



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, February 20, 2023 - 4:00 P.M.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/southbendplancommission

PUBLIC HEARING:

A. REZONINGS

- Location:** 407, 409 and 411 MARION ST PC#0137-23
Petitioner: DAVID A NUFER LLC
Requested Action:
Rezoning: From U3 Urban Neighborhood 3 and NC Neighborhood Center to
NC Neighborhood Center and U3 Urban Neighborhood 3

B. MAJOR SUBDIVISIONS - None for consideration

C. TEXT AMENDMENTS - None for consideration

D. DEVELOPMENT AGREEMENT - None for consideration

ITEMS NOT REQUIRING A PUBLIC HEARING:

A. MINOR SUBDIVISIONS

- Name:** CEDAR STREET AND NOTRE DAME AVENUE MINOR
SUBDIVISION PC#0133-23
Location: Northwest Corner of E. Cedar Street and N. Notre Dame Avenue
- Name:** CENTENNIAL AMERICAN MINOR SUBDIVISION PC#0134-23
Location: Southeast Corner of S. Ironwood Drive and E. Ireland Road

B. FINDINGS OF FACT - None for consideration

C. MINUTES – January 17, 2023

D. UPDATES FROM STAFF

E. ADJOURNMENT

Property Information

Location: 407, 409 and 411 MARION ST
Owner: DAVID A NUFER LLC

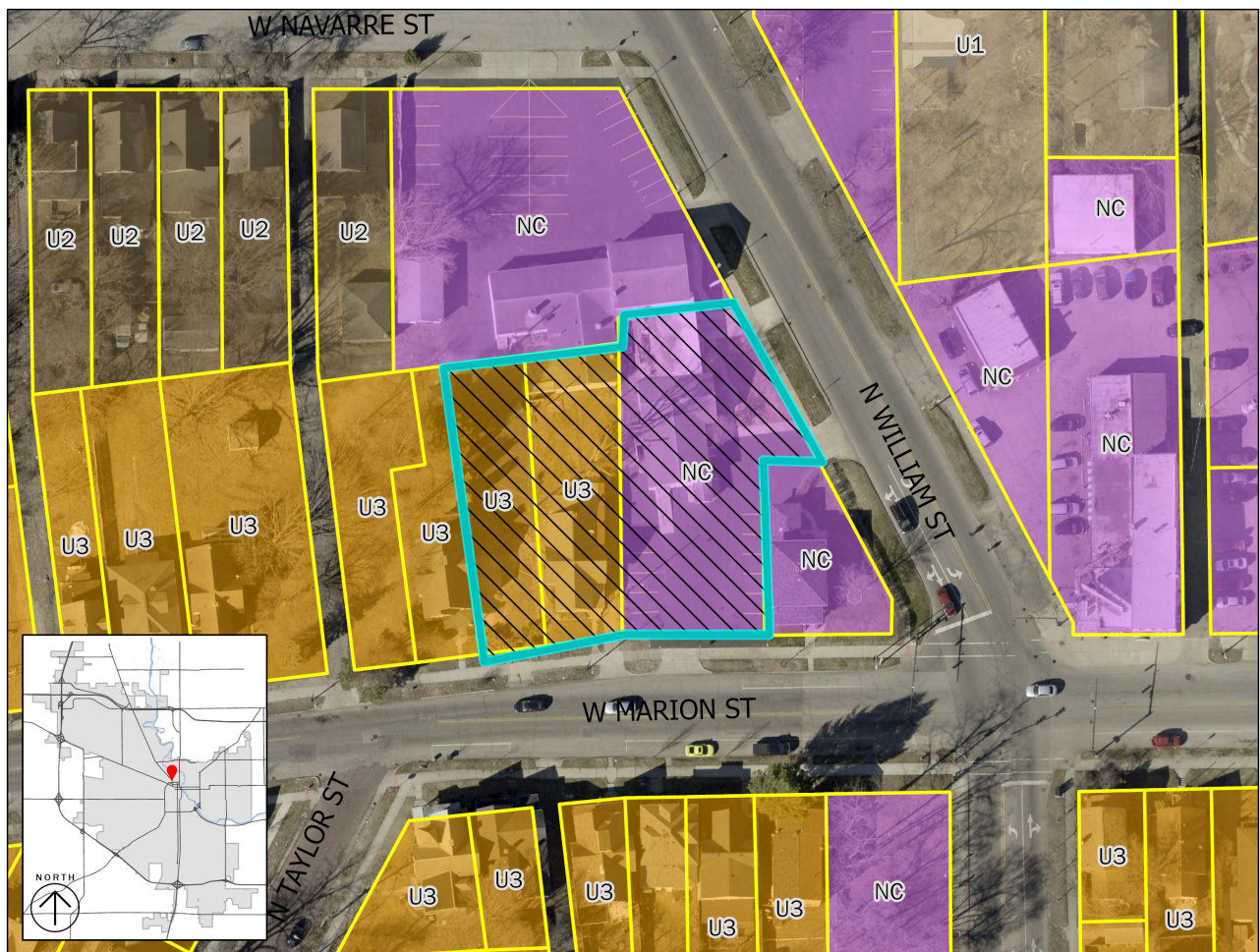
Requested Action

Rezone from U3 Urban Neighborhood 3 and NC Neighborhood Center to NC Neighborhood Center and U3 Urban Neighborhood 3

Project Summary

Rezone properties to allow for retail development along Portage Ave and residential homes along Marion St.

Location Map

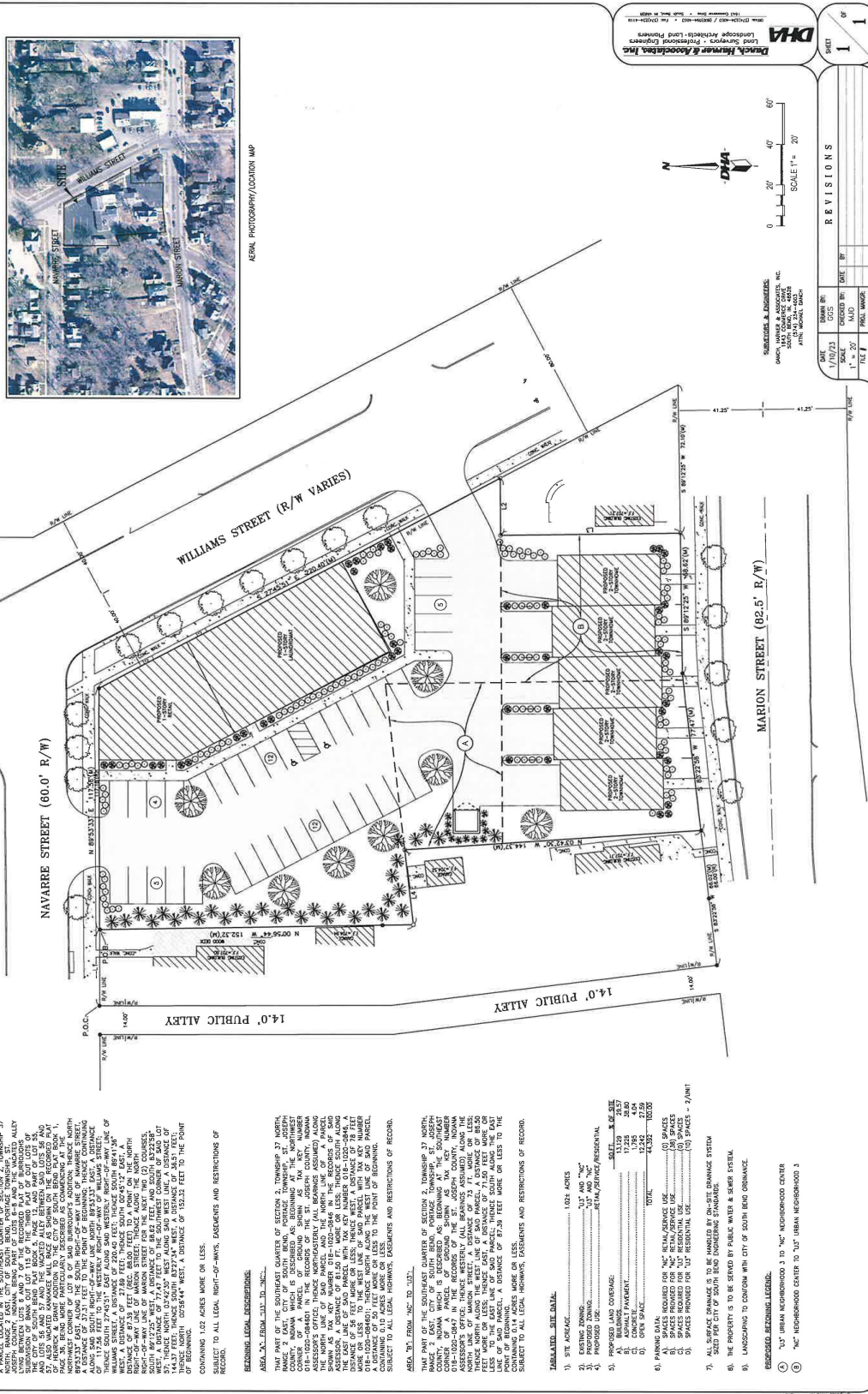


Recommendation

Staff Recommendation: Based on information provided prior to the public hearing, the Staff recommends the Commission send the Rezoning to the Common Council with a favorable recommendation, subject to subdividing the lots to match the established zoning districts.

Proposed Site Plan

PRELIMINARY SITE PLAN
PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST,
CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



LEGAL DESCRIPTION:
A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA. THE PARCEL IS BEING REFERRED TO AS THE "SUBJECT PARCEL". THE SUBJECT PARCEL IS 60.0 FEET WIDE AND 140.0 FEET DEEP. THE SUBJECT PARCEL IS BOUND BY NAVARRE STREET TO THE WEST, WILLIAMS STREET TO THE NORTH, MARION STREET TO THE SOUTH, AND A 14.0' PUBLIC ALLEY TO THE EAST. THE SUBJECT PARCEL IS SUBJECT TO ALL LEGAL, RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

REZONING LEGAL DESCRIPTIONS:
AREA "C" FROM "L-1C" TO "N-C".

AREA "B" FROM "N-C" TO "U-2".

AREA "A" FROM "U-2" TO "U-1".

AREA "A": THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING THE SOUTHWEST CORNER OF A PARCEL OF APPROXIMATELY 140.0 FEET BY 60.0 FEET, BOUND BY NAVARRE STREET TO THE WEST, WILLIAMS STREET TO THE NORTH, MARION STREET TO THE SOUTH, AND A 14.0' PUBLIC ALLEY TO THE EAST. THE SUBJECT PARCEL IS SUBJECT TO ALL LEGAL, RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

AREA "B": THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING THE SOUTHWEST CORNER OF A PARCEL OF APPROXIMATELY 140.0 FEET BY 60.0 FEET, BOUND BY NAVARRE STREET TO THE WEST, WILLIAMS STREET TO THE NORTH, MARION STREET TO THE SOUTH, AND A 14.0' PUBLIC ALLEY TO THE EAST. THE SUBJECT PARCEL IS SUBJECT TO ALL LEGAL, RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

AREA "C": THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING THE SOUTHWEST CORNER OF A PARCEL OF APPROXIMATELY 140.0 FEET BY 60.0 FEET, BOUND BY NAVARRE STREET TO THE WEST, WILLIAMS STREET TO THE NORTH, MARION STREET TO THE SOUTH, AND A 14.0' PUBLIC ALLEY TO THE EAST. THE SUBJECT PARCEL IS SUBJECT TO ALL LEGAL, RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

TABLED SITE DATA:

1. SITE AREA:	104.1 ACRES
2. PROPOSED ZONING:	"U-1" AND "N-C"
3. PROPOSED USE:	RETAIL/FINANCE/PRESIDENTIAL
4. PROPOSED LOTS:	12
5. PROPOSED LOTS:	12
6. PROPOSED LOTS:	12
7. PROPOSED LOTS:	12
8. PROPOSED LOTS:	12
9. PROPOSED LOTS:	12
10. PROPOSED LOTS:	12
11. PROPOSED LOTS:	12
12. PROPOSED LOTS:	12

7. ALL SURFACE DRAINAGE IS TO BE HANDLED BY ON-SITE DRAINAGE SYSTEM.
8. THE PROJECT IS TO BE SERVED BY PUBLIC WATER & SEWER SYSTEM.
9. LANDSCAPING TO CONFORM WITH CITY OF SOUTH BEND ORDINANCE.

PROPOSED REZONING LEGISLATION:

① "U-1" URBAN NEIGHBORHOOD CENTER TO "U-1" URBAN NEIGHBORHOOD CENTER
② "N-C" NEIGHBORHOOD CENTER TO "N-C" NEIGHBORHOOD CENTER

Site & Context

Land Uses and Zoning:

- On site: Are vacant lots
- North: Across W Navarre St., is an office/neighborhood assembly zoned UF Urban Neighborhood Flex
- East: Across N Williams St., are mixed use buildings zoned NC Neighborhood Center
- South: Across W Marion St., are multiunit dwellings and a vacant lot zoned U3 Urban Neighborhood 3 and NC Neighborhood Center
- West: Are multiunit dwellings zoned U2 Urban Neighborhood 2 and U3 Urban Neighborhood 3

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.

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 to allow the adjustment of the current zoning districts in order to facilitate a more cohesive development. The site plan shows a single story two-unit retail building on the NC Neighborhood Center lot along William Street. The proposed U3 Urban Neighborhood 3 lot shows two-story townhouses along Marion Street. Both areas work together to share drives and parking on the interior of the lot.

Zoning and Land Use History and Trends:

The area developed in the early 1900s with primarily single family homes with the occasional duplex or triplex. Commercial uses were primarily focused on Lincoln Way or Portage with small scale commercial buildings dotted throughout the neighborhood. The neighborhood has seen growth and revitalization in the last decade, demanding more housing types and neighborhood amenities.

Traffic and Transportation Considerations:

William St. is a two lane street with no on-street parking. William becomes Portage Avenue just north of the site. Marion St. is a two lane street with some on-street parking. Navarre St. is a narrow two lane street with on-street parking.

Agency Comments

Agency Comments:

There are no agency comments at this time.

Full engineering review will be done with the Plan Review submittal.

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 City Plan (2006) Policy ED 1.2 Encourage the reuse of abandoned and underutilized land and structures.

Land Use Plan:

The Future Land Use Plan identifies this area for Medium Density Residential.

Plan Implementation/Other Plans:

There are no other plans for this area.

2. Current Conditions and Character:

The current character of the area is primarily a mix of low to medium density residential uses with some mixed use and service related uses along William Street and Portage Avenue.

3. Most Desirable Use:

The most desirable use is low to medium density residential along Marion and medium density housing or small-scale retail/service on William.

4. Conservation of Property Values:

Developing a new residential and commercial project on currently vacant 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 small-scale commercial uses while adding more housing types to the surrounding area.

Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: Rezoning the parcels to NC Neighborhood Center and U3 Urban Neighborhood 3 will allow for the zoning districts to be better aligned with the proposed small-scale commercial building along the thoroughfare and the residential development focused on a residential street. This will add a additional services and housing types to a growing neighborhood.

Recommendation: Based on information provided prior to the public hearing, the Staff recommends the Commission send the Rezoning to the Common Council with a favorable recommendation, subject to subdividing the lots to match the established zoning districts.

Property Information

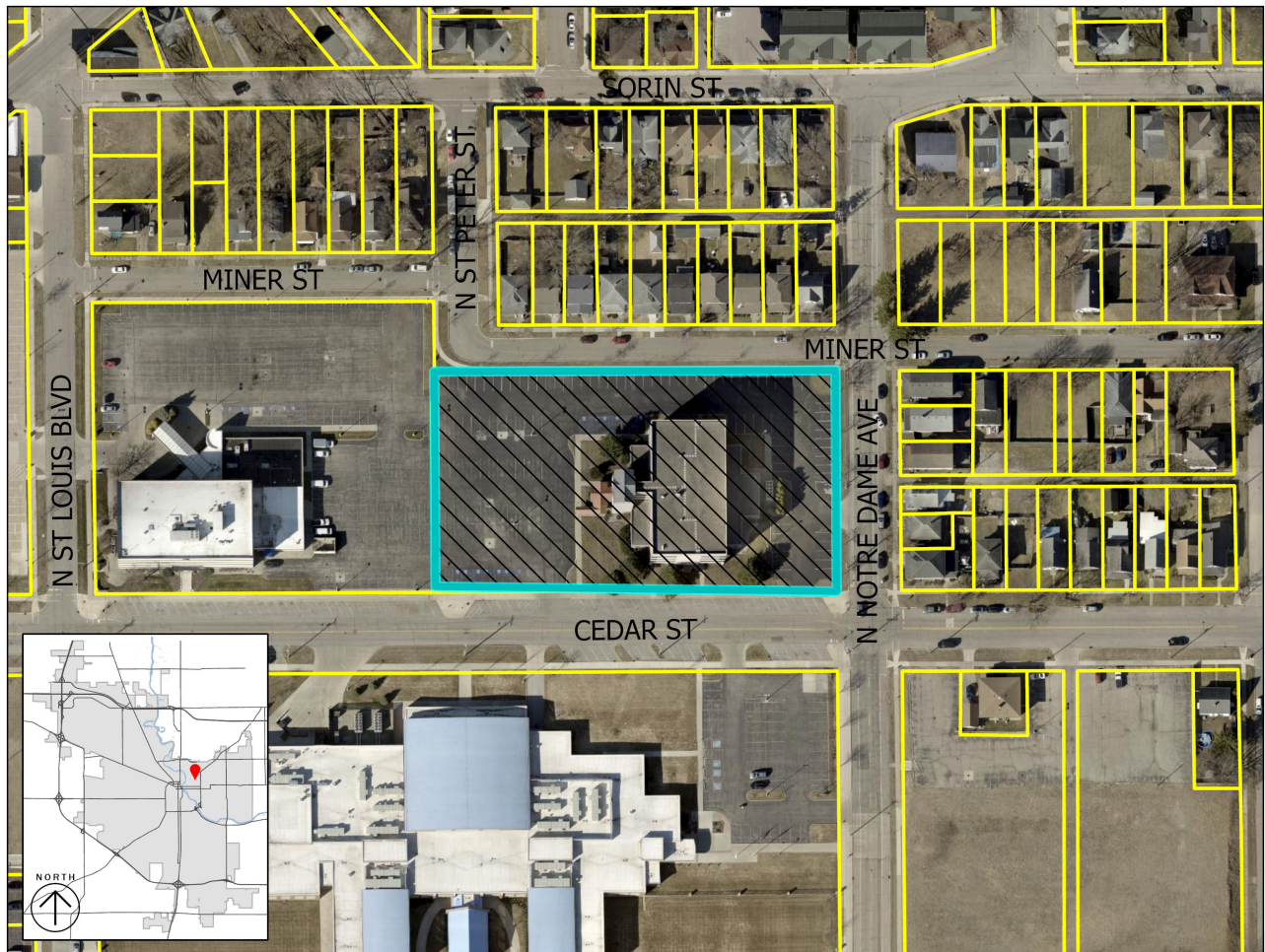
Subdivision Name: **CEDAR STREET AND NOTRE DAME AVENUE MINOR SUBDIVISION**

Location: Northwest Corner of E. Cedar Street and N. Notre Dame Avenue

Requested Action

The total area of the subdivision is 2.1 acres and will consist of 2 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) Provide the REA-Reciprocal Easement Agreement

Proposed Plat

CEDAR STREET AND NOTRE DAME AVENUE MINOR SUBDIVISION
PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST,
CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

DEED OF ASSIGNMENT

WE, THE UNDERSIGNED, COME BY THE DEED OF ASSIGNMENT AND DEED OF ASSIGNMENT TO THE CITY OF SOUTH BEND, INDIANA, THE SUBDIVISION CONTROL ORDNANCE OF THE CITY OF SOUTH BEND, INDIANA, THIS SUBDIVISION SHALL BE

CEDAR STREET AND NOTRE DAME AVENUE MINOR SUBDIVISION
ALL STREETS, RIGHTS-OF-WAY, ALLEYS, DRIVEWAY, EASEMENTS, AND PUBLIC OPEN SPACES SHOWN AND NOT REFERENCED HERETO, ARE HEREBY ASSIGNED TO THE PUBLIC FOR THE USES AND PURPOSES INTENDED BY THE CITY OF SOUTH BEND, INDIANA. THESE SHALL BE THE PLATS, BETWEEN WHICH LINES AND THE RIGHT-OF-WAY LINE OF THE STREETS, THERE SHALL BE

OWNER'S ACKNOWLEDGEMENT

THIS IS TO CERTIFY THAT THE UNDERSIGNED HAS THIS DAY RECEIVED IN THE CITY OF SOUTH BEND, INDIANA, THE DEED OF ASSIGNMENT AND DEED OF ASSIGNMENT AND DEED OF ASSIGNMENT TO THE CITY OF SOUTH BEND, INDIANA, AND THAT I HAVE CAUSED THE SAME TO BE SIGNED AND SUBMITTED AS INDICATED

DAVID THIS _____ DAY OF _____, 2023

US POSTAL SERVICE
330 W. STATE STREET
EAST, IN 46516

NO. 0001, LTD.

NOTARIZATION STATEMENT

STATE OF INDIANA]
COUNTY OF ST. JOSEPH]

SS:

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE DID PERSONALLY APPEAR _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SET FORTH IN THE FOREGOING INSTRUMENT AS HIS (THEIR) VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED. WITNESS MY HAND AND NOTARIAL SEAL.

THIS _____ DAY OF _____, 2023.

MY COMMISSION EXPIRES NOVEMBER 13, 2030.

MICHAEL J. DANCH
RESIDENT OF ST. JOSEPH COUNTY
IN #406029

SUBDIVISION CERTIFICATE

ALL THE LOTS OF THE STATE OF INDIANA, INCLUDING THE LOTS OF THE SUBDIVISION CONTROL ORDNANCE OF THE CITY OF SOUTH BEND, INDIANA, THIS SUBDIVISION SHALL BE



ILL. NUMBER #10022

CERTIFICATE OF APPROVAL

PURSUANT TO INDIANA CODE SECTION 36-2-4, THE UNDERSIGNED CERTIFY THAT THE GENERAL SUBDIVISION CONTROL ORDNANCE OF THE CITY OF SOUTH BEND, INDIANA, WAS CONSIDERED AND GRANTED SECONDARY APPROVAL BY THE SOUTH BEND PLAN COMMISSION ON _____

DETERMINING THAT THE SAID SUBDIVISION COMPLIES WITH THE STANDARDS SET FORTH IN THE CITY OF SOUTH BEND SUBDIVISION CONTROL ORDNANCE

IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURE AND THE COMMISSIONER'S SEAL, HERETO.

ANGELA M. GARY
SECRETARY OF THE COMMISSION

DMA
Dunckhoffer & Associates, Inc.
Land Surveyors - Professional Engineers
Landscape Architects - Land Planners
10000 Lakeshore Drive, Suite 100, South Bend, IN 46708
Phone: (317) 336-7700 Fax: (317) 336-7701
www.dunckhoffer.com

REVISIONS

DATE	DOWN BY	ISS
1/2/23	DAVE	1

2 of 2 SHEET

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 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:	A utility agreement may be required depending on how the site will be served.

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) Provide the REA-Reciprocal Easement Agreement

Property Information

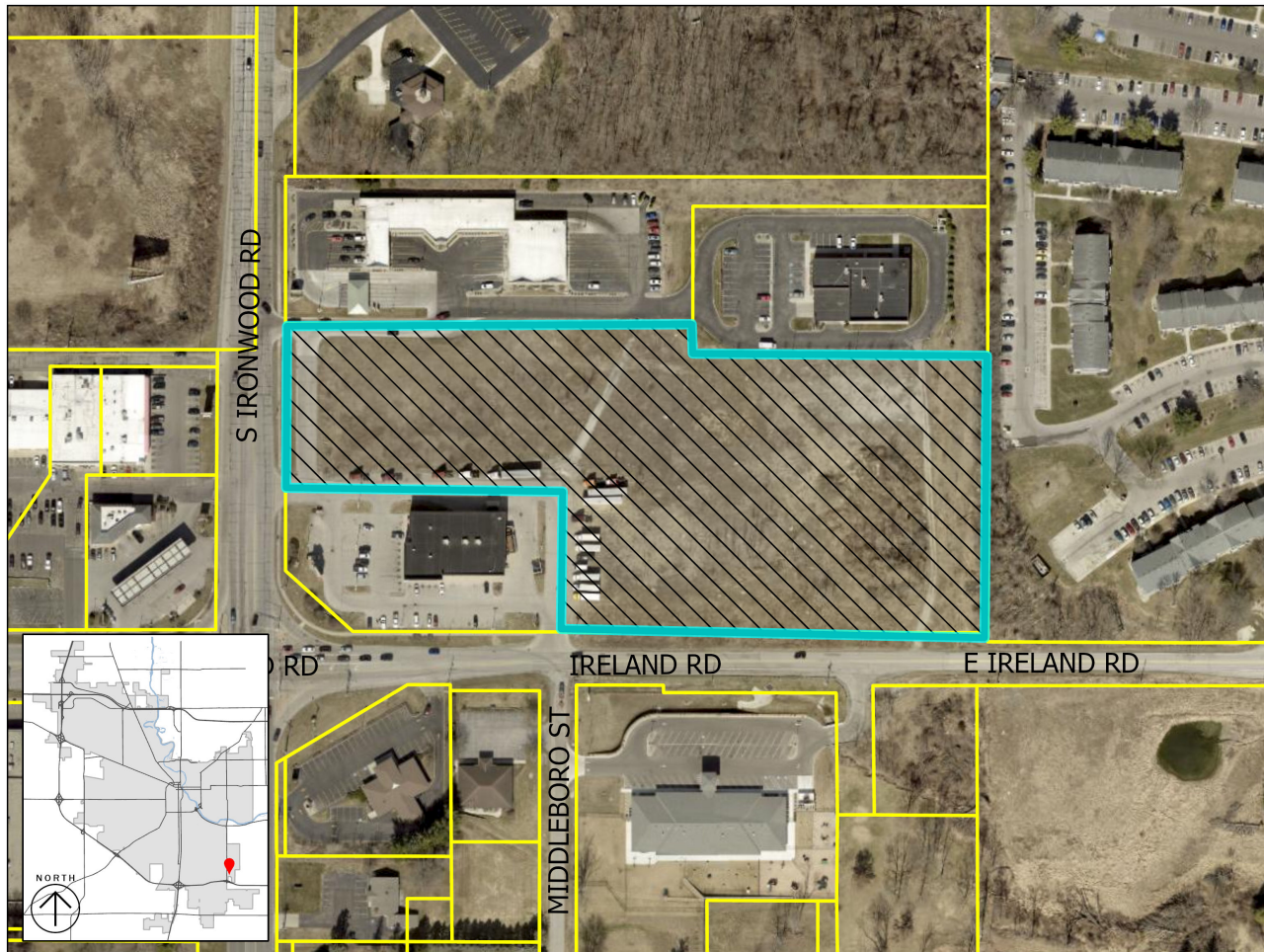
Subdivision Name: **CENTENNIAL AMERICAN MINOR SUBDIVISION**

Location: Southeast corner of S. Ironwood Drive and E. Ireland Road

Requested Action

The total area of the subdivision is 7.13 acres and will consist of 2 building lots.

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) Provide descriptions for all easements including what is located in them; 2) Label the drainage easement along the South property line.; 3) Identify what the 10' non-access easement is along the North property line; 4) Provide clarity regarding Public Utility Easement access required to service lot 2; and 5) Provide a water and sewer agreement for how Lot 2 will be serviced.

Proposed Plat

CENTENNIAL AMERICAN MINOR SUBDIVISION
 PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 3 EAST,
 CITY OF SOUTH BEND, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.
 (BEING A RE-SUBDIVISION OF LOT C "RUBY PLAZA SECOND MINOR SUBDIVISION")

DEED OF REDUCTION
 WE THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY
 WAIVE, CONFIRM AND REAFFIRM IN ACCORDANCE WITH THE REQUIREMENTS OF THE
 CENTENNIAL AMERICAN MINOR SUBDIVISION
 KNOWN AND DESCRIBED AS:

ALL STREETS, ROWS-OF-WALK ALLEYS, PUBLIC HIGHWAY EXHIBITS, AND PUBLIC OPEN SPACES
 SHOWN AND NOT HERETOFORE DEDICATED, NOW ARE HEREBY DEDICATED TO THE PUBLIC FOR THE USES
 AND PURPOSES INTENDED BY THE PLAT HEREON. THE RIGHTS OF THE PUBLIC SHALL BE
 PROTECTED BY THE CITY OF SOUTH BEND, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA. THIS
 PLAT AND MARKED AS "TOWNSHIP" ARE RESERVED FOR THE USES AS RESERVED FOR THE USES OF
 PUBLIC PLACES, ALLEYS AND WALKS, USABLE PATCHES, AND ACCESS FOR PEDESTRIAN AND OTHER
 RESIDENTS TO REMAIN AS OF OTHER STRIVE PURPOSES TO BE OBSERVED AND MAINTAINED BY SAID
 SUBDIVISION OF LAND, BUT THE OWNERS OF SAID LOTS IN THE SUBDIVISION SHALL MAKE THEIR TITLES
 SUBJECT TO THE CITY OF SOUTH BEND, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND TO THE RIGHTS OF THE PUBLIC IN
 OTHER LOTS IN THIS SUBDIVISION.

OWNERS CERTIFICATE:
 THIS IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT
 HEREIN, AND THAT THEY HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED
 HEREON, AND THAT THEY HAVE CAUSED THE SAME TO BE RECORDED AS INDICATED.
 WE HEREBY ACKNOWLEDGE AND
 ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS _____ DAY OF _____, 2023.
 DEV BROWND & BELAND, LLC
 3818 CLEVELAND ROAD
 SOUTH BEND, IN 46706

HAN THIRANA, MEMBER
 DEV BROWND & BELAND, LLC

NOTARIZATION - STATEMENT
 I, _____
 NOTARY PUBLIC,
 DO HEREBY CERTIFY THAT I AM A REGISTERED AND SURVIVOR, LICENSED IN COMPLIANCE
 WITH THE LAWS OF THE STATE OF INDIANA THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY
 DOCUMENT AND, 2022-91222 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDERS
 SHOWING THAT THE MOVEMENTS WILL BE NOTATED IN ACCORDANCE WITH THE PROVISIONS OF THE
 SUBDIVISION CONTROL ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA.

CERTIFICATE OF APPROVAL
 PURSUANT TO INDIANA CODE SECTION 36-7-14, THE UNDERSIGNED CERTIFY THAT THE CENTENNIAL AMERICAN
 PLAT COMMISSION ON _____
 HAS REVIEWED THE PLAT AND DETERMINED THAT THE SAID SUBDIVISION COMPLES WITH THE STANDARDS
 SET FORTH IN THE CITY OF SOUTH BEND SUBDIVISION CONTROL ORDINANCE.
 IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURE AND THE COMMISSION'S SEAL HERETOON.

 SECRETARY OF THE COMMISSION

MY COMMISSION EXPIRES NOVEMBER 13, 2030.
 MICHAEL J. DANCIH
 RESIDENT OF ST. JOSEPH COUNTY
 NP #0460529

THIS _____ DAY OF _____, 2023.



E.L. WARNER #10032

DMA
 Daniel M. Warner & Associates, Inc.
 Land Surveyors - Professional Engineers
 11110 E. 12th Avenue, Suite 200, South Bend, IN 46708
 (317) 333-8888

DATE	OWNER'S	DATE	BY
02/20/23	DMA		
	FILE #		
	PROJ. NUMBER		
	223-24-4		

SHEET 2 OF 2

REVISIONS

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 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: Ireland may need to be improved to commercial standards. Sidewalks will be required along Ireland. A water and sewer agreement will be required prior to the development of Lot 2.

Recommendation

Staff Comments: The registered surveyor, on behalf of the property owner, has requested the following waiver(s): Section 21-11.02(c)(2): Every lot shall abut onto a public street

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) Provide descriptions for all easements including what is located in them; 2) Label the drainage easement along the South property line.; 3) Identify what the 10' non-access easement is along the North property line; 4) Provide clarity regarding Public Utility Easement access required to service lot 2; and 5) Provide a water and sewer agreement for how Lot 2 will be serviced.