



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

September 8, 2016

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601


RE: 331 W. Wayne Street

Dear Council Members:

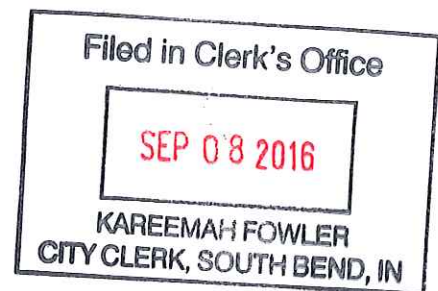
Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your September 12, 2016 Council meeting, and set it for public hearing at your October 24, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the October 18, 2016 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

  
Angela M. Smith  
Deputy Director

CC: Kathy Cekanski-Farrand



SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

WWW.STJOSEPHCOUNTYINDIANA.COM/AREAPLAN

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 331 W. WAYNE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

To rezone the property for a brewery and restaurant.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

Lot A of Vails Subdivision First Replat

be and the same is hereby established as CBD Central Business District.

SECTION II. That a Special Exception Use for *manufacturing retailer* in the *CBD Central Business District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

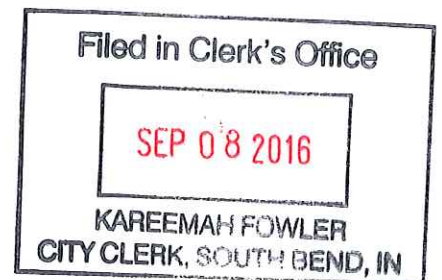
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, October 19, 2016

The Honorable Council of the City of South Bend  
4th Floor, County-City Building  
South Bend, IN 46601

RE: 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 manufacturing retailer, property located at 331 W. Wayne Street, City of South Bend - APC# 2798-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Department of Redevelopment City of South Bend was legally advertised on October 6, 2016 and that the Area Plan Commission at its public hearing on October 18, 2016 took the following action:

Upon a motion by Robert Hawley, being seconded by Adam Devon and unanimously carried, a proposed ordinance of Department of Redevelopment City of South Bend to zone from GB General Business District to CBD Central Business District, property located at 331 W. Wayne Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. 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 complement the surrounding uses.

Upon a motion by John DeLee, being seconded by Robert Hawley and unanimously carried, a Special Exception Use for a manufacturing retailer, property located at 331 W. Wayne Street, City of South Bend, was sent to the Common Council with a FAVORABLE recommendation, subject to the rezoning being approved by the Common Council

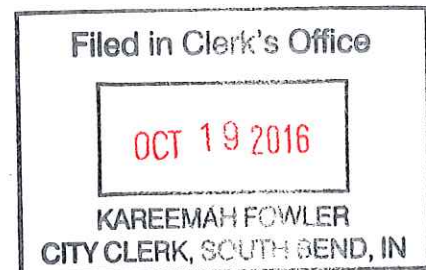
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

A handwritten signature in black ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

Attachment



CC: Department of Redevelopment City of South Bend  
Chris Gerard

**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.

REZONING  
#2798-16

OCT 19 2016

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

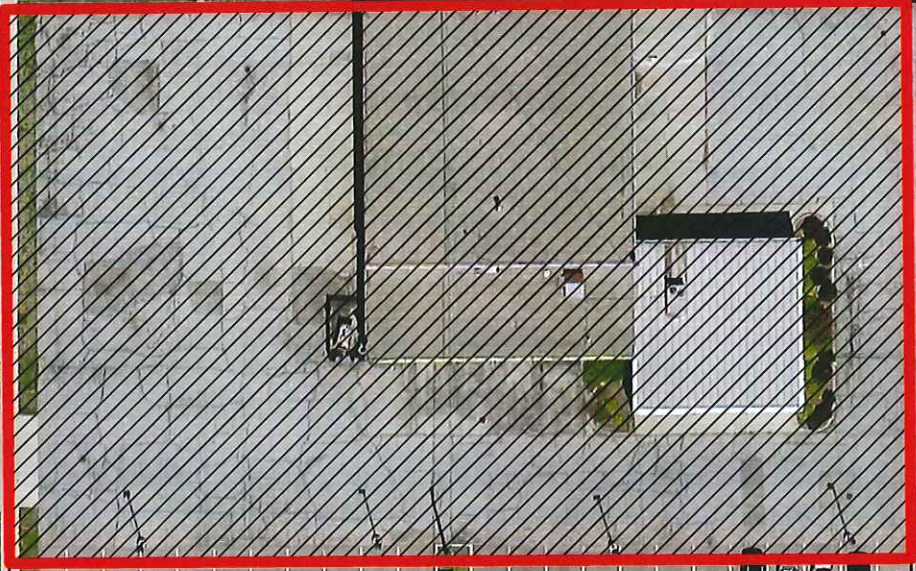
Wayne

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**

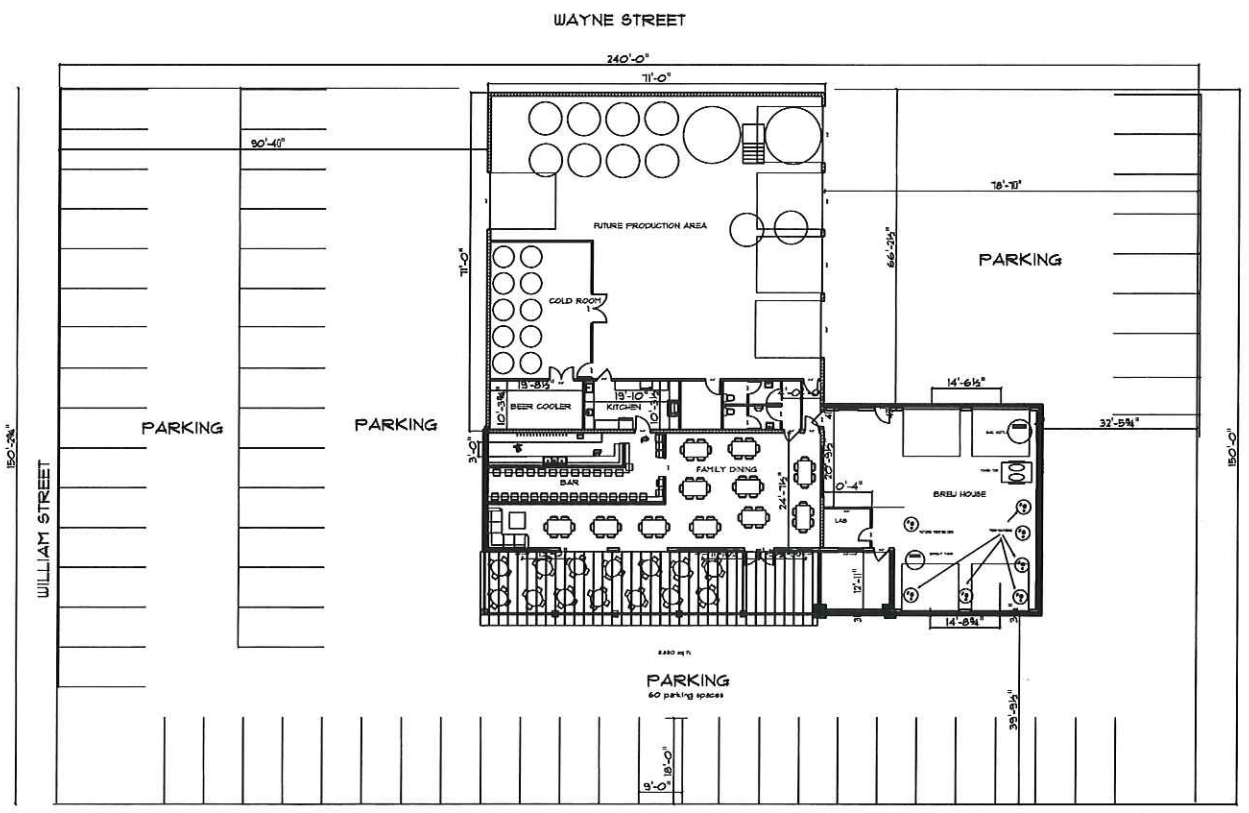
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "CBD" CENTRAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT

Filed in Clerk's Office

1 inch = 100 feet

**APC # 2798-16**

Filed in Clerk's Office  
**OCT 19 2016**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

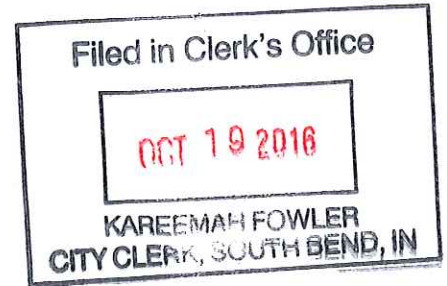
LAWRENCE P. MAGLIOZZI  
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227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

October 19, 2016

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



RE: Bill # 53-16  
Rezoning: APC #2798-16 - 331 W. Wayne Street

Dear Council Members:

The Area Plan Commission held a public hearing on October 18, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, October 24, 2016.

**Ordinance & Petition Amendments:**

The following changes have been made to the above referenced petition:

Petition:

- 1.) The property owner name was changed.
- 2.) The legal description was corrected.

A Copy of the revised Petition is attached.

**Public Hearing Summary:**

There was 2 persons that spoke in opposition to the proposed rezoning.

- 1) Brenda Lucas – Concerned about a brewery going in next to the South Bend VA Clinic.
- 2) Jack Smith – Concerned about lighting, hours of operation, parking, and security. He would like to see landscaping added to the site.

If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

Keith Chapman, Planner

CC: Kathleen Cekanski-Farrand

PETITION FOR ZONE MAP AMENDMENT  
City of South Bend, Indiana

**I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.**

- 1) The property sought to be rezoned is located at:  
*Parcel Key No. 018-3012-044003*  
*Commonly known as 331 W. Wayne St., South Bend, Indiana*
  
- 2) The property Tax Key Number(s) is/are: *Parcel Key No. 018-3012-044003*
  
- 3) Legal Descriptions: *Lot A Vails Sub First Replat*
  
- 4) Total Site Area: *.85 acres*
  
- 5) Name and address of property owner(s) of the petition site:  
*Department of Redevelopment City of South Bend*  
*227 West Jefferson Blvd 1400*  
*South Bend, IN 46601*  
*574-235-5836*  
*drelos@southbendin.gov*

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*Chris Gerard*  
*12804 Sandy Court*  
*Granger, IN 46530*  
*574-315-4257*  
*chris@barehandsbrewery.com*

Name and address of additional property owners, if applicable:

- 7) It is desired and requested that this property be rezoned:

From: GB General Business District Additional zoning district, if applicable

To: CBD Central Business District

- 8) This rezoning is requested to allow the following use(s): *Brewery/Restarant*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*
  
- 2) A statement on how each of the following standards for the granting of variances is met:
  - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *Insert text*
  
  - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *Insert text*



(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Insert text*

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *Manufacturing retailer*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
  - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *It will be similar to other business*
  - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *We are going to fix up vacant property*
  - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *We plan to fit our design to work with the area*
  - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *Resuse of an abandoned building*

\* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

*Chris Gerard*  
*12804 Sandy Ct*  
*Granger In 46530*  
*574-315-4257*  
*chris@barehandsbrewery.com*

**BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.**

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

*David P. Helon, Authorized Rep, Dept of Redevelopment*

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