



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: 1037 Elmer Street

Dear Council Members:

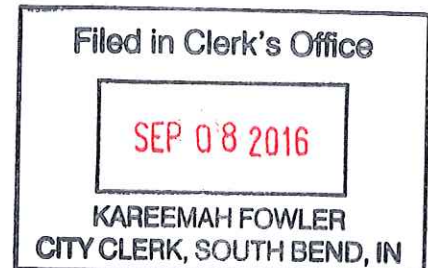
Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your September 12, 2016 Council meeting, and set it for public hearing at your October 24, 2016 Council meeting. The petition 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



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

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY  
LOCATED AT 1037 ELMER STREET, COUNCILMANIC DISTRICT NO. 2 IN THE  
CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

To rezone to allow for the construction of a steel frame building for the miscellaneous use of storage for items acquired and used for the operations of the adjacent Day Care.

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 23 as shown on the recorded plat of Mayr's Michigan Avenue Addition in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 8, Page 190 and 191 along with the north half of the 14' vacated alley lying south and adjacent to said Lot 23.

be and the same is hereby established as MU Mixed Use District.

SECTION II. This ordinance is and shall be subject to commitments as provided by Chapter 21-09.02(d) Commitments, if applicable.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, legal publication, and full execution of any conditions or Commitments placed upon the approval.

\_\_\_\_\_  
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

Filed in Clerk's Office  
SEP 08 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



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 proposed ordinance of Bettie Jo Williams to zone from SF2 Single Family & Two Family District to MU Mixed Use District, property located at 1037 Elmer Street, City of South Bend - APC# 2797-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Bettie Jo Williams 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 John DeLee, being seconded by Steve Vojtko and unanimously carried, a proposed ordinance of Bettie Jo Williams to zone from SF2 Single Family & Two Family District to MU Mixed Use District, property located at 1037 Elmer Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. 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.

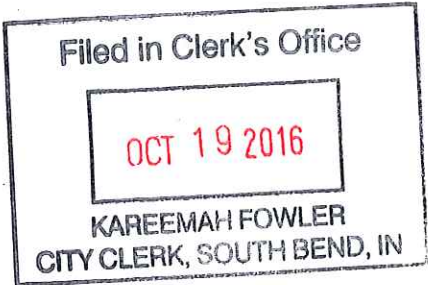
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: Bettie Jo Williams



**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:**

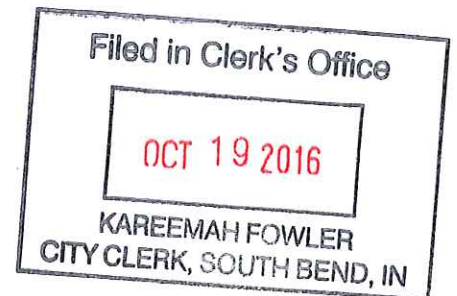
Elmer Street has two lanes with on street parking.

**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.

REZONING  
#2797-16



Elmer

Lincolnway West

Filed in Clerk's Office

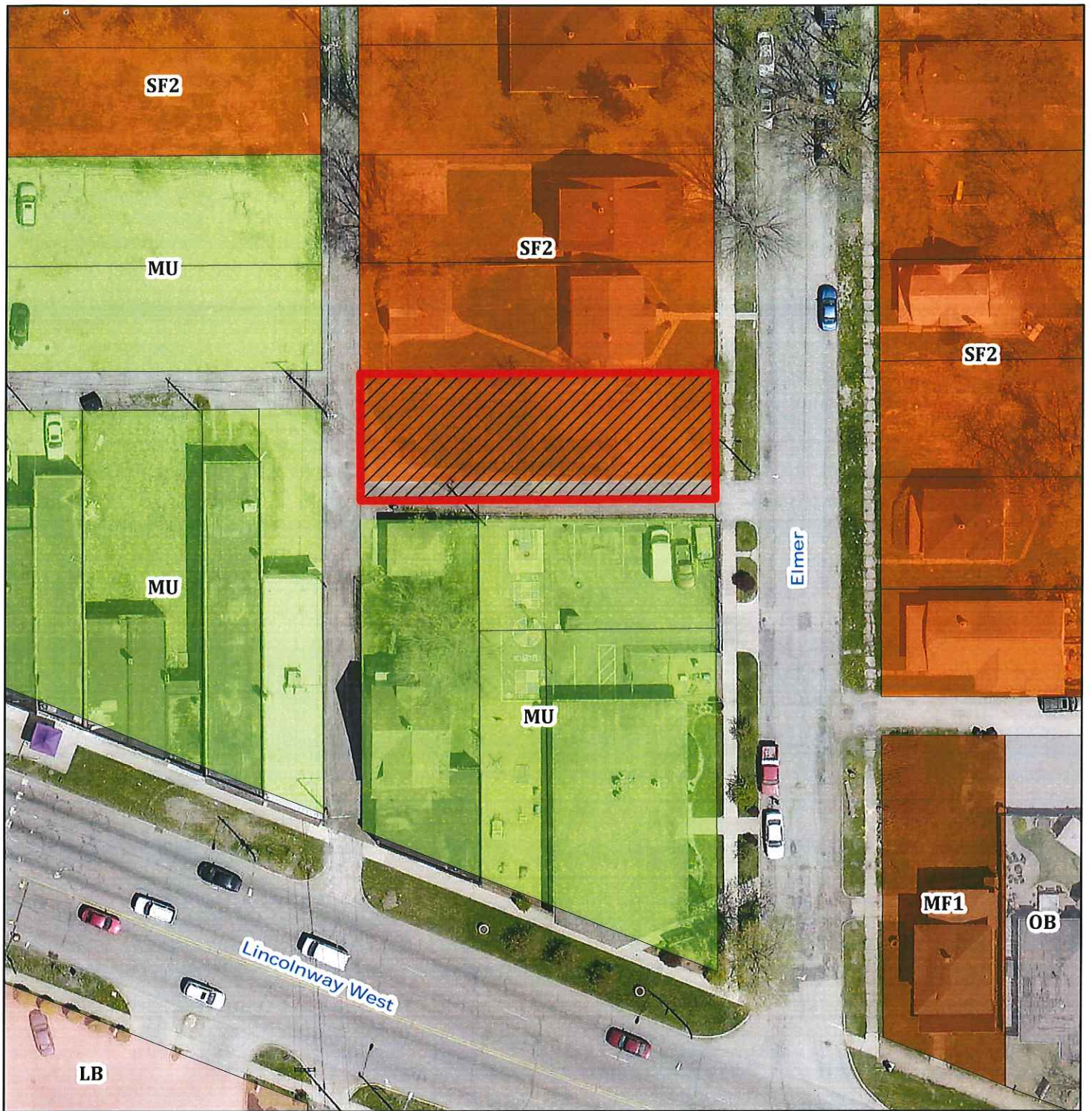
OCT 19 2016

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



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

Filed in Clerk's Office

OCT 19 2016

KARL E. FOWLER  
 CITY CLERK SOUTH BEND, IN



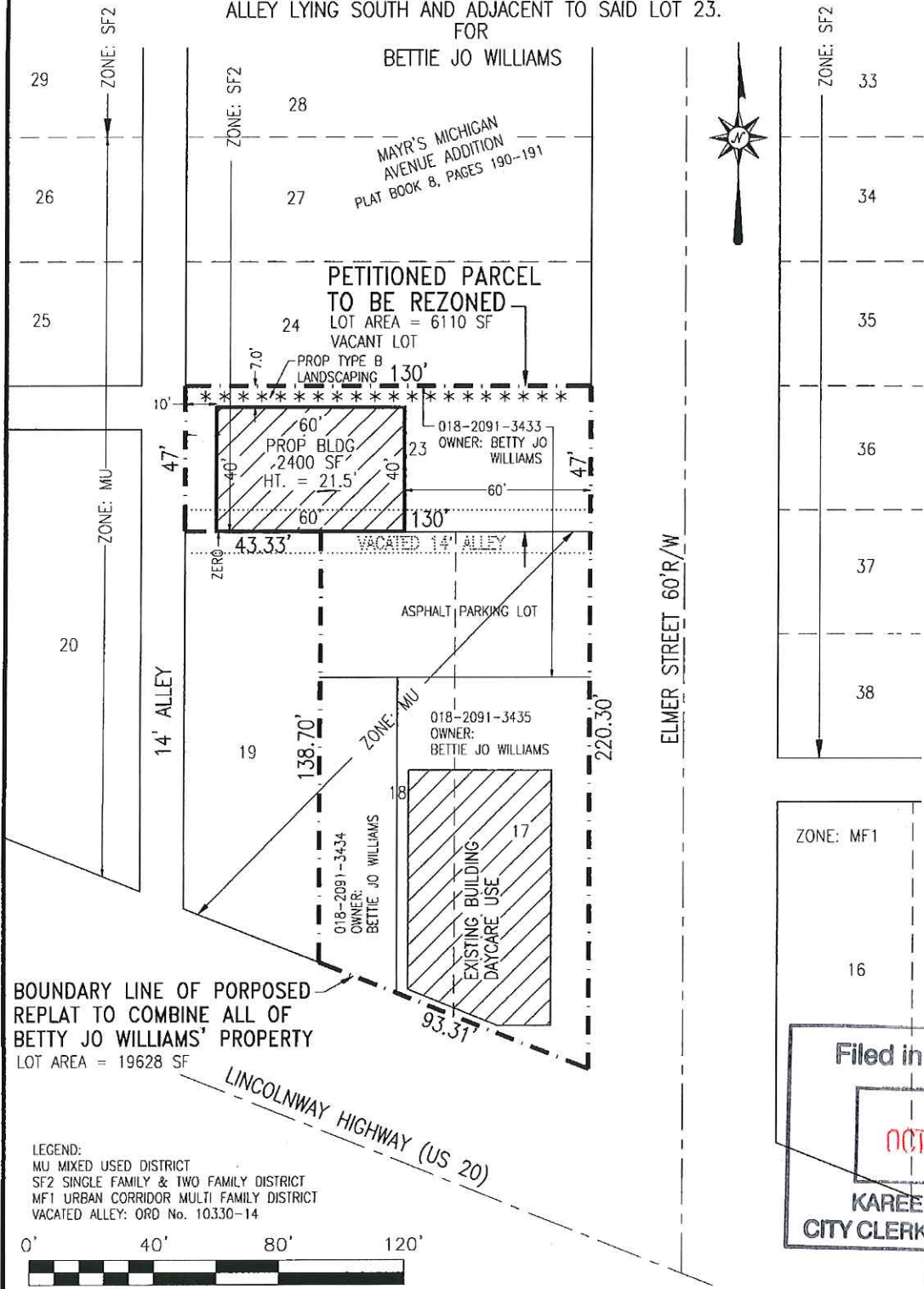
1 inch = 50 feet

**APC # 2797-16**

# REZONING SITE PLAN

MAYR'S MICHIGAN AVENUE ADDITION  
 LOT 23 AND THE NORTH HALF OF THE 14' VACATED  
 ALLEY LYING SOUTH AND ADJACENT TO SAID LOT 23.

FOR  
 BETTIE JO WILLIAMS



BOUNDARY LINE OF PORPOSED  
 REPLAT TO COMBINE ALL OF  
 BETTY JO WILLIAMS' PROPERTY  
 LOT AREA = 19628 SF

LEGEND:  
 MU MIXED USED DISTRICT  
 SF2 SINGLE FAMILY & TWO FAMILY DISTRICT  
 MF1 URBAN CORRIDOR MULTI FAMILY DISTRICT  
 VACATED ALLEY: ORD No. 10330-14

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

FILED  
 SEP 21 2016  
 ARCHITECTURAL COMMISSION

Lang, Feeney & Associates, Inc.  
 Land Surveyors, Construction Engineers & Soil Scientists  
 715 South Michigan Street  
 South Bend, Indiana 46601  
 Phone 574-233-1841 Fax 574-674-0374

File Name Williams,BettieJoRezoning	Drawn By JMS	Scale 1" = 40'
Date 9-6-16	Rev. Date 9-20-16	Drawing No.



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

October 19, 2016

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

RE: Bill # 54-16  
Rezoning: APC #2797-16 - 1037 Elmer 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.) Variances were added to the petition.

A Copy of the revised Petition is attached.

**Public Hearing Summary:**

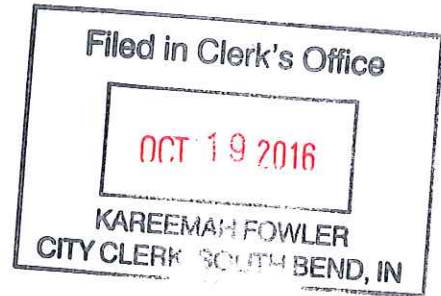
There was no one that spoke in favor/opposition to the proposed rezoning.

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:  
1037 Elmer Street  
South Bend, Indiana 46628  
Along with with the north half of the 14' vacated alley lying south and adjacent to Lot 23 Mayr's Michigan Avenue Addition.

2) The property Tax Key Number(s) is/are: Part of 018-2091-3433

3) Legal Descriptions: Lot 23 as shown on the recorded plat of Mayr's Michigan Avenue Addition in the the Office of the Recorder of St. Joseph County, Indiana in PLat Book 8, Page 190 and 191 along with the north half of the 14' vacated alley lying south and adjacent to said Lot 23.

4) Total Site Area: 6109 sf

5) Name and address of property owner(s) of the petition site:  
Bettie Jo Williams  
PO Box 3195  
South Bend, Indiana 46601  
574-288-5891

Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:  
n/a

Name and address of additional property owners, if applicable:

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

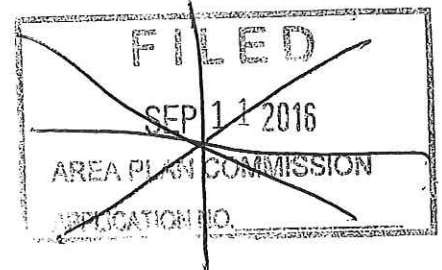
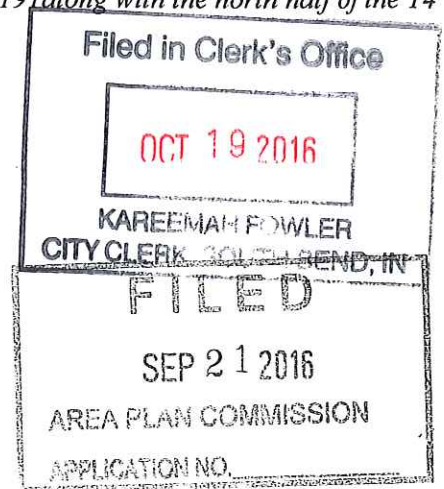
From: SF2 Single Family Two Family District N/A

To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): Bettie Jo Williams owns the petitioned parcel along with adjacent parcels lying to the south. Those parcels are currently zoned Mu Mixed Use and contains one building and parking used for a day care facility. This rezoning request is to allow for the construction of a steel frame building for the miscellaneous use of storage for item acquired and vehicles used for the operations of the adjacent day care. With the granting of this rezoning, all mentioned parcels shall be combine into one lot through the replatting process.

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

1) a variance from the required minimum side residential bufferyard of 15' setback to 7' along the north property; a variance from the required Type A landscaping along the east and west lines to no landscaping and a variance from Section 21-03.02(13) of the South Bend Zoning Ordinance to allow construction of a metal building to house vehicles used in conjunction with the business currently operating at this location.



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: *All new construction shall follow the City of South Bend requirements.*
- (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: *The proposed follows the continuity of the surrounding properties.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *By not allowing the property owner the most applicable use of the their property.*

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: *N/a*

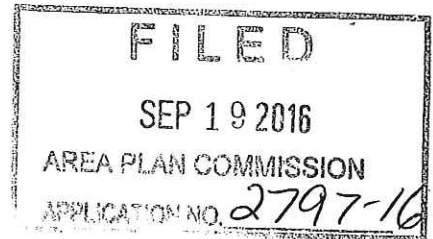
2) A statement on how each of the following standards for the granting of a Special Exception Use is met:

- (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *N/a*
- (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *N/a*
- (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: *N/a*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *N/a*

\* 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:

*Lang, Feeney & Associates, Inc.  
715 South Michiagn Street  
South Bend, Indiana 46601  
574-233-1841  
JBF715@aol.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):

*Bettie Jo Williams*

BETTIE JO WILLIAMS

