

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

AGENDA

Tuesday, October 18, 2016
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 Family Video Movie Club, Inc. to zone from B: Business District and C: Commercial District to C: Commercial District, and seeking the following variance(s): 1) from the required perimeter landscaping to none; 2) from the required off street parking area screening to none; 3) from the required 180 parking spaces to 65; and 4) from the required foundation landscaping to none, property located at 51522 State Road 933, St. Joseph County - APC# 2796-16.
- B. A combined public hearing on a proposed ordinance of Bettie Jo Williams to zone from SF2 Single Family & Two Family District to MU Mixed Use District, and seeking the following variance(s): 1) from the required minimum side residential bufferyard setback of 15' to 7' along the north property line, 2) from the required Type A landscaping to none along the east and west property line, and 3) from the required Section 21-03.02(13) Architecture standards to allow the construction of a metal building, property located at 1037 Elmer Street, City of South Bend - APC# 2797-16.
- C. A combined public hearing on a proposed ordinance of Department of Redevelopment City of South Bend to zone from GB General Business District and seeking a Special Exception Use fora brewery, property located at 331 W. Wayne Street, City of South Bend - APC# 2798-16.
- D. A combined public hearing on a proposed ordinance of Richard & Linda Ford and Civil City of South Bend to zone from SF2 Single Family & Two Family District, PUD Planned Unit Development District and MU Mixed Use District to MU Mixed Use District and seeking a Special Exception Use to allow for 2 off-site parking lots, and seeking the following variance(s): 1) from the required minimum 5 ft. front yard setback to 0 ft.; 2) from the required minimum 20 ft. front yard setback for parking to 5 ft.; 3) from the required minimum 15 ft. side residential bufferyard to 5 ft. for a building, trash dumpster, parking, and driveway; 4) from the required minimum 15 ft. rear residential bufferyard yard to a minimum of 5 ft. for a building, trash dumpster, parking, and driveway; 5) from the required 15 ft. side and rear residential bufferyard to a minimum of 0 ft. for a balcony structure and driveway; 6) from the maximum allowed 40 ft. building height to 42 ft.; 7) from the required Type A landscaping of required front perimeter yards to none; 8) from the required Type B landscaping of required side and rear perimeter yards to none; 9) from the required off street parking screening to screening with small shrubs and trees; 10) from the required screening of a trash dumpster to none; 11) from the required 9' X 20' parking spaces to a minimum of 9' X 19'; 12) from the required minimum 24 foot wide maneuvering aisle to a minimum of 22 feet wide; and 13) from the required 137 parking spaces to 37, property located at 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue, City of South Bend - APC# 2799-16.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:
 - A. Findings of fact for granting Variances for property located at 4246 Meghan Beeler Court, City of South Bend – APC #2793-16
 - B. Findings of fact for granting Variances for property located at 10261, 10289, and 10343 McKinley Highway, St. Joseph County – APC #2795-16
2. Executive Director's Report:
3. Minutes and Expenditures:
4. Adjournment:

Staff Report

10/7/2016

APC # 2796-16
Owner: Family Video Movie Club, Inc.
Location: 51522 State Road 933
Jurisdiction: St. Joseph County
Public Hearing Date: 10/18/2016

Requested Action:

The petitioner is requesting a zone change from B: Business District and C: Commercial District to C: Commercial District and seeking four variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing building and parking lot.
- North: To the north across Auten Road is a gas station zoned C: Commercial District.
- East: To the east are single family homes zoned R: Single Family District.
- South: To the south is a business zoned B: Business District.
- West: To the west across State Road 933 is a gas station and automobile repair shop zoned C: Commercial District.

District Uses and Development Standards:

The C: Commercial District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the C: Commercial District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses.

Site Plan Description:

On site is an existing 9,468 sq. ft. commercial building located on 1.26 acres. The site has an existing parking lot with 65 spaces. There are currently five small landscape beds on the property.

Zoning and Land Use History And Trends:

This property was rezoned to Commercial in 1974. This property was split zoned to Commercial and Business in 1984, subject to a site development plan.

Traffic and Transportation Considerations:

Auten Road has two lanes. State Road 933 has four lanes and a center turn lane.

Utilities:

This site is served by water and sewer.

Agency Comments:

INDOT commented that if the use is being changed or a drive is being moved then a driveway permit will be required and the traffic engineers will look it over for approval. The County Engineer commented the following items need to be addressed: 1) Drainage calculation errors. The following 'C-values' shall be used: a. Building = 1.00 b. Concrete = 1.00 c. Asphalt = 0.99 d. Grass = 0.20 2) All runoff for a 100 year, 24-hour storm event shall be stored on site; 3) Pavement data legend shows concrete approaches. Are the approaches to be reconstructed? If not remove from the legend; and 4) Check all hatching for legend items. None coincide with what's being shown. The County Health Department commented that the petitioner must gain approval from ISDH to complete the proposed plan.

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 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 makes no specific recommendation for this area.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

State Road 933 is a heavily traveled commercial and business corridor that abuts residential neighborhoods.

3. Most Desirable Use:

The most desirable use is commercial.

4. Conservation of Property Values:

With adequate landscape screening, adjacent property values should not be negatively affected.

5. Responsible Development And Growth:

It is responsible growth and development to allow an existing business to continue and expand its operations, within a well established commercial area.

Combined Public Hearing

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 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 perimeter landscaping to none
- 2) from the required off street parking area screening to none
- 3) from the required 180 parking spaces to 65
- 4) from the required foundation landscaping to none

State statutes and the 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;

Approval of variances #1 and #2, may be injurious to the general welfare because the intent of the landscape ordinance is to provide a visual and sound barrier to buffer any negative impact placed on surrounding properties; for variance #3 the existing number of parking spaces are sufficient in promoting efficient traffic circulation and at preventing undue traffic congestion; for variance #4, approval will not be injurious to the public health, safety, morals and 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;

Without the modification to a 6' fence on the east property line in lieu of the required perimeter landscaping, approval of variances #1 and #2 may negatively affect property values; approval of variance #3 and #4 will not affect adjacent properties.

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

For variance #1 there is no practical difficulty that would prohibit the installation of perimeter landscaping along the north, south, and west property lines. Along the east property line, the existing building is setback 9.5'. This leaves little room for landscaping, the staff would support the installation of a 6' privacy fence instead of perimeter landscaping; for variance #2 there is no practical difficulty that would prohibit the installation of the parking area landscape screening; for variances # 3 and #4 A large portion of the site is covered by the parking lot, and the lot size limits further expansion of the parking area, and the installation of foundation landscaping would result in the removal of the existing sidewalk and hinder access to the building.

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 County Council with a favorable recommendation. The staff recommends approval of variances three and four. The staff recommends denial of variances one and two. Staff would support a reduction in the landscaping required along

the east if a 6' privacy fence is installed.

Analysis:

Rezoning this site will allow for the expansion of an existing business within the same building. By providing landscape screening, the negative impact placed on surrounding properties will be minimized.

REZONING
#2796-16

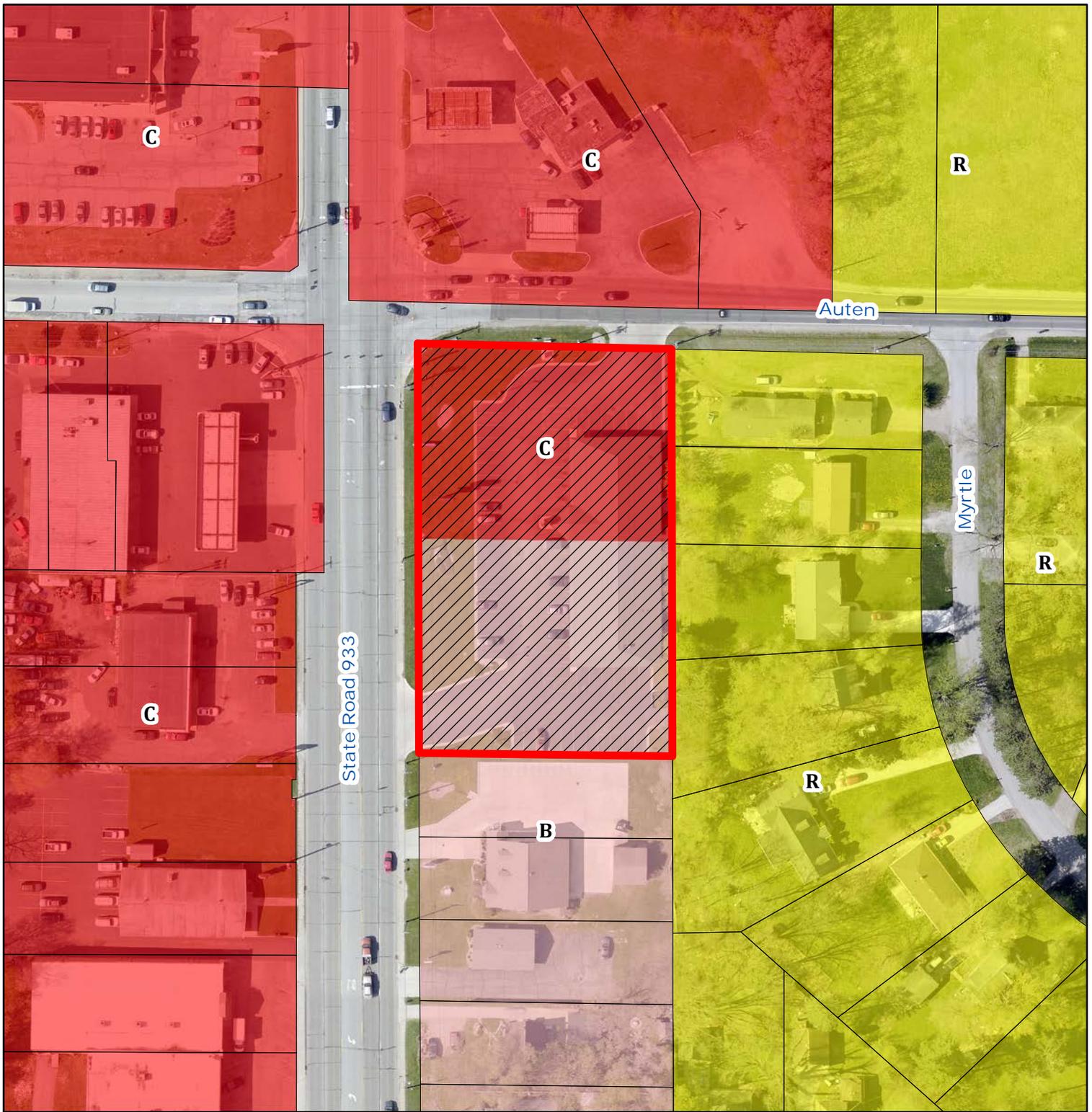
Auten

State Road 933



1 inch = 50 feet
CLAY TOWNSHIP

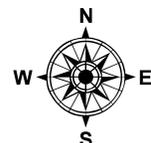




Rezoning from: ST JOSEPH COUNTY
 "B" BUSINESS DISTRICT & "C" COMMERCIAL DISTRICT
 to "C" COMMERCIAL DISTRICT

MASTER ZONING KEY

-  COUNTY "R" SINGLE FAMILY DISTRICT
-  COUNTY "B" BUSINESS DISTRICT
-  COUNTY "C" COMMERCIAL DISTRICT



1 inch = 100 feet

APC # 2796-16

Staff Report

10/7/2016

APC # 2797-16
Owner: Bettie Jo Williams
Location: 1037 Elmer Street
Jurisdiction: City of South Bend
Public Hearing Date: 10/18/2016

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to MU Mixed Use District and three variances from the development standards.

Land Uses and Zoning:

- On site: On site is vacant land.
- North: To the north is a single family residence zoned SF2 Single Family and Two Family District.
- East: To the east across Elmer Street are single family residences zoned SF2 Single Family and Two Family District.
- South: To the south are businesses zoned MU Mixed Use District.
- West: To the west are businesses zoned MU Mixed Use District.

District Uses and Development Standards:

The MU Mixed Use District is established to promote the development of the 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:

On site there is a proposed 2,400 sq. ft. accessory building with a height of 21.5'. The proposed building will serve the adjacent daycare facility located to the south of the site.

Zoning and Land Use History And Trends:

This property was zoned residential prior to 2006.

Traffic and Transportation Considerations:

Elmer Street has two lanes with on street parking.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

Department of Community Investment supports the concept of the Bettie Jo Williams request to rezone 1037 Elmer Street from SF2 to MU. The proposed rezoning would allow the daycare business to improve its operations and would be in keeping with the spirit of the West Side Main Streets Plan. Without having the benefit of project specifics, DCI would recommend that: 1) The garage be located toward the rear (west end) of the lot and

not forward of the front building line of the houses to the north along Elmer (approximately 20-25'). DCI would be supportive of a variance from the MU maximum setback to accomplish this siting; 2) The garage doors be oriented to the south or west; 3) If the garage is placed at or near the Elmer Street building line, architectural finishes and foundation landscaping should be added to the Elmer Street façade; and 4) The rezoning parcel should be integrated with the business parcels to the south to ensure proper access and functionality, to minimize curb cuts (consolidate the driveway to the existing parking lot and the former alley approach into one curb cut), and to provide adequate landscaping. The City Engineer commented the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for sidewalk improvements; 3) Development of the site requires City approval of a Drainage Plan that meets the City's requirement to store all runoff from developed areas on site; 4) Development of the site also require compliance with the City's Downspout Disconnection Program; 5) Verification of required (if any) waivers; and 6) Payment of Final Site Plan Review fee.

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 the West Side Main Streets Plan (2014) which identifies this area as a retail node.

Land Use Plan:

The future land use map identifies this area as part of the Olive Street node.

Plan Implementation/Other Plans:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (November 2006): LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

2. Current Conditions and Character:

Lincoln Way West is a mixture of commercial, business, and residential. Single family residences border to the north and east.

3. Most Desirable Use:

The most desirable use for this site is one that allows for the reuse of vacant land.

4. Conservation of Property Values:

With adequate landscape buffering, the adjacent property values should not be affected.

5. Responsible Development And Growth:

It is responsible growth and development to allow for the expansion of an existing business, in conformance with the Comprehensive Plan.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning and 3 variance from the development standards. The Commission will forward the rezoning to the 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 minimum side residential bufferyard setback of 15' to 7' along the north property line
- 2) from the required Type A landscaping to none along the east and west property line
- 3) from the required Section 21-03.02(13) Architecture standards to allow the construction of a metal building

State statutes and the 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 proposed variances should not have an impact on the general welfare of the community. The development is an expansion of an existing business.

(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;

Without appropriate landscaping and attention to the quality of the building being installed, the expansion of this business into the residential neighborhood could have a negative affect on the use and value of adjacent properties.

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

The relatively small lot size creates a practical difficulty in the strict application of the residential bufferyard setback on this property. There are no practical difficulties that support the granting of variances from the landscape or architectural standards for this site.

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. The staff recommends approval of variance #1 to allow a reduced residential bufferyard, subject to the entry doors for the proposed structure being limited to the south or west facades. The staff recommends denial of variances #2 and #3 for the perimeter landscaping and architectural standards.

Analysis:

Rezoning the property will allow for the expansion of an existing business. With appropriate buffering and adherence to the architectural, the proposed expansion will be a responsible asset to the neighborhood.

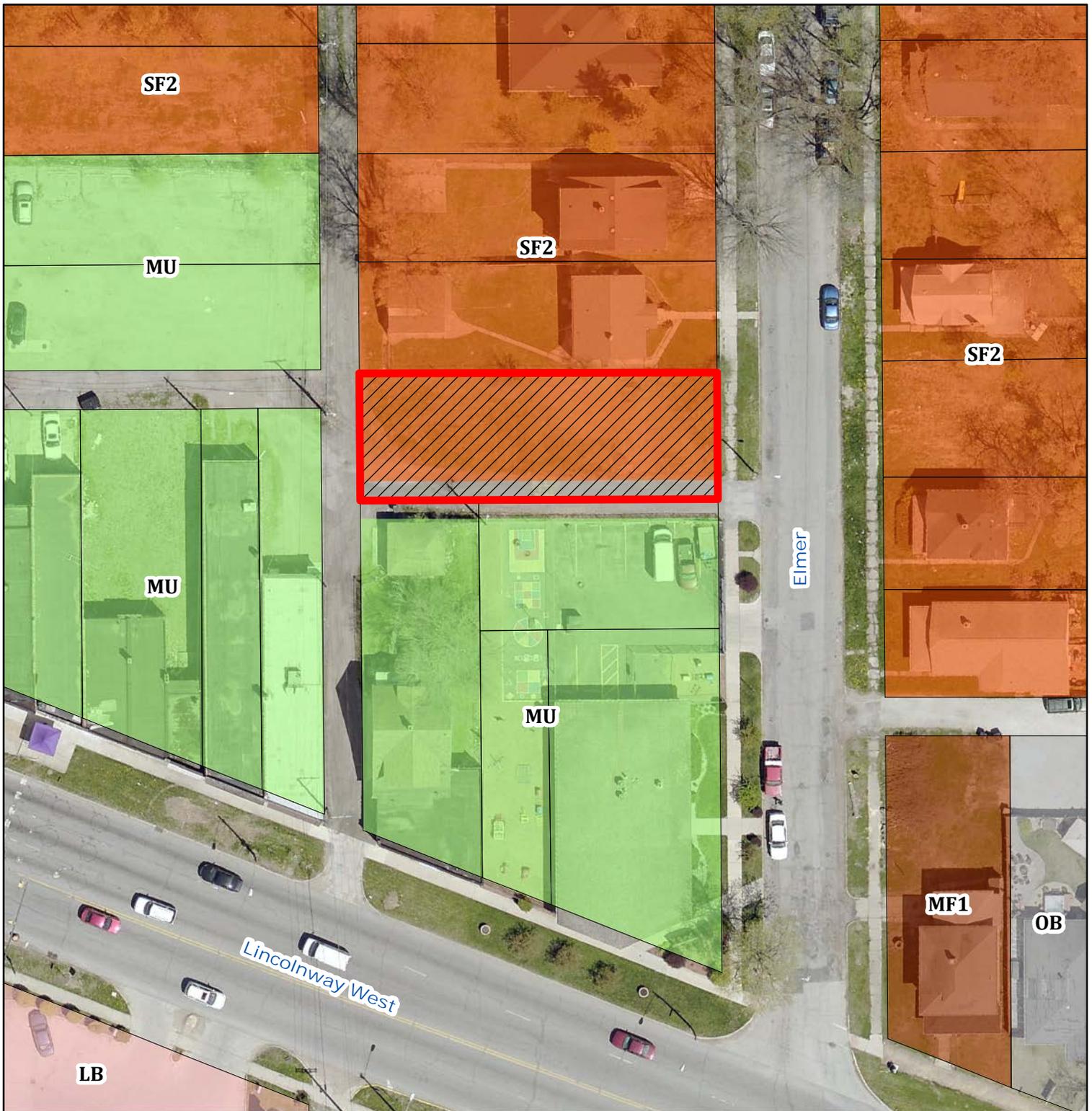


Elmer

Lincolnway West

1 inch = 50 feet
PORTAGE TOWNSHIP

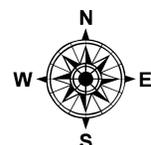




Rezoning from: CITY OF SOUTH BEND
 "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
 to "MU" MIXED USE DISTRICT

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 = 50 feet

APC # 2797-16

Staff Report

10/7/2016

APC # 2798-16
Owner: Department of Redevelopment City of South Bend
Location: 331 W. Wayne Street
Jurisdiction: City of South Bend
Public Hearing Date: 10/18/2016

Requested Action:

The petitioner is requesting a zone change from GB General Business District to CBD Central Business District and seeking a Special Exception Use for a manufacturing retailer.

Land Uses and Zoning:

- On site: On site is an existing building and parking lot.
- North: To the north across Wayne Street are businesses zoned MU Mixed Use District.
- East: To the east is the South Bend VA Clinic zoned CBD Central Business District.
- South: To the south is a parking lot zoned GB General Business District.
- West: To the west across William Street is a vacant lot zoned GB General Business District.

District Uses and Development Standards:

The CBD Central Business District is established to promote the development of the downtown region of the City of South Bend as a center for trade, finance, government, high density residential and entertainment districts within St. Joseph County and north central Indiana. The regulations of this district are intended to encourage high density, mid-rise and high rise developments which may include a mixture of compatible urban uses. The development standards in this district, while designed to provide for high density development, also encourage a pedestrian friendly environment supportive of urban residential developments, retail, restaurant, theater and similar business and cultural uses associated with major metropolitan areas.

Site Plan Description:

On site is an exiting 8,650 sq. ft. building that is proposed to be converted to a brew pub. The remainder of the site is a parking lot with a primary entrance on William Street.

Zoning and Land Use History And Trends:

This property was zoned Light Industrial prior to 2006.

Traffic and Transportation Considerations:

William Street has two lanes with a center turn lane and on street parking on the west side of the street. Wayne Street has two lanes.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation and on the

associated special exception request to permit a manufacturing retailer. DCI recommends that in lieu of any other perimeter or parking lot screening landscaping, the petitioner provide street trees at approximately 44' spacing in the Wayne and William Street tree lawns. Over time, the petitioner can add landscaping to existing on-site paved areas that will not be used for parking. The City Engineer commented the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for access and screening; 3) Development of the site requires City approval of a Drainage Plan, and payment of the corresponding Drainage Review Fee, that meets the City's requirement to store all runoff from developed areas on site; 4) Development of the site also require compliance with the City's Downspout Disconnection Program; 5) Verification of required (if any) waivers; and 6) Payment of Final Site Plan Review fee.

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): ED 1.2 Encourage the reuse of abandoned and underutilized land and structures.

Land Use Plan:

The future land use map identifies this area as commercial.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The properties east of the site are predominantly commercial and business oriented. To the north of Wayne and to the west of William is a mixture of residential and business uses.

3. Most Desirable Use:

The most desirable use is commercial.

4. Conservation of Property Values:

The renovation and reuse of a vacant building should not adversely affect adjacent property values.

5. Responsible Development And Growth:

It is responsible development and growth to reuse a vacant building, in conformance with the Comprehensive Plan.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning, and a Special Exception Use. The Commission will forward the rezoning and the Special Exception Use to the Council with or without a recommendation.

The Petitioner is seeking a Special Use to allow:

manufacturing retailer

A Special Use may only be granted upon making a written determination, 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;

The use will be compatible with existing businesses located in the Central Business District. The special exception for a manufacturing retailer (brewery) will not be injurious to the public.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

The proposed use will utilize an existing commercial building and should not adversely affect adjacent property values.

(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 building will be renovated to conform to the character of the district.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The Comprehensive Plan makes no specific recommendation for this use.

Staff Comments:

The site will require variances from the Area Board of Zoning Appeals for perimeter landscaping and parking area screening along the west property line. Also, the configuration of parking spaces will need to be modified to reflect the requirements of the Zoning Ordinance.

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. The staff recommends that the special exception use be sent to the Common Council with a favorable recommendation.

Analysis:

Rezoning this property to CBD Central Business District and granting the special exception use for a manufacturing retailer allows for a use that is compatible with the existing Central Business District and will compliment the surrounding uses.

Wayne

William

Franklin



1 inch = 50 feet
PORTAGE TOWNSHIP

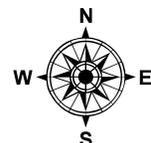




Rezoning from: CITY OF SOUTH BEND
 "GB" GENERAL BUSINESS DISTRICT
 to "CBD" CENTRAL BUSINESS DISTRICT

MASTER ZONING KEY

- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "CBD" CENTRAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT



1 inch = 100 feet

APC # 2798-16

Staff Report

10/7/2016

APC # 2799-16
Owner: Richard & Linda Ford and Civil City of South Bend
Location: 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue
Jurisdiction: City of South Bend
Public Hearing Date: 10/18/2016

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District, PUD Planned Unit Development District and MU Mixed Use District to MU Mixed Use District; seeking a Special Exception Use to allow for two off site parking areas; and seeking thirteen variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing building and vacant land.
- North: To the north are single family homes and vacant land zoned SF2 Single Family and Two Family District and a parking lot zoned MU Mixed Use District.
- East: To the east are single family homes and vacant land zoned SF2 Single Family and Two Family District.
- South: To the south are single family homes and vacant land zoned SF2 Single Family and Two Family District and MU Mixed Use District.
- West: To the west are single family homes and vacant land zoned SF2 Single Family and Two Family District and MU Mixed Use District.

District Uses and Development Standards:

The MU Mixed Use District is established to promote the development of the 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:

On site is a proposed 60,100 sq. ft., two story building. The proposed development includes 9,500 sq. ft. of retail with 50,600 sq. ft. of residential with 42 total units. There is a parking lot with five spaces and a dumpster to the northeast of the proposed build. In addition, there is a parking lot with 32 spaces to the south across Rex Street. There is an open space along Portage Avenue, in front of the parking lot reserved for future development.

Zoning and Land Use History And Trends:

Prior to 2006 these properties were zoned commercial and residential. In 2013 the northern portion of the property was rezoned to PUD to allow for a proposed housing development.

Traffic and Transportation Considerations:

Portage Avenue, Rex Street, and California Avenue have two lanes with on street parking.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation for the rezoning and special exception use. In regards to the variances: 1) Approval of the proposed yard and building setback variances. Seek other locations for trash dumpster; 2) Height variance - A standard 2 story building utilizing the existing structure would appear to fit in the Ordinance standards; 3) In lieu of perimeter landscaping, street trees should be placed in the tree lawn along California Avenue, Portage Avenue (both north and south of Rex), and both sides of Rex Street at approximately 44' spacing or 22' with smaller trees; and 4) Approval of the parking space size and drive aisle width variances. The City Engineer commented the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for access and screening; 3) Development of the site requires City approval of a Drainage Plan, and payment of the corresponding Drainage Review Fee, that meets the City's requirement to store all runoff from developed areas on site; 4) Development of the site also requires compliance with the City's Downspout Disconnection Program; 5) Verification of required (if any) waivers; 6) Payment of Final Site Plan Review fee; and 7) Minimum of 1 parking space to be required of each dwelling unit, with retail parking being provided via on street parking.

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) H 1.3 Encourage the development of mixed use buildings.

Land Use Plan:

The future land use map identifies this area as Mixed Use and Commercial.

Plan Implementation/Other Plans:

The Portage Avenue Commercial Corridor Revitalization Action Plan (1999) objective to require site plan review would set corridor standards such as: encourage side and rear parking lots, front lot line buildings, control signage, restrict lightings impact on nearby residences, and require landscape screening.

2. Current Conditions and Character:

The Portage Avenue corridor is primarily residential with some businesses near the intersection of California Avenue.

3. Most Desirable Use:

The most desirable use is mixed use.

4. Conservation of Property Values:

The reuse of a vacant structure should not adversely affect surrounding property values.

5. Responsible Development And Growth:

It is responsible development and growth to allow the adaptive reuse of a vacant building and lots while meeting the goals of the Comprehensive Plan.

Combined Public Hearing

This is a combined public hearing, which includes a rezoning, a Special Exception Use, and 13 variances from the development standards. The Commission will forward the rezoning and the Special Exception Use to the Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking a Special Use to allow:

for 2 off-site parking lots

A Special Use may only be granted upon making a written determination, 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;

The proposed development is located along a public transportation route. The proposed use will serve the adjacent development, which has limited demand for off-street parking. Granting the special exception use should not be injurious to the general welfare of the community.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

With the landscaping provided, the residential properties in the area should not be adversely affected.

(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 placement of the parking allows for potential future development along Portage Avenue, consistent with the character of the mixed use district which encourages parking to be located behind the buildings located adjacent to the street.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The Comprehensive plan makes no specific mention of this use.

The petitioner is seeking the following variance(s):

- 1) from the required minimum 5 ft. front yard setback to 0 ft.
- 2) from the required minimum 20 ft. front yard setback for parking to 5 ft.
- 3) from the required minimum 15 ft. side residential bufferyard to 5 ft. for a building, trash

dumpster, parking, and driveway

- 4) from the required minimum 15 ft. rear residential bufferyard to a minimum of 5 ft. for a building, trash dumpster, parking, and driveway
- 5) from the required 15 ft. side and rear residential bufferyard to a minimum of 0 ft. for a balcony structure and driveway
- 6) from the maximum allowed 40 ft. building height to 42 ft.
- 7) from the required Type A landscaping of required front perimeter yards to none
- 8) from the required Type B landscaping of required side and rear perimeter yards to none
- 9) from the required screening parking spaces to screening with small shrubs and trees
- 10) from the required screening of a trash dumpster to none; 11) from the required 9' X 20' parking spaces to a minimum of 9' X 19'; 12) from the required minimum 24 foot wide maneuvering aisle to a minimum of 22 feet wide; and 13) from the required 137 parking spaces to 37

State statutes and the 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 proposed development will fill a need in the neighborhood for affordable housing and local retail, supporting 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;

With proper landscape buffering along the residential properties, the use and value of the adjacent area should not be 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 layout of the existing building and the odd configuration of the lots, the setback requirements result in practical difficulties in the use of the property. The location of the property along a public transportation route and the intended market of the development reduce the demand for onsite parking, creating practical difficulties in meeting the strict application of the ordinance.

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. Based on information available prior to the public hearing, the staff recommends that the special exception use be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variances, however notes that variance number nine is no longer necessary.

Analysis:

Rezoning this site to MU Mixed Use will allow for the reuse and redevelopment of an underutilized build and vacant land. The special exception use will serve the residents and retail users of the site. The proposed development will fill a need in the neighborhood for affordable housing and local retail.

Demaude

Woodward

California



Rex

Ashland

Cushing

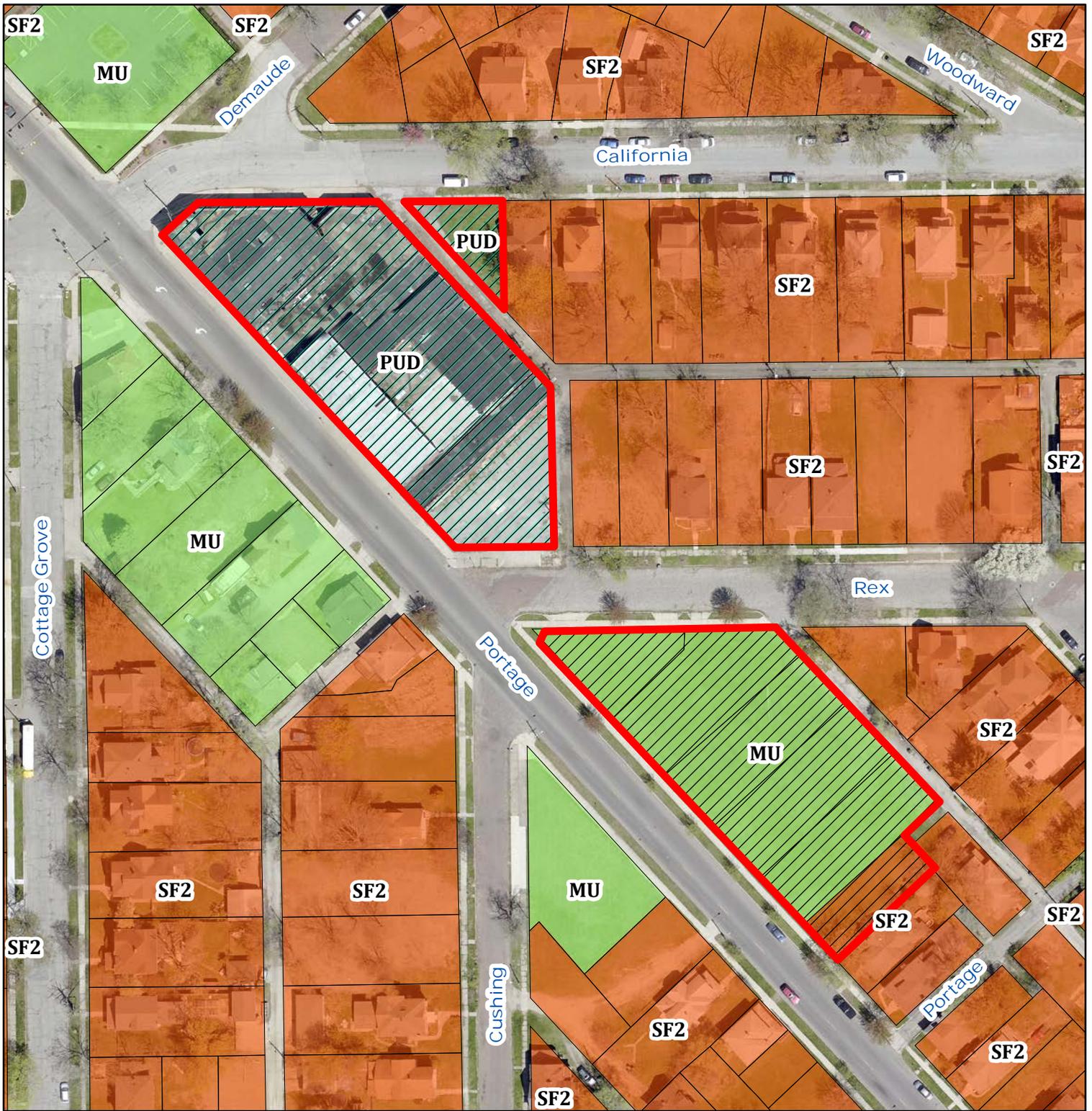
Portage

Van Buren

Portage

1 inch = 100 feet
PORTAGE TOWNSHIP

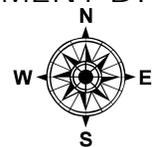




Rezoning from: CITY OF SOUTH BEND
 "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT,
 "MU" MIXED USE DISTRICT, AND "PUD" PLANNED UNIT DEVELOPMENT DISTRICT
 to "MU" MIXED USE DISTRICT

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "PUD" PLANNED UNIT DEVELOPMENT



1 inch = 100 feet

APC # 2799-16

FINDINGS OF FACT

APC# 2793-15
Cook Land Group, LLC.
4246 Meghan Beeler Court
City of South Bend

On Tuesday, September 20, 2016, the Area Plan Commission **approved** the following variances from the Development Standards of the City of South Bend Zoning Ordinance:

1) from the required perimeter landscaping to none, subject to providing the required perimeter landscaping along the front property line.

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

Allowing the site to continue without the addition of perimeter landscaping should not be injurious to the public health, safety, and welfare.

(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 some existing landscaping along adjacent industrial properties and they 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.

Requiring the petitioner to remove existing vegetation and to screen between this site and surrounding industrial properties creates a practical difficulty on this property.

The Minutes of the September 20, 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 18th day of October, 2016.

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

ATTEST:

Lawrence P. Magliozzi, Secretary

FINDINGS OF FACT

APC# 2795-15

Mark Osler, Kare Bear Learning Center, Inc., & MM Brandon, LLC.

10261, 10289, and 10343 McKinley Highway

St. Joseph County

On Tuesday, September 20, 2016, the Area Plan Commission **approved** the following variances from the Development Standards of the St. Joseph County Zoning Ordinance:

- 1) from the required 50' minimum yards and building setback adjacent to residential to 40'. for the front and 10' for side and rear;
- 2) from the required 50' minimum setback from any property line for material storage and processing to 10';
- 3) from the required screening of outdoor storage and operations to fencing and landscaping as shown on site plan;
- 4) to allow the outdoor storage to exceed the height of the fence, provided the storage does not exceed 30' in height;
- 5) from the required type 2 landscaping of required yards abutting residential to as shown on site plan;
- 6) from the required foundation landscaping to none; and
- 7) from the required parking area screening of a side lot line abutting a residential district or use to none.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community. With proper landscape screening, the approval should not be injurious to the public health, safety, or welfare.

(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 will be adequate landscape buffering along the residential properties that should protect those property values. The north property line is bordered by a railroad embankment, which will provide additional screening.

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

The strict application of terms would render a large portion of the property unusable and the current use would likely be unable to continue due to the height of the material storage.

The Minutes of the September 20, 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 18th day of October, 2016.

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

ATTEST:

Lawrence P. Magliozzi, Secretary