considerations:

Main Street has two lanes and Michigan Street has four lanes.

Utilities:

This site is served by municipal sewer and water.

Agency Comments:

The County Surveyor and the Department of Community Investment offer a favorable recommendation. The City Engineer notes that drainage issues may need to be resolved prior to issuance of a building permit, and that semi-trucks making deliveries may have difficulty maneuvering through the site.

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 1.3: Encourage the development of mixed-use buildings.

Land Use Plan:

The Future Land Use Map identifies this area for commercial development.

Plan Implementation/Other Plans:

The South Bend South Side Development Area Plan (2002) addresses the need to create a pedestrian-friendly commercial environment in this area.

2. Current Conditions and Character:

Main Street and Michigan Street form an arterial commercial corridor and provide access to the city from US 31.

3. Most Desirable Use:

The most desirable use is one that is compatible with the commercial and mixed use character of the area.

4. Conservation of Property Values:

Due to the existing commercial character of the area, surrounding property values should not be adversely affected.

5. Responsible Development And Growth:

It is responsible growth and development to allow this property to be zoned to a less intensive commercial district.

Staff Comments:

This is a combined public hearing procedure, which includes a rezoning and four 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 variances are as follows:

- 1) From the required landscaping of required perimeter yards to none;
- 2) From the required off-street parking area screening to none;
- 3) From the minimum required 22' front facade height to 21'; and
- 4) From the requirement that trash containers not be located between the front facade of the primary building and the front lot line to allowing trash container between the west facade and the front (west) lot line.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved.

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The site is an existing commercial development. The trash receptacle will only be visible from the west side of Main Street, which is predominantly vacant. The difference of one foot of façade height will not easily distinguished, or adversely affect the general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner. The requested variances will allow the site to maintain its current layout, which is similar to adjacent properties. The trash enclosure will serve as a screen for the dumpster, which is already existing on the lot.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Since the site technically has frontage on both Main and Michigan Streets, the strict application of the ordinance would subject it to more requirements than other, similar, commercial sites. Adding an additional one foot to the façade of the building would pose a significant cost, with minimal benefit. Since this site has two fronts, a trash receptacle could not be placed outside of a front yard without impairing traffic flow through the site.

Recommendation:

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

Analysis:

Allowing this site to be zoned to the mixed-use district will allow the building to be used to its full potential without adversely affecting the surrounding properties. Encouraging vertical mixed-use increases density and creates a more sustainable environment.



Main

Water

Water

Michigan

Norman

1 inch = 75 feet
CENTRE TOWNSHIP

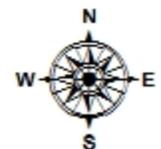




**Rezoning from:
 "CB" COMMUNITY BUSINESS DISTRICT CITY OF SOUTH BEND to
 "MU" MIXED USE DISTRICT CITY OF SOUTH BEND**

MASTER ZONING KEY

- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT



1 inch = 75 feet

APC # 2748-15