



# City of South Bend PLAN COMMISSION

County-City Building  
227 W. Jefferson Blvd. 1400S  
South Bend, IN 46601  
(574) 235-7627  
[www.southbendin.gov/zoning](http://www.southbendin.gov/zoning)

## MINUTES

September 20, 2021  
4:00 p.m.

Council Chambers, 4th Floor  
County-City Building, South Bend, IN  
[www.tinyurl.com/southbendplancommission](http://www.tinyurl.com/southbendplancommission)

### MEMBERS PRESENT:

Kara Boyles  
Kyle Copelin  
Scott Ford (Left at 5:49 p.m.)  
John Martinez (Virtual)  
Sheila Niezgodski  
Caitlin Stevens  
Dr. Dave Varner

### ALSO PRESENT:

Angela Smith  
Joseph Molnar  
Rachel Boyles  
Jenna Throw

### ADMINISTRATIVE ITEMS:

#### A. ELECTION OF OFFICERS

*(Audio Position: 3:00)*

Upon a motion by David Varner, being seconded by Sheila Niezgodski and unanimously carried, Scott Ford was elected to serve as President of the Plan Commission.

Upon a motion by Scott Ford, being seconded by David Varner and unanimously carried, Kara Boyles was elected to serve as Vice-President of the Plan Commission.

### PUBLIC HEARING - 4:00 P.M.

#### A. REZONINGS:

- 1.. A proposed ordinance of 2010 INVESTMENT GROUP to zone from U1 Urban Neighborhood 1 to U3 Urban Neighborhood 3, property located at 906, 912, 914, and 918 DUBAIL AVE and 1703, 1705, 1711, 1715, and 1717 DALE AVE , City of South Bend - PC# 0065-21. *(Audio Position: 9:19)*

Upon a motion by Kara Boyles, being seconded by Kyle Copelin and unanimously carried, a proposed ordinance of 2010 INVESTMENT GROUP to zone from U1 Urban Neighborhood 1 to U3 Urban Neighborhood 3, property located at 906, 912, 914, and 918 DUBAIL AVE and 1703, 1705, 1711, 1715, and 1717 DALE AVE , City of South Bend is WITHDRAWN.

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- 2.. A combined public hearing on a proposed ordinance of INDIANA MICHIGAN POWER COMPANY to zone from NC Neighborhood Center to I Industrial and seeking the following variance(s): 1) from the required durable dust free surface for outdoor storage to gravel, property located at the southwest corner of Adams Road and St. Joseph Valley Parkway, City of South Bend - PC# 0070-21. *(Audio Position: 10:46)*

### STAFF REPORT

The staff report was presented by Angela Smith.

Analysis: While the NC Neighborhood Center District is the mostly closely related district the the original uses of the PUD, it is not well suited for this area. The NC District is typically pedestrian-orientated in scale and well connected to surrounding residential neighborhoods. The site will most likely never meet those characteristics, and the mixed use development originally proposed will likely never occur.

As a public utility regulation by the IURC, the AEP substation is permitted by right in any district. The zoning ordinance cannot restrict the location of the proposed substation and utility lines. Allowing the site be zoned to the I Industrial District will better suit the use and provide additional protections for adjacent property owners through increased buffering.

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.

### PETITIONER

Eric Stauer and Robert Maiorana, 1 Riverside Plaza Cplumbus, OH 43215, served as the petitioners.

### INTERESTED PARTIES

Wendy Wolfe, 51130 Orange Rd South Bend, IN 46628, spoke against this petition.  
Kathie Bieschke, 24440 Adams Road South Bend, IN 46628, spoke against this petition.  
Debbie Green, 51268 Righter Lane South Bend, IN 46628, spoke against this petition.  
Dominic Casinee, 51394 Righter Lane South Bend, IN 46628, spoke against this petition.

### PUBLIC COMMENT

John Pendl, 24756 Adams Rd South Bend, IN 46628, spoke against this petition.

### REBUTTAL

Eric Stauer and Robert Maiorana provided a rebuttal.

After due consideration, the following action was taken:

Upon a motion by Kyle Copelin, being seconded by Sheila Niezgodski and unanimously carried, a proposed ordinance of INDIANA MICHIGAN POWER COMPANY to zone

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from NC Neighborhood Center to I Industrial, property located at southwest corner of Adams Road and St. Joseph Valley Parkway, City of South Bend is TABLED.

B. MAJOR SUBDIVISIONS - None for consideration

C. TEXT AMENDMENTS:

- 1.. A PROPOSED ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY TO SIMPLIFY DEVELOPMENT PROCESS, City of South Bend - PC# 0068-21. *(Audio Position: 1:28:09)*

STAFF REPORT

The staff report was presented by Angela Smith.

Analysis: Continuing to monitor and improve the Zoning Ordinance is vital to maintaining growth and development in a way that helps support economic growth and revitalizes neighborhoods.

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

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After due consideration, the following action was taken:

Upon a motion by Kyle Copelin, being seconded by Caitlin Stevens and unanimously carried, a proposed ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY TO SIMPLIFY DEVELOPMENT PROCESS, is sent to the Common Council with a FAVORABLE recommendation.

- 2.. A PROPOSED ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO INCREASE THE MAXIMUM BUILDING HEIGHT IN THE U3 URBAN NEIGHBORHOOD 3 DISTRICT, UF URBAN NEIGHBORHOOD FLEX DISTRICT, NC NEIGHBORHOOD CENTER DISTRICT, AND C COMMERCIAL DISTRICT, City of South Bend - PC# 0071-21. *(Audio Position: 1:42:59)*

STAFF REPORT

The staff report was presented by Angela Smith.

Analysis: The proposed text amendment responds to recent trends in development that have continued to shift as the Building Code changes. The proposed height limits will ensure South Bend is competitive with other peer communities and offer a wider range of development options, while ensuring smaller-scale buildings are appropriately protected.

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

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After due consideration, the following action was taken:

Upon a motion by Dr. Dave Varner, being seconded by Kyle Copelin and unanimously carried, a proposed ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO INCREASE THE MAXIMUM BUILDING HEIGHT IN THE U3 URBAN NEIGHBORHOOD 3 DISTRICT, UF URBAN NEIGHBORHOOD FLEX DISTRICT, NC NEIGHBORHOOD CENTER DISTRICT, AND C COMMERCIAL DISTRICT , is sent to the Common Council with a FAVORABLE recommendation.

ITEMS NOT REQUIRING A PUBLIC HEARING

A. MINOR SUBDIVISIONS:

1. WALNUT STREET AND SAMPLE STREET MINOR SUBDIVISION – PC# 0063-21  
(Audio Position: 1:48:57)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval.

After due consideration, the following action was taken:

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Upon a motion by John Martinez, being seconded by Kyle Copelin and unanimously carried, the Plan Commission finds the evidence adduced at this Plan Commission Hearing supports each element of the Staff Report, and WALNUT STREET AND SAMPLE STREET MINOR SUBDIVISION therefore complies with the City of South Bend Subdivision Control Ordinance and is granted Primary Approval.

2. Hill Street Minor Subdivision – PC# 0067-21

*(Audio Position: 1:51:17)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval.

After due consideration, the following action was taken:

Upon a motion by Dr. Dave Varner, being seconded by Kyle Copelin and unanimously carried, the Plan Commission finds the evidence adduced at this Plan Commission Hearing supports each element of the Staff Report, and Hill Street Minor Subdivision therefore complies with the City of South Bend Subdivision Control Ordinance and is granted Primary Approval.

B. FINDINGS OF FACT - None for consideration

C. UPDATES FROM STAFF – None for consideration

D. MINUTES – August 16, 2021

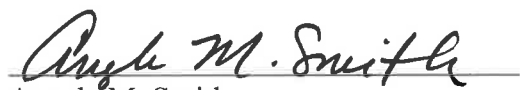
*(Audio Position: 1:52:32)*

Upon a motion by David Varner, being seconded by Kyle Copelin and unanimously carried, the minutes from the August 16, 2021 Plan Commission meeting were approved.

E. ADJOURNMENT – 5:53 p.m.

  
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Scott Ford,  
President

SOUTH BEND **PLAN COMMISSION**

A handwritten signature in cursive script that reads "Angela M. Smith". The signature is written in black ink and is positioned above a horizontal line.

Angela M. Smith,  
Secretary of the Commission