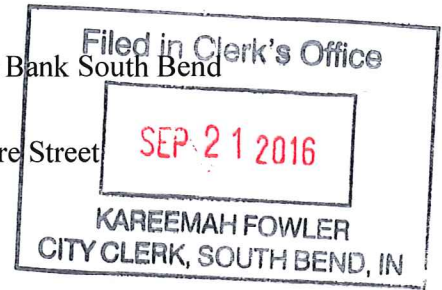


Staff Report

9/9/2016

APC # 2794-16
Owner: Commerce Center Development, LLC and East Bank South Bend Development LLC
Location: 401 East Colfax Avenue, 228, and 230 Sycamore Street
Jurisdiction: City of South Bend
Public Hearing Date: 9/20/2016



Requested Action:

The petitioner is requesting a zone change from CBD Central Business District to PUD Planned Unit Development District.

Land Uses and Zoning:

- On site: On site is the Commerce Center and multiple parking lots.
- North: To the north across LaSalle is The Pointe at St. Joseph Apartments zoned CBD Central Business District.
- East: To the east is the East Race waterway. Across the East Race are two office buildings zoned CBD Central Business District.
- South: To the south across Colfax is Stephenson Mills Apartments and a parking lot zoned CBD Central Business District.
- West: To the west is the AEP Substation, an art studio, an office and a cellular tower zoned CBD Central Business District. Across Sycamore is a private club zoned CBD Central Business District.

District Uses and Development Standards:

The Planned Unit Development (PUD) District is intended to: establish a compatible and efficient mix of land uses and open space; ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs; establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style; achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and provide for any individual land or combination of land uses not otherwise specified elsewhere in this Ordinance. The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Exception Uses which are provided for within any district of this Ordinance.

Site Plan Description:

On site is the existing Commerce Center building. The 5 story, 60' tall building will continue to be used as a mixed use building. The site plan shows a proposed 175' tall mixed use building spanning 411' along LaSalle Avenue and wrapping around a proposed 100' tall parking structure. A small portion of the site is proposed to be used for surface parking and access. The proposed PUD Ordinance allows for uses currently permitted in the CBD Central Business District plus adds Group Residences, Manufacturing Retailer, Electricity Relay Station or Public Utility Substation, and Maker Space. The accessory uses and architectural standards are consistent with the CBD District. The temporary uses generally follow the guidelines of the CBD District, but add the allowance for an 8' tall

temporary construction barrier during construction. The PUD Ordinance exempts this property from the requirements of the Parking and Loading sections of the South Bend Zoning Ordinance. The sign section has been expanded to allow an increased building coverage, increased monument height and area, the addition of roof signs which may extend 15' above the roofline, and increased incidental/directional sign area.

Zoning and Land Use History And Trends:

Prior to the adoption of the new zoning ordinance in 2004, the property was zoned A3 Mixed Use Multifamily Residential and Commercial District.

Traffic and Transportation Considerations:

LaSalle Avenue has four lanes. Colfax Avenue has 2 lanes plus a center turn lane and a designated bike lane. Sycamore Street has two lanes with on-street parking.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The City Engineer stated that additional information related to traffic patterns and the impact of the uses on utilities and other public amenities in needed before a recommendation could be given.

Because of the negative impacts on the neighborhood, DCI cannot support the Commerce Center PUD as presented. However, DCI would be supportive of the rezoning subject to the recommendations provided in the full report (attached as Exhibit A).

Commitments:

The petitioner is not proposing any written commitments, however the site will need to comply with all development standards established in the Commerce Center PUD District Ordinance and any conditions or commitments stated by the petitioner during the public hearing process.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

The petition is not consistent with The East Bank Village Master Plan - Phase 1 (June 2008). The plan states the area east of the river has its own unique identity independent from the Central Business District and should be branded as the East Bank Village. The Village character is emphasized throughout the plan through the use of pedestrian scaled development, interactive public spaces, and less dense mixed use buildings ranging from 2-4 stories.

Land Use Plan:

The East Bank Master Plan - Phase 1 land use plan identifies the northwest corner of the site as a location for a parking structure surrounded by a 3-4 story mixed-use building fronting on Sycamore and LaSalle. The northeast portion of the site, north of the Commerce Building and along the East Race, is shown as recreation (parks, open spaces, public plaza). The Commerce Building is identified as Commercial (Retail, General Commercial, Specialty Retail, Office, Tech OR&D)

Plan Implementation/Other Plans:

The petition is not consistent with City Plan, South Bend Comprehensive Plan (November 2006) Objective UD 1.1 Require developments to utilize design techniques that create an attractive, urban character for the Central Business District, corridors, and commercial areas; UD 1.6 Respect the scale, design, and aesthetic quality of established neighborhoods when undertaking infill development projects; UD 1.7 Promote urban design elements in new developments that are appropriately scaled and conducive to pedestrians, including pedestrian safety considerations.

2. Current Conditions and Character:

The Central Business District east of the river has a mixture of commercial, office, and residential uses. The low and mid-rise buildings emphasize pedestrian scale, public amenities, and lower density mixed-use buildings. The Commerce Center building is the tallest structure in the area with the majority of the surrounding properties in the 30' - 45' range.

3. Most Desirable Use:

The most desirable use is one that fits into the character of the East Bank Village neighborhood.

4. Conservation of Property Values:

Due to the height and size of the proposed building surrounding property values may be negatively affected. Developing a site that exceeds the general standards for the area by two to three times what is allowed for other properties in the district could have a significant impact on adjacent property values. If constructed at the proposed 175' height, the building will cast significant shadows that will have an adverse impact on the surrounding properties.

5. Responsible Development And Growth:

It is not responsible development and growth to develop a site that does not fit with the character and approved plan of the surrounding neighborhood.

Staff Comments:

The petitioner failed to provide a statement of how the proposed PUD meets the 5 items of Intent for Planned Unit Developments as required by the South Bend Zoning Ordinance Section 21-05 (a) (1). It is the staff's opinion that the petitioner failed to meet the Intent as follows:

(A) Establish a compatible and efficient mix of land uses and open spaces;

While the proposed PUD provides for a compatible mix of land uses, the site layout as shown does not convincingly address or identify the open space and its interaction with the public spaces of the East Race, as should be appropriate for a development in this location.

(B) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;

The extreme variation from the allowed development standards established for the Central Business District east of the River and the high rise approach vs. village approach to the building design make the proposed PUD incompatible with the Comprehensive Plan, the East Bank Plan and the existing and proposed surrounding developments.

(C) Establish a creative approach in building design through architectural compatibility

with adjacent buildings, general neighborhood design or by creating a unique style;

The developer has failed to provide building design and elevation profiles to determine architectural compatibility. The proposed height and bulk of the building demands careful review to ensure a building design that is architecturally compatible with adjacent buildings and the general neighborhood.

(D) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community;

If constructed as proposed, a large portion of the building may become undesirable and remain vacant or unuseable. Many of the residential units will be facing the garage, and the commercial space has not been shown to be adaptable to changing market demands (dedicated space vs flexible space).

(E) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in the Ordinance.

At the time of filing, Group Residence was not a permitted or special exception use in the Central Business District, however, the Mixed Use District would have provided for all the land uses proposed within the PUD.

Furthermore, the Planned Unit Development section of the Ordinance specifically states that the PUD District is not intended for permitted uses or special exception uses which are provided within another district of the Ordinance OR for developments seeking relief from development standards within a district in which the use is permitted.

In addition to not meeting the intent of the PUD Planned Unit Development District, the proposed development standards include many standards completely out of character with the area. In addition to the points addressed by the Department of Community Investment, the proposed temporary uses, extreme height, lack of public open space, and excessive signage would have a very detrimental impact on the adjacent properties and surrounding community.

Recommendation:

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

Analysis:

As presented, the petition does not meet the intent or standards for a Planned Unit Development District and, therefore, is not a valid application of the PUD District Designation. While the land uses and overall concept proposed are desirable and appropriate for the Central Business District or Mixed Use District, the development standards in the proposed Commerce Center PUD District Ordinance are so out of character for the area that the construction of this project could ultimately have a significant negative impact on the overall development and success of the East Bank Village.