



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, March 20, 2023 - 4:00 P.M.
County-City Building
Fourth-Floor Council Chambers
www.tinyurl.com/southbendplancommission

PUBLIC HEARING:

A. REZONINGS

1. **Location:** 1007 and 1011 HOWARD ST PC#0141-23
Petitioner: UNIVERSITY OF NOTRE DAME DU LAC
Requested Action:
Rezoning: From U1 Urban Neighborhood 1 to NC Neighborhood Center

B. MAJOR SUBDIVISIONS – None for consideration

C. TEXT AMENDMENTS - None for consideration

D. DEVELOPMENT PLANS – None for consideration

ITEMS NOT REQUIRING A PUBLIC HEARING:

A. MINOR SUBDIVISIONS

1. **Name:** NUFER LLC WILLIAMS STREET MINOR SUBDIVISION PC#0138-23
Location:

B. FINDINGS OF FACT - None for consideration

C. MINUTES – February 20, 2023

D. UPDATES FROM STAFF

E. ADJOURNMENT

Property Information

Location: 1007 and 1011 HOWARD ST
Owner: UNIVERSITY OF NOTRE DAME DU LAC

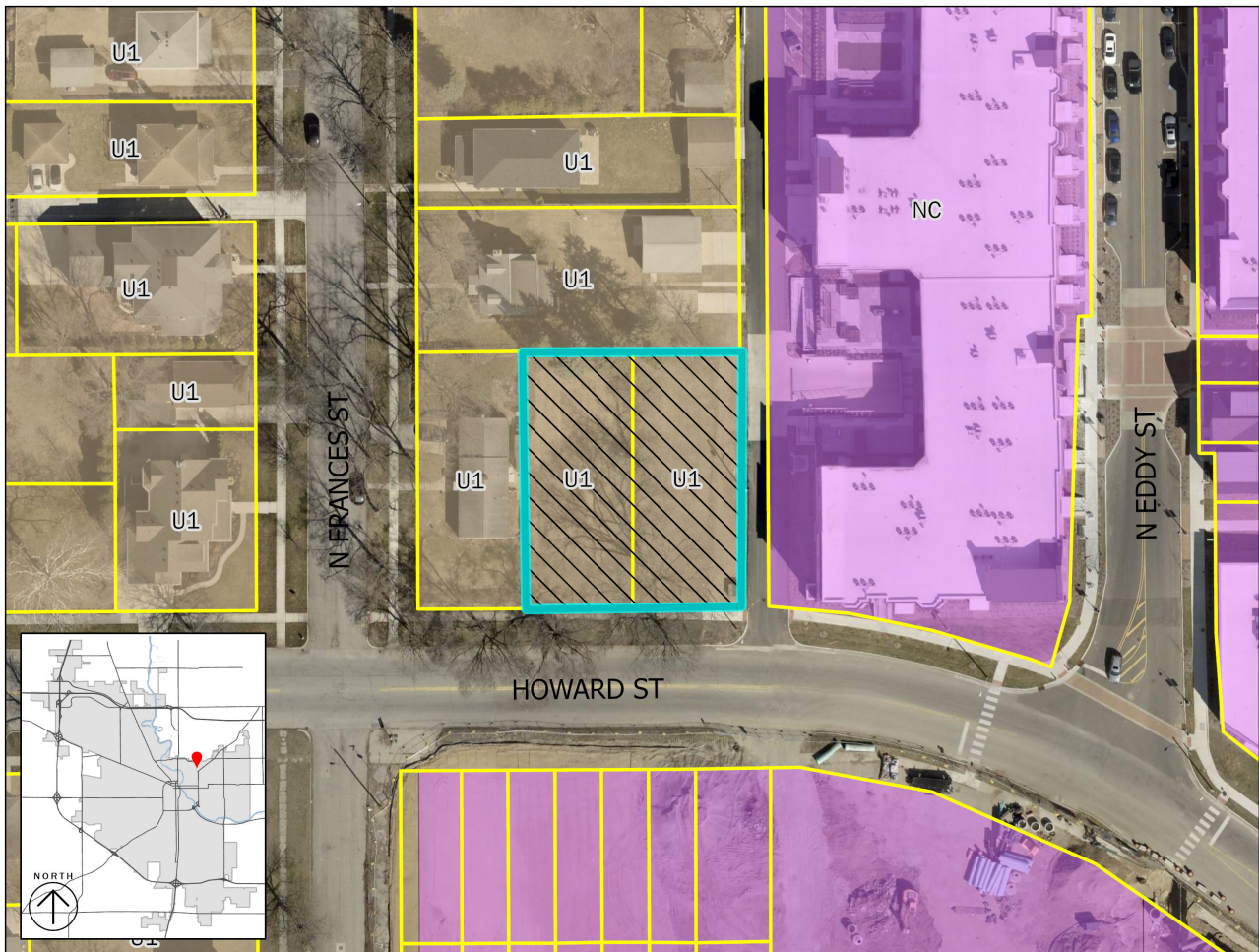
Requested Action

Rezone from U1 Urban Neighborhood 1 to NC Neighborhood Center

Project Summary

Development of a 3-story professional office building.

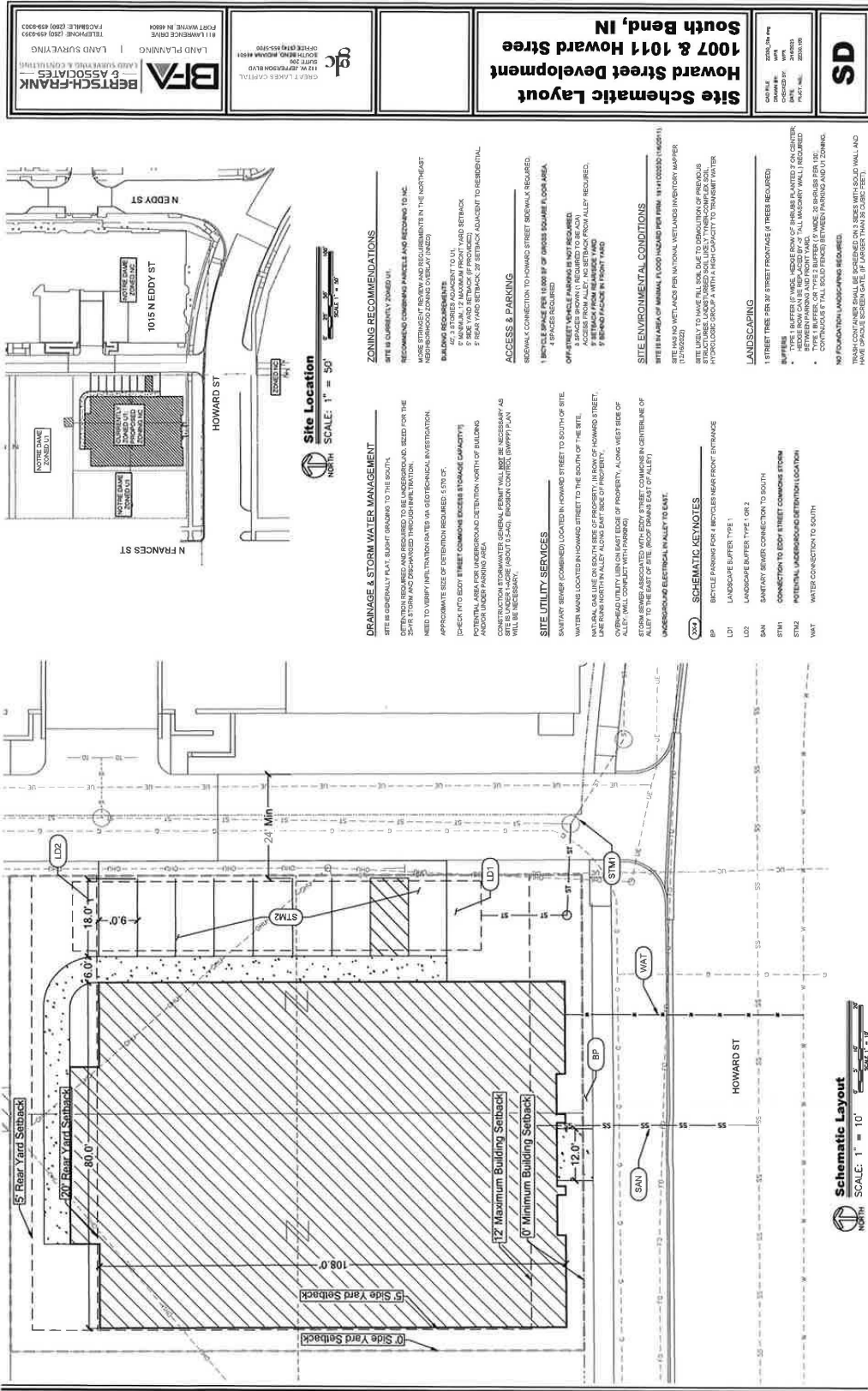
Location Map



Recommendation

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

Proposed Site Plan



BFA BERTSCH-RANK & ASSOCIATES
LAND SURVEYING
1111 LAMAR BLVD
TELSPRING, CO 80901
TEL: (303) 459-2000
FAX: (303) 459-2003

BFA LAND PLANNING
GREAT LAKES CENTRAL
1111 LAMAR BLVD
TELSPRING, CO 80901
TEL: (303) 459-2000
FAX: (303) 459-2003

SD

DATE: 03/20/23
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1" = 10'

Site Location
SCALE: 1" = 50'
NORTH

ZONING RECOMMENDATIONS
SITE IS CURRENTLY ZONED UH.
RECOMMENDED CHANGING PARCELS AND RECORDING TO MC.
HASE PER SITE PLAN FOR THE PARCELS IN THE NORTH-EAST NEIGHBORHOOD ZONING OVERLAY (HASEZ).

BUILDING REQUIREMENTS
40' - 3 STORES ADJACENT TO UH.
5' SIDE YARD SETBACK IF PROVIDED.
5' REAR YARD SETBACK OR SETBACK ADJACENT TO RESIDENTIAL.

ACCESS & PARKING
SIDEWALK CONNECTION TO HOWARD STREET SIDEWALK REQUIRED.
1' SIDEWALK FROM CURB IF 30' GRASS SQUARE PLAZA AREA.
3 SPACES REQUIRED.
ONE STREET VEHICLE PARKING IS NOT REQUIRED.
3 SPACES SHOWN (1 REQUIRED TO BE ADA).
5' SETBACK FROM ALLEY REQUIRED.
5' SETBACK FROM SIDEWALK YARD.
5' SETBACK FROM FRONT YARD.

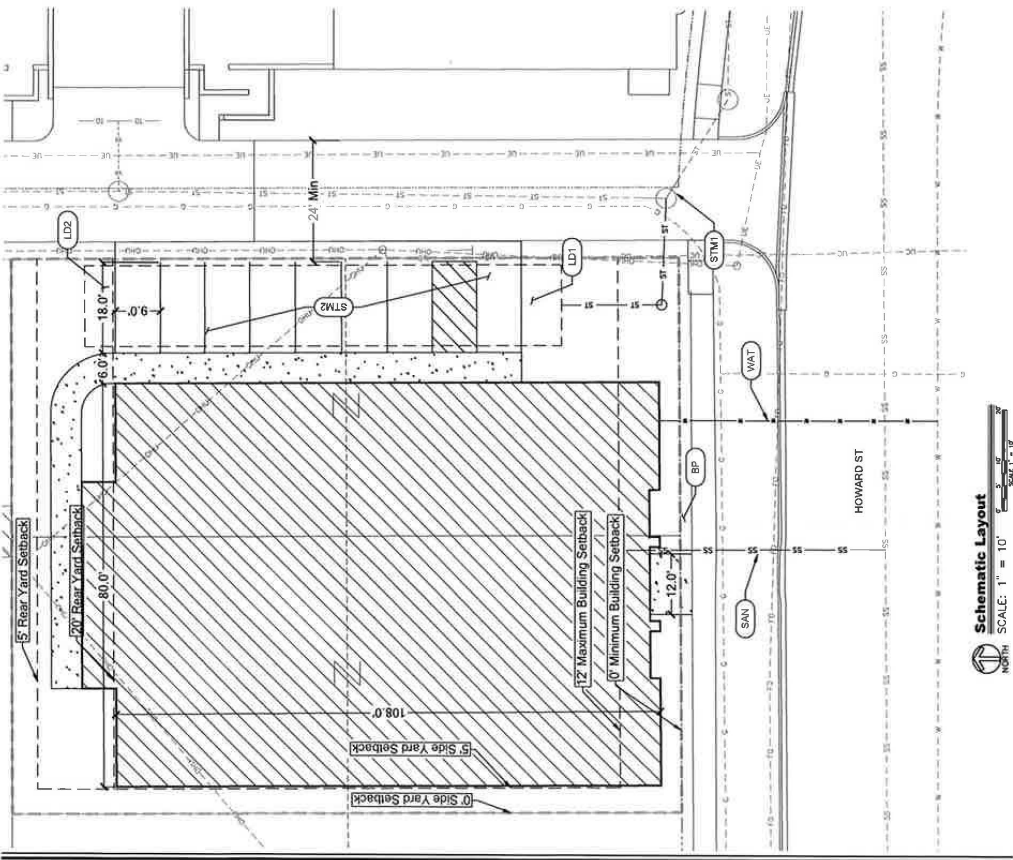
SITE ENVIRONMENTAL CONDITIONS
SITE IS IN AREA OF MINIMAL FLOOD HAZARD PER FEMA INVENTORY MAPS (1576022Z).
SITE HAS NO WETLANDS PER NATIONAL WETLANDS INVENTORY MAPPER (1576022Z).
SITE MUST HAVE FILL SOIL DUE TO OBSERVATION OF PREVIOUS HYDROLOGIC GROUP A WITH A HIGH CAPACITY TO TRANSMIT WATER.

LANDSCAPING
1 STREET TREE PER 30' STREET FRONTAGE (IF TREES REQUIRED).
BUFFERS
• BUFFER BETWEEN EXISTING AND PROPOSED BUILDINGS.
• BUFFER BETWEEN EXISTING AND PROPOSED DRIVEWAYS.
• BUFFER BETWEEN EXISTING AND PROPOSED SIDEWALKS.
• BUFFER BETWEEN EXISTING AND PROPOSED PARKING AREAS.
• CONTINUOUS 5' TALL SOLID FENCE BETWEEN PARKING AND UH ZONING.
• NO FOUNDATION LANDSCAPING REQUIRED.
TRASH CONTAINER SHALL BE SCREENED ON 3 SIDES WITH SOLID WALL AND HAVE OPACQUE SCREEN GATE, IF LARGER THAN 30 CUBIC FEET.

DRAINAGE & STORM WATER MANAGEMENT
SITE IS GENERALLY FLAT. SIGHT GRADING TO THE SOUTH. OPERATIONAL REQUIRED AND REQUIRED TO BE UNDERGROUND. SEED FOR THE 25-PR STORM AND DISCHARGED THROUGH IMPERVIOUS.
NEED TO VERIFY WETLAND STATUS VIA GEOTECHNICAL INVESTIGATION.
APPROXIMATE SIZE OF RETENTION REQUIRED: 4,570 CF.
CHECK INTO EDDY STREET CORNER EXCESS STORAGE CAPACITY.
CONSTRUCTION STORMWATER GENERAL PERMIT WILL NOT BE NECESSARY AS SITE IS UNDER 1-ACRE (ABOUT 1.5-AC). EROSION CONTROL (SWPPP) PLAN WILL BE NECESSARY.

SITE UTILITY SERVICES
SANITARY RIVER COMBINED LOCATED IN HOWARD STREET TO SOUTH OF SITE.
WATER MAINS LOCATED IN HOWARD STREET TO THE SOUTH OF THE SITE.
NATURAL GAS LINE ON SOUTH SIDE OF PROPERTY. IN ROW OF HOWARD STREET. LINE RUNS NORTH IN ALLEY ALONG EAST SIDE OF PROPERTY.
OVERHEAD UTILITY LINE ON EAST EDGE OF PROPERTY. ALONG WEST SIDE OF ALLEY (WILL CONTACT WITH-PARKING).
ALLEY TO THE EAST OF SITE (PROPOSED EAST SIDE OF ALLEY).
UNDERGROUND ELECTRICAL IN ALLEY TO EAST.

SCHEMATIC KEYNOTES
BP BICYCLE PARKING FOR 4 BICYCLES NEAR FRONT ENTRANCE
LD1 LANDSCAPE BUFFER TYPE 1
LD2 LANDSCAPE BUFFER TYPE 2
SAN SANITARY SEWER CONNECTION TO SOUTH
STM CONNECTION TO EDDY STREET CORNER STORM
STM2 POTENTIAL UNDERGROUND DETENTION LOCATION
WAT WATER CONNECTION TO SOUTH



Site & Context

Land Uses and Zoning:

On site: On site currently are two vacant lots zoned U1 Urban Neighborhood 1.
 North: 1 unit dwellings zoned U1 Urban Neighborhood 1.
 East: Eddy Street Commons mixed use development zoned NC Neighborhood Center
 South: Across Howard, attached 1 unit dwellings zoned NC Neighborhood Center.
 West: 1 unit dwelling zoned U1 Urban Neighborhood 1.

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 preliminary site plan shows a three story professional office building with off-street parking spaces along the alley. The development will need to meet the development standards of the District and the Northeast Neighborhood Zoning Overlay.

Zoning and Land Use History and Trends:

This section of the Northeast Neighborhood has developed over the last couple of decades for a variety of high intensity mixed uses. Eddy Street Commons developed to the east of the property focusing the higher intensity uses towards the center of the development and lower intensity uses closer to the residential neighborhoods.

Traffic and Transportation Considerations:

East Howard Street is a two lane road with on-street parking.

Agency Comments

Agency Comments:

The site will need to meet all required engineering standards at the time of development.

Staff Comments:

With the higher density development of Eddy Street Commons to the east and traditional neighborhood development to the west, the east side of Frances Street is a critical transition point. Three story buildings adjacent to the alley may be appropriate, but buildings should transition to lower heights along Frances to match the development on the west side of the street.

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 Northeast Neighborhood Plan (2022). The South Bend Avenue - Frances Street Area (Site 12) neighborhood planning concept identifies this area for medium- to high-density mixed-use and residential development.

Land Use Plan:

The Northeast Neighborhood Plan (2022) identifies this area for Medium Density Residential.

Plan Implementation/Other Plans:

The petition is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective LU 2.4: Provide buffer spaces between non-compatible land uses.

2. Current Conditions and Character:

Eddy Street has developed as a commercial hub and village corridor serving Notre Dame and the surrounding residential area. The areas surrounding Eddy Street serve as transition areas to the traditional neighborhood development of the west.

3. Most Desirable Use:

The most desirable use for the land is one that provides a transition from the higher intensity commercial uses in Eddy Street Commons and the surrounding single family residential neighborhood.

4. Conservation of Property Values:

Developing a new 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.

Analysis & Recommendation

Commitments: There are no written commitments proposed.

Analysis: Rezoning the property to NC Neighborhood Center will allow for a smaller scale development that provides a buffer between the residential neighborhood to the west from the large scale development of Eddy Street Commons to the east.

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

Property Information

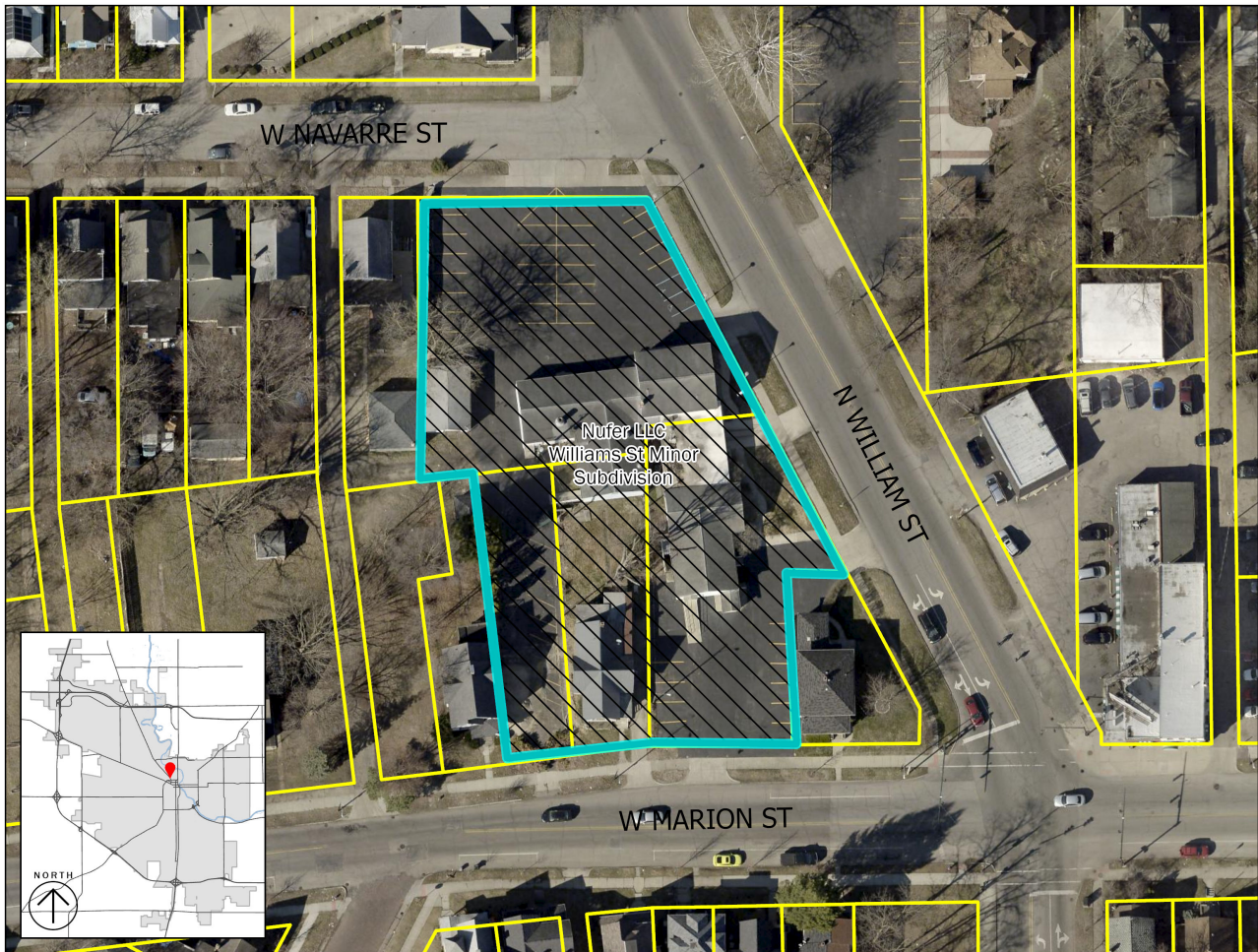
Subdivision Name: **NUFER LLC WILLIAMS STREET MINOR SUBDIVISION**

Location: The West Side of N William Street between W Marion Street and W Navarre Street

Requested Action

The total area of the subdivision is 1.02 acres and will consist of 6 building lots.

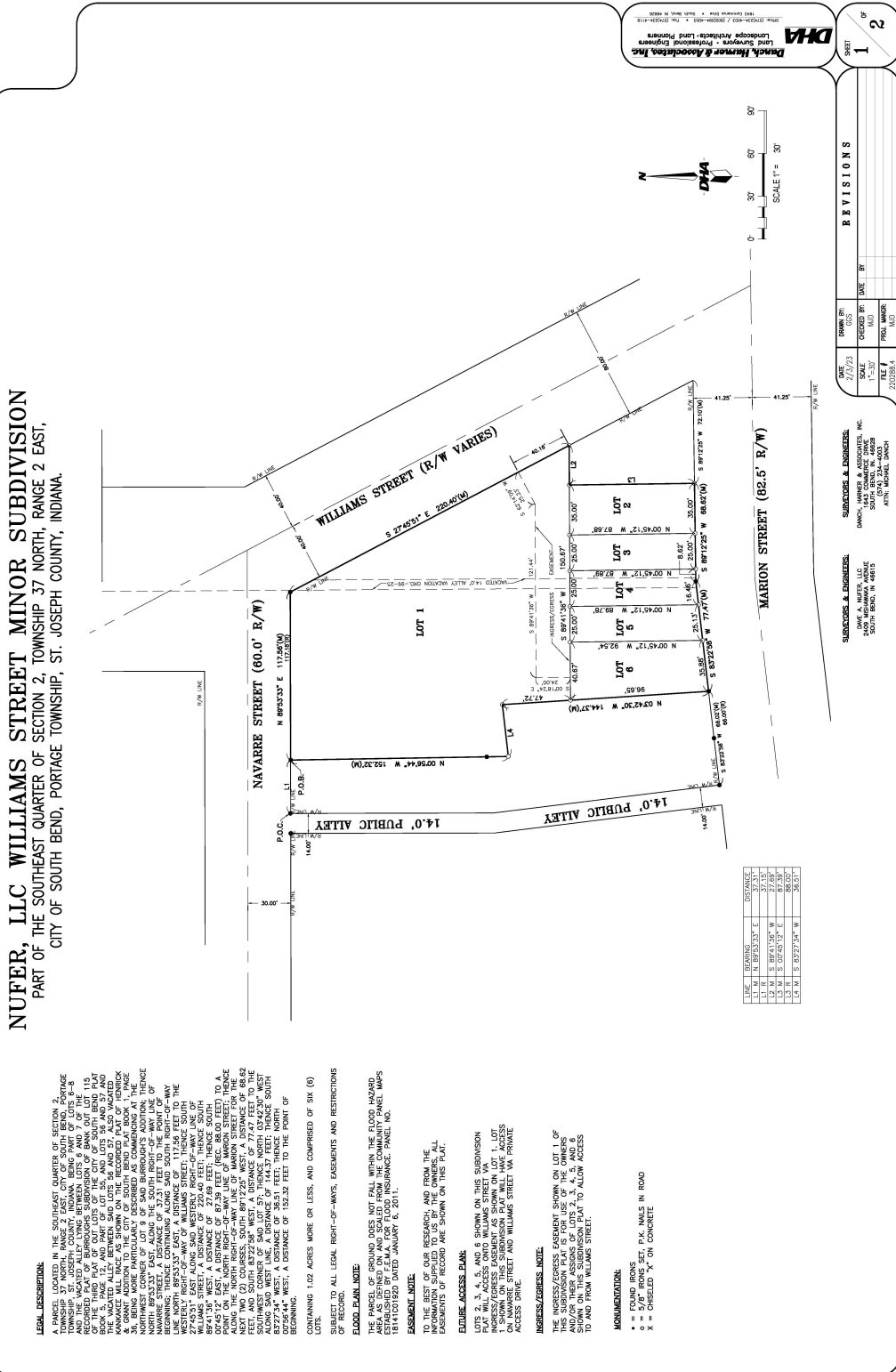
Location Map



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



DNA
 DNA SURVEYING & ASSOCIATES, INC.
 LAND SURVEYORS - PROFESSIONAL ENGINEERS
 1415 LEXINGTON DRIVE, SUITE 1000
 SOUTH BEND, IN 46701-1117
 PHONE: (574) 782-3000
 FAX: (574) 782-3001
 WWW.DNASURVEYING.COM

NO.	DATE	BY	REVISIONS
1	2/17/23	CS	CHECKED BY: [initials]
2	2/17/23	MD	CHECKED BY: [initials]
3	2/17/23	MD	CHECKED BY: [initials]

SUBMITTER & ENGINEERS:
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LINE	BEARING	DISTANCE
1-1	N 07°45'12" E	89.41
1-2	S 89°41'36" W	25.00
1-3	S 89°41'36" W	25.00
1-4	S 89°41'36" W	25.00
1-5	S 89°41'36" W	25.00
1-6	S 89°41'36" W	25.00

LEGAL DESCRIPTION:
 A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, COUNTY OF JOSEPH, INDIANA. THE PARCEL IS DIVIDED INTO SIX LOTS AS SHOWN ON THE ATTACHED ALIEN MORTGAGE PLAT DATED JANUARY 14, 2011. THE SOUTHWEST CORNER OF THE PARCEL IS THE POINT OF BEGINNING. THE DISTANCE ALONG THE SOUTH BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 117.56 FEET. THE DISTANCE ALONG THE WEST BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 27.49 FEET. THE DISTANCE ALONG THE WEST BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 77.68 FEET. THE DISTANCE ALONG THE WEST BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 89.41 FEET. THE DISTANCE ALONG THE WEST BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 100.96 FEET. THE DISTANCE ALONG THE WEST BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 112.91 FEET. THE DISTANCE ALONG THE WEST BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 124.87 FEET. THE DISTANCE ALONG THE WEST BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 136.82 FEET. THE DISTANCE ALONG THE WEST BOUNDARY OF THE PARCEL FROM THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY TO THE POINT OF BEGINNING OF THE EASEMENT FOR A 14.0' PUBLIC ALLEY IS 148.78 FEET.

Proposed Plat

NUFER, LLC WILLIAMS STREET MINOR SUBDIVISION
PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST,
CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

DEED OF CONVEYANCE

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, JOE HERBER,
SUBDIVISION CONTROL ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA. THIS SUBDIVISION SHALL BE
HOWN AND DESCRIBED AS

NUFER, LLC WILLIAMS STREET MINOR SUBDIVISION

ALL STREETS, RIGHTS-OF-WAY, EASEMENTS, ENCUMBRANCES, AND PUBLIC UTILITIES SHOWN
AND NOT HERETOFORE INDICATED, NOW ARE HEREBY DEDICATED TO THE PUBLIC FOR THE USES
PLAT, BETWEEN WHICH LINES AND THE RIGHT-OF-WAY LINE OF THE STREETS). THESE SHALL BE
PLAT AND MARKED AS "SUBDIVISIONS" ARE RESERVED FOR THE USES AS DESIGNATED FOR THE USE OF
MARKS, EASEMENTS, RIGHTS-OF-WAY, AND UTILITIES. THESE MARKS SHALL BE PLACED ON THE PLAT AND
BEFORE THE SUBDIVISION IS RECORDED AT THE CLERK'S OFFICE OF ST. JOSEPH COUNTY, INDIANA.
EASEMENTS OF LAND, BE IT THE OWNERS OF SAID LOTS IN THIS SUBDIVISION SHALL MAKE THEIR TITLES
OTHER LOTS IN THIS SUBDIVISION.

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT
HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND
ADOPT THE PLAT UNDER THE TITLE AND TITLE HEREON INDICATED.
DATED THIS _____ DAY OF _____ 2023
SAMS A. NUFER, LLC
SOUTH BEND, IN 46815

DAVE A. NUFER

NOTARIZATION STATEMENT

STATE OF INDIANA }
COUNTY OF ST. JOSEPH }
BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE DO, PERSONALLY
APPEAR THE ABOVE NOTED PERSON(S), AND (EACH) SEPARATELY AND SEVERALLY ACKNOWLEDGE THE
EXPRESSED, WITHIN MY HAND AND NOTARIAL SEAL, KNOWINGLY, FREELY AND VOLUNTARILY
THIS _____ DAY OF _____ 2023.

MY COMMISSION EXPIRES NOVEMBER 13, 2030.
MICHAEL J. DUNCH
NOTARY PUBLIC
ST. JOSEPH COUNTY
IN #0460269

SUBDIVISION CERTIFICATE

I, R.L. HARNER HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE
COMPLETED OR CERTIFIED BY ME ON THE _____ DAY OF _____ 2023, AND RECORDED AS
OFFICE AND THAT THE LOCATION, SIZE, TYPE, AND MATERIALS OF ALL MONUMENTS ARE ACCURATELY
SUBDIVISION CONTROL ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA.



R.L. HARNER #910029

CERTIFICATE OF APPROVAL

PLATMAN TO INDIANA CODE SECTION 36-2-2,
STILL SUBJECT TO THE CITY OF SOUTH BEND, INDIANA.
SET FORTH IN THE CITY OF SOUTH BEND SUBDIVISION CONTROL ORDINANCE.
IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURE AND THE COMMISSIONER'S SEAL HEREOF.

MARGA M. SMITH
SECRETARY OF THE COMMISSION



Table with columns: SHEET, DATE, DRAWN BY, CHECKED BY, DATE BY, SCALE, FILE #, PROJ. NAME, and 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:** There are no agency 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.