



# 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)

## AGENDA

**Monday, October 17, 2022 - 4:00 P.M.**  
County-City Building  
Fourth-Floor Council Chambers  
[www.tinyurl.com/southbendplancommission](http://www.tinyurl.com/southbendplancommission)

### PUBLIC HEARING:

#### A. REZONINGS

- Location:** 300 ST LOUIS BLVD PC#0112-22  
**Petitioner:** RIVER CITY REAL ESTATE LLC  
**Requested Action:**  
Rezoning: From NC Neighborhood Center to U3 Urban Neighborhood 3  
Variance(s): 1) From the 5' minimum side setback for parking to 0'

#### B. MAJOR SUBDIVISIONS

- Name:** Youth Service Bureau Major Subdivision PC#0108-22  
**Location:** 3313 McKinley: north side of McKinley Avenue approximately 650 feet west of Hickory Road  
**Petitioner:** YOUTH SERVICE BUREAU OF ST JOSEPH COUNTY INC  
**Requested Action:**  
Major Subdivision  
Variance(s): 1) From the required 15' maximum corner setback for Lots 3 and 27; 2) From the required 65% minimum building placement within the setback zoned to 20% for Lot 3; 3) From the maximum 5,000 sq.ft. for a non-civic use in UF to 23,150 sq.ft. for Lot 3; 4) From the required Building Type in accordance with 21-08.02 for Lot 3

#### C. TEXT AMENDMENTS - None for consideration

#### D. DEVELOPMENT PLANS – None for consideration

### ITEMS NOT REQUIRING A PUBLIC HEARING:

#### A. MINOR SUBDIVISIONS

- Name:** THE POINTE AT RIVER WALK MINOR SUBDIVISION-PC#0112-22  
**Location:** Northwest Corner of St. Peter and Northside Blvd.
- Name:** PATTON'S TWYCKENHAM MINOR SUBDIVISION PC#0117-22  
**Location:** West side Twyckenham Dr between Chalfant St and Campeau St
- Name:** EDDY STREET COMMONS SECTION II SECOND MINOR SUBDIVISION PC#0119-22  
**Location:** The West Side of N Georgiana Ave approx. 145' South of Napoleon Blvd.



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- B. FINDINGS OF FACT - September 19, 2022
- C. UPDATES FROM STAFF
- D. MINUTES – September 19, 2022
- E. ADJOURNMENT

**Property Information**

Location: 300 ST LOUIS BLVD  
 Owner: RIVER CITY REAL ESTATE LLC

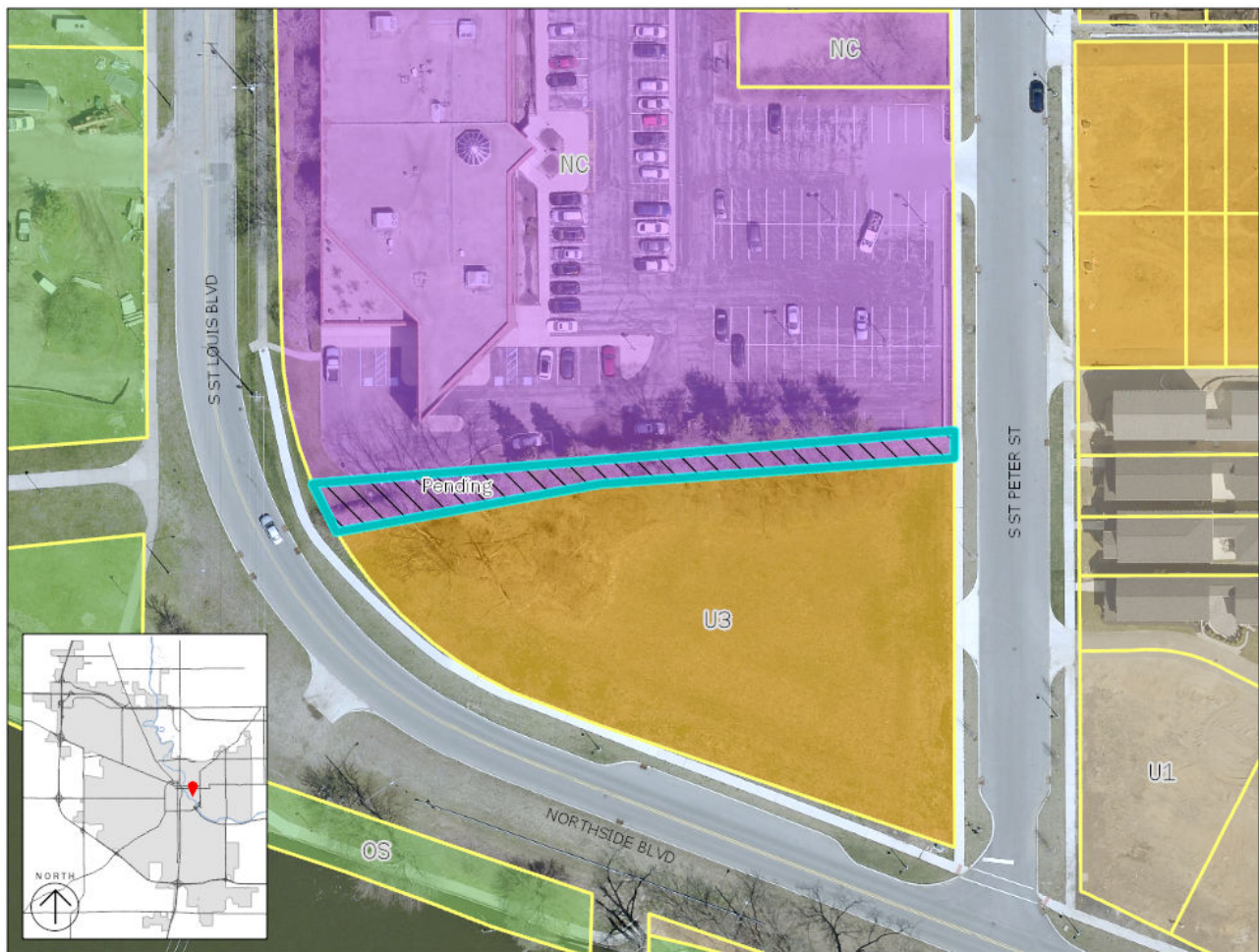
**Requested Action**

Rezone from NC Neighborhood Center to U3 Urban Neighborhood 3  
 Variance(s): 1) From the 5' minimum side setback for parking to 0'

**Project Summary**

Rezone approximately 0.10 acres of land to match the existing adjacent zoning to the south to allow for the construction of a townhome project as a part of the overall River Walk development.

**Location Map**



**Recommendation**

**Staff Recommendation:** Based on the information available prior to the public hearing, the staff recommends the Commission approve the variance as presented. The staff recommends the Commission forward the rezoning to the Common Council with a favorable recommendation.





**Site & Context**

**Land Uses and Zoning:**

- On site: On site is a vacant lot.
- North: Medical Office zoned NC Neighborhood Center.
- East: Across S St. Peter St., are single unit dwellings zoned U1 Urban Neighborhood 1.
- South: Across Northside Blvd., is Howard Park zoned OS Open Space.
- West: Across S St. Louis Blvd., is Howard Park zoned OS Open Space.

**District Intent:**

The U3 District is established to provide for, promote, and maintain the development of a full range of housing types located near neighborhood centers and along major streets in urban neighborhood centers and along major streets in urban neighborhoods in core and outlying areas of the City.

**Site Plan Description:**

The proposed rezoning is for a small portion of property on the south side of the existing office complex. The portion of property the extends from the retaining wall to the south will be transferred to the adjacent property owner for a larger development. The property it will be combined with is currently zoned U3 Urban Neighborhood 3.

**Zoning and Land Use History and Trends:**

The surrounding properties have seen a marked changed in the past 15 years from single family homes and light industrial uses to primarily dense single family and townhomes with the construction of housing on the old TRANSPO Depot site just across the street from this parcel.

**Traffic and Transportation Considerations:**

St. Peter Street is a two lane street with on-street parking. St. Louis Boulevard is a two lane street with no on-street parking on this section. Northside Boulevard is a two lane street with limited on-street parking.

**Agency Comments**

**Agency Comments:**

There are no agency comments at this time.

**Staff Comments:**

A minor subdivision is required to avoid a split zoned lot.

**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.

**Plan Implementation/Other Plans:**

The petition is consistent with The Howard Park Neighborhood Plan (2012), which encourages an increase of residential opportunities in the neighborhood, specifically "Preferred Direction #4 Promote the continuation of historic density, street patterns and open space."

**2. Current Conditions and Character:**

The neighborhood is currently evolving to a medium density residential area with a mix of dense single family homes, duplexes, and townhouses.

**3. Most Desirable Use:**

The most desirable use, at this time, is medium density residential, that will fit the established character of the neighborhood.

**4. Conservation of Property Values:**

Allowing this property to add units should help continue the residential growth in a reasonable manner while providing diverse housing options in a desirable neighborhood.

**5. Responsible Development and Growth:**

It is responsible development and growth to allow property owners to divide lots in a manner that follows the natural terrain of the site.

**Variance(s)**

**The petitioner is seeking the following variance(s):**

- 1) From the 5' minimum side setback for parking to 0'

**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 approval should not be injurious to the public health, safety, morals or general welfare of the community. The variance is due to the creation of the new subdivision. The parking already exists and is remaining unchanged.

**(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 adjacent area should not be affected in a substantially adverse manner. There is a substantial grade change between the existing parking and the adjacent lot. The property most impacted by the variance is the southern property owner whom is acquiring this portion of the lot and fully aware of the condition.

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

Strict application of the zoning ordinance would either require the loss of parking spaces for the current office use on the site or prevent the transfer of property for orderly development to the south.

**(4) The variance granted is the minimum necessary.**

The variances requested are the minimum necessary to allow for the subdivision to be approved.

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

While the practical difficulty is being created by the desire to incorporate this portion of the lot with the adjacent lot, it is a reasonable request to allow appropriate development on the southern lot.

## Analysis & Recommendation

**Commitments:** There are no commitments proposed at this time.

**Analysis:** Rezoning the site to U3 Urban Neighborhood 3 will allow for continued residential growth in the neighborhood while not drastically changing the established character.

**Recommendation:** Based on the information available prior to the public hearing, the staff recommends the Commission approve the variance as presented. The staff recommends the Commission forward the rezoning to the Common Council with a favorable recommendation.

## Property Information

Subdivision Name: **Youth Service Bureau Major Subdivision**

Location: This Major Primary subdivision is located on the northside of McKinley Avenue approximately 650 feet west of Hickory Road, City of South Bend.

## Requested Action

Major Subdivosn: The total area of the subdivision is 16.12 acres and will consist of 28 building lots.

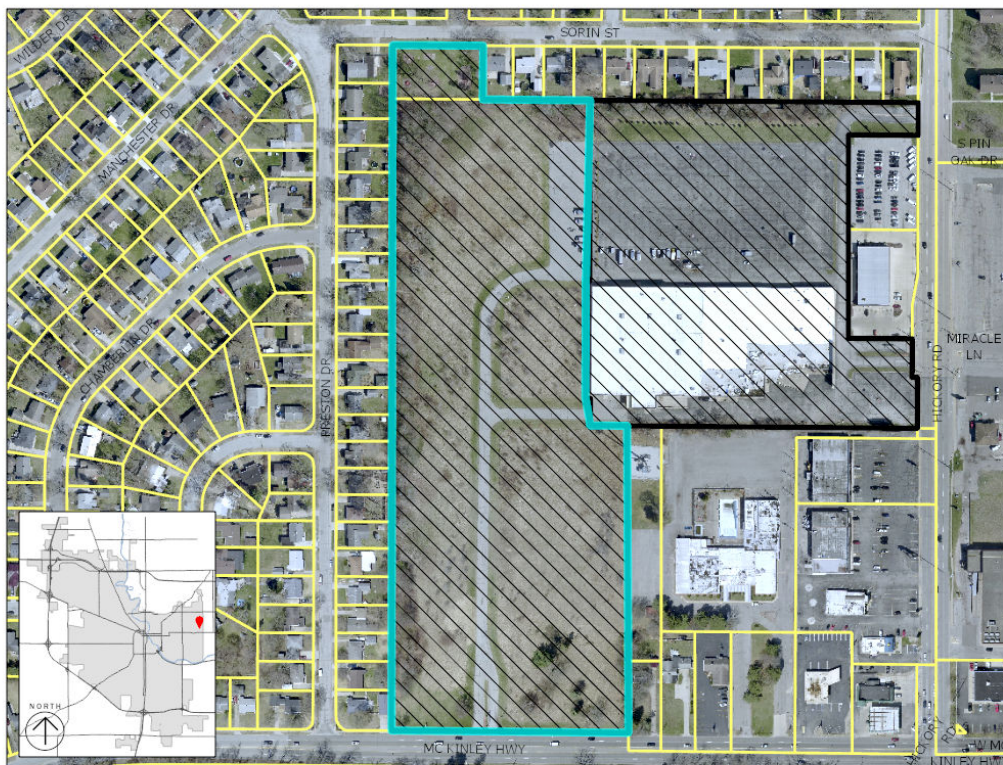
Variance(s): 1) From the required 15' maximum corner setback for Lots 3 and 27

2) From the required 65% minimum building placement within the setback zoned to 20% for Lot 3

3) From the maximum 5,000 sq.ft. for a non-civic use in UF to 23,150 sq.ft. for Lot 3

4) From the required Building Type in accordance with 21-08.02 for Lot 3

## Location Map

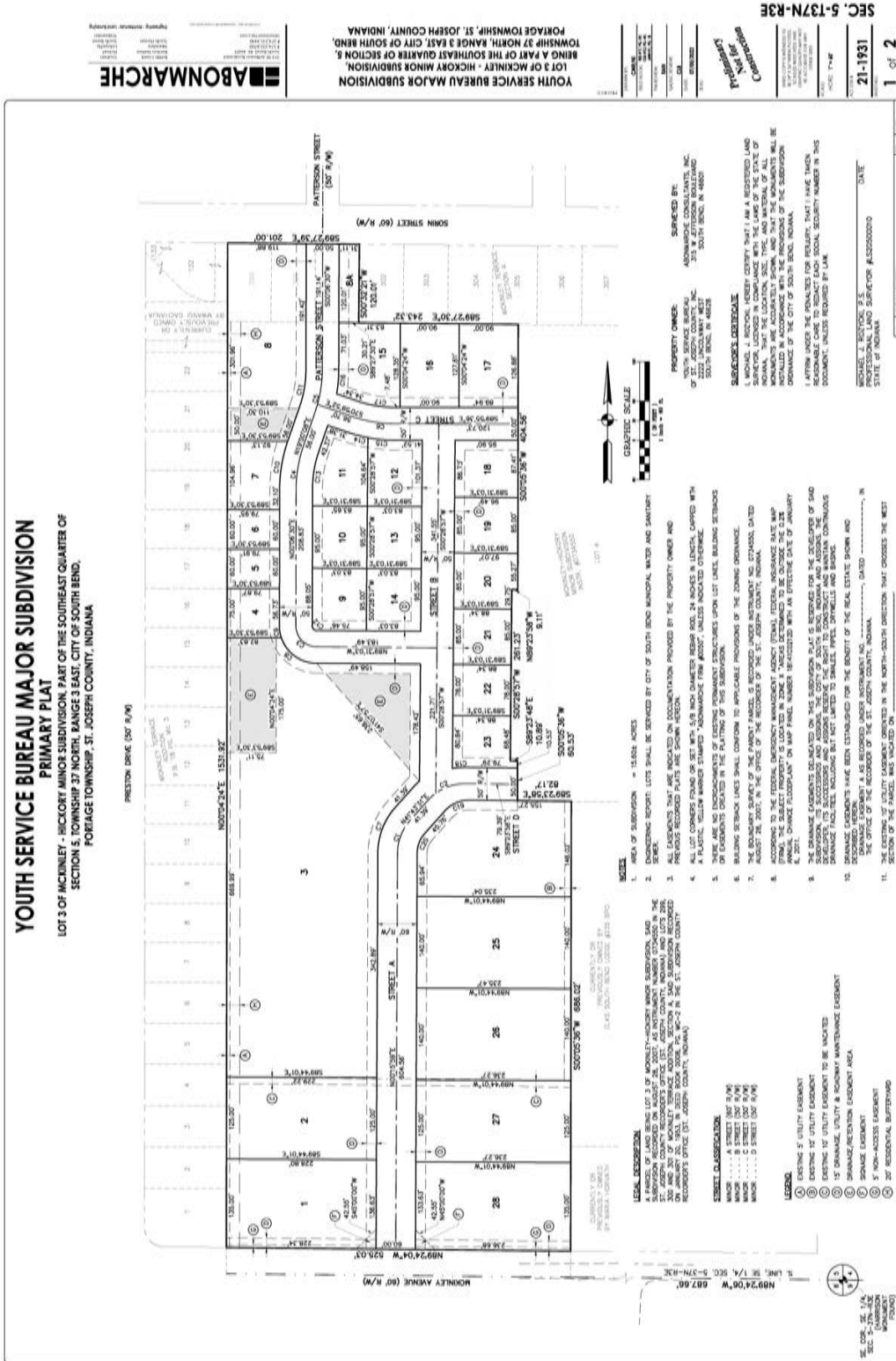


## Recommendation

**Staff Recommendation:** The Staff has reviewed this subdivision and finds that if the waivers are granted and the conditions are met, 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, subject to the following: 1) updating the waiver notes to reflect waivers shown above and including the approval date; 2) removing owner signatures and deed of dedication from the primary plat; 3) providing a cross access easement showing continued access from the dead-end streets or providing the appropriate turnaround and required by Engineering. The Staff recommends the Commission approve the variances as requested.



Proposed Plat





**Project Details (Subdivision)**

- Environmental Data:** A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
- Drainage:** The engineering department has reviewed the general drainage concepts and is continuing to work with the petitioner to finalize a drainage plan.
- Rights-Of-Way:** The rights-of-way are correct as shown.
- Utilities:** The site will be served by Municipal Water and Municipal Sewer.

**Staff Comments:** The registered surveyor on behalf of the property owner requests the following waivers from the Subdivision Control Ordinance: 1) Section 21-11.03(b) Block Standards; Section 21-11.02(d)(1) Required Improvements, more specifically from the following sections of the Construction Standards & Specifications: 2-2.10 Intersection should be spaced no closer than 300' between centerlines'; 2.2.11 Residential approaches are not allowed within 50' of an intersection for Lots 19 and 26; and 2-2.14 Cul-de-sacs are required at the termination of dead-end streets.

**Criteria for Decision Making**

**Variance(s)**

**The petitioner is seeking the following variance(s):**

- 1) From the required 15' maximum corner setback for Lots 3 and 27
- 2) From the required 65% minimum building placement within the setback zoned to 20% for Lot 3
- 3) From the maximum 5,000 sq.ft. for a non-civic use in UF to 23,150 sq.ft. for Lot 3
- 4) From the required Building Type in accordance with 21-08.02 for Lot 3

**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 will not be injurious to the public health or safety. Due to the unique circumstances of the broader development and the novel mix of uses within the proposed building, the structure's location and size will not have an impact on the general welfare of the community.

**(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.**

With proper buffering, the adjacent properties should not be adversely affected by the proposed variances. The building and parking areas exceed the normal rear setback requirements for development in the UF District. The buildings will still be relatively close to the proposed new street and meets the ordinance intent of keeping the parking to the rear of the building and not facing the street.

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

The proposed subdivision has been designed to incorporate a large open space on the north part of Lot 3 and drainage/open space on Lot 27. The location of these features were designed to offer flexibility in development of the site, including potential expansion of the Youth Service Bureau (YSB) building. The Urban Flex district does not anticipate a mixed use residential building located in a more suburban commercial setting. The size limits reflect the concept that UF properties are typically intermixed in a traditional residential development.

**(4) The variance granted is the minimum necessary.**

The main entrances of the proposed YSB building is located at the maximum setback, however, the design of the building results in a wing of the building being setback from the street. The other variances are the minimum necessary to develop in a coordinated master plan for the area.

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

While the required variances are self-created, the property was once part of a PUD that offered more flexibility in site design and building layout. The site location was chosen prior to the adoption of the new Zoning Ordinance and is being planned as part of a larger development for the area. Given the unique nature of the proposed uses within this development there is no one zoning district that could accommodate all of them. The UF district was assigned to bridge these range of uses.

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## Recommendation

**Analysis:** The property was previously zoned PUD, which anticipated a wide range of uses from single family to light industrial. The proposed subdivision and variances will allow for the development of a new Youth Service Bureau building, low density residential, expanded park, and commercial development. The site is uniquely positioned between residential and existing commercial. The proposed development serves as a transition between these uses.

**Staff Recommendation:** The Staff has reviewed this subdivision and finds that if the waivers are granted and the conditions are met, 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, subject to the following: 1) updating the waiver notes to reflect waivers shown above and including the approval date; 2) removing owner signatures and deed of dedication from the primary plat; 3) providing a cross access easement showing continued access from the dead-end streets or providing the appropriate turnaround and required by Engineering



**Property Information**

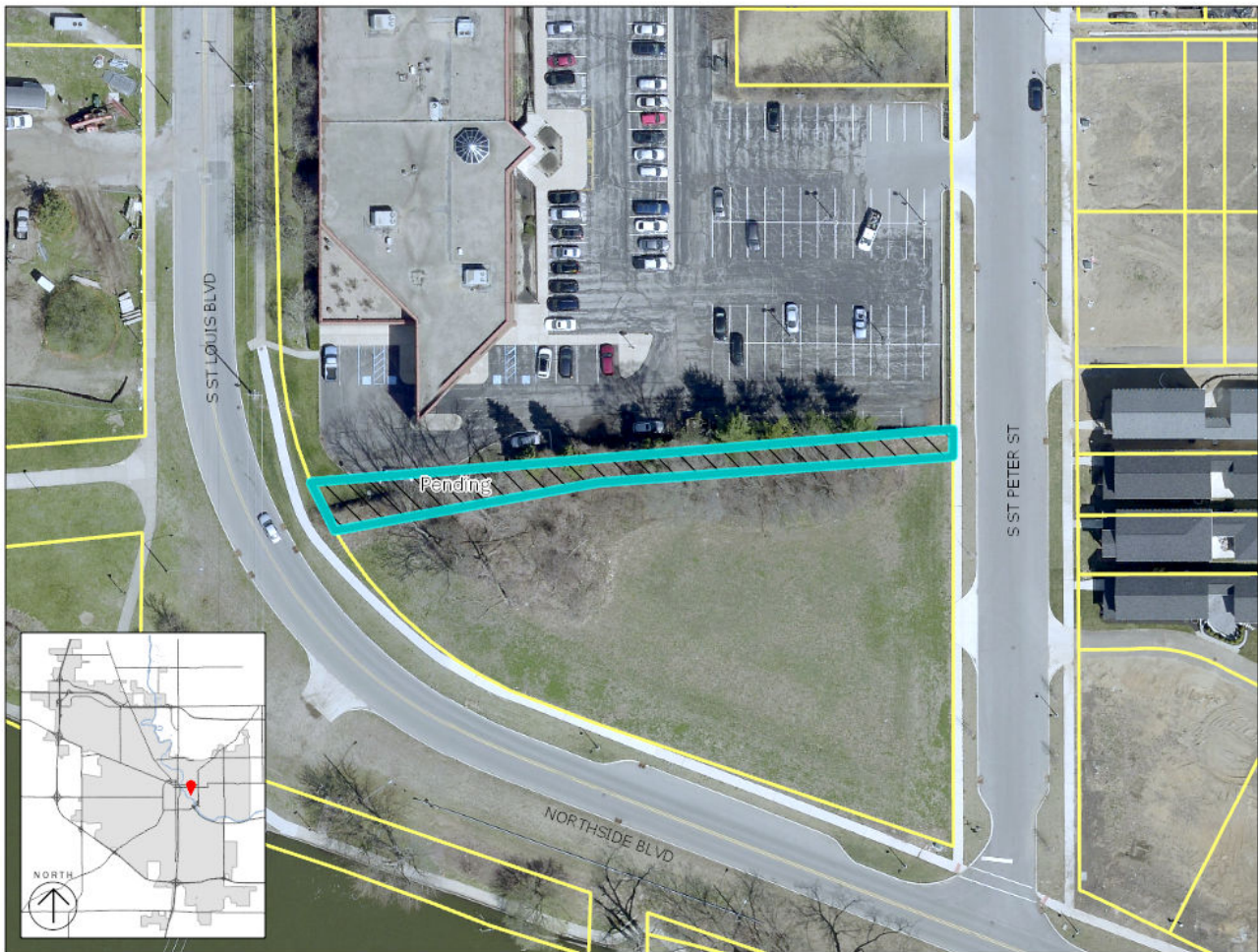
Subdivision Name: **THE POINTE AT RIVER WALK MINOR SUBDIVISION**

Location: This Minor Primary subdivision is located NW Corner of St. Peter St. and Northside Blvd.

**Requested Action**

The total area of the subdivision is 3.38 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.



## Staff Report – PC#0112-22

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### Project Details

<b>Environmental Data:</b>	A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
<b>Drainage:</b>	There is no drainage plan required at this time.
<b>Rights-Of-Way:</b>	The rights-of-way are correct as shown.
<b>Utilities:</b>	The site will be served by Municipal Water and Municipal Sewer.

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### Recommendation

**Staff Comments:** For future development of the site, a major subdivision will be required to extend municipal sewer and water.

**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**

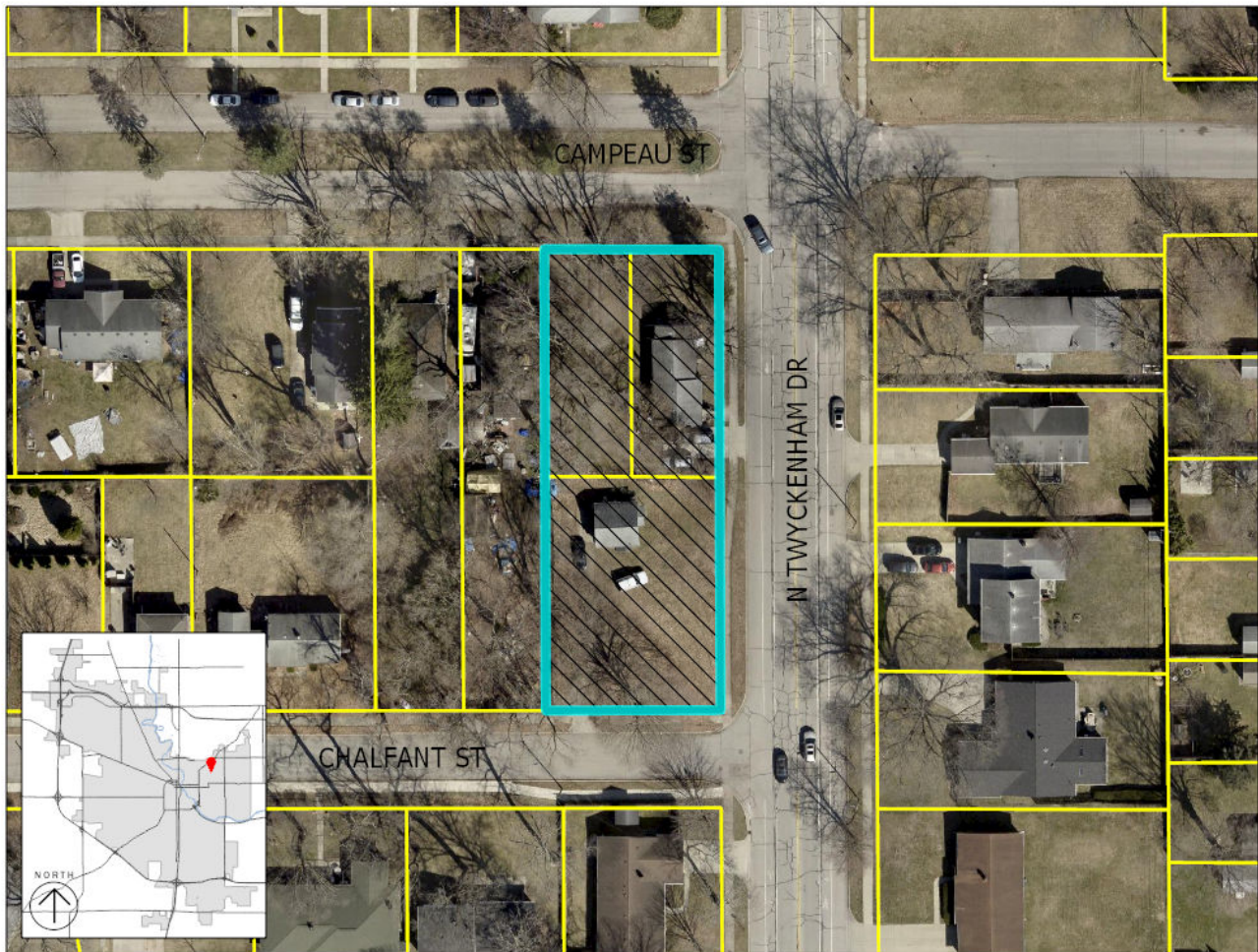
Subdivision Name: **PATTON'S TWYCKENHAM MINOR SUBDIVISION**

Location: This Minor Primary subdivision is located Twyckenham Dr between Chalfant St and Campeau St.

**Requested Action**

The total area of the subdivision is .46 acres and will consist of 4 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.





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**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 is no public utility located in the Public Utility Easement. Curb and sidewalks will need to be repaired or replaced at the time of development.

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**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**

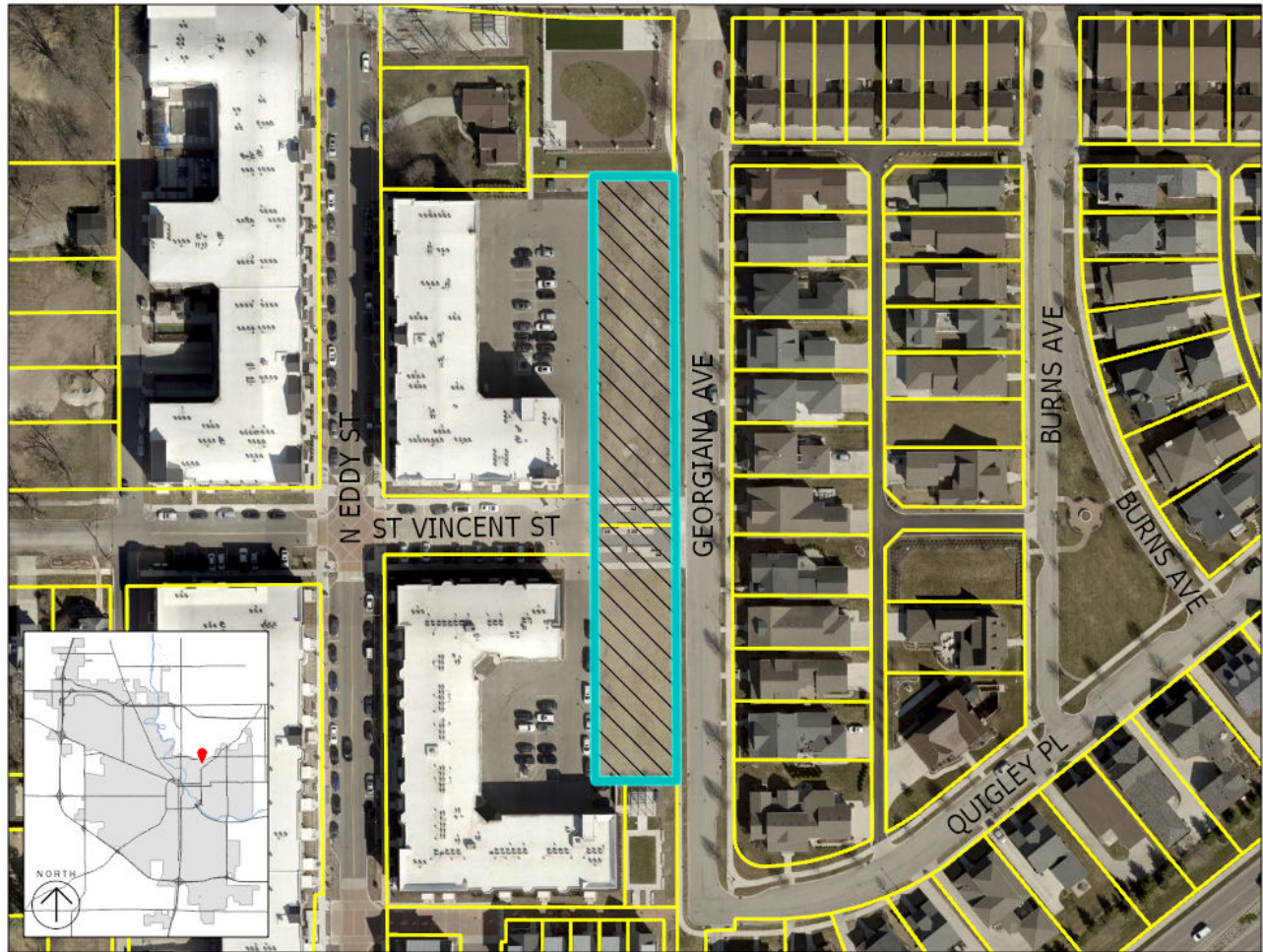
Subdivision Name: **EDDY STREET COMMONS SECTION II SECOND MINOR SUBDIVISION**

Location: This Minor Secondary subdivision is located Southwest Corner of N. Georgiana Ave and E St.

**Requested Action**

The total area of the subdivision is .83 acres and will consist of 9 building lots.

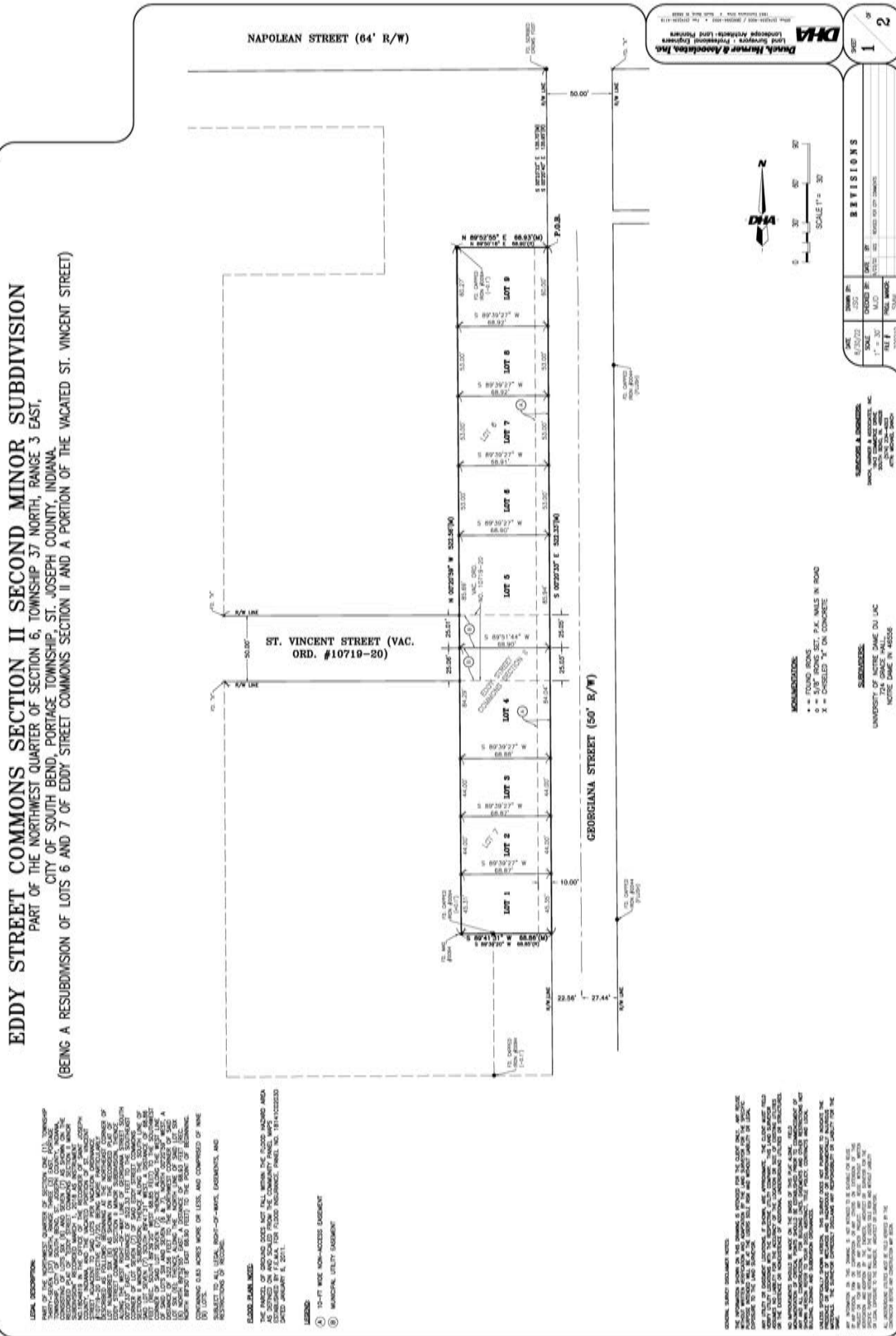
**Location Map**



**Recommendation**

**Staff Recommendation:** The Staff has reviewed this subdivision and finds that if the conditions are met 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, subject to the following: 1) Providing a Municipal Water Easement

Proposed Plat





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**Project Details**

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

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**Recommendation**

**Staff Recommendation:** The Staff has reviewed this subdivision and finds that if the conditions are met it complies with the requirements for Secondary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Secondary Approval, subject to the following: 1) Providing a Municipal Water Easement