



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

Monday, August 15, 2022 - 4:00 P.M.
County-City Building
Fourth-Floor Council Chambers

PUBLIC HEARING:

A. REZONINGS

1. **Location:** 4427 BROOKTON DR and 1335 IRELAND RD PC#0105-22
Petitioner: FOX REAL ESTATE LLP

Requested Action:

Rezoning: From S1 Suburban Neighborhood 1 to C Commercial

2. **Location:** 232 LAPORTE AVE PC#0109-22
Petitioner: STEPHEN J & JOAN E EDDY AS TRUSTEES OF STEPHEN J EDDY LIVING TRUST & RES LIFE EST

Requested Action:

Rezoning: From U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2

Special Exception: legal non conforming use of a dwelling, 3 units

B. MAJOR SUBDIVISIONS – None for consideration

C. TEXT AMENDMENTS – None for consideration

D. DEVELOPMENT PLANS

1. A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AND ADOPTING THE NORTHEAST NEIGHBORHOOD PLAN - *Request to table to September 19, 2022*
2. A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AND ADOPTING THE KENNEDY PARK NEIGHBORHOOD PLAN - *Request to table to September 19, 2022*

ITEMS NOT REQUIRING A PUBLIC HEARING:

A. MINOR SUBDIVISIONS

1. **Name:** GATES IRELAND ROAD EAST MINOR SUBDIVISION PC#0097-22
Location: Between E. Ireland Road and E. Walter Street approximately 900' East of S. Michigan Street
2. **Name:** KERRIGAN'S ST. LOUIS BOULEVARD MINOR SUBDIVISION PC#0104-22
Location: EAST SIDE OF ST. LOUIS APPROXIMATELY 160 FT SOUTH OF ST. VINCENT ST
3. **Name:** PENNY HILL HOMES MINOR SUBDIVISION PC#0106-22
Location: Northwest Corner of Scott St. And W LaSalle Ave



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B. DEVELOPMENT PLANS

1. RATIFY CHANGES TO THE NEAR WEST SIDE PLAN DOCUMENT

C. FINDINGS OF FACT

1. PC#0102-22 - PROPERTY BOUND BY MCCARTNEY ST., KESSLER BLVD., AND KING ST. EXCEPT 1416 AND 1428 KESSLER

D. UPDATES FROM STAFF

E. MINUTES – June 21, 2022

F. ADJOURNMENT

Property Information

Location: 4427 BROOKTON DR and 1335 IRELAND RD
 Owner: FOX REAL ESTATE LLP

Requested Action

Rezone from S1 Suburban Neighborhood 1 to C Commercial

Project Summary

Rezone the subject property to allow for Automobile Repair Shop

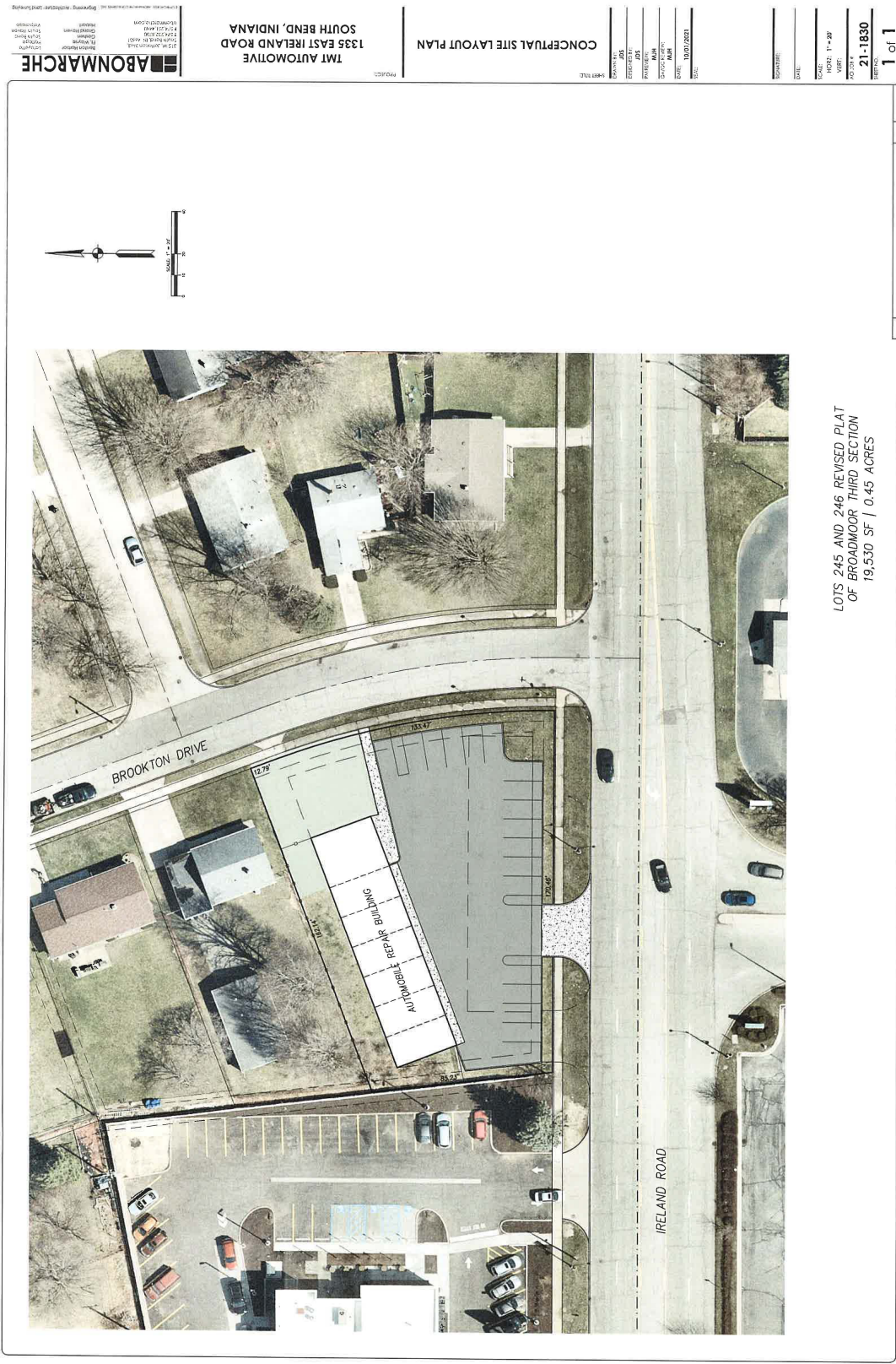
Location Map



Recommendation

Staff Recommendation: Based on the information available to the public hearing, the staff recommends the Commission send the petition to the Common Council with an unfavorable recommendation. If approved by the Council, the staff recommends the Commission encourage the Council to impose the suggested written commitments to lessen the impact on the neighborhood.

Proposed Site Plan



LOTS 245 AND 246 REVISED PLAT OF BROADMOOR THIRD SECTION 19,550 SF / 0.45 ACRES

ABONMARCHE
 1515 W. JEFFERSON
 SUITE 100
 SOUTH BEND, IN 46708
 TEL: 765.291.1111
 WWW.ABONMARCHE.COM

TMT AUTOMOTIVE
 1335 EAST IRELAND ROAD
 SOUTH BEND, INDIANA

CONCEPTUAL SITE LAYOUT PLAN

DATE: 10/01/2021
 SCALE: 1"=40'
 PROJECT: 21-1830
 SHEET: 1 OF 1

Site & Context

Land Uses and Zoning:

On site: Is a single family home and a vacant lot

North: To the north are single family homes zoned S1 Suburban Neighborhood 1.

East: To the east, across Brookton, are single family homes zoned S1 Suburban Neighborhood 1

South: To the south, across Ireland is a financial institution and multi-tenant commercial space zoned C Commercial

West: To the west is a restaurant 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 proposed site includes an automotive repair building with the associated parking and drives. The site plan provided does not meet the standards of the C Commercial District and will need to be modified to meet compliance, or seek approval for variances from the Board of Zoning Appeals.

Zoning and Land Use History and Trends:

This neighborhood was one of the first residential subdivisions developed in the early 1950's. By the mid-60's, additional residential neighborhoods had developed south of Ireland Road. As the residential area grew, a small neighborhood commercial center was built at the intersection of Miami and Ireland. The construction of the mall on the south side of Ireland Road in 1972 began to change the character of the area. Increasing commercial pressure along Ireland Road led to the introduction of gas stations and more intense commercial development. The failure of the mall led to the redevelopment of the area around 2005. Since then, commercial has struggled in the complex with only a few anchors surviving and large turnover and high vacancies in the complex.

The residential structure at 1335 Ireland was demolished in the mid-1990's. The foundation remained for several years until it was replaced by trees, which helped to serve as a buffer between the residential properties to the north and the commercial development to the south. The corner property was recently cleared (between 2017 and 2019) with the home at 4427 Brookton still remaining.

Traffic and Transportation Considerations:

Ireland Road expands from a four lane road to four lanes with a center turn lane just west of this site. Brookton is a two lane residential street with unmarked on-street parking.

Agency Comments

Agency Comments:

There are no agency comments at this time. Agencies will fully review the development at the time of site development.

Staff Comments:

While the property across the Ireland is zoned C Commercial, the bank is a very low intensity land-use. Broadmoor is a well established residential neighborhood. Demolishing a home and introducing more commercial in the front yard of existing homes may start to destabilize this

section of the neighborhood. If this property is rezoned, any use allowed in the C Commercial District could locate on this property.

Criteria for Decision Making

Rezoning

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

1. Comprehensive Plan:

Policy Plan:

This petition is not consistent with City Plan (2006) Policy LU 2.4 Provide buffer spaces between non-compatible land uses or Policy H2.5 Pursue alternatives to the demolition of structurally sound housing.

Land Use Plan:

This property is adjacent to a regional commercial node identified on the land use plan.

Plan Implementation/Other Plans:

There are not other plans for the area.

2. Current Conditions and Character:

Ireland Road is a mix of commercial and residential with two intense commercial nodes at the intersections of Ireland with Miami and Ironwood. The two nodes are dissected by a traditional single family neighborhood.

3. Most Desirable Use:

The most desirable use of the property is one that would not require the demolition of the existing single-family home. A slightly higher intensity use could buffer the residential properties from the large commercial development to the south. The property is well suited for medium density residential, such as that found in the U2 District, or small scale office/retail uses, such as those found in the UF District.

4. Conservation of Property Values:

A development of this nature could have a significant negative impact on the use and value of adjacent properties. Allowing the commercial to encroach into the neighborhood would not only significantly impact the homes immediately adjacent to the property, but may result in the destabilization of the neighborhood and encourage further commercial pressure on the existing homes along Ireland Road.

5. Responsible Development and Growth:

It is not responsible development and growth to allow commercial uses to encroach into established residential neighborhood. The Comprehensive Plan emphasizes the need for buffer areas between incompatible uses and preserve the existing housing in the area.

Analysis & Recommendation

Commitments: If the petition is approved, the following commitments should be considered: 1) provide a 25' minimum corner setback on Brookton; 2) no access to Brookton; 3) no drive-through facility shall be permitted; 4) no off-premise signs shall be permitted; 5) NC Neighborhood Center District building standards should be applied.

Analysis: Rezoning this property to C Commercial could have a substantial negative impact on the adjacent residential neighborhood. Since the neighborhood was developed in the early 1950's, the area has undergone a significant change. What was developed as a small neighborhood commercial area to the west in the 1960's has grown to a large regional commercial node. Allowing the commercial zoning to further encroach into the neighborhood will likely destabilize the existing neighborhood and increase pressure for additional commercial development along Ireland Road.

Recommendation: Based on the information available to the public hearing, the staff recommends the Commission send the petition to the Common Council with an unfavorable recommendation. If approved by the Council, the staff recommends the Commission encourage the Council to impose the suggested written commitments to lessen the impact on the neighborhood.

Property Information

Location: 232 LAPORTE AVE
Owner: STEPHEN J & JOAN E EDDY AS TRUSTEES OF STEPHEN J EDDY LIVING TRUST & RES LIFE EST

Requested Action

Rezone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2
Special Exception: to allow a conversion to add one or more dwelling units to the existing structure

Project Summary

To allow a nonconforming existing use as a three unit apartment house (Triplex) to remain

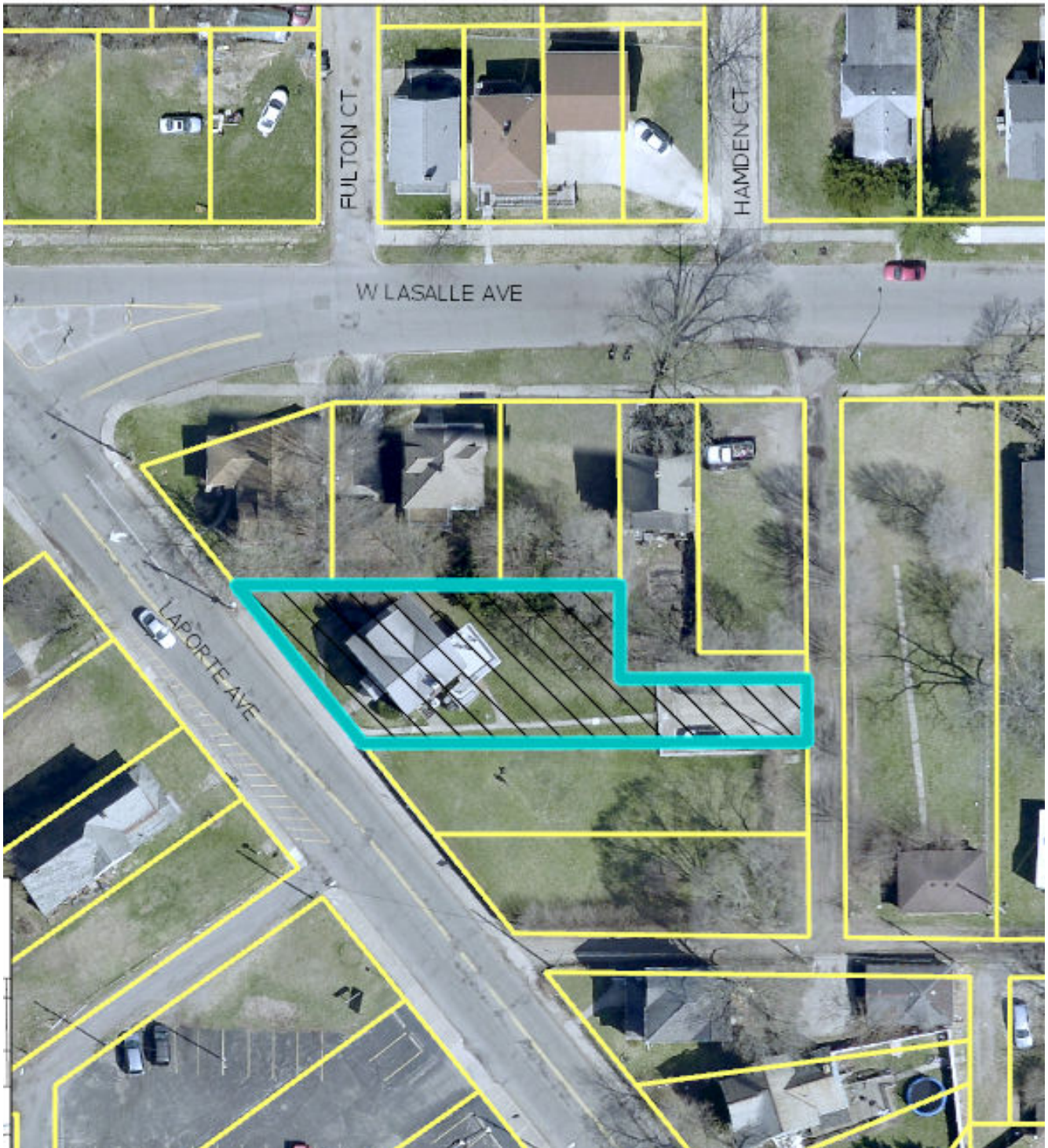
Location Map



Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the Commission send the petition to the Common Council with a favorable recommendation, subject to acquiring a Certificate of Rental Safety from Code Enforcement.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: On Site is a residential structure already in use as a multi-unit dwelling.

North: Several residential structures and a vacant lot zoned U1 Urban Neighborhood 1.

East: Residential Structures zoned U1 Urban Neighborhood 1.

South: Vacant lot zoned U1 Urban Neighborhood 1.

West: Across LaPorte Ave property zoned U1 Urban Neighborhood 1.

District Intent:

The U2 District is established to provide for, promote, and maintain the development of diverse housing types in urban neighborhoods located near neighborhood centers in core and outlying areas of the City.

Site Plan Description:

The current site plan shows no major alterations to the existing site.

Zoning and Land Use History and Trends:

The neighborhood was largely established in the late 1800s as a walkable urban single family neighborhood consisting of single family homes with the occasional duplex or triplex, accessed by rear alleys.

Through the last few decades, the neighborhood has experienced severe population decline, resulting in large sections of the neighborhood consisting of numerous vacant lots. Recent public-private partnerships with neighborhood groups have resulted in the construction of new residential units in the area.

Traffic and Transportation Considerations:

LaPorte Ave is a two lane street with no on-street parking. LaSalle Ave is a narrow two lane street with on-street parking in limited locations.

Agency Comments

Agency Comments:

There are no additional comments at this time.

Staff Comments:

The property has been used as a multi-family dwelling for many years. However, the conversion from a two-family to a three-family cannot be documented. The proposed rezoning and special exception will legalize the current use of the structure. The residential character of the dwelling has not change.

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 neighborhood - scaled residential housing types.

Plan Implementation/Other Plans:

The proposed Kennedy Park Neighborhood plan proposes this site as U2 Urban Neighborhood 2.

2. Current Conditions and Character:

The existing neighborhood was a dense urban single-family neighborhood. Over time, the demolition of homes has resulted in an increased number of vacant lots and population decline. Most of the homes in the neighborhood date from the late 1800s. A mix of multi-unit residential has developed on various sites throughout the neighborhood, most of which were single unit structures than have been converted.

3. Most Desirable Use:

The most desirable use is for low to medium density residential housing that will seamlessly fit the established character of the neighborhood.

4. Conservation of Property Values:

Allowing for the continued use of the property should help stabilize property values throughout the area as opposed to the building being torn down.

5. Responsible Development and Growth:

It is responsible development and growth to allow for a variety of housing options within this neighborhood.

Special Exception**The petitioner is seeking a Special Exception to allow:**

to allow a conversion to add one or more dwelling units to the existing structure

A Special Exception 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 proposed use should not be injurious to the public health, safety morals or general welfare of the community. The general welfare and stability of the community could benefit from the increased variety of housing types. Approval of the Special Exception should not affect the general welfare of the community, the residence has operated as a two unit and three unit residence for the past 40 years.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

Allowing the existing three unit residential dwelling should not injure or adversely affect the use or value of the adjacent area or property values, provided the current residential character is maintained. The current elevations of the building preserve the single unit appearance.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

This three unit dwelling will be consistent with the character of the district and neighborhood in both use and style of construction.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006) Objective H1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities. The proposed Kennedy Park Neighborhood Plan shows this area as U2 Urban Neighborhood 2.

Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: Rezoning the site to U2 Urban Neighborhood 2 District will allow for the structure to continue to be used as a multi-unit dwelling, which will provide increased housing options while not drastically changing the established character of the neighborhood.

Recommendation: Based on information available prior to the public hearing, the staff recommends the Commission send the petition to the Common Council with a favorable recommendation, subject to acquiring a Certificate of Rental Safety from Code Enforcement.

Property Information

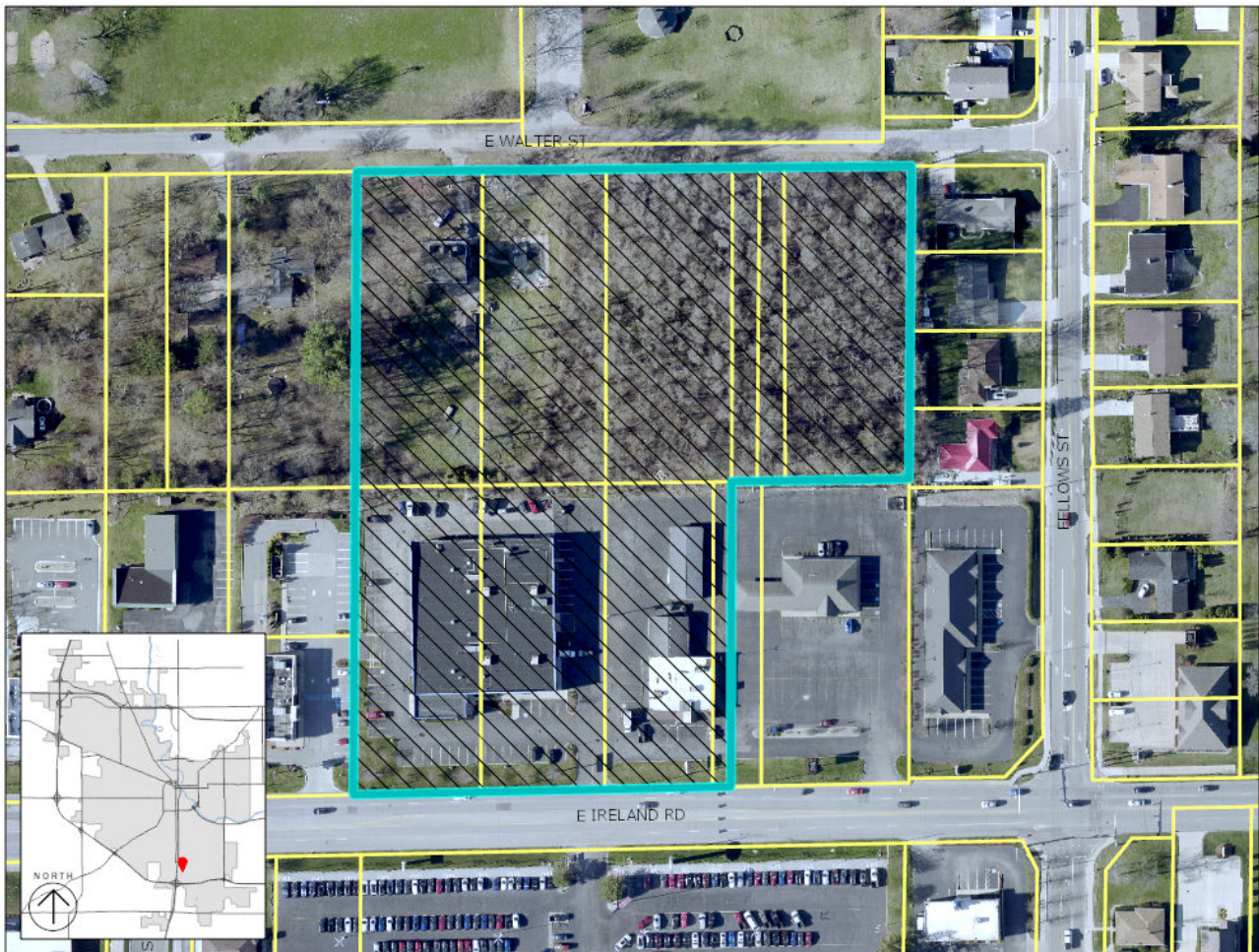
Subdivision Name: **GATES IRELAND ROAD EAST MINOR SUBDIVISION**

Location: Between E. Ireland Road and E. Walter Street approximately 900' East of S. Michigan Street

Requested Action

The total area of the subdivision is 6.68 acres and will consist of 2 building lots.

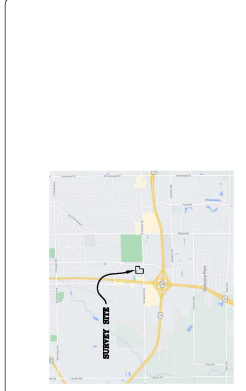
Location Map



Recommendation

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.

Proposed Plat



NOTES

1. AREA OF SUBDIVISION: TOTAL R/W = 6.68 ACRES; R/W = 0.17 ACRES; LOT TO BEZEL.
2. ENGINEERING REPORT: ALL LOTS SHALL BE SERVED BY CITY OF SOUTH BEND MUNICIPAL SANITARY SEWER AND WATER.
3. ACCORDING TO THE LATEST U.S. DEPARTMENT OF THE INTERIOR, FISHERY AND WILDLIFE SERVICE, INVENTORY MAPS, THERE ARE NO ENCROACHMENTS OF EXISTING PERMANENT STRUCTURES UPON LOT LINES, BUILDING SETBACKS, OR EASEMENTS CREATED IN THE PLATING OF THIS SUBDIVISION.
4. BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE CITY OF SOUTH BEND ZONING ORDINANCE.
5. ALL NEW LOT CORNERS AND COMMON LOT CORNERS WITHOUT FOUND MONUMENTS WILL BE MARKED WITH 8/8 "ABONMARCHE FIRM #0000", UNLESS INDICATED OTHERWISE. WITH A POSITIVE, YELLOW MARKER STAMPED TO THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER. EXISTING MONUMENTS ARE SHOWN ON SAID SURVEY.
6. ACCORDING TO THE 1999 ST. JOSEPH COUNTY POTENTIAL GROUNDWATER CONTAMINATION SERIES MAP, THIS SITE IS LOCATED WITHIN AN AFFECTIVE ZONE OF CONTAMINATION (AZC) FOR THE SUBJECT FLOOD HAZARD AREA. THIS MAP IS LOCATED WITHIN AN AFFECTIVE ZONE OF CONTAMINATION (AZC) FOR THE SUBJECT FLOOD HAZARD AREA.
7. THAT PORTION OF UTILITY EASEMENT (SEE DEED RECORD 770, PAGE 580) THAT CROSSES THIS SITE IS VACATED AS PART OF THE PLAT. THIS EASEMENT TO BE CREATED AS PART OF THIS PLAT AND LOT LINES AND OTHER APPURTENANCES. THE LOT OWNER, THEIR SUCCESSORS OR ASSIGNS, SHALL TAKE THEIR TITLE SUBJECT TO SAID USE OF UTILITY EASEMENT "B".
8. THE PLAT AND SUBDIVISION FOR THESE LOTS IS SUBJECT TO THE CITY OF SOUTH BEND ZONING ORDINANCE. THE LOTS SHALL BE SUBJECT TO SAID USE OF INGRESS/EGRESS EASEMENT "C".

FINAL PLAT

OWNER	IPM
RECORDED	RELAND ROAD (80' R/W) BE
PREPARED BY	MM
CHECKED BY	MM
DATE	MM
SCALE	AS SHOWN
PROJECT	0000272

SEC. 25-137N-R2E

21-2379

1 of 2

DATE: _____

PROJECT: _____

SCALE: 1" = 60'

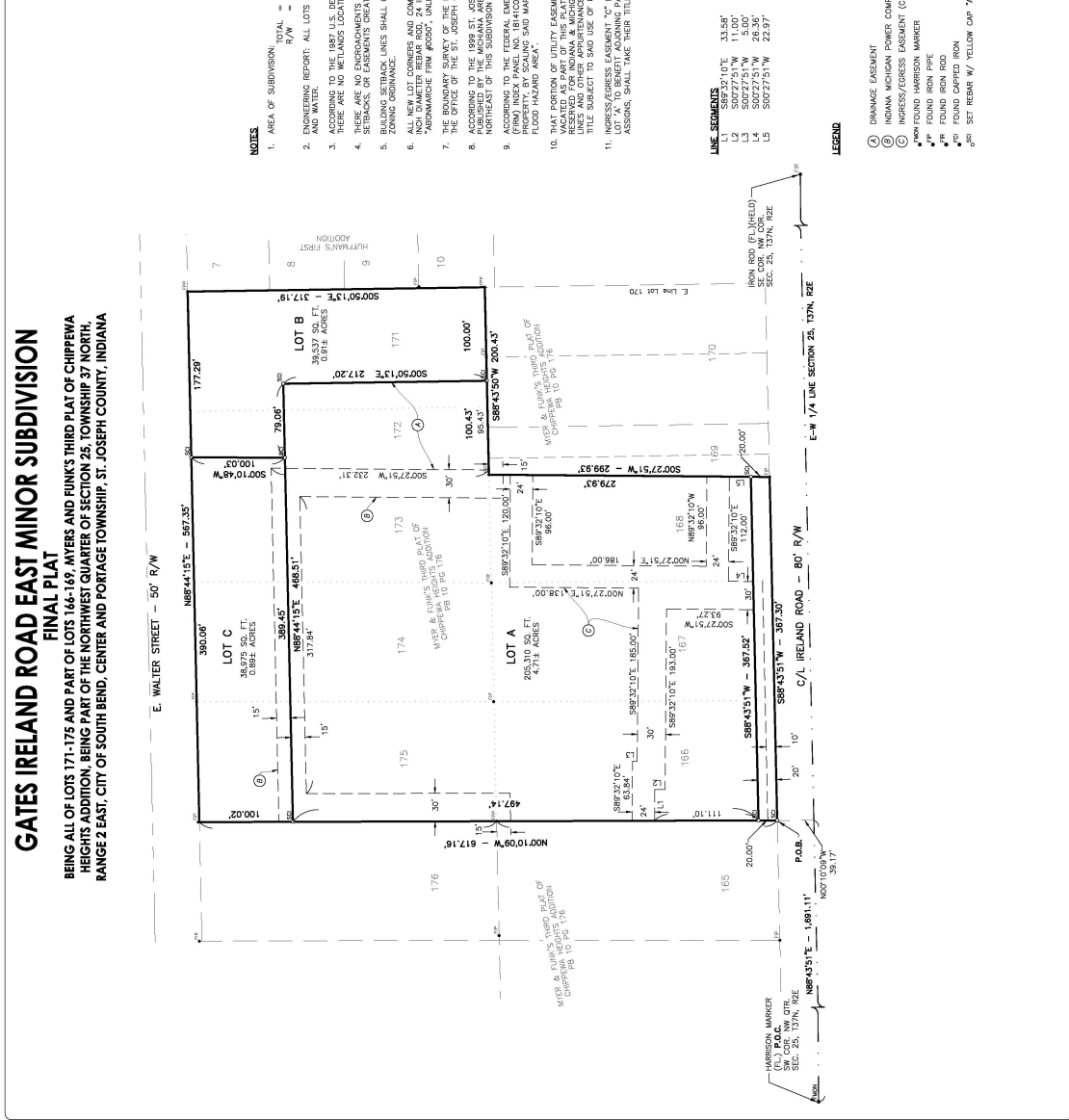
VERT: _____

DATE: _____

PROJECT: _____

DATE: _____

PROJECT: _____



Project Details

- Environmental Data:** A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
- Drainage:** A site drainage plan will be required at the time of development.
- Rights-Of-Way:** The rights-of-way are correct as shown.
- Utilities:** The site will be served by Municipal Water and Municipal Sewer.
- Agency Comments:** Additional right-of-way will need to be dedicated along Ireland Road to encompass municipal sewer and public sidewalk. Sidewalk will be required along Ireland Road and Walter Street.

Recommendation

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.

Property Information

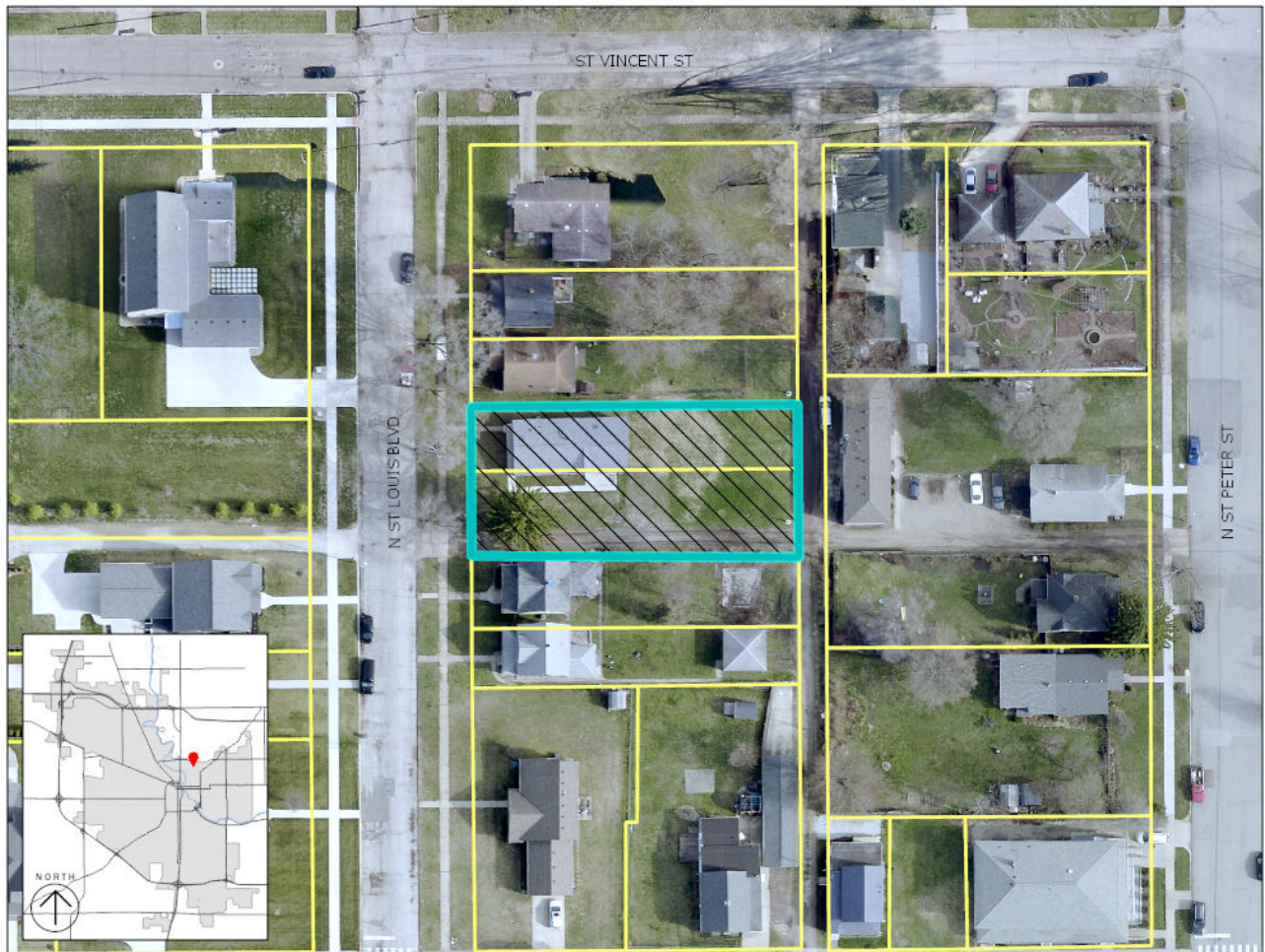
Subdivision Name: **KERRIGAN'S ST. LOUIS BOULEVARD MINOR SUBDIVISION**

Location: East Side Of St. Louis Approximately 160 Ft South Of St. Vincent St.

Requested Action

The total area of the subdivision is 0.43 acres and will consist of 2 building lots.

Location Map



Recommendation

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.

Project Details

- Environmental Data:** A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
- Drainage:** A drainage plan is not required for single-family residential development.
- Rights-Of-Way:** The rights-of-way are correct as shown.
- Utilities:** The site will be served by Municipal Water and Municipal Sewer.
- Agency Comments:** Access will need to be from the alley. Curbs and sidewalks may need to be replaced.

Recommendation

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.

Property Information

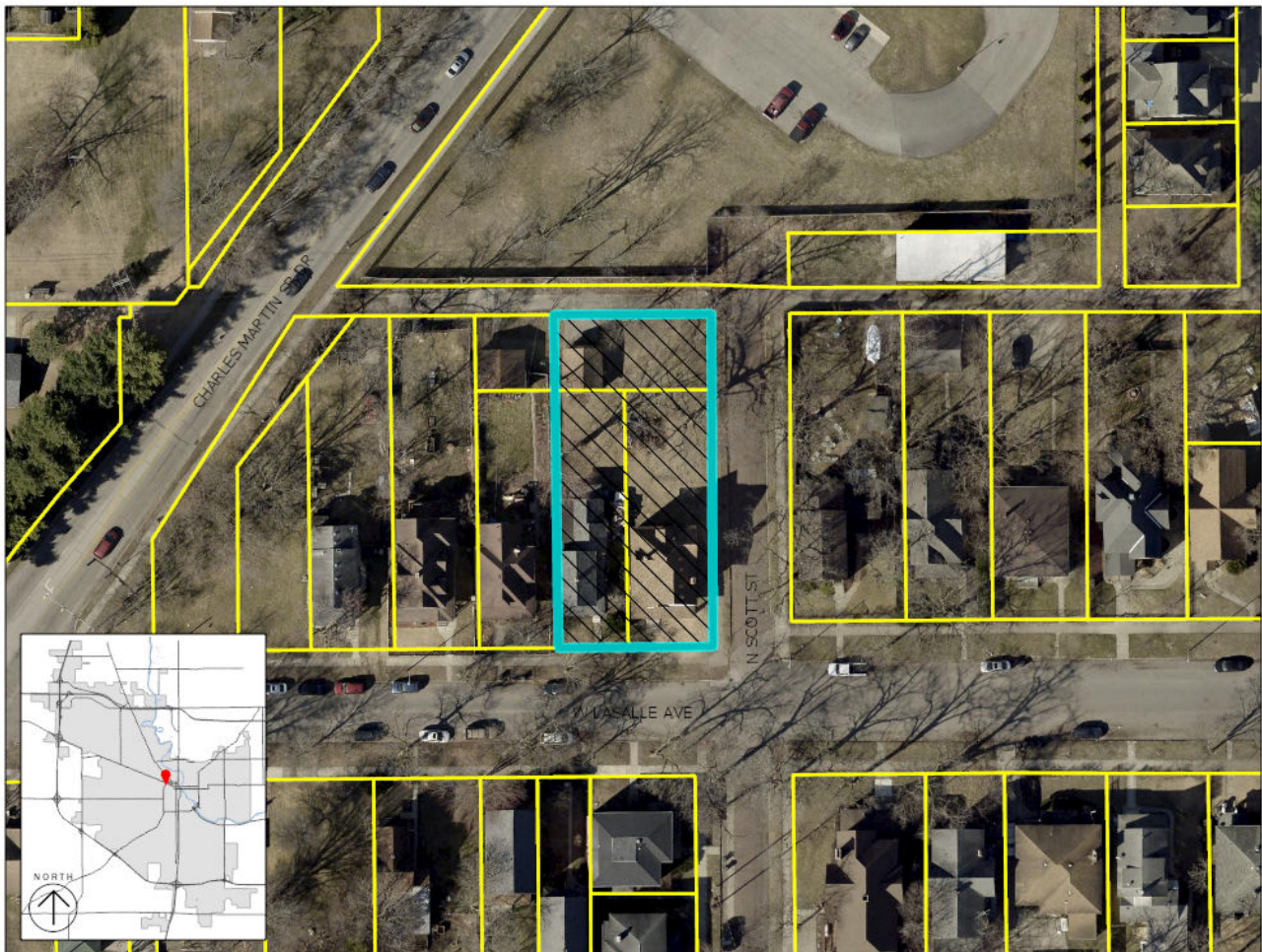
Subdivision Name: **PENNY HILL HOMES MINOR SUBDIVISION**

Location: Northwest Corner of Scott St. And W LaSalle Ave.

Requested Action

The total area of the subdivision is 0.32 acres and will consist of 2 building lots.

Location Map



Recommendation

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.

Project Details

- Environmental Data:** A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
- Drainage:** A drainage plan is not required for single-family residential development.
- Rights-Of-Way:** The rights-of-way are correct as shown.
- Utilities:** The site will be served by Municipal Water and Municipal Sewer.
- Agency Comments:** There are no additional comments at this time.

Recommendation

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.



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

July 20, 2022

South Bend Plan Commission
4th Floor County City Building
South Bend, IN 46601

Re: Ratifying Changes to Near West Side Neighborhood Plan

Following additional public comment and input from the South Bend Common Council, the Department of Community Investment has made the following updates to the Near West Side Neighborhood Plan since its adoption by the Plan Commission in June:

- **Strengthened Brownfield Language**
 - **Page 5:** Added “brownfield concerns” to Existing Conditions map
 - **Page 16:** Updated project description to include “Property owners can work with governmental agencies to assess and address environmental conditions on brownfield sites.”
 - **Page 42:** Created an implementation strategy (5.5) that states “Work with federal, state, regional, and local governments to connect property owners with resources to assess and remediate brownfield sites.”

- **History Museum Area**
 - **Pages 19, 20:** Updated concept graphics for block southwest of Chapin and Thomas Streets; change text on letter “F” to now read “Future use for History Museum.”

- **Civic Connector**
 - **Pages 26, 27:** Updated the Street Improvements & Traffic Calming graphic to include an intersection improvement on the 1000 Block of West Washington Street between the Civil Rights Heritage Center and the Center for Civic Innovation

- **Non-Substantive Changes**

- **Pages 14, 18, 19, 32, 38:** Fixed or clarified grammatical items
- **All Pages:** Updated formatting throughout the document including alignment of text and graphics

Please ratify these changes to the plan that was adopted by the Common Council on July 25, 2022.

Respectfully,

Angela Rose
Senior Planner
City of South Bend