

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

**AGENDA**

Tuesday, August 16, 2016  
3:30 p.m.

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

**PUBLIC HEARINGS:**

Rezoning:

- A. A proposed ordinance of St. Joseph County Airport Authority to zone from A: Agricultural District (County) and M: Manufacturing Industrial District (County) to LI Light Industrial District (City), property located at 22965, 24632, 24650, and 24700 US 20; 54270 Pine Road; and a tract of land adjacent to and east of 54270 Pine Road, City of South Bend - [APC# 2788-16](#).
- B. A combined public hearing on a proposed ordinance of Justin Bogunia to zone from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, and seeking the following three variance(s): 1) from the required landscaping of the required perimeter yards to none on the South, East, and West sides of the property; 2) from the required foundation landscaping to none on the West side of the property; and 3) from the required minimum 6 required off-street parking spaces to 0, property located at 202 Bartlett Street, City of South Bend - [APC# 2789-16](#).

**TEXT AMENDMENTS:**

- A. An ordinance initiated by the Common Council of the City of South Bend, Indiana amending Chapter 21 of the South Bend Municipal Code, Article 2 by adding single family dwelling to permitted uses in MF1 Urban Corridor Multifamily District and MF2 High-Density Multifamily District; and adding single family as a special exception use in MU Mixed Use District - [APC# 2790-16](#).
- B. An ordinance initiated by the Common Council of the City of South Bend, Indiana amending Chapter 21 of the South Bend Municipal Code, Article 3 by adding group residence to special exception uses in CBD Central Business District; and Section 11 by amending the definitions of Dwelling Unit, Family and Group Residence - [APC# 2791-16](#).

**ITEMS NOT REQUIRING A PUBLIC HEARING**

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 1311 North Ironwood Drive, City of South Bend – [APC #2785-16](#).
- B. Findings of Fact for granting Variances for property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street, City of South Bend - [APC #2786-16](#).
- C. Appointment of alternates to the Plat Committee: Donna Hanson and Rich Estes both as Patrick Corbitt Kerr's alternates from the City Engineer's Office.

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

**Staff Report**

8/5/2016

APC # 2788-16  
 Owner: St. Joseph County Airport Authority Attn: Kerianne Kirby  
 Location: 22965, 24632, 24650, and 24700 US 20; 54270 Pine Road; and a tract of land adjacent to and east of 54270 Pine Road  
 Jurisdiction: City of South Bend  
 Public Hearing Date: 8/16/2016

**Requested Action:**

The petitioner is requesting a zone change from A: Agricultural District (County) and M: Manufacturing Industrial District (County) to LI Light Industrial District (City).

**Land Uses and Zoning:**

- On site: On site are single family homes and vacant land zoned R: Single Family District (County) and M: Manufacturing Industrial District (County).
- North: To the north are businesses and single family homes zoned R: Single Family District (County) and M: Manufacturing Industrial District (County).
- East: To the east of the St. Joseph Valley Parkway is the Airport Zoned LI Light Industrial (City) and single family homes and vacant land zoned R: Single Family District (County) and M: Manufacturing Industrial District (County).
- South: To the south is A.M.T., Inc. zoned M: Manufacturing Industrial District (County).
- West: To the west are single family homes and vacant land zoned R: Single Family District (County).

**District Uses and Development Standards:**

The LI Light Industrial District is established to provide for development of office/warehouse, warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts.

**Site Plan Description:**

The site plan consists of 7 lots, totaling 68.08 acres. There is no development shown on the site plan at this time. All of the development standards for LI Light Industrial will apply to the site.

**Zoning and Land Use History And Trends:**

The properties zoned A: Agricultural were rezoned in 1972. The remainder of the property has been zoned manufacturing since prior to 1972.

**Traffic and Transportation Considerations:**

Pine Road has two lanes. The portion of US 20 adjacent to the site has 4 lanes with a divided median.

**Utilities:**

There are no utilities proposed at this time.

**Agency Comments:**

The County Engineer commented that Pine Road is a No Truck Route, so depending on the exact land use, some improvements to Pine Road may be needed. INDOT commented that a drive permit will be required for accessing U.S. 20.

**Commitments:**

The staff is proposing a written commitment as follows: 1) Upon filing of an Improvement Location Permit for the development of any portion of the Airport Authority Annexation Area, a Pine Road Improvement Plan must be submitted by the developer(s) of the Area. Such Improvement Plan must include a traffic analysis, an engineering study of the condition of Pine Road, a cost analysis of required improvements or reconstruction and any other information requested by both the St. Joseph County Board of Commissioners, the South Bend Board of Public Works and the Indiana Department of Transportation. At a minimum, the Improvement Plan must address the area of Pine Road from U.S. 20 on the North to Edison Road on the South and the intersection of Pine Road and U.S. 20. Any improvements or reconstruction required will be at the cost of the developer(s), or as otherwise negotiated by the respective governmental entities.

**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 6.1: Promote orderly and planned growth that expands outward from current city limits.

**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 properties along U.S. 20 near the intersection with the St. Joseph Valley Parkway have developed as manufacturing and commercial uses. The properties along Pine Road are rural residential.

**3. Most Desirable Use:**

The most desirable use for this district is one that buffers the negative externalities of the Airport from the adjacent properties.

**4. Conservation of Property Values:**

With proper site layout and buffering, neighboring residential and agricultural property should not be adversely affected.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow the development of industrial uses along major transportation routes.

**Staff Comments:**

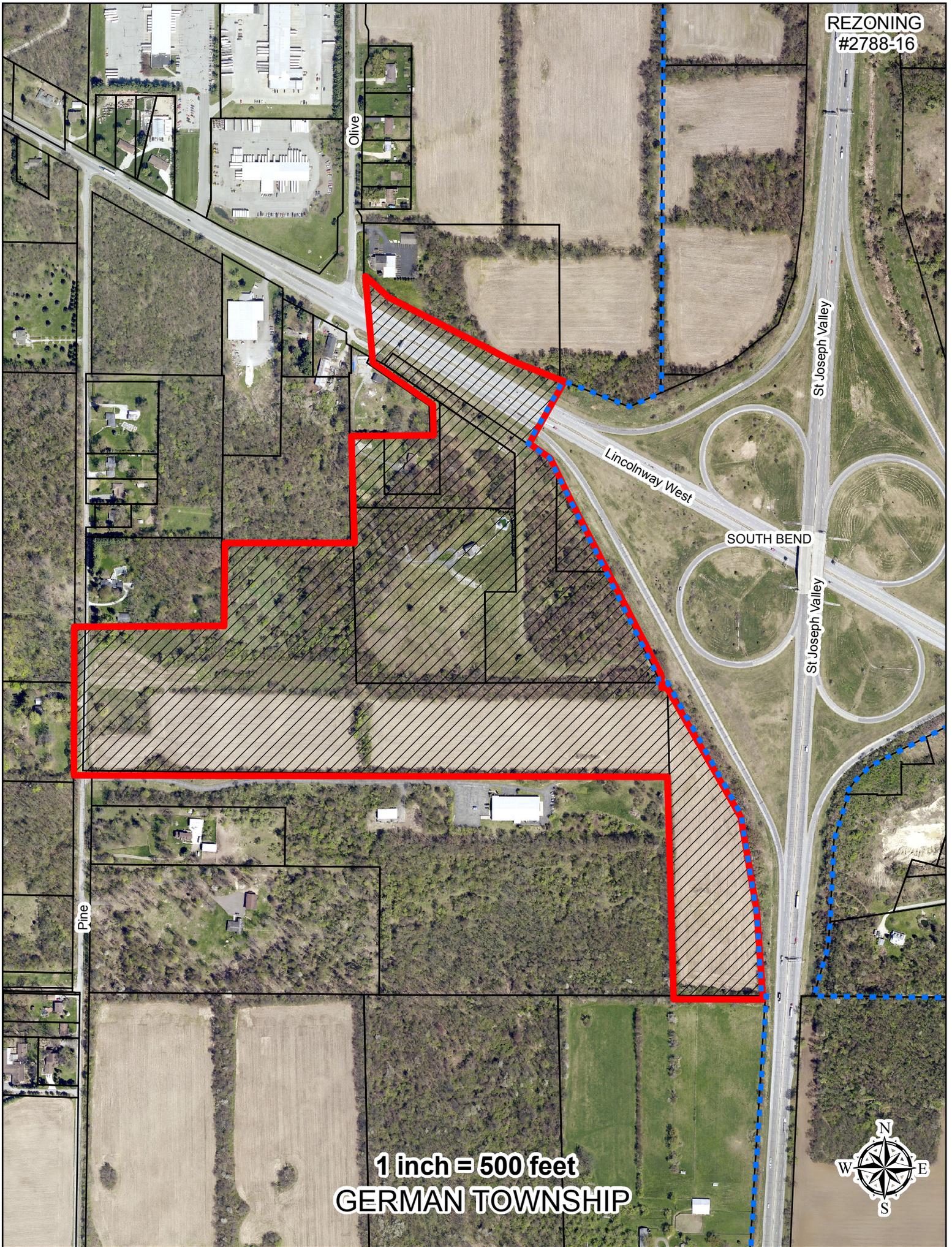
The anticipated effective date of the annexation is October 30, 2016.

**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, subject to the written commitment.

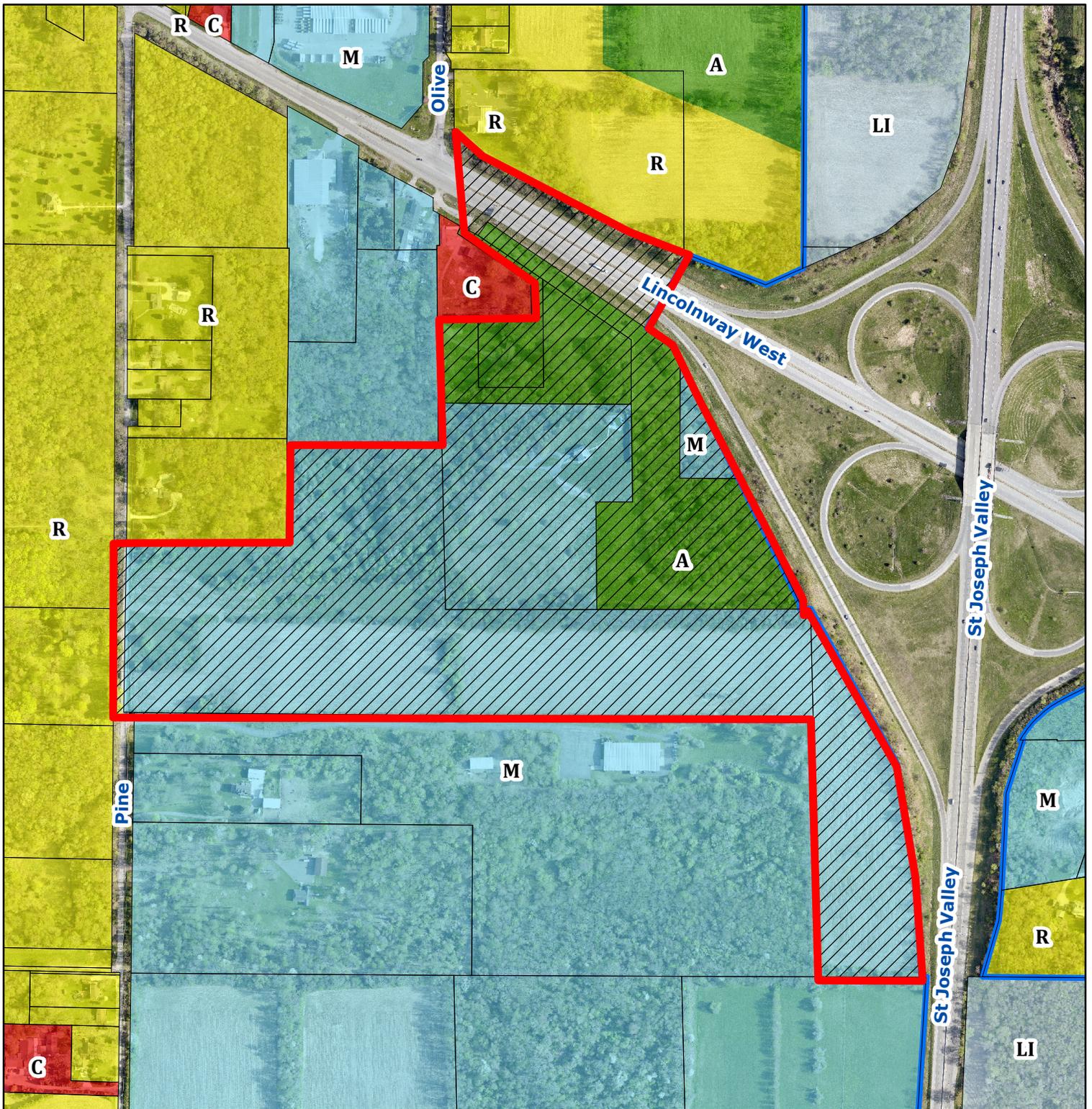
**Analysis:**

Rezoning this site to LI Light industrial will allow for the development of uses that are compatible with Airport operations with access to major transportation routes nearby.



1 inch = 500 feet  
GERMAN TOWNSHIP

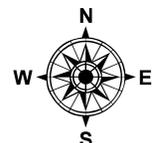




**Rezoning from: ST. JOSEPH COUNTY  
"A" AGRICULTURAL DISTRICT & "M" MANUFACTURING INDUSTRIAL DISTRICT  
to CITY OF SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT**

**MASTER ZONING KEY**

- COUNTY "A" AGRICULTURAL DISTRICT
- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- COUNTY "M" MANUFACTURING INDUSTRIAL DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 500 feet

**APC # 2788-16**

**Staff Report**

8/5/2016

APC # 2789-16  
Owner: Justin Bogunia  
Location: 202 Bartlett Street  
Jurisdiction: City of South Bend  
Public Hearing Date: 8/16/2016

**Requested Action:**

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and seeking three variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a house zoned SF2 Single Family & Two Family District.
- North: To the north across Bartlett Street is Leeper Park zoned SF2 Single Family & Two Family District.
- East: To the east is a doctor's office zoned SF2 Single Family & Two family District.
- South: To the south is a single family house zoned SF2 Single Family & Two Family District.
- West: To the west across St. Joseph Street is a parking lot zoned CBD Central Business District.

**District Uses and Development Standards:**

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

**Site Plan Description:**

On site is a 2,500 square foot, two story home located on .06 acres. The large residential structure occupies the majority of the site.

**Zoning and Land Use History And Trends:**

This property was zoned single family residential prior to 1987.

**Traffic and Transportation Considerations:**

St. Joseph Street and Bartlett Street have two lanes with on-street parking.

**Utilities:**

This site is served by municipal water and sewer.

**Agency Comments:**

The Department of Community Investment offers a favorable recommendation and

commented that to ease any neighborhood concerns about the potential number of units on site in the future, the petitioner may wish to offer a written commitment limiting the number of units to three.

**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 H 1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

**Land Use Plan:**

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

**Plan Implementation/Other Plans:**

There are no other plans in effect for this area.

**2. Current Conditions and Character:**

This home is located within a historic district near Memorial Hospital. The majority of homes in the area are larger homes located on small lots.

**3. Most Desirable Use:**

The most desirable use is residential.

**4. Conservation of Property Values:**

Because of the medium density character of the area, a tri-plex should not negatively affect surrounding property values.

**5. Responsible Development And Growth:**

It is responsible development and growth to maintain and preserve the area as residential.

**Combined Public Hearing**

This is a combined public hearing procedure, which includes a rezoning and three 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 landscaping of the required perimeter yards to none on the South, East, and West sides of the property,
- 2) from the required foundation landscaping to none on the West side of the property; and
- 3) from the required minimum 6 required off-street parking spaces 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;**

Due to existing landscaping and the availability of on street parking, the variances should not be injurious to the public health, safety, morals and general 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;**

The house has existed in its current state for many years. Legalizing the use as a three unit structure should not adversely affect adjacent properties.

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

Due to the small size of the lot and the large size of the home, strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

**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 the variances.

**Analysis:**

Rezoning this site to MF1 Urban Corridor Multifamily District will allow for a mixture of housing types in the neighborhood and enable for the reuse of a vacant structure.



Bartlett

SOUTH BEND

St. Joseph

Hammond

Riverside

1 inch = 100 feet  
PORTAGE TOWNSHIP

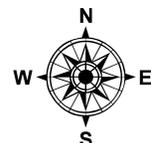




**Rezoning from: CITY OF SOUTH BEND  
 "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT  
 to "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT**

**MASTER ZONING KEY**

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "CBD" CENTRAL BUSINESS DISTRICT



1 inch = 100 feet

**APC # 2789-16**

**Staff Report**

8/4/2016

APC # 2790-16  
Owner: The Honorable Council of the City of South Bend  
Location: TEXT AMENDMENT  
Jurisdiction: City of South Bend  
Public Hearing Date: 8/16/2016

**Requested Action:**

The requested action is a text amendment initiated by the Common Council of South Bend amending the Ordinance to allow single family dwellings as a permitted use in the MF1 Urban Corridor Multifamily District and the MF2 High-Density Multifamily District; and adding single family dwelling as a Special Exception Use in the MU Mixed Use District

**Agency Comments:**

The Department of Community Investment offers a favorable recommendation to allow single family dwellings through a special exception in a Mixed Use District, and is generally supportive of the proposals to allow single family dwellings in the MF1 and MF2 Districts. They have some concern that multifamily housing not be squeezed out from areas where residential density is appropriate. They further suggest two family dwellings should become a primary use without limitations in the MF2 District.

**Staff Comments:**

The following changes are proposed:

- \* Adding One (1) Single Family Dwelling as a permitted use in MF1 Urban Corridor Multifamily District
- \* Removing Single Family from the list of Special Exception Uses in MF1 Urban Corridor Multifamily District
- \* Adding One (1) Single Family Dwelling as a permitted use in MF2 High-Density Multifamily District
- \* Removing Single Family from the list of Special Exception Uses in MF2 High-Density Multifamily District
- \* Adding One (1) Single Family Dwelling as a Special Exception Use in MU Mixed Use District

**Recommendation:**

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

**Analysis:**

Since the adoption of the ordinance in 2004, the housing market has continued to change and evolve. The proposed changes recognize revived interest in converting older homes back to sing-family residential and will promote flexibility in the housing market across additional zoning districts.

**Staff Report**

8/4/2016

APC # 2791-16  
Owner: The Honorable Council of the City of South Bend  
Location: TEXT AMENDMENT  
Jurisdiction: City of South Bend  
Public Hearing Date: 8/16/2016

**Requested Action:**

The requested action is a text amendment initiated by the Common Council of South Bend amending the Ordinance to allow Group Residence in the CBD Central Business District and amending various definitions related to Group Residence.

**Agency Comments:**

The Department of Community Investment offers a favorable recommendation.

**Staff Comments:**

The following changes are proposed:

- \* Adding Group Residence as a Special Exception Use to the CBD Districts located west of the St. Joseph River
- \* Adding Group Residence as a Special Exception Use to the CBD Districts located east of the St. Joseph River
- \* Removing "household employees" from the definition of Dwelling Unit
- \* Removing "household servants" from the definition of Family
- \* Updating the definition of Group Residence to include a residential facility that provides common living areas such as kitchen, living room, dining room or recreational rooms

**Recommendation:**

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

**Analysis:**

The proposed changes recognize the growing popularity of non-traditional housing arrangements. Providing an opportunity for Group Residence developments within the densely populated Central Business District will allow for the changing trend in housing to be accommodated where the services and infrastructure are already in place.

## FINDINGS OF FACT

**APC# 2786-15**

**River Walk, LLC**

**Property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325**

**Frances Street**

**City of South Bend**

On Tuesday, July 19, 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 25' minimum front yard building setback to 15' for Tract 2B;
- 2) From the required minimum side yard of 5' or 10% of lot width, whichever is greater, to 4' for Tract 2B

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

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

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

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

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

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

The Minutes of the July 19, 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 16th day of August, 2016.

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

ATTEST:

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Lawrence P. Magliozzi, Secretary

## FINDINGS OF FACT

**APC# 2785-15**  
**JJAGG Properties LLC**  
**1311 North Ironwood Drive**  
**City of South Bend**

On Tuesday, July 19, 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 15' minimum side residential bufferyard to 13';
- 2) From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan; and
- 3) From the required off-street parking area screenings to none.

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

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

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

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

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

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

The Minutes of the July 19, 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 16th day of August, 2016.

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

ATTEST:

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Lawrence P. Magliozzi, Secretary