

THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

AGENDA

Tuesday, September 15, 2015
3:30 p.m.

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

PUBLIC HEARINGS:

Rezoning:

- A. 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](#).
- B. A proposed ordinance of Andrew Smialowski to zone from R: Single Family District to O/B: Office/Buffer District, property located at 15580 State Road 23, St. Joseph County - [APC# 2749-15](#)
- C. A combined public hearing on a proposed ordinance of John & Wendy Bogнар to zone from MU Mixed Use District to CB Community Business District and seeking the following two variances: 1) From the required minimum 39 off-street parking spaces to 0; and 2) From the required foundation landscaping to none, property located at 2906, 2910 and 2920 Mishawaka Avenue, City of South Bend - [APC# 2750-15](#).
- D. A proposed ordinance of Five Corners LLC to zone from SF2 Single Family & Two Family District to OB Office Buffer District, and seeking a Special Exception Use to allow for food sales and services and personal services, and requesting the following two variances: 1) From the required landscaping of the required perimeter yards to 2 evergreen trees and 1 deciduous shade tree on the north property line and 3 deciduous shade trees on the south property line; and 2) From the required off-street parking area screening on the north, east, and west property lines to the existing 6' privacy fence, property located at 706 Eddy Street and 1111 Bissell Street, City of South Bend -[APC# 2751-15](#).
- E. A proposed ordinance of Studebaker Building 84 LLC to zone from GI General Industrial District to PUD Planned Unit Development District, property located at 635 S. Lafayette Boulevard, City of South Bend - [APC# 2752-15](#).
- F. A proposed ordinance of Earth Designs Real Estates LLC to zone from PUD Planned Unit Development District to GB General Business District for Parcel 1, property located north of and adjacent to 603 Hickory Road, and to PUD Planned Unit Development District for Parcel 2, property located west of and adjacent to 3515 McKinley, City of South Bend - [APC #2753-15](#).

ITEMS NOT REQUIRING A PUBLIC HEARING

- 1. Miscellaneous:
 - A. Findings of Facts for Granting of Variances for 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](#).
 - B. Findings of Facts for Granting of Variances for property located at 4325 S. Michigan Street, City of South Bend - [APC# 2748-15](#).
- 2. Executive Director's Report:
- 3. Minutes and Expenditures:
- 4. Adjournment:

Staff Report

9/4/2015

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, 2015 and August 18, 2015 Area Plan Commission meetings. The petitioner has requested this petition be tabled indefinitely.



1 inch = 150 feet
PORTAGE TOWNSHIP

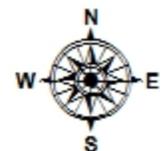




**Rezoning from:
"LB" LOCAL BUSINESS DISTRICT to
"CB" COMMUNITY BUSINESS DISTRICT**

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

9/4/2015

APC # 2749-15
Owner: Andrew Smialowski
Location: 15580 State Road 23
Jurisdiction: St. Joseph County
Public Hearing Date: 9/15/2015

Requested Action:

The petitioner is requesting a zone change from R: Single Family District to O/B: Office/Buffer District.

Land Uses and Zoning:

- On site: On site is a single family home and a detached garage.
- North: To the north across S.R. 23 is a single family home zoned R: Single Family District.
- East: To the east is a single family home zoned R: Single Family District.
- South: To the south is a single family home zoned R: Single Family District.
- West: To the west across S.R. 23 is a medical clinic zoned O/B: Office Buffer District and a mixed use residential structure zoned B: Business District.

District Uses and Development Standards:

The O/B: Office/Buffer District is to provide specific areas where only certain limited offices may be developed. Since the district excludes retail, clinics, and business and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas, it may serve as a buffer between residential areas, and business and commercial developments. The O/B: Office/Buffer District is expressly intended to be limited to the area in association with commercial areas and certain streets where a gradual transition from existing residential use should occur.

Site Plan Description:

On site is a triangular lot, approximately 0.63 acres in size. No specific modifications are proposed for either the main structure or the detached garage. The garage may hold two parking spaces, with an additional two spaces located in front of the garage.

Zoning and Land Use History And Trends:

In 1993, the property to the west across S.R. 23 was rezoned to B: Business District for a photography studio, subject to a final site plan. Since 2004, four additional properties between Gumwood Road and Filbert Road have rezoned for non-residential uses.

Traffic and Transportation Considerations:

S.R. 23 has four lanes and a center turn lane.

Utilities:

This site is served by private well and septic.

Agency Comments:

The County Surveyor and County Health Department recommend approval. The County Engineer notes that any site development will need to be reviewed for compliance.

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:

This rezoning petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002): Goal 2: Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

Land Use Plan:

The future land use map identifies this area for residential growth or naturally vacant land.

Plan Implementation/Other Plans:

In 2007 and 2008, a series of public meetings were conducted with interested Harris Township residents and groups in an attempt to reach consensus on a land use plan for S.R. 23 Between Mishawaka City Limits and Bittersweet Road. A plan was not adopted, but the latest draft showed the land use immediately west of Filbert Road as Proposed Office.

2. Current Conditions and Character:

Apart from the Gumwood Crossing Development, the immediate area has seen office and personal service uses. To the east, S.R. 23 remains primarily residential between Filbert and Santa Monica.

3. Most Desirable Use:

The most desirable use is one that creates a buffer between the commercial node to the west and residential to the east.

4. Conservation of Property Values:

Due to the low-impact nature of office-buffer uses, surrounding property values should not be negatively affected.

5. Responsible Development And Growth:

It is responsible growth and development to allow the expansion of the Gumwood/S.R. 23 commercial node in a way that will serve as a buffer from the residential properties to the north and east.

Staff Comments:

The staff notes that the site will require landscaping to be installed and maintained per the zoning ordinance.

Recommendation:

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

Analysis:

Allowing this site to rezone to O/B: Office Buffer District will allow the expansion of a commercial area without negatively affecting surrounding properties. This rezoning will effectively establish a northeastern boundary for commercial development in this area. The office-type uses which will be permitted on this site will serve as a natural progression between the residential uses to the northeast and the commercial uses to the southwest.

REZONING
#2749-15

Darden

Filbert

Hamilton

Zellers

Arthur

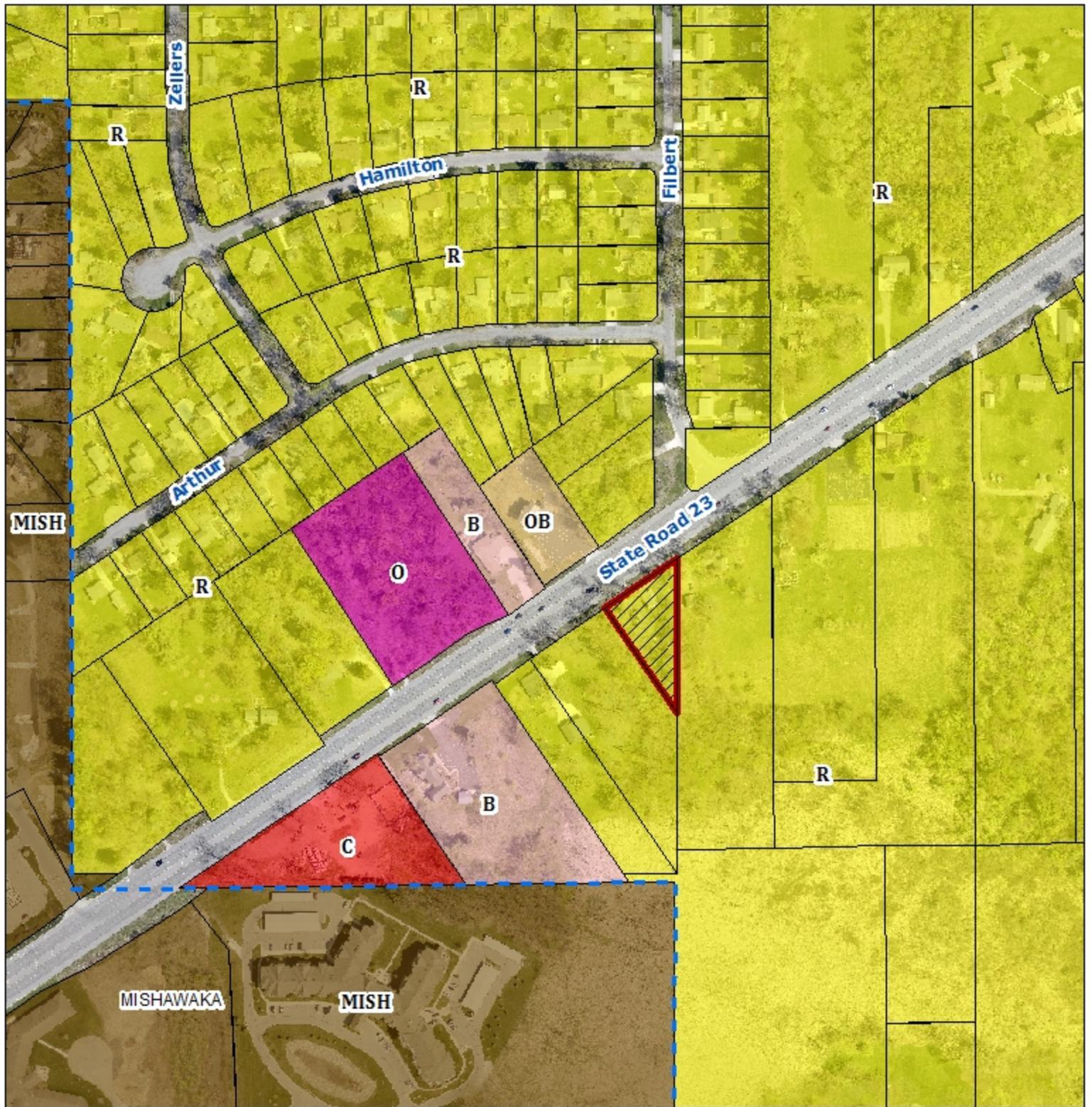
State Road 23

CLEVELAND

Cleveland

1 inch = 300 feet
HARRIS TOWNSHIP

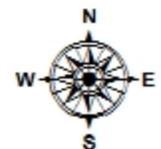




**Rezoning from:
"R" SINGLE FAMILY DISTRICT to
"O/B" OFFICE / BUFFER DISTRICT**

MASTER ZONING KEY

- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "OB" OFFICE/BUFFER DISTRICT
- COUNTY "O" OFFICE DISTRICT
- COUNTY "B" BUSINESS DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- MISHAWAKA



1 inch = 300 feet

APC # 2749-15

Staff Report

9/4/2015

APC # 2750-15
Owner: John & Wendy Bognar
Location: 2906, 2910 and 2920 Mishawaka Avenue
Jurisdiction: City of South Bend
Public Hearing Date: 9/15/2015

Requested Action:

The petitioner is requesting a zone change from MU Mixed Use District to CB Community Business District, and seeking two variances from the development standards.

Land Uses and Zoning:

On site: On site is an existing commercial building.
North: To the north across Mishawaka Avenue are a single family home, a multi family home, and commercial storefronts zoned MU Mixed Use District.
East: To the east is a bank zoned LB Local Business District.
South: To the south are single family homes zoned SF2 Single Family & Two Family District.
West: To the west is a hair salon zoned MU Mixed Use 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:

On site are three lots, totaling 0.48 acres. The eastern lot is separated from the site by a public alley. The two lots on the west contain an existing 15,797 square foot building, previously used for retail. As are typical of buildings along Mishawaka Avenue, this structure is built up to the lot line along Mishawaka and to within 6' of the building's eastern lot line. The petitioner is proposing to convert the interior of the existing structure into a veterinary clinic with indoor boarding. The screened dumpster enclosure and loading area would be located in the rear of the building, adjacent to the alley. The lot to the east of the alley would serve as parking for the site with 13 spaces. The petitioner is considering petitioning for the vacation of the north-south alley separating the lots. Vacating the alley would allow for an additional 10 parking spaces and a curbed landscaped parking island along Mishawaka Avenue. Five on-street parking spaces are currently available along Mishawaka Avenue for this site's use. The primary customer entrance is along the eastern building façade.

Zoning and Land Use History And Trends:

Prior to 2004, this site was zoned commercial.

Traffic and Transportation Considerations:

Mishawaka Avenue has two lanes with on-street parallel parking.

Utilities:

This site is served by municipal sewer and water.

Agency Comments:

The County Surveyor offers a favorable recommendation. City Engineering offers a favorable recommendation, subject to the following conditions:

- 1) The vacation of the alley as shown on the preliminary site plan, along with the following two conditions: a) dedication of an easement at the southeast corner of the building to accomplish turns by long utility trucks; and b) closure of the existing Mishawaka Avenue alley approach with curb and sidewalk;
- 2) Renewing the pavement in the east-west alley south of the building and the two alleys leading to Nursery Court (since they will be the primary access to the loading area);
- 3) Providing a drainage plan for the site, which retains surface water on site, including roof drainage. Any roof drains currently connected to sanitary sewer shall be disconnected;
- 4) Upgrading the sewer lateral(s) serving the building to the size and standard needed for veterinary use; and
- 5) Provide details for ADA compliant sidewalk at the driveway approach crossing on Mishawaka Avenue.

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:

This rezoning petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006): Policy LU 2.2: Pursue a mix of land uses along major corridors and other locations identified on the future land use map, and Policy ED 1.2: Encourage reuse of abandoned and underutilized land and structures.

Land Use Plan:

The future land use map identifies this area as mixed use.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

Mishawaka Avenue has a mix of residential and commercial uses. This portion of the commercial corridor is primarily mixed use with LB Local Business District at the intersection of Mishawaka and 30th Street.

3. Most Desirable Use:

The most desirable use for this site is one that is consistent with the mixed use nature of Mishawaka Avenue.

4. Conservation of Property Values:

Due to the established commercial nature 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 site to be used to its full commercial potential.

Staff Comments:

This is a combined public hearing procedure, which includes a rezoning and two 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 39 off-street parking spaces to 0; and
- 2) from the required foundation landscaping to none.

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 site will be served by off-site off-street parking from the lot east of the alley. The absence of foundation landscaping will be consistent with the rest of the businesses along Mishawaka Avenue.

(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 variances requested will not impact surrounding properties. There is a parking lot adjacent to the property which will service the use of this site.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The entire length of both facades contain hard surface improvements up to the foundation. Strict application of the ordinance would require those to be removed, which would interfere with pedestrian and vehicular traffic.

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. The staff recommends approval of both variances.

Analysis:

This rezoning is a responsible, adaptive-reuse of an existing building on a well-established commercial corridor.

REZONING
#2750-15

28th

30th

Mishawaka

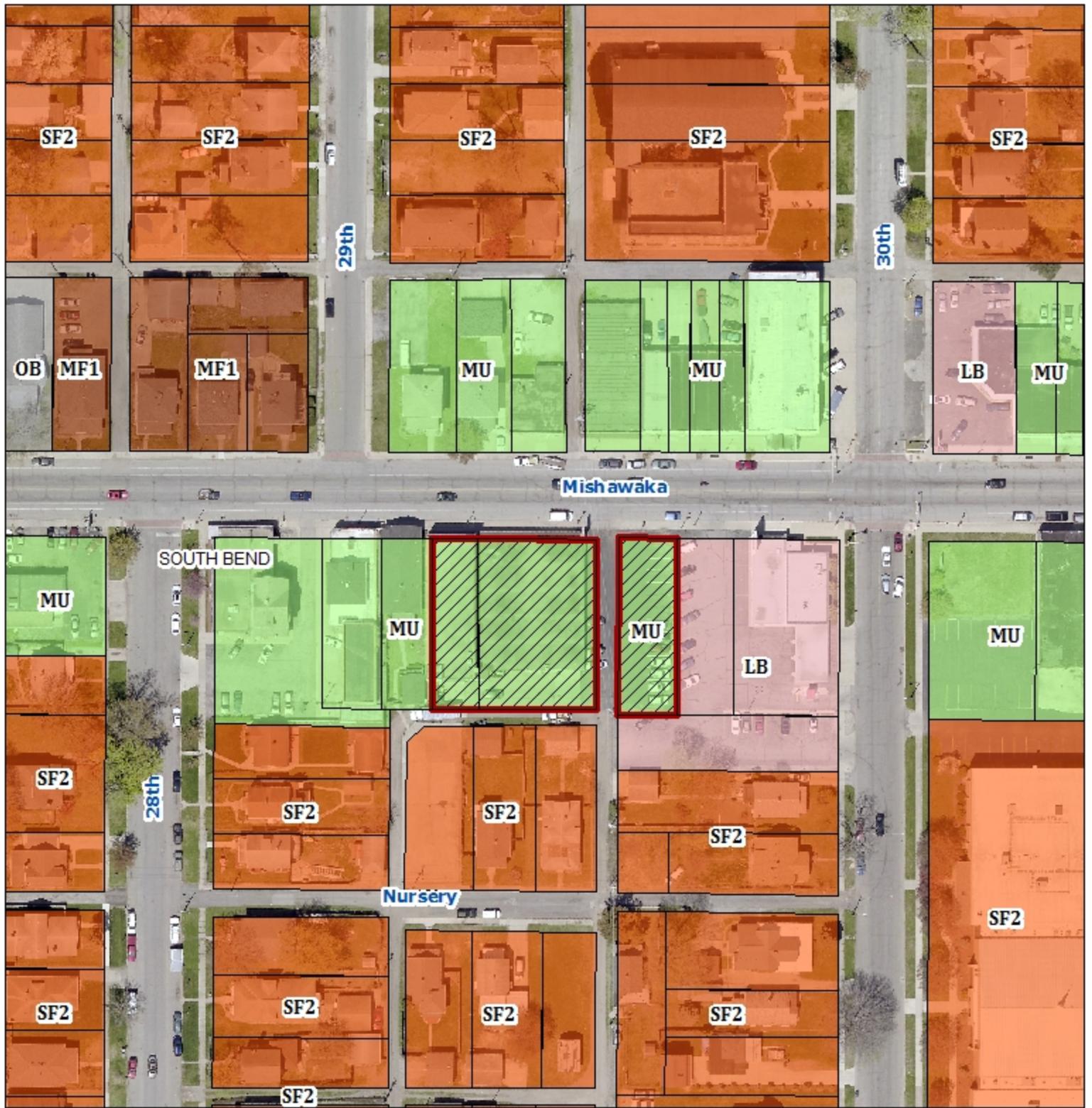
Nursery

28th

1 inch = 100 feet

PORTAGEVILLE TOWNSHIP

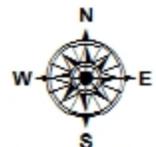




**Rezoning from:
"MU" MIXED USE DISTRICT to
"CB" COMMUNITY BUSINESS DISTRICT**

MASTER ZONING KEY

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT



1 inch = 100 feet

APC # 2750-15

Staff Report

9/4/2015

APC # 2751-15
Owner: Five Corners LLC
Location: 706 Eddy Street and 1111 Bissell Street
Jurisdiction: City of South Bend
Public Hearing Date: 9/15/2015

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to OB Office Buffer District, seeking a Special Exception Use for Food Sales and Services and Personal Services, and seeking two variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing building with an adjacent parking lot which has been used as a church.
- North: To the north are single family homes zoned SF2 Single Family & Two Family District.
- East: To the east are single family homes zoned SF2 Single Family & Two Family District.
- South: To the south across Bissell Street are single family homes zoned SF2 Single Family & Two Family District.
- West: To the west across Eddy Street are single family homes zoned SF2 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 site consists of two lots with frontage on both Eddy Street and Bissell Street, and totaling 0.24 acres in size. There is an existing 1500 square foot building on the southwest corner of the site which previously served as a church. A parking lot providing 13 spaces is located on the east, with access to Bissell Street. Several existing trees exist on site, along with a 6' privacy fence around the parking lot. Additional trees and landscaping will be placed on site to screen from the adjacent properties.

Zoning and Land Use History And Trends:

Prior to the adoption of the zoning ordinance in 2004, this site was zoned residential.

Traffic and Transportation Considerations:

Eddy Street has four lanes. Bissell Street has two lanes with on-street parallel parking.

Utilities:

This site is served by municipal sewer and water.

Agency Comments:

County Surveyor recommends approval. City Engineering has not yet made comment.

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 medium-density residential.

Plan Implementation/Other Plans:

The South Bend Northeast Neighborhood Development Area Plan identifies the following goals: 1: To ensure neighborhood stability and sustainability for the benefit of the current and future residents and business owners; and 4: To create employment opportunities through new retail and commercial development.

2. Current Conditions and Character:

Eddy Street between Sorin Street and Campeau Street is primarily residential. The Perley Primary Fine Arts Academy elementary school is located on the northeast corner of Eddy and Campeau. Several non-residential uses are scattered along the Eddy Street between Campeau Street and South Street, with growing intensity and concentration as you move south.

3. Most Desirable Use:

The most desirable use is one that promotes the economic development of South Bend while limiting the impact on surrounding residential properties.

4. Conservation of Property Values:

The privacy fence and landscaping will provide screening between the site and surrounding properties, which should not be adversely affected.

5. Responsible Development And Growth:

It is responsible growth and development to allow office-buffer uses to develop along arterial corridors.

Staff Comments:

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

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

The Special Exception Use is for Food Sales and Services and Personal Services.

A special exception use may only be granted based upon the evidence presented at a public hearing, that:

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. This site has previously been used as a church. The proposed Special Exception Uses are low-impact uses appropriate for a major corridor and should not generate additional traffic to the site.
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein. The property was previously used for non-residential uses. With proper screening, adjacent properties should not be adversely impacted.
- (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein. The proposed use is an adaptive reuse of an existing building. No major modifications are planned that would change the character of the area.
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan. The comprehensive plan encourages a compatible mix of uses in the community.

The variances are as follows:

1. from the required landscaping of required perimeter yards to 2 evergreen trees and 1 deciduous shade tree along the north property line and 3 deciduous shade trees on the south property line; and
2. from the required off-street parking area screening on the north, east, and west property lines to the existing 6' privacy fence.

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed privacy fence will provide the full screening buffer intended in the ordinance. The reduction in landscaping will not be injurious to the public health and 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. The amount of proposed landscaping is sufficient for the size of this site. The 6' privacy fence will screen the parking lot from the surrounding properties.
- (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Due to its small size and dual-frontage, strict application of the ordinance would make the site difficult to develop.

Recommendation:

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

Analysis:

Eddy Street (S.R. 23) is a heavily traveled arterial corridor. Rezoning this site to OB

Staff Report

9/4/2015

Office Buffer District with the limited Special Exception Uses permitted will allow for a responsible adaptive-reuse, while providing a buffer between the residential neighborhood and S.R. 23.

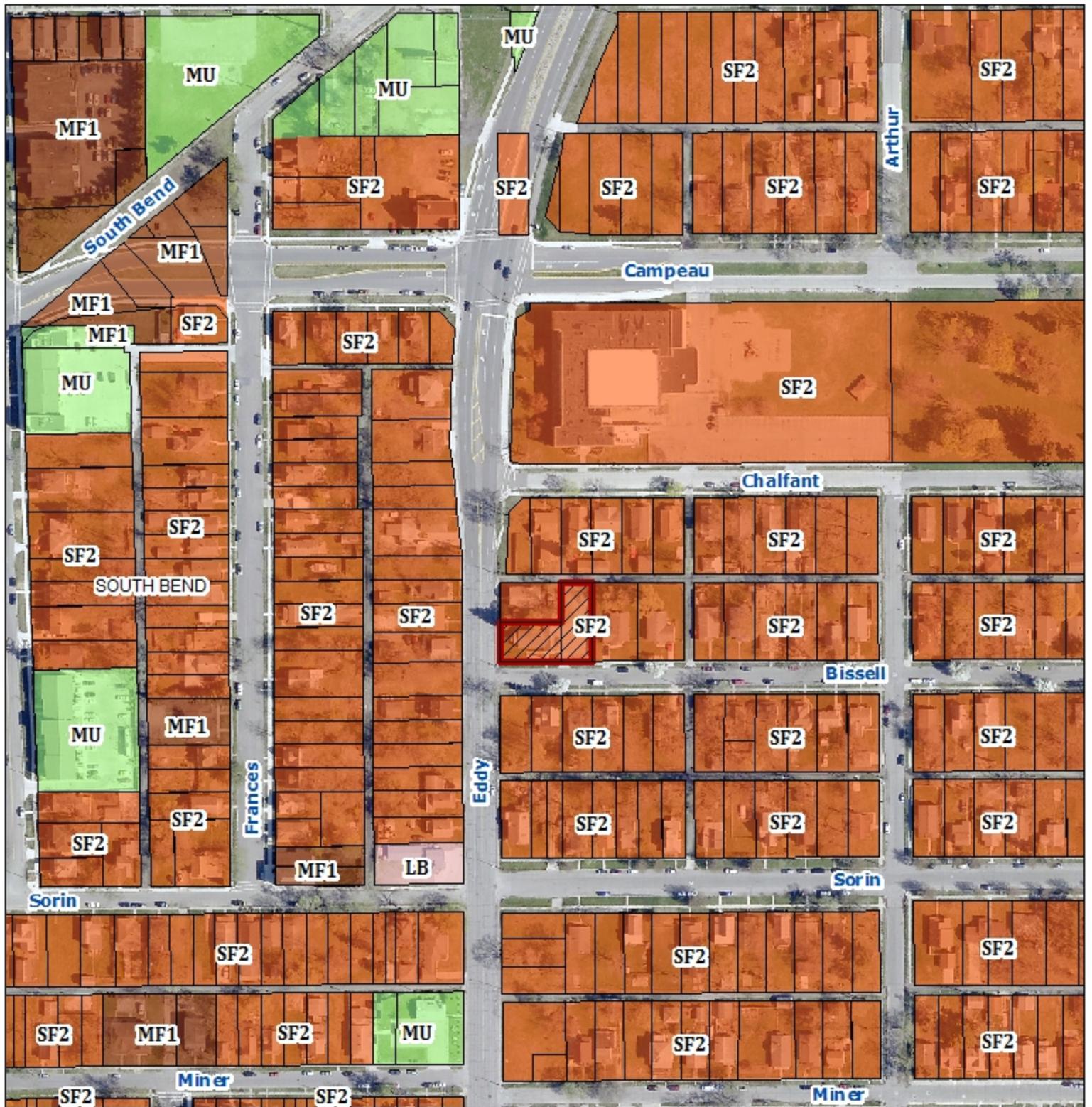
REZONING
#2751-15



1 inch = 200 feet

PORTAGE TOWNSHIP

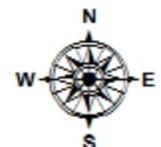




**Rezoning from:
 "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT to
 "OB" OFFICE BUFFER DISTRICT**

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 "LB" LOCAL BUSINESS DISTRICT



1 inch = 200 feet

APC # 2751-15

Staff Report

9/3/2015

APC # 2752-15
Owner: Studebaker Building 84 LLC
Location: 635 S. Lafayette Boulevard
Jurisdiction: City of South Bend
Public Hearing Date: 9/15/2015

Requested Action:

The petitioner is requesting a zone change from GI General Industrial District to PUD Planned Unit Development District.

Land Uses and Zoning:

- On site: On site is a former Studebaker assembly plant.
- North: To the north across the railroad tracks is the former Union Station and a sheet metal business zoned CBD Central Business District.
- East: To the east across Lafayette Boulevard are industrial and office buildings zoned O Office District and LI Light Industrial District.
- South: To the south is the South Bend City Services Facility and the St. Joseph County Correctional Facility zoned GI General Industrial District.
- West: To the west is the South Bend City Services Facility zoned GI General Industrial District.

District Uses and Development Standards:

The Planned Unit Development (PUD) District is designed and intended to: encourage creativity and innovation in the design of developments; provide for more efficient use of land; permit special consideration of property with outstanding natural or topographical features; facilitate use of the most appropriate construction techniques in the development of land; and, provide for any individual land use not otherwise specified elsewhere in this Ordinance. The PUD District encourages imaginative uses of open space, promotes high standards in design and construction, and furthers the purposes of the Comprehensive Plan. The PUD District is not intended for the development of residential subdivisions or other developments which are provided for as a matter of right within any district of this Ordinance.

Site Plan Description:

The total area of the site is 13.2 acres with over 750,000 square feet of existing industrial buildings. The buildings range in height from 2-6 stories and are built up to the 0' lot line along Lafayette Boulevard. Primary permitted uses may include: educational, entertainment, hotel/lodging, industrial, office, personal services, residential, restaurants, retail, warehousing, manufacturing retailer, and utility uses. Prohibited uses include adult businesses. A future 5 level parking garage is proposed between the existing buildings and the jail, with landscaping along its south façade. The architectural facades of the parking garage must be consistent with the facades of the primary buildings. The first floor of the parking garage may include retail along Lafayette. Landscaping will be provided along the south façade of the primary building and parking islands will be required in the surface parking lot until the proposed garage is constructed.

Zoning and Land Use History And Trends:

Prior to the adoption of the zoning ordinance in 2004, the site was zoned industrial.

Traffic and Transportation Considerations:

Lafayette Boulevard has two lanes with on-street parallel parking on both sides of the street.

Utilities:

This site is served by municipal sewer and water.

Agency Comments:

County Surveyor offers a favorable recommendation. City Engineering offers a favorable recommendation, subject to the approval of a drainage plan that disconnects roof drains from the sanitary sewer system.

Commitments:

The petitioner is not proposing any written commitments, but will need to adhere to the development standards filed.

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 LU 2.2: Pursue a mix of land uses along major corridors and other locations identified on the future land use map, Policy H 1.3: Encourage the development of mixed-use buildings, and Objective EM 3: Facilitate the productive reuse of brownfield properties.

Land Use Plan:

The future land use map identifies this area as light industrial.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The area south of the railroad line between Arnold Street and Lafayette Boulevard has developed as industrial. The Central Business District starts just north of the railroad.

3. Most Desirable Use:

The most desirable use of this site is one that promotes economic and residential sustainability in support of downtown South bend and its central business district.

4. Conservation of Property Values:

Due to the industrial nature 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 abandoned brownfield site to be converted into a mixed-use development.

Staff Report

9/3/2015

Staff Comments:

The staff has no additional comments.

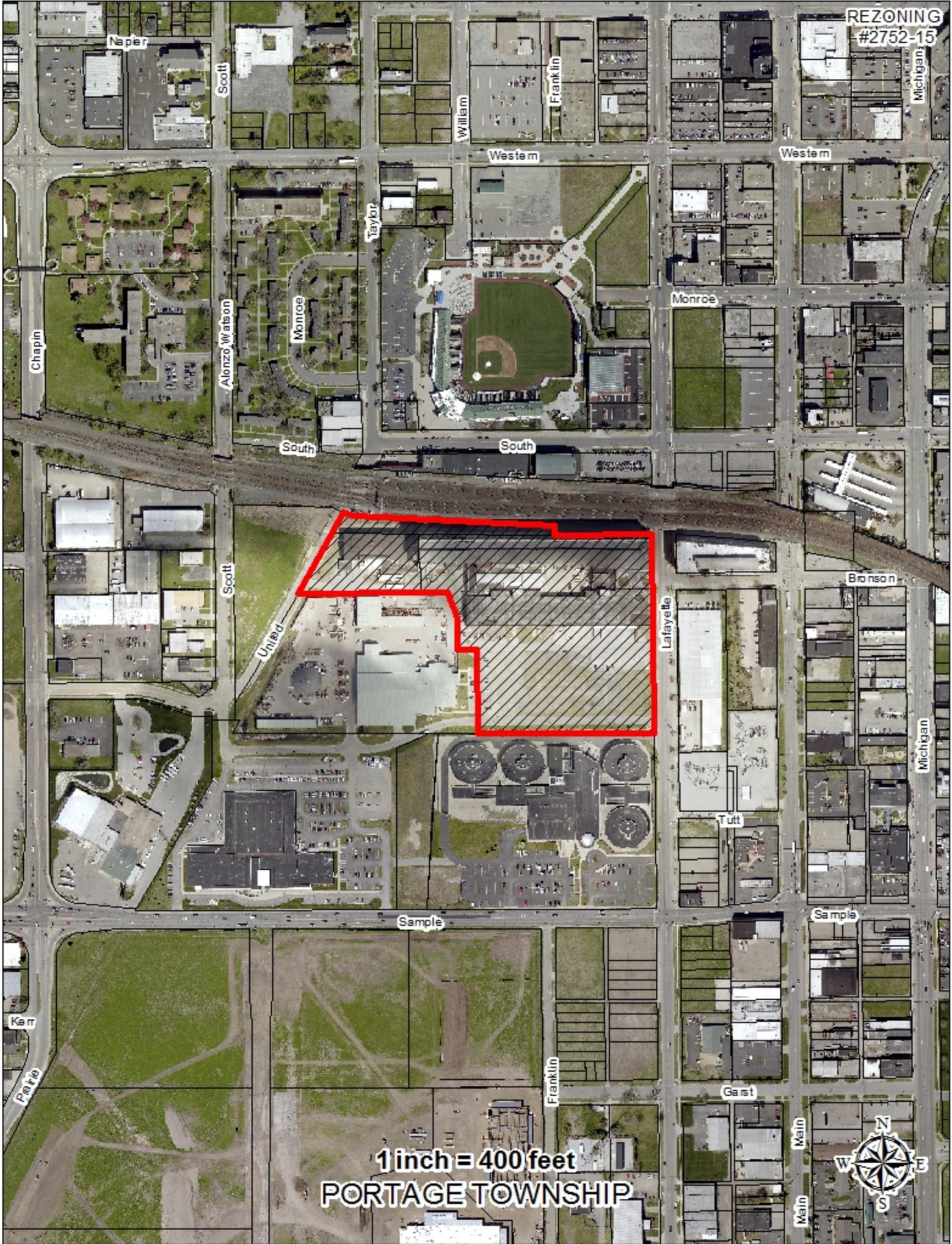
Recommendation:

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

Analysis:

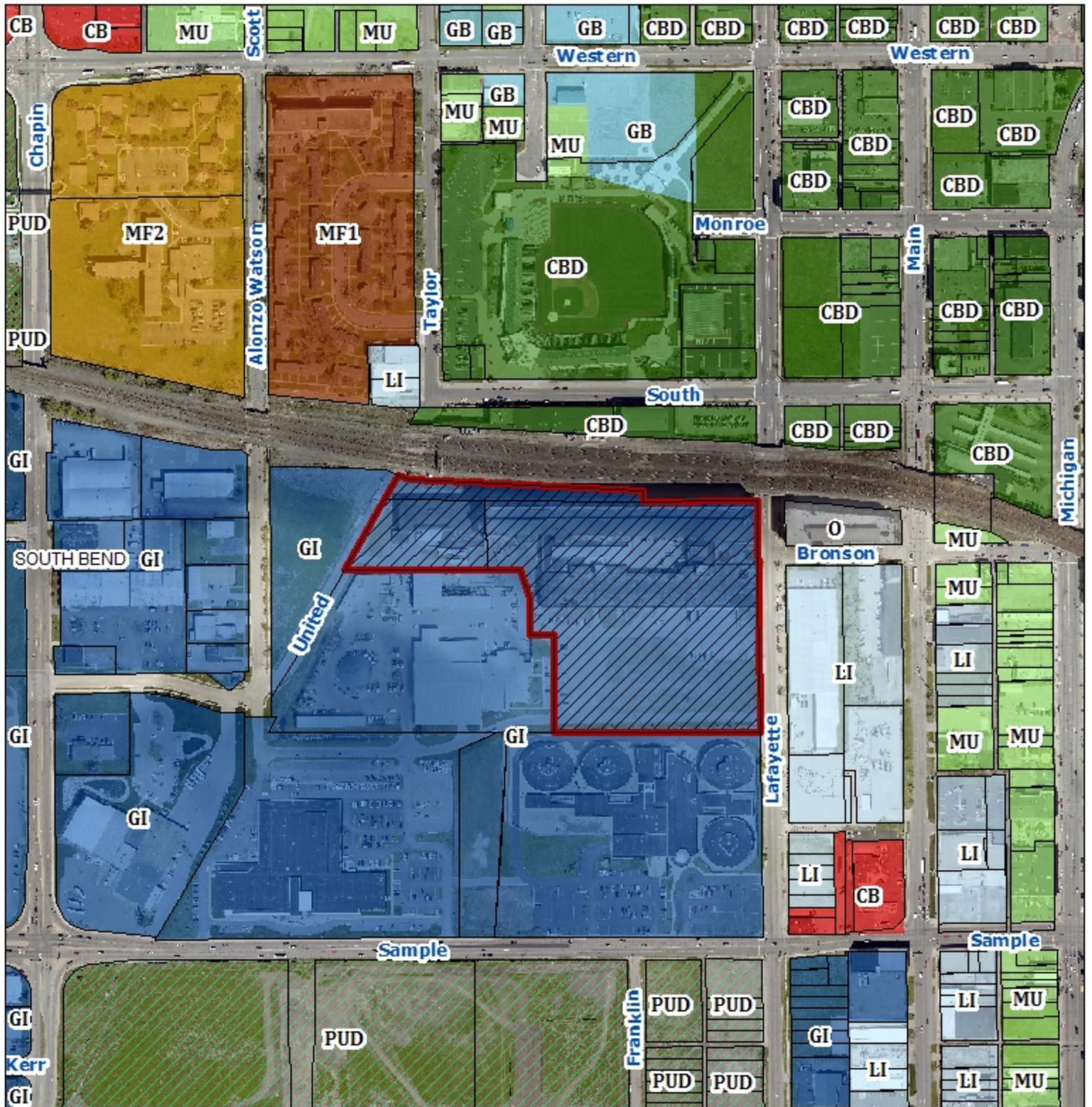
Rezoning to Planned Unit Development District will allow for a unique mix of uses that will provide creative redevelopment of an abandoned industrial property.

REZONING
#2752-15



1 inch = 400 feet
PORTAGE TOWNSHIP





**Rezoning from:
"GI" GENERAL INDUSTRIAL DISTRICT to
"PUD" PLANNED UNIT DEVELOPMENT DISTRICT**

MA STER ZONING KEY

- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "MF2" HIGH-DENSITY MULTIFAMILY DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "CBD" CENTRAL BUSINESS DISTRICT
- SOUTH BEND "O" OFFICE DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT
- SOUTH BEND "GI" GENERAL INDUSTRIAL DISTRICT
- SOUTH BEND "PUD" PLANNED UNIT DEVELOPMENT



1 inch = 400 feet

APC # 2752-15

Staff Report

9/4/2015

APC # 2753-15
Owner: Earth Designs Real Estates LLC
Location: the vacant parcel north of and adjacent to 603 Hickory Road and the vacant parcel west of and adjacent to 3515 McKinley
Jurisdiction: City of South Bend
Public Hearing Date: 9/15/2015

Requested Action:

The petitioner is requesting a zone change from PUD Planned Unit Development District to GB General Business District for Parcel 1 & PUD Planned Unit Development District for Parcel 2.

Land Uses and Zoning:

On site: Parcel 1 is a vacant paved lot. Parcel 2 is a vacant lot with an access drive.
North: To the north are single family homes zoned SF1 Single Family & Two Family District, and an access drive zoned GB General Business District.
East: To the east of Parcel 1 across Hickory Road is a multi-tenant shopping plaza in the City of Mishawaka. To the east of Parcel 2 is an Elks Lodge zoned CB Community Business District and a self-storage facility zoned GB General Business District.
South: To the south of Parcel 1 is a retail store zoned CB Community Business District. To the south of Parcel 2 across McKinley Avenue are single family homes zoned SF1 Single Family & Two Family District.
West: To the west of Parcel 1 is a self-storage facility zoned GB General Business District. To the west of Parcel 2 are single family homes zoned SF1 Single Family & Two Family District.

District Uses and Development Standards:

The Planned Unit Development (PUD) District is designed and intended to: encourage creativity and innovation in the design of developments; provide for more efficient use of land; permit special consideration of property with outstanding natural or topographical features; facilitate use of the most appropriate construction techniques in the development of land; and, provide for any individual land use not otherwise specified elsewhere in this Ordinance. The PUD District encourages imaginative uses of open space, promotes high standards in design and construction, and furthers the purposes of the Comprehensive Plan. The PUD District is not intended for the development of residential subdivisions or other developments which are provided for as a matter of right within any district of this Ordinance.

Site Plan Description:

Parcel 1 is a 0.75 acre lot with frontage along Hickory Road, and is currently a paved parking lot. Parcel 1 will be required to conform to all development standards for the GB General Business District. Parcel 2 is a 15.57 acre vacant lot with frontage along McKinley Avenue. Uses for Parcel 2 will include all permitted uses in the following districts: SF1, SF2, MF2, LB, CB, and GB (to include mini warehousing and dog parks).

The front setback for all uses along McKinley is 25'. Side and rear-yard setbacks within the PUD will be required to be the same as specified in the zoning ordinance for each specific use. GB uses will be limited to an area located a minimum of 225' north of the right-of-way of McKinley Avenue, and a minimum of 100' from the west and north PUD boundaries. Outdoor storage of vehicles, boats and trucks may be permitted in an area located 200' south of the north boundary, 200' east of the west boundary, 560' north of the right-of-way of McKinley Avenue, and 5' west of the east boundary. Any outdoor storage must be screened on all sides by an evergreen landscape screen or by a screening fence with a minimum height of 8' and a maximum height of 10'. Maximum building height for the PUD will be 4 stories or 50'. The north and west boundary of the PUD shall be screened from the adjacent property by either a minimum 6' screening fence or evergreen trees spaced a maximum of 12' on center.

Zoning and Land Use History And Trends:

Prior to the adoption of the current zoning ordinance in 2004, the site was primarily zoned C Commercial, with the northern 120' and the western 75' zoned B Multifamily. In 2011 the site was rezoned from CB Community Business District to PUD Planned Unit Development District for a similar mix of uses.

Traffic and Transportation Considerations:

Hickory Road and McKinley Avenue have four lanes with a center turn lane.

Utilities:

This site will be served by municipal sewer and water.

Agency Comments:

County Surveyor recommends approval. City Engineering recommends approval, subject to: 1) the approval of a drainage plan; and 2) the connection of buildings to municipal utilities (with appropriate easements, and not to exceed the capacity of existing connections).

Commitments:

The petitioner is not proposing any written commitments, but will have to adhere to the development standards filed.

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 LU 2.1: Encourage developers to use planned unit and traditional neighborhood development models to promotes land use compatibility in future developments, and 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 for medium-density residential.

Plan Implementation/Other Plans:

There are no other plans in affect for this area.

2. Current Conditions and Character:

The McKinley Avenue and Hickory Road area is a large commercial node with a mixture of uses.

3. Most Desirable Use:

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

4. Conservation of Property Values:

Any improvements to the site, including screening, should not adversely affect surrounding property values.

5. Responsible Development And Growth:

It is responsible growth and development to allow the expansion of this commercial node in a manner that is consistent with surrounding developments.

Staff Comments:

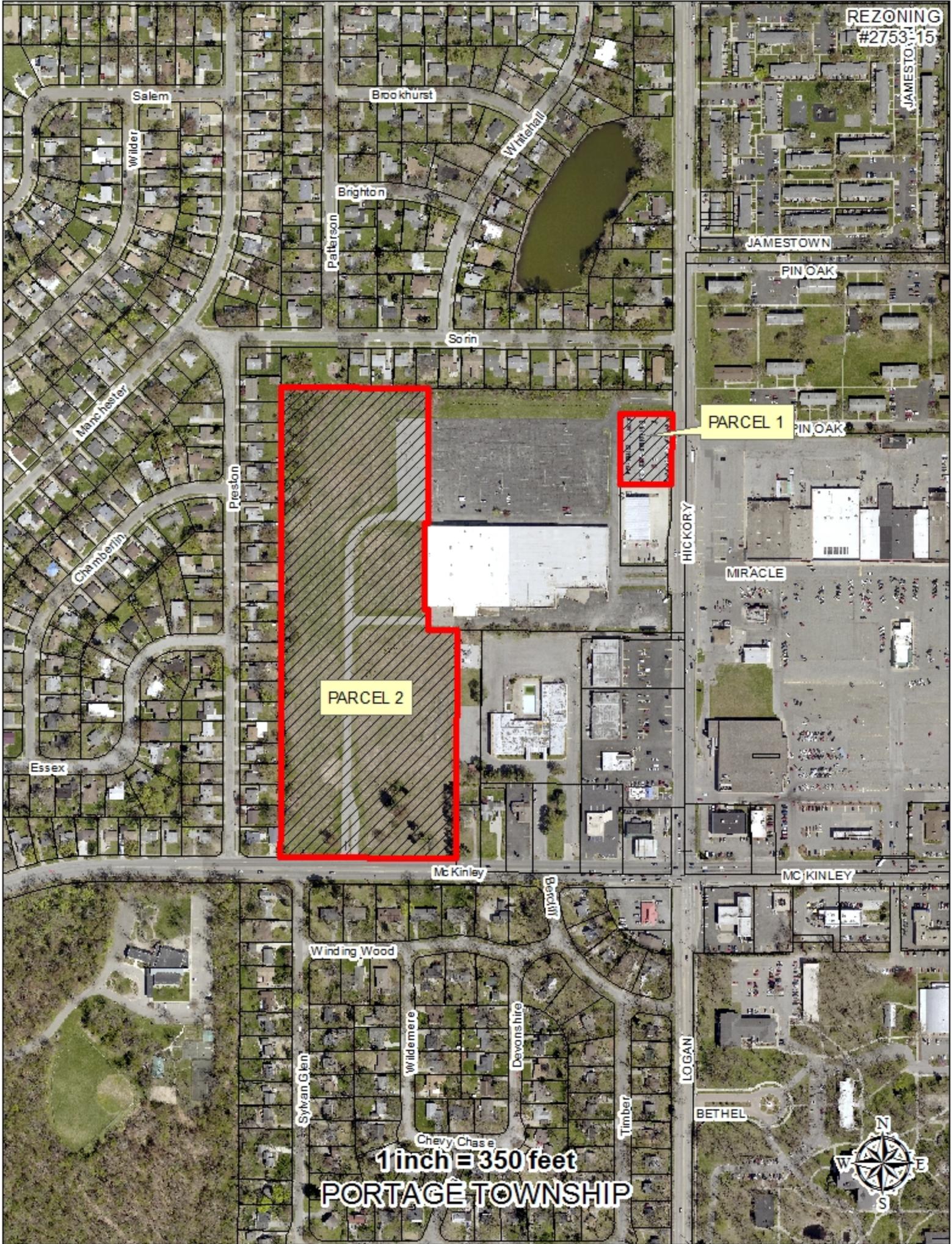
As noted, this site is currently zoned PUD (APC#2597-11). That approval specified the location of mini-warehouses, with no outdoor storage, at the northwest corner of the site. Uses similar to the current request were allowed on the balance of the site. The primary change is to allow outdoor storage in a limited area, and GB uses to a larger, but also limited area. Additional setbacks are being required on the north and west property lines, recognizing the higher intensity uses proposed.

Recommendation:

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

Analysis:

This has been a difficult site for the private market to develop. Any one zoning district would limit the site's ability to be utilized for the wide range of demands sought. The rezoning of this site to a new and revised PUD allows flexibility in the design and use of the site, while adding appropriate protection to the surrounding residential areas.

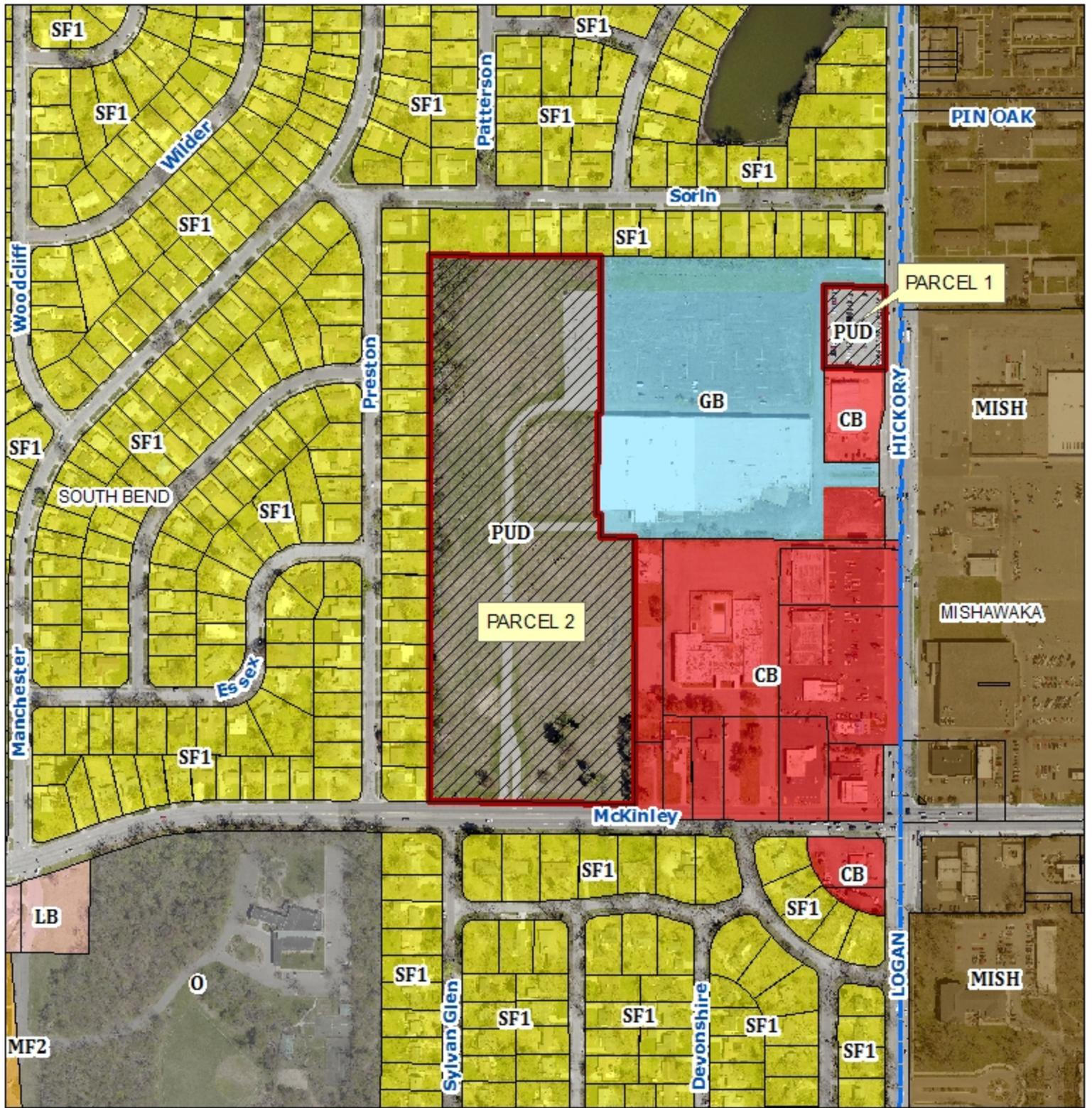


PARCEL 1

PARCEL 2

1 inch = 350 feet
PORTAGE TOWNSHIP

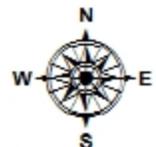




Rezoning from:
"PUD" PLANNED UNIT DEVELOPMENT DISTRICT to
"GB" GENERAL BUSINESS DISTRICT (PARCEL 1) &
"PUD" PLANNED UNIT DEVELOPMENT DISTRICT (PARCEL 2)

MASTER ZONING KEY

- MSHAWAKA
- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF2" HIGH-DENSITY MULTIFAMILY DISTRICT
- SOUTH BEND "O" OFFICE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT
- SOUTH BEND "PUD" PLANNED UNIT DEVELOPMENT



1 inch = 350 feet

APC # 2753-15

FINDINGS OF FACT

APC# 2747-15
County Development, LLC.
Western & Mayflower
South Bend

On Tuesday, August 18, 2015 the Area Plan Commission **approved** the following variances from the Development Standards of the South Bend Zoning Ordinance:

1. From the required Minimum Residential Bufferyard of twenty (20) feet to twelve (12) feet 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 thirty-six (36) inches in height for a fence located in a minimum front yard to six (6) feet 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;
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 facade;

(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 this Chapter would 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.

The Minutes of the August 18, 2015 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 15th day of September, 2015.

Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary

FINDINGS OF FACT

**APC# 2748-15
Flowers by Stephen, LLC.
4325 S. Michigan St.
South Bend**

On Tuesday, August 18, 2015 the Area Plan Commission **approved** the following variances from the Development Standards of the South Bend Zoning Ordinance:

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.

(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 be 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 variance 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 already exists on the lot.

(3) The strict application of the terms of this Chapter would 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.

The Minutes of the August 18, 2015 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 15th day of September, 2015.

Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary