



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

AGENDA

Tuesday, January 18, 2022 - 5:00 P.M.
County-City Building
Fourth-Floor Council Chambers

www.tinyurl.com/southbendplancommission

ADMINISTRATIVE ITEMS:

A. ELECTION OF OFFICERS

PUBLIC HEARING:

A. REZONINGS

2. **Location:** 2430 W Prairie Ave PC#0077-21
Petitioner: LEOPOLD EMMA 1/2 AND HANCZ SCOTT E & HANCZ ERIC J & BULLINGTON AMY L 1/2 INT
Requested Action:
Rezoning: From S1 Suburban Neighborhood 1 to C Commercial and S2 Suburban Neighborhood 2
2. **Location:** the vacant land on the south side of Walter Street east of and adjacent to 340 Walter Street PC#0081-22
Petitioner: GEN4 PROPERTIES LLC
Requested Action:
Rezoning: From S1 Suburban Neighborhood 1 to C Commercial
3. **Location:** EAST SIDE OF SOUTH BEND AVE BETWEEN CORBY BLVD AND CAMPEAU ST PC#0082-22
Petitioner: FIVE CORNERS LLC
Requested Action:
Rezoning: From U1 Urban Neighborhood 1 to NC Neighborhood Center
Variance(s): 1) From the 120' maximum building length to 253' on the north and 270' on the west; 2) From the 5' minimum side setback to 3' along the east/west alley; 3) From the requirement that all off-street parking areas be located in the established rear yard; 4) From the 12' maximum corner setback to 250'; 5) From the minimum 75% of a podium building with ground-floor parking lot to be comprised of occupied liner space to 45%; 6) From the 40' minimum setback for the portion of a building in excess of 40' or 3 stories when adjacent to a U1 District to 14'

B. MAJOR SUBDIVISIONS - None for consideration

C. TEXT AMENDMENTS - None for consideration



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D. DEVELOPMENT PLANS – None for consideration

ITEMS NOT REQUIRING A PUBLIC HEARING:

A. MINOR SUBDIVISIONS - None for consideration

B. FINDINGS OF FACT - None for consideration

C. UPDATES FROM STAFF

D. MINUTES – December 20, 2021

E. ADJOURNMENT

Property Information

Location: 2430 W PRAIRIE AVE
Owner: LEOPOLD EMMA 1/2 AND HANCZ SCOTT E & HANCZ ERIC J & BULLINGTON AMY L 1/2 INT

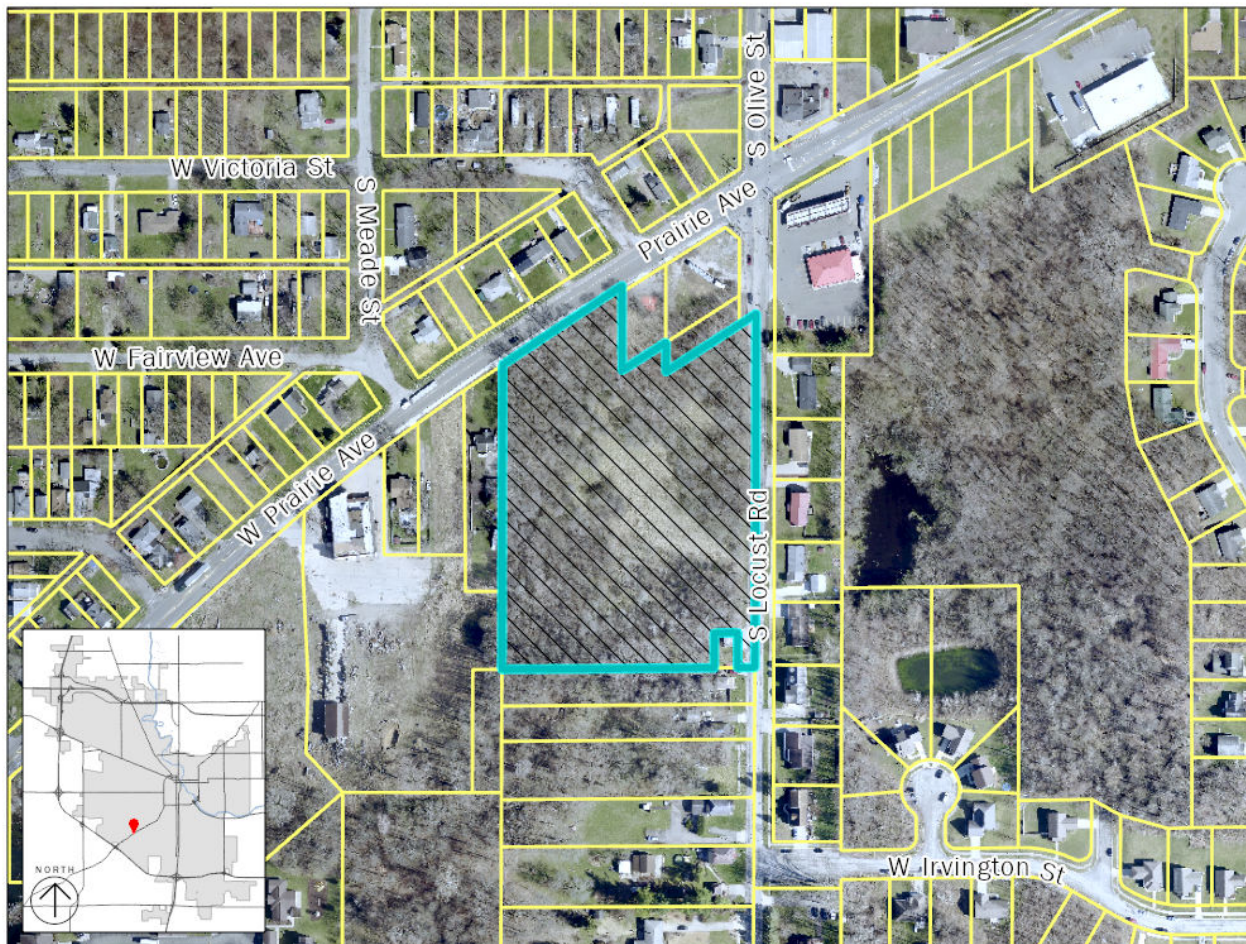
Requested Action

Rezone from S1 Suburban Neighborhood 1 to C Commercial and S2 Suburban Neighborhood 2

Project Summary

Construction of a commercial strip with 4 spaces on the northern portion of the lot, with the remainder reserved for future development.

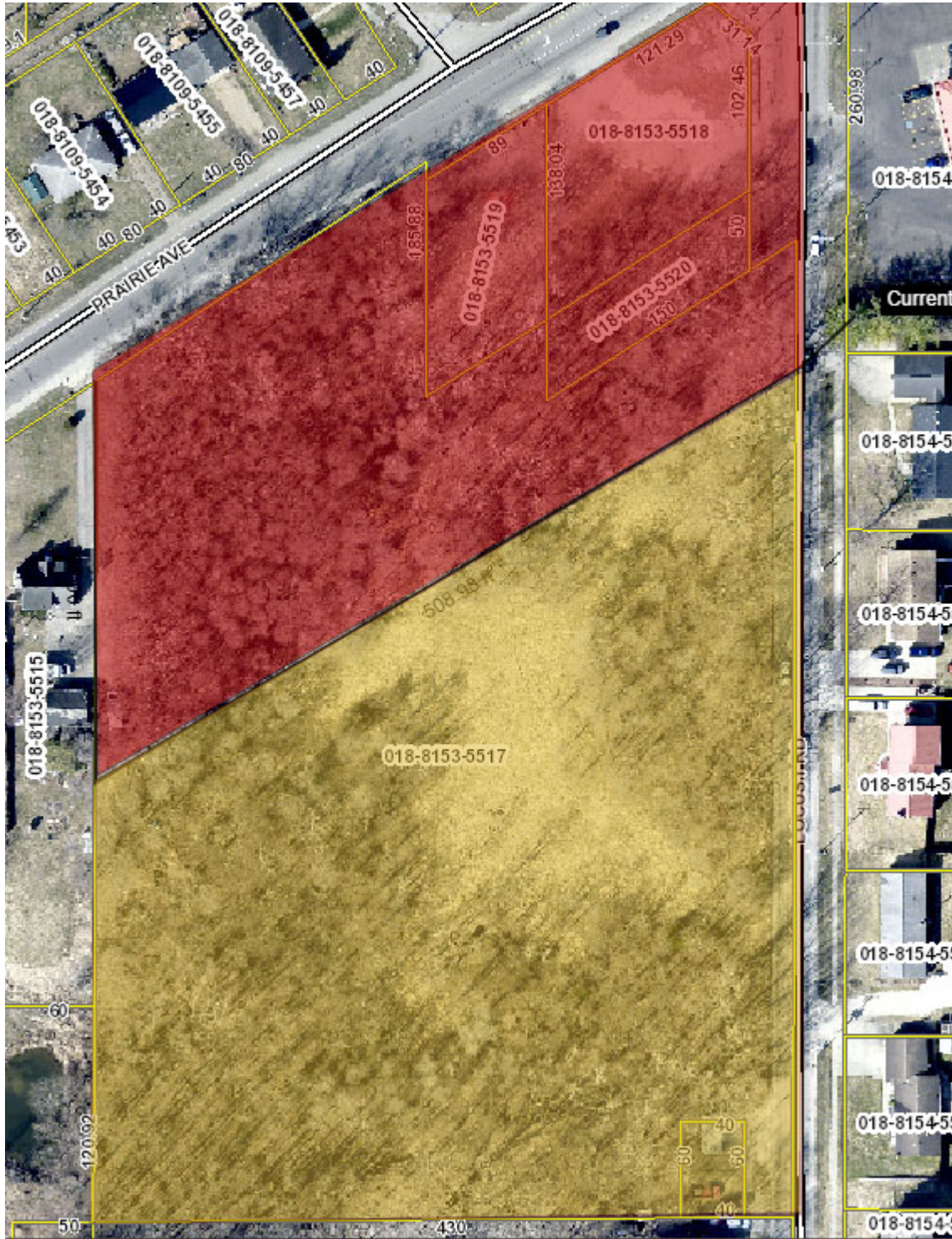
Location Map



Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the amended rezoning petition to the Common Council with an favorable recommendation, subject to the following: 1) limiting the commercial space to the northern 250'; 2) no commercial access to Locust; and 3) a subdivision to separate the two differently zoned portions.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: On site is a wooded vacant lot.

North: To the north, across Prairie, are single unit dwellings zoned S1 Suburban Neighborhood 1.

East: To the east, across Locust, are single unit dwellings zoned S1 Suburban Neighborhood 1. At the southwest corner of Prairie and Locust is a vacant lot zoned C Commercial.

South: To the south is a single unit dwelling zoned S1 Suburban Neighborhood 1.

West: To the west is a single unit dwelling zoned S1 Suburban Neighborhood 1.

District Intent:

The C District is established to provide a location for medium- to high-intensity commercial uses that are auto-oriented, typically located along major corridors at the fringe of the City or as small groupings located outside of neighborhood centers. The S2 District is established to provide for, maintain, and enhance suburban neighborhoods or primarily apartment complexes or houses grouped together outside of the City's core.

Site Plan Description:

The most recent site plan shows a proposed commercial space on the northern 250'. The remainder of the lot is shown as S2 Suburban Neighborhood 2, which is designed for multi-family development. No specific site plan has been developed either portion. The site will need to comply with all the development standards of the appropriate district.

Zoning and Land Use History and Trends:

The far south western portion of the city was developed slowly during the middle of the 20th Century with small suburban ranch homes and small scale commercial along Prairie.

With the construction and expansion of the Four Winds Casino in the past decade, there has been an increase in small commercial activity along Prairie.

Traffic and Transportation Considerations:

Prairie avenue is a two lane State-Highway with no on-street parking. Locust is a narrow two lane road with no on-street parking.

Agency Comments

Agency Comments:

The Engineering Department stated that a traffic study would be needed and possible upgrades provided to Locust before access could be granted along the eastern property edge.

A traffic study would be needed and possible upgrades provided to Locust before access was granted along the eastern property edge.

Staff Comments:

Commercial activity along the northern portion of the lot may be beneficial to the surrounding neighborhood if developed in a manner compatible with the other small scale commercial properties nearby. By limiting the commercial development to the northern 250' of the site, it will allow sufficient room for commercial development along Prairie without substantially impacting the surrounding residential uses. Commercial access to Locust should be prohibited. A plan for tree preservation will need to be considered.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

The petition with City Plan, South Bend Comprehensive Plan (2006), Objective LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map. By limiting the commercial to the northern 250', it is consistent with Objective LU2.4

Provide buffer spaces between non-compatible land uses.

Land Use Plan:

The future land use plan identifies this area as medium density residential.

Plan Implementation/Other Plans:

The neighborhood and City Planning Staff are in an ongoing planning process for the greater Rum Village Neighborhood.

2. Current Conditions and Character:

The current character of the area is a mix of low-to medium density residential and small-scale commercial uses.

3. Most Desirable Use:

The most desirable use for the land would be medium density residential or a development that focuses commercial uses on the far northern portion of the site while preserving the southern portion as a buffer between the higher intensity use and the low density, rural residential.

4. Conservation of Property Values:

With proper buffering and limitation of commercial to the northern portion of the site, the proposed development should not have a significant impact on surrounding property values.

Prairie is a heavily traveled corridor with a mix of uses.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the limited commercial development close to a major thoroughfare with a medium density residential use to the south as a buffer to the rural residential in the area.

Analysis & Recommendation

Commitments: There are no commitment proposed at this time.

Analysis: Prairie Avenue has a history of small scale commercial throughout the corridor. The neighborhood, in its most recent planning process, in the fall of 2021 has indicated a desire for commercial uses that are compatible with the surrounding neighborhood without negatively impacting property values. Limiting commercial development to the area immediately adjacent to Prairie with medium density residential in the southern portion would help protect the residential character of the area.

Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the amended rezoning petition to the Common Council with an favorable recommendation, subject to the following: 1) limiting the commercial space to the northern 250'; 2) no commercial access to Locust; and 3) a subdivision to separate the two differently zoned portions.

Property Information

Location: the vacant land on the south side of Walter Street east of and adjacent to 340 Walter St.
Owner: GEN4 PROPERTIES LLC

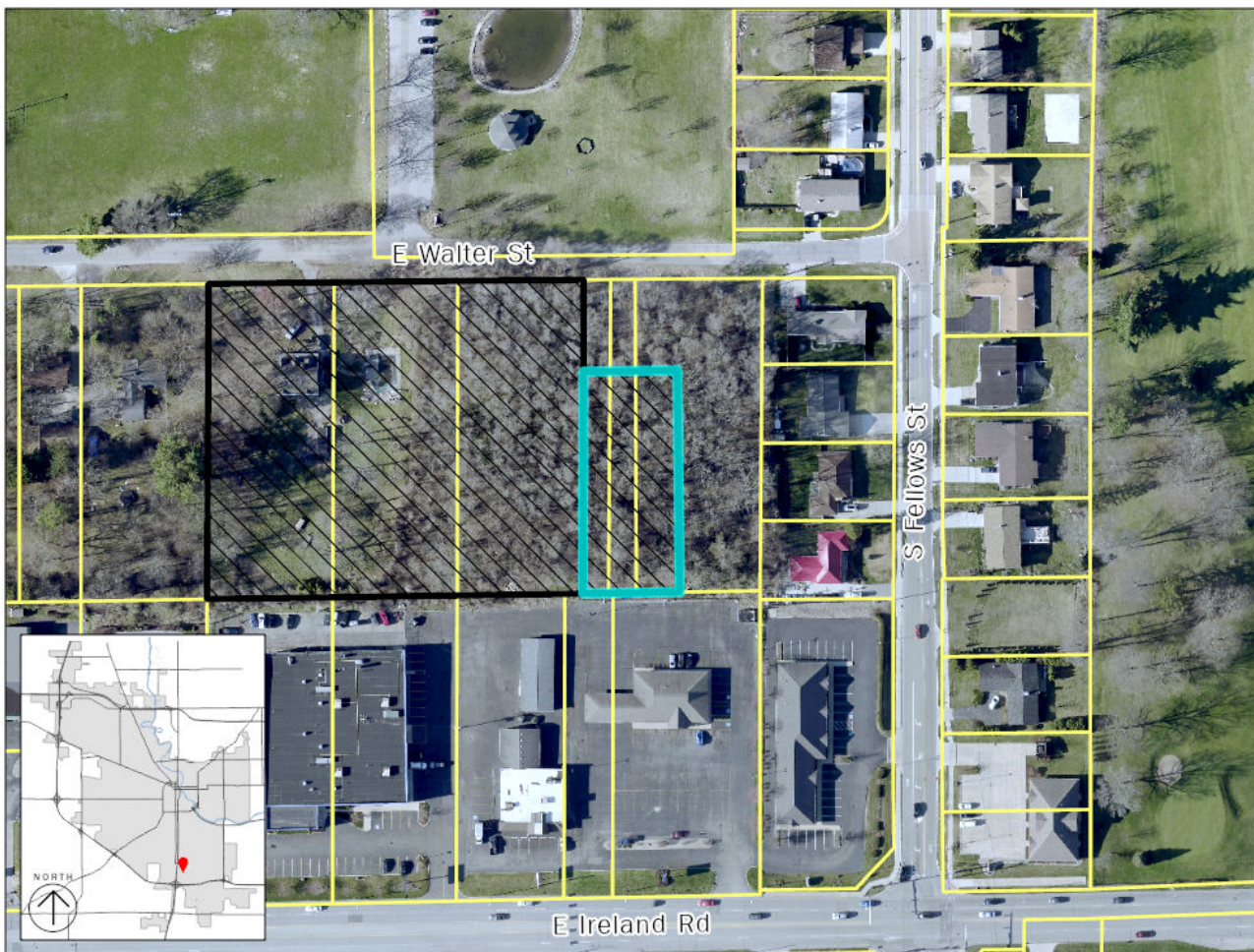
Requested Action

Rezone from S1 Suburban Neighborhood 1 to C Commercial

Project Summary

Rezone portion of property to allow construction of a retention basin to support the development of a new automobile dealership on Ireland Rd

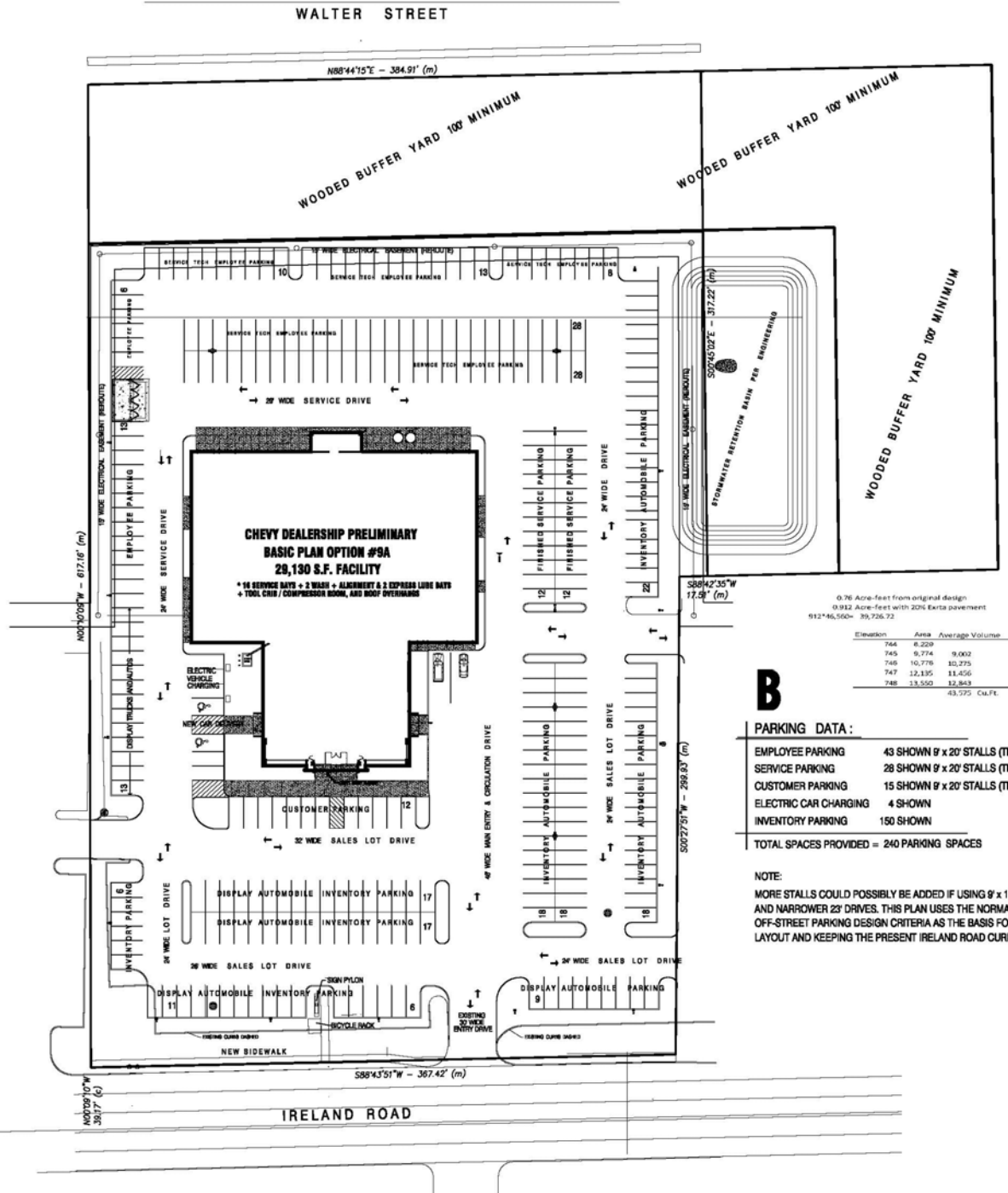
Location Map



Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the petition be sent to the Common Council with a favorable recommendation, subject to the following: 1) subdividing the lots to match the zoning line established

Proposed Site Plan



0.76 Acre-feet from original design
 0.932 Acre-feet with 20% Kerf pavement
 512'x46,560' = 39,726.72

Elevation	Area	Average Volume
744	6,229	
745	9,774	9,002
746	10,718	22,273
747	12,135	11,456
748	13,550	12,843
		43,575 Cu.Ft.

B

PARKING DATA :

EMPLOYEE PARKING	43 SHOWN 9' x 20' STALLS (TBD)
SERVICE PARKING	28 SHOWN 9' x 20' STALLS (TBD)
CUSTOMER PARKING	15 SHOWN 9' x 20' STALLS (TBD)
ELECTRIC CAR CHARGING	4 SHOWN
INVENTORY PARKING	150 SHOWN
TOTAL SPACES PROVIDED = 240 PARKING SPACES	

NOTE:
 MORE STALLS COULD POSSIBLY BE ADDED IF USING 9' x 18' STALL AND NARROWER 20' DRIVES. THIS PLAN USES THE NORMAL OFF-STREET PARKING DESIGN CRITERIA AS THE BASIS FOR THE LAYOUT AND KEEPING THE PRESENT IRELAND ROAD CURB-CUT.

Site & Context

Land Uses and Zoning:

- On site: On site is vacant lot that is heavily wooded.
- North: To the north, across Walter Street, is O'Brien Center zoned OS Open Space.
- East: To the east are single-family homes zoned S1 Suburban Neighborhood 1.
- South: To the south is property zoned C Commercial.
- West: To the west are wooded properties zoned C Commercial.

District Intent:

The C District is established to provide a location for medium- to high-intensity commercial uses that are auto-oriented, typically located along major corridors at the fringe of the City or as small groupings located outside of neighborhood centers.

Site Plan Description:

The site plan shows the parcel being used as a retention basin to support the development of a new automobile dealership on Ireland Rd.

Zoning and Land Use History and Trends:

Commercial development in the area has been focused on the two main arterial roads in the area - Ireland Road and S. Michigan. A pocket of low density residential has been preserved between the commercial area and the park. Single-Family homes line Fellows Ave.

Traffic and Transportation Considerations:

Walter Street is a two lane street with no curb or sidewalks.

Agency Comments

Agency Comments:

There are no additional comments at this time.

Staff Comments:

Walter Street has remained a low density single-family area with an almost park-like feel, the current proposal should not impact that current feel. The site plan shows the first 100' of the lot along Walter Street remaining heavily wooded and the 100' along the east wooded as well. The impact from Walter Street and from the adjacent single-family homes should be minimal as the remainder of the lot will only serve as a retention basin and not for car storage. A subdivision should be completed to avoid split-zoned lots.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective ED2: Retain existing businesses and recruit new ones to the city.

Land Use Plan:

The future land use plan identifies this area as low density residential.

Plan Implementation/Other Plans:

There are no specialized plans for this area.

2. Current Conditions and Character:

The current character of the area is low density residential.

3. Most Desirable Use:

The most desirable use for the property would be a low intensity use compatible with the surrounding residential area.

4. Conservation of Property Values:

With proper buffering and adequate spacing, the use and value of adjacent properties should not be adversely affected.

5. Responsible Development and Growth:

It is responsible development and growth to allow for limited expansion of properties along Ireland in a manner that preserves and protects the residential uses in the area.

Analysis & Recommendation

Commitments: There are no commitments at this time.

Analysis: Rezoning a small portion of the property to C Commercial will allow for this area to serve as drainage for the commercial use fronting Ireland Road, but protection of the character and use of Walter Street is critical. By limiting the rezoning portion to just the area needed for the retention area, the remainder of the lot will continue to serve as a buffer to the adjacent residential properties on Fellows.

Recommendation: Based on information available prior to the public hearing, the staff recommends the petition be sent to the Common Council with a favorable recommendation, subject to the following: 1) subdividing the lots to match the zoning line established

Property Information

Location: EAST SIDE OF SOUTH BEND AVE BETWEEN CORBY BLVD AND CAMPEAU ST
 Owner: FIVE CORNERS LLC

Requested Action

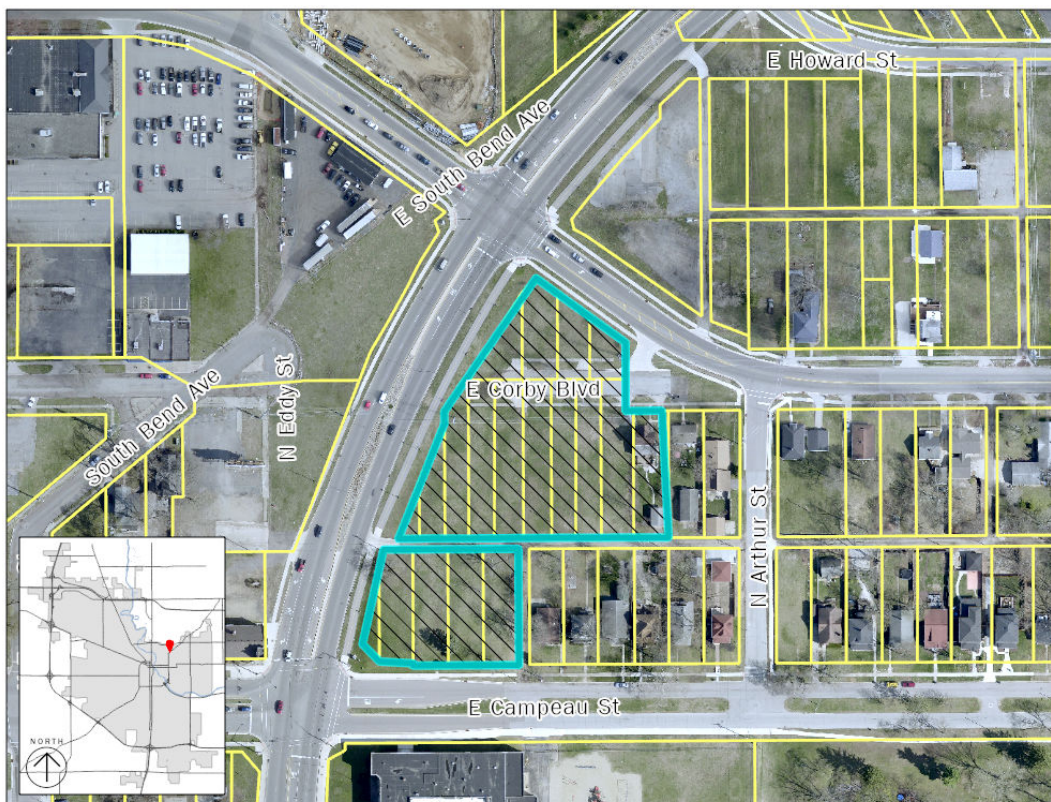
Rezone from U1 Urban Neighborhood 1 to NC Neighborhood Center

Variance(s): 1) From the 120' maximum building length to 253' on the north and 270' on the west
 2) From the 5' minimum side setback to 3' along the east/west alley; 3) From the requirement that all off-street parking areas be located in the established rear yard; 4) From the 12' maximum corner setback to 250'; 5) From the minimum 75% of a podium building with ground-floor parking lot to be comprised of occupied liner space to 45%; 6) From the 40' minimum setback for the portion of a building in excess of 40' or 3 stories when adjacent to a U1 District to 14'

Project Summary

The proposed project includes construction of approximately 103 apartment units and a commercial space housed in two buildings located on the southeast corner of SR23 and Corby St. in South Bend.

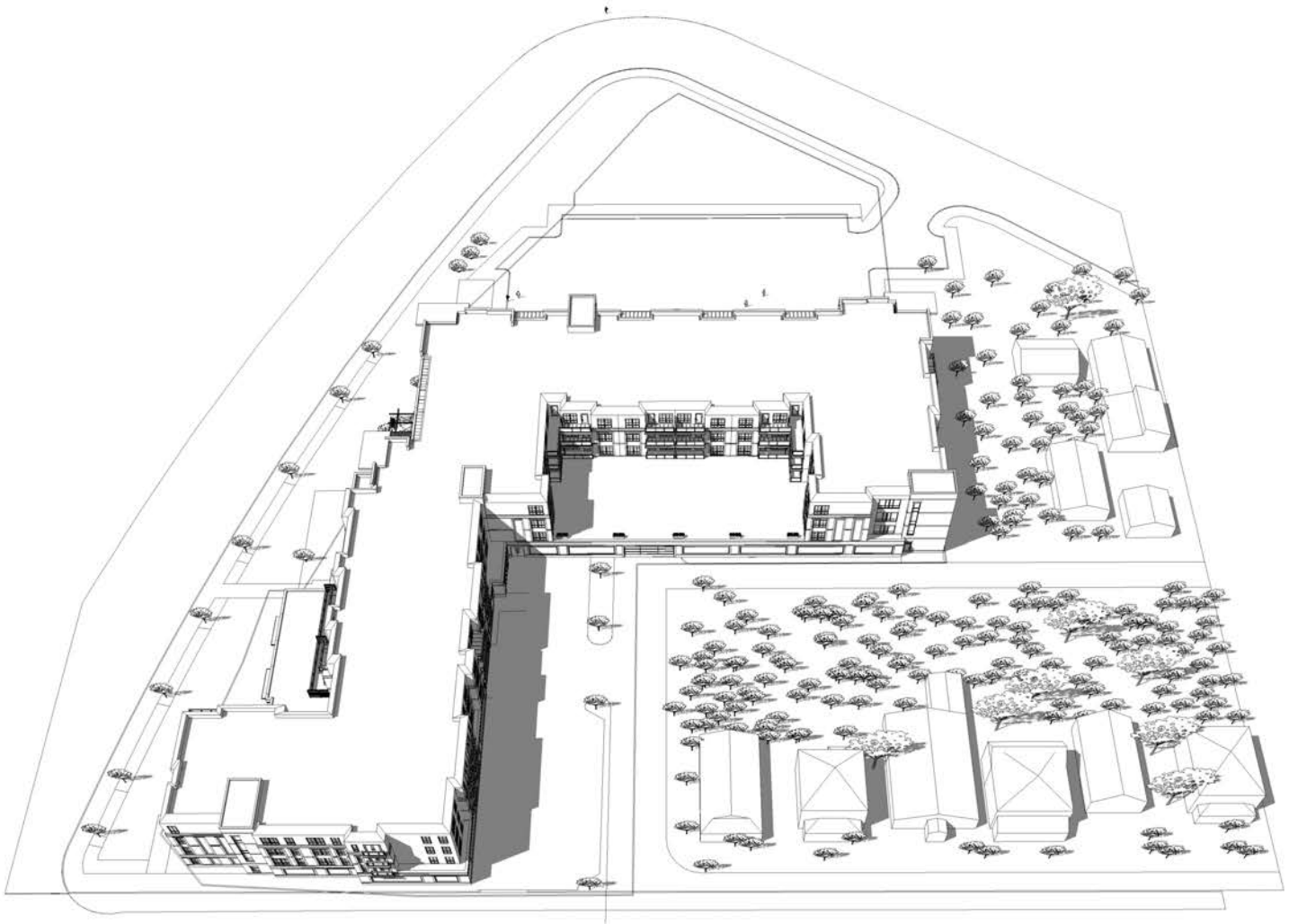
Location Map



Recommendation

Staff Recommendation: Based on information provided prior to the public hearing, the Staff recommends that the Commission sends the rezoning to the Common Council with a favorable recommendation. The staff recommends that the Commission approve the variances subject to the following: 1) parking areas shall be a minimum of 5' behind the building line; and 2) the podium parking structure along Campeau be designed in such a way that at least 75% of the frontage appears to be occupied space.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

- On site: On site currently are multiple vacant lots zoned U1 Urban Neighborhood 1.
- North: To the north are vacant lots zoned NC Neighborhood Center. Across E. Corby Blvd is a mixed use building zoned NC Neighborhood Center
- East: To the east are single-family homes zoned U1 Urban Neighborhood 1.
- South: To the south, across E Campeau, is the former Perley Primary School zoned U1 Urban Neighborhood 1 District.
- West: To the west, across State Road 23, is the First AME ZION Church zoned U1 Urban Neighborhood 1 and commercial properties zoned NC Neighborhood Center.

District Intent:

The NC District is established to promote higher intensity, urban neighborhood centers, typically located near the intersection of major streets, in core and outlying areas of the City that are well connected to surrounding neighborhoods.

Site Plan Description:

The site plan shows the construction of a four story apartment building with 103 units. The parking is handled in a mix of surface lots under a podium structure and open-air surface lots. The ground floor will be a mix of residential and non-residential uses. The larger development incorporates the existing NC Neighborhood Center properties to the north, shown as a future restaurant.

Zoning and Land Use History and Trends:

The property in question, and the surrounding neighborhood, have seen significant changes in the past two decades. The construction of Eddy Street Commons and other investment in the Northeast Neighborhood has spurred a demand for more housing units in the area. Despite this recent growth, the neighborhood still has less residents than it did in 1990. The 2020 Census shows the neighborhood has lost 32% of its 1970 population. With the recent demand in housing, formerly vacant lots have been developed reversing five decades of population decline.

The specific property in question was dramatically affected by the Indiana Department of Transportation widening and reworking of State Road 23 and the former "Five Corners" intersection, which saw widening of Eddy Street and rerouting of local streets. This has left this specific property with many lots that not longer have property street frontage and no longer are suitable for single family development. While the street network has been drastically changed, many of the former right-of-ways still contain significant utility infrastructure.

Traffic and Transportation Considerations:

Eddy Street is a divided four lane state highway with limited access and no on-street parking. Corby Blvd is a two lane road with on street parking. Campeau is a separated three lane road with a left turn lane and no on-street parking.

Agency Comments

Agency Comments:

- There are no engineering comments at this time.
- There were no engineering comments at this time.

Staff Comments:

With the removal of the former "Five Corners" intersection due to the rerouting of State Road 23 and surrounding roads, it has left a number of properties with no property street frontage which greatly limits the ability to build new single family homes on the site. A rezoning to allow for a mixed use or multi-family development will help insure the currently vacant property will become active and productive again.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.

Land Use Plan:

The Future Land Use Plan identifies this area for Medium Density Residential, which would allow for a range of residential housing types. The Future Land Use Plan also identifies the area as a Regional Commercial Node.

Plan Implementation/Other Plans:

There is currently an ongoing neighborhood planning process underway which anticipates this area being mixed-use, in line with the Neighborhood Center District.

2. Current Conditions and Character:

The existing neighborhood was a dense urban single-family neighborhood with retail uses along the state route. The Indiana Department of Transportation rerouted and expanded S.R. 23 in the early 2010's, which eliminated the former five corners intersection. This required the demolition of a number of homes and changed traffic patterns of the area.

3. Most Desirable Use:

The most desirable use is for the currently large vacant and unused space to be developed at a scale appropriate for the intensity and size of the site and intersections.

4. Conservation of Property Values:

Developing a new residential and commercial project on currently vacant unproductive land will help continue the growth and value of the surrounding neighborhood.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the continued growth in the Northeast Neighborhood while concentrating large projects along major corridors. Adding additional population to the neighborhood should help encourage more commercial activity nearby.

Variance(s)

The petitioner is seeking the following variance(s):

- 1) From the 120' maximum building length to 253' on the north and 270' on the west
- 2) From the 5' minimum side setback to 3' along the east/west alley
- 3) From the requirement that all off-street parking areas be located in the established rear yard
- 4) From the 12' maximum corner setback to 250'
- 5) From the minimum 75% of a podium building with ground-floor parking lot to be comprised of occupied liner space to 45%

6) From the 40' minimum setback for the portion of a building in excess of 40' or 3 stories when adjacent to a U1 District to 14'

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.

Approval of the variances should not be injurious to the public health, safety, morals and general welfare of the community. The property is located along a heavily trafficked state highway appropriate for the size and length of the proposed building. Design considerations have been taken into account to meet the intent of the zoning ordinance for each of the variances.

(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 and value of the areas adjacent to the property should not be affected in a substantially adverse manner. None of the variances proposed should negatively impact the surrounding properties. Development of the currently vacant property should help the use and value of surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

The site geometry, constrained access, and existing major utilities through the site create practical difficulties for the property. The width of the street, as well as the volume of traffic along the corridor, increases the difficulties of developing the site.

The parking variance is unique to the NNZO. With multiple street frontages, it is difficult to locate parking in location that would exclusively be behind the building. The maximum setback variance is only required until the second commercial building to the north is built. The side setback variance was intended to protect neighboring buildings, ensuring adequate room between buildings for maintenance, but the side on this property is an alley. The practical difficulty for the setback of the 4th story is a matter of timing. The current planning process is showing this area as a higher intensity use which wouldn't require the building to step down.

(4) The variance granted is the minimum necessary.

The proposed development is consistent with the intent of the NC District and the Zoning Ordinance. The building was designed to meet the intent of all zoning standards, even though the site geometry and strict application of the Ordinance necessitates several variances.

(5) The variance granted does not correct a hardship caused by a former or current owner of the property.

The shape of the property and the width of the adjacent right of way was not created by the current or previous owner.

Analysis & Recommendation

Commitments: There are no written commitments proposed.

Analysis: The Northeast Neighborhood has seen significant investment and growth over the past decade. This investment has produced a significant demand and interest in more housing units. The State's rerouting of State Road 23 lead to the property in question being no longer suitable for single family housing as the majority of lots lack true street frontage. Large utility easements

in the area also contribute to building difficulties. The site sits at a highly trafficked intersection that is becoming a neighborhood node for the area. The rezoning to Neighborhood Center will allow for multi-family and commercial, which will help provide needed housing units to the area and redevelop a currently vacant and non-productive property.

Recommendation: Based on information provided prior to the public hearing, the Staff recommends that the Commission sends the rezoning to the Common Council with a favorable recommendation. The staff recommends that the Commission approve the variances subject to the following: 1) parking areas shall be a minimum of 5' behind the building line; and 2) the podium parking structure along Campeau be designed in such a way that at least 75% of the frontage appears to be occupied space.