

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

AGENDA

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

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

PUBLIC HEARING:

Rezonings:

- A. A proposed ordinance of Bruno & Rosa Cataldo to zone from A: Agricultural District (County) to CB Community Business District (City), property located at 22027 State Road 23, City of South Bend - [APC# 2774-16](#).

- B. A combined public hearing on a proposed ordinance of Wadad El-Ammori, George Kalafat and Lincoln Park Development LLC, et. al. to zone from CB Community Business District and SF2 Single Family and Two Family District to MU Mixed Use District and seeking the following three variances: 1) From the required minimum 50% of a building's front facade to be located within the minimum and maximum setback to 39% along Lincolnway West; 2) From the required minimum 20' parking setback along Lincolnway West to 15'; and 3) From the maximum allowable 8,000 square feet for a single retail use to 8,225 square feet, property located at 424 , 426, 430 Cushing Street and 726, 736 Lincolnway West, City of South Bend- [APC# 2776-16](#).

ITEMS NOT REQUIRING A PUBLIC HEARING

- 1. Miscellaneous:
 - A. Appointment of Abby Shelton of Purdue Cooperative Extension to the Plat Committee as Phil Sutton's Alternate.

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

Staff Report

4/7/2016

APC # 2774-16
Owner: Bruno & Rosa Cataldo
Location: 22027 State Road 23
Jurisdiction: City of South Bend
Public Hearing Date: 4/19/2016

Requested Action:

The petitioner is requesting a zone change from A: Agricultural District (County) to CB Community Business District (City).

Land Uses and Zoning:

- On site: On site is a single family home and an accessory building.
- North: To the north is an agricultural field zoned A: Agricultural District in the County.
- East: To the east is a single family home zoned A: Agricultural District in the County.
- South: To the south across S.R. 23 are vacant lots zoned SF1 Single Family & Two Family District in the City of South Bend.
- West: To the west are agricultural fields zoned A: Agricultural District and a mini-warehousing facility zoned C: Commercial District in the County.

District Uses and Development Standards:

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

Site Plan Description:

The site plan shows a proposed integrated commercial center on 9.7 acres, including a gas station with convenience store, two drive-through restaurants, and four spec-buildings with a cumulative 60,000 square feet of commercial space. A total of 402 parking spaces are shown on the lot. The northwest corner of the site is reserved for a retention basin. Three access points are proposed along S.R. 23, which will require INDOT approval.

Zoning and Land Use History And Trends:

This site has been zoned Agricultural since prior to 1979. In 2000, the property to the west was rezoned to C Commercial District for mini-storage warehouses.

Traffic and Transportation Considerations:

S.R. 23 has two lanes that split in to 4 lanes near the west end of the property.

Utilities:

The site will be extending and connecting to municipal sewer and water.

Agency Comments:

The County Surveyor recommends approval. The City Engineer recommends approval subject to the developer extending water and sewer to the site and installing curb and

sidewalk along S.R. 23. Department of Community Investment recommends approval subject to the utilization of complete streets principles (bike/ped connectivity). INDOT will require a traffic impact study to be completed at the developer's expense prior to issuance of curb cuts.

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 ED 8: Promote economic development efforts that expand the property tax base.

Land Use Plan:

The future land use map identifies this area for industrial growth.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The south side of S.R. 23 between the U.S. 31 Bypass and Kaley Street has developed with both multi family and single family homes on large lots. The north side has seen industrial development east of New Energy Drive since 1996, and commercial development in the form of a construction office and mini-warehousing between 1999-2000.

3. Most Desirable Use:

The most desirable use for this site is one that is compatible with this developing commercial node.

4. Conservation of Property Values:

With the proper buffering, surrounding properties should not be adversely affected by the development of this site as a commercial center.

5. Responsible Development And Growth:

It is responsible development and growth for this property to be zoned commercial to serve motorists from the bypass and any future development to the south.

Staff Comments:

This site is currently being annexed into the City of South Bend.

Recommendation:

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

Analysis:

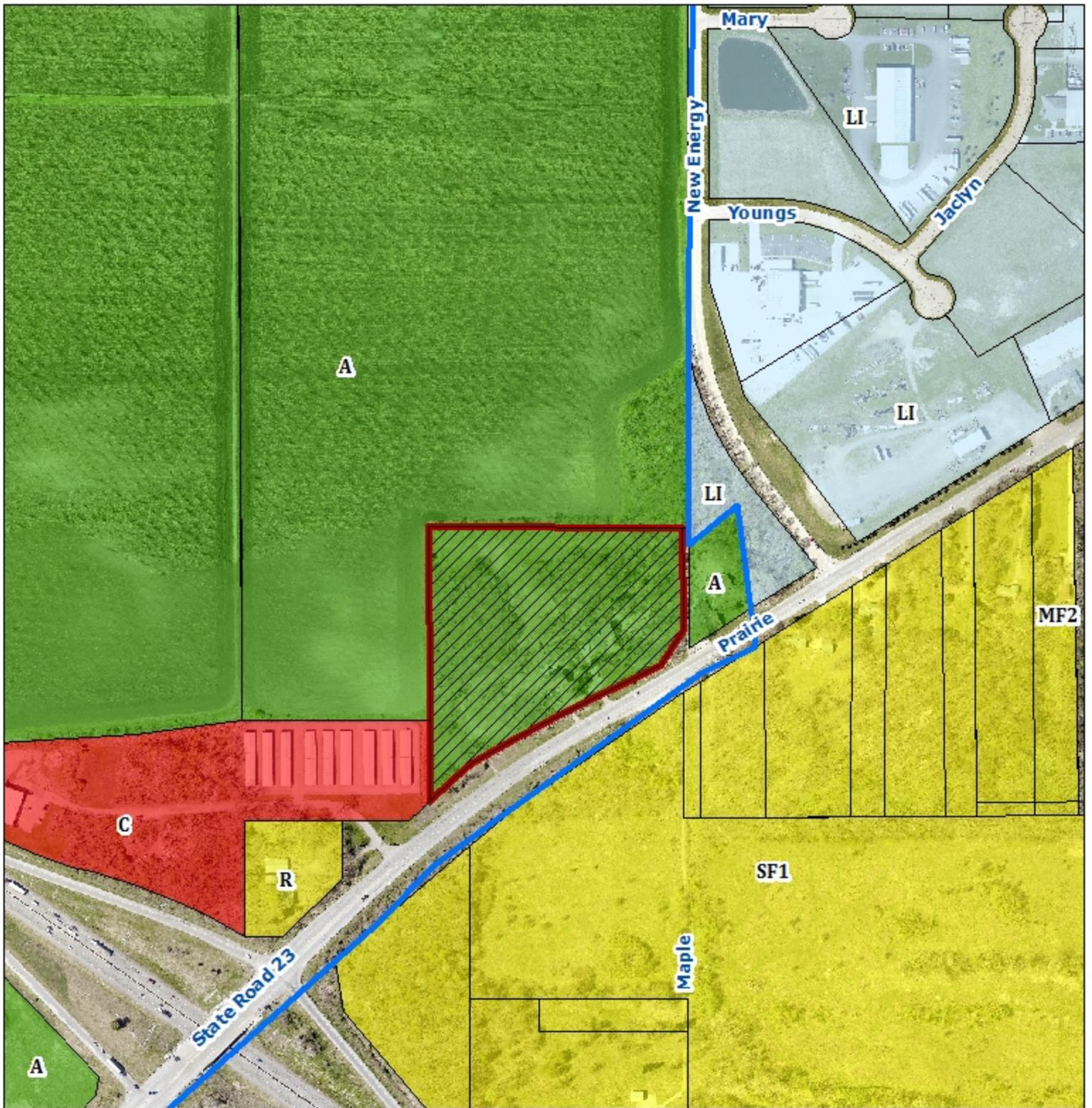
Rezoning this property to CB Community Business District will provide a logical connection between the industrial property to the east and the commercial node at the intersection of State Road 23 and the U.S. 31 bypass.

REZONING
#2774-16



1 inch = 400 feet
PORTAGE TOWNSHIP





**Rezoning from: ST. JOSEPH COUNTY
"A" AGRICULTURAL DISTRICT to
"CB" COMMUNITY BUSINESS DISTRICT**

MASTER ZONING KEY

- COUNTY "A" AGRICULTURAL DISTRICT
- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 400 feet

APC # 2774-16

Staff Report

4/7/2016

APC # 2776-16
Owner: Wadad El-Ammori
Location: 424, 426, 430 Cushing Street and 726, 736 Lincolnway West
Jurisdiction: City of South Bend
Public Hearing Date: 4/19/2016

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District and CB Community Business District to MU Mixed Use District.

Land Uses and Zoning:

On site: On site is a vacant parking lot.
North: To the north across Lincolnway West is a bank and a gas station zoned LB Local Business District.
East: To the east is a retail store zoned CB Community Business District.
South: To the south are vacant lots zoned SF2 Single Family & Two Family District.
West: To the west across Cushing Street is the South Bend Heritage Foundation zoned MU Mixed Use District and a single family home Zoned SF2 Single Family & Two Family 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:

The site plan shows an 8,225 square foot retail building situated on the northwest corner of this 0.9 acre site. Access to the 30-space parking lot is proposed from both Cushing Street and Lincolnway. An alley divides the lot at this time, but is proposed to be vacated.

Zoning and Land Use History And Trends:

A portion of the site, known as 426 Cushing Street was rezoned from CB Community Business District to SF2 Single Family & Two Family District in 2011 for a single family home, which was never built.

Traffic and Transportation Considerations:

Cushing Street has two lanes. Lincolnway West has two lanes and a center turn lane, along with on-street parking adjacent to the site.

Utilities:

This site will be served by municipal sewer and water.

Agency Comments:

County Surveyor recommends approval. City Engineer recommends approval, subject to review and approval of engineering plans for drainage, water, sewer, and other infrastructure improvements on site. Department of Community Investment recommends approval, but recommends that Smart-Streets principles be used to enhance the site, and the façade be constructed according to the West Side Main Streets Design Guidelines.

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): Create Destinations and Focus Retail into Nodes rather than Strip Development.

Land Use Plan:

The Future Land Use Map identifies this area as a Neighborhood Commercial Node.

Plan Implementation/Other Plans:

There are no other plans for this area.

2. Current Conditions and Character:

Lincolnway West between downtown South Bend and Sherman Avenue is a neighborhood commercial corridor with a mixture of commercial and residential uses.

3. Most Desirable Use:

The most desirable use is one that is compatible with the mixed use nature of the corridor.

4. Conservation of Property Values:

Due to the existing commercial nature of Lincolnway West, surrounding property values should not be adversely affected.

5. Responsible Development And Growth:

It is responsible development and growth to rezone this property to MU Mixed Use District, the most prevalent zoning district in this neighborhood corridor, and also the most appropriate based on the MU Mixed Use development standards.

Combined Public Hearing

The petitioner is seeking the following variances:

- 1) From the required minimum 50% of a building's front facade to be located within the minimum and maximum setback to 39% along Lincolnway West;
- 2) From the required minimum 20' parking setback along Lincolnway West to 15'; and
- 3) From the maximum allowable 8,000 square feet for a single retail use to 8,225 square feet

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

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

Only a small portion of two parking spaces will be encroaching into the 20' setback. The proposed structure is 3% larger than what is allowed. The relatively small variations requested are consistent with the character of the area and will not be injurious to the

general welfare of the community. The petitioner is providing all the appropriate buffering and screening.

- (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 use of off-street parking area screening landscaping will minimize the impact of the parking being located closer to the right of way. The slight increase in building size will not adversely affect surrounding property values.

- (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:

The irregular shape of the parcel creates a practical difficulty in meeting the strict application of the maximum building setback and parking setback. The proposed retail building is based on a pre-designed square footage calculation that has been optimized for the store's success. The strict application of the ordinance would force the developer to alter their proven layout model.

Staff Comments:

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

The staff strongly encourages the petitioner to continue working with the Department of Community Investment regarding site layout and quality of site design due to this location's strategic value within the MLK Commercial Node.

Recommendation:

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

Analysis:

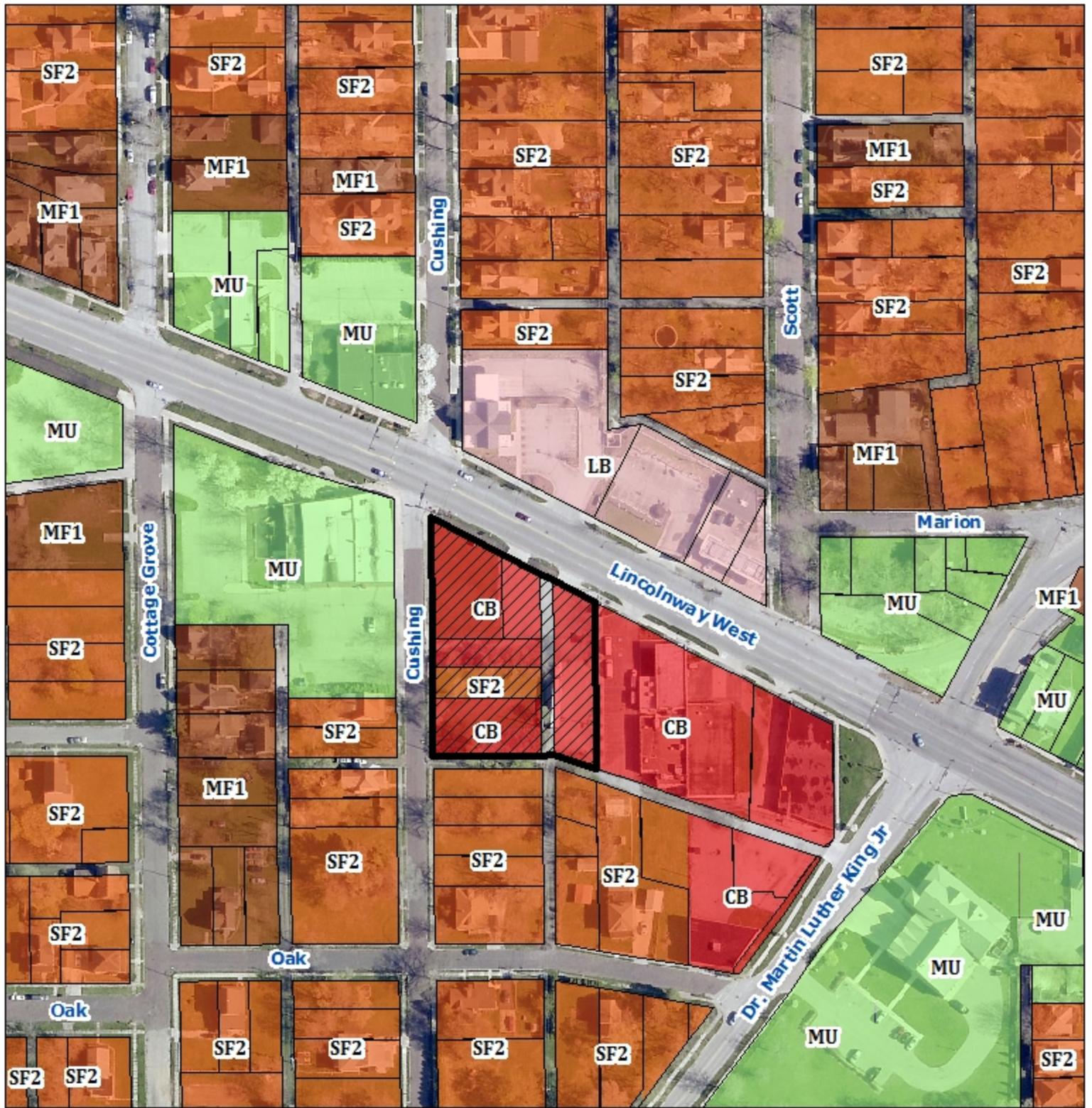
The rezoning of this site, along with the proposed alley vacation, will create a larger, cohesively zoned parcel ideal for development. The proposed retail store will eliminate what are currently vacant lots, and provide goods to neighborhood residents.



SOUTH BEND

1 inch = 150 feet
PORTAGE TOWNSHIP

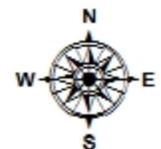




**Rezoning from: CITY OF SOUTH BEND
 "CB" COMMUNITY BUSINESS DISTRICT &
 "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT to "MU" MIXED USE DISTRICT**

MASTER ZONING KEY

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



1 inch = 150 feet

APC # 2776-16