



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, April 17, 2023 - 4:00 P.M.

County-City Building

Fourth-Floor Council Chambers

www.tinyurl.com/southbendplancommission

PUBLIC HEARING:

A. REZONINGS

- Location:** 616 618 SHERMAN AVE PC#0143-23
Petitioner: PROPERTY BROS LLC
Requested Action:
Rezoning: From U2 Urban Neighborhood 2 to U3 Urban Neighborhood 3

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

- Name:** TURNOCK STREET MINOR SUBDIVISION PC#0142-23
Location: East Side of Turnock St. approx 100ft South of Corby Blvd.
Excluding Address 826 Turnock St.

B. FINDINGS OF FACT - None for consideration

C. MINUTES – March 20, 2023

D. UPDATES FROM STAFF

E. ADJOURNMENT

Property Information

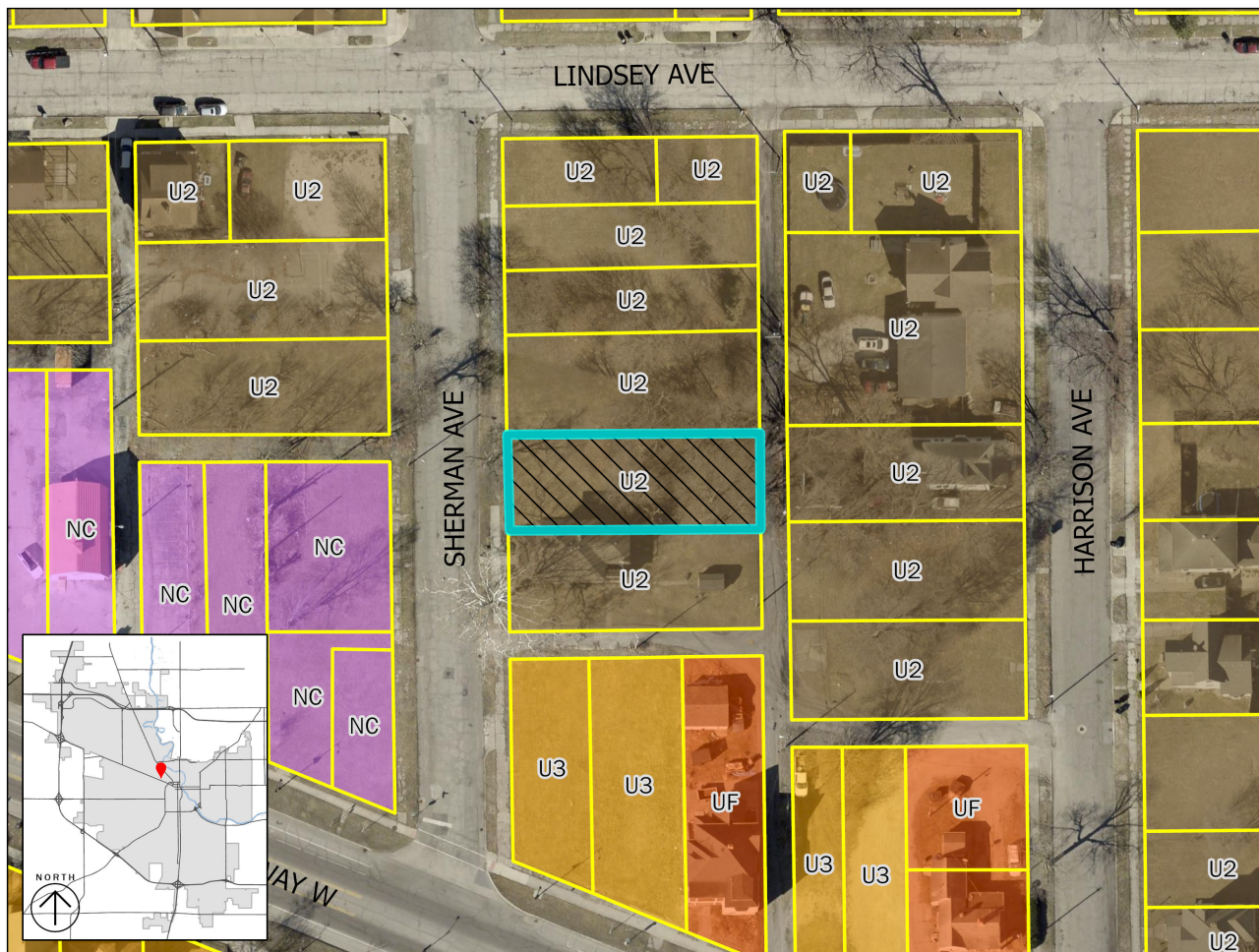
Location: 616 618 SHERMAN AVE
Owner: PROPERTY BROS LLC

Requested Action

Rezone from U2 Urban Neighborhood 2 to U3 Urban Neighborhood 3

Project Summary

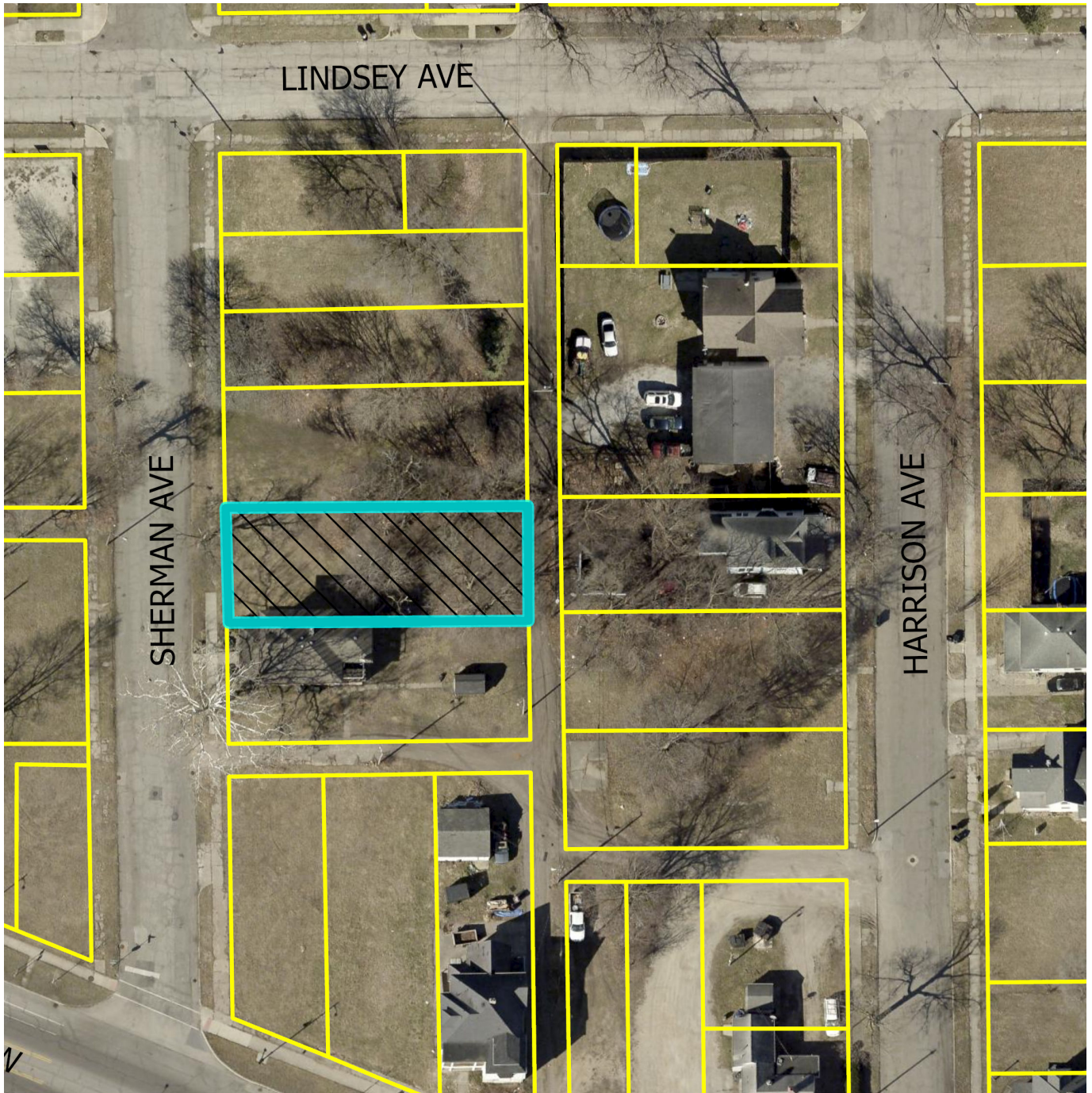
Construct a six-plex apartment building

Location Map

Recommendation

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

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: On site is an undeveloped parcel.
 North: An undeveloped parcel zoned U2.
 East: A one unit dwelling zoned U2.
 South: A two unit dwelling zoned U2.
 West: An undeveloped parcel zoned NC Neighborhood Center and an undeveloped parcel zoned U2.

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:

Petitioner is proposing to build a six-plex apartment building utilizing a pre-approved building plan.

Zoning and Land Use History and Trends:

The neighborhood was largely established in the late 1890s and early 1900s 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, houses have been demolished, resulting in many vacant lots. There has been an effort in recent years to build new housing on vacant lots.

Traffic and Transportation Considerations:

Sherman Avenue is two lanes with on-street parking.

Agency Comments

Agency Comments:

There are no additional comments at this time.
 There are no Engineering comments at this time.

Staff Comments:

These housing types blend well with the character and scale of existing urban neighborhoods. With its location in a fairly walkable urban neighborhood that is close to a major corridor and its businesses, transit, and downtown, this property is well suited for U3 zoning.

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 Near Northwest Neighborhood Plan (2019) promotes a mix of housing styles to address missing middle housing needs in the area.

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. Most of the original homes in the neighborhood date from prior to the 1920s. A concerted effort is being made to build new housing on vacant lots as well as rehabilitate deteriorated housing.

3. Most Desirable Use:

The most desirable use, at this time, is a range of low to medium density residential housing types that will seamlessly fit in the established character of the neighborhood.

4. Conservation of Property Values:

Allowing new development on vacant lots should improve the overall value of the neighborhood. Adding additional population to the neighborhood should help stabilize property values.

5. Responsible Development and Growth:

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

Analysis & Recommendation

Commitments: The Staff recommends the following written commitment: No more than six (6) units shall be permitted on the property.

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

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

Property Information

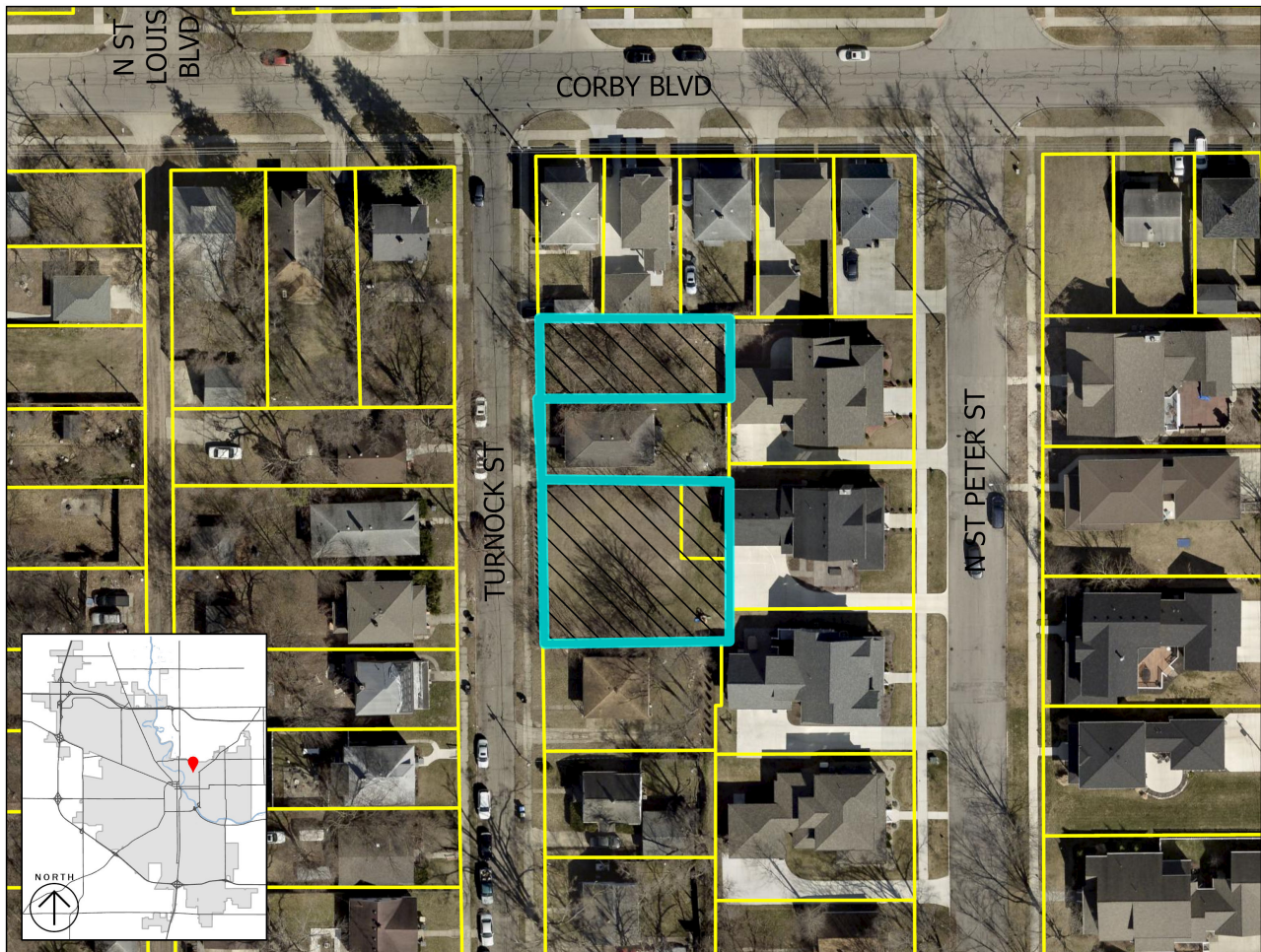
Subdivision Name: **TURNOCK STREET MINOR SUBDIVISION**

Location: East Side of Turnock St. approx 100ft South of Corby Blvd. Excluding Address 826 Turnock St

Requested Action

The total area of the subdivision is 0.27 acres and will consist of 3 building lots.

Location Map



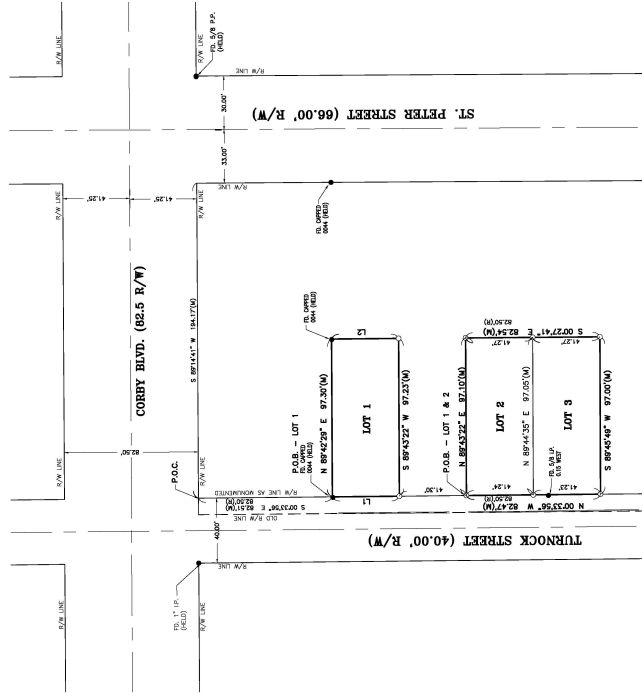
Recommendation

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

TURNOCK STREET 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

| LINE | BEARINGS | DISTANCE |
|------|-----------------|----------|
| 1-2 | N. 00°23'58" W. | 41.25' |
| 2-3 | S. 00°23'58" E. | 41.25' |
| 3-4 | S. 00°23'58" E. | 41.25' |
| 4-5 | S. 00°23'58" E. | 41.25' |



LEGAL DESCRIPTION – LOT 1:

PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF CORBY BOULEVARD WITH THE EAST RIGHT-OF-WAY LINE TURNOCK STREET; THENCE SOUTH 00°23'58" EAST ALONG SAID RIGHT-OF-WAY LINE TURNOCK STREET, A DISTANCE OF 41.25 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°42'59" EAST, A DISTANCE OF 97.20 FEET; THENCE SOUTH 00°23'58" EAST, A DISTANCE OF 41.25 FEET; THENCE SOUTH 00°23'58" WEST, A DISTANCE OF 97.20 FEET TO THE POINT OF BEGINNING. CONTAINING 0.09 ACRES MORE OR LESS AND CONTAINING ONE (1) LOT SUBJECT TO ALL LEGAL, RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

LEGAL DESCRIPTION – LOT 2 & 3:

PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE TURNOCK STREET; THENCE SOUTH 00°23'58" EAST ALONG SAID RIGHT-OF-WAY LINE TURNOCK STREET, A DISTANCE OF 155.08 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°42'59" EAST, A DISTANCE OF 97.20 FEET; THENCE SOUTH 00°23'58" EAST, A DISTANCE OF 41.25 FEET; THENCE SOUTH 00°23'58" WEST, A DISTANCE OF 97.20 FEET TO THE POINT OF BEGINNING. CONTAINING 0.18 ACRES MORE OR LESS AND COMPOSED OF TWO (2) LOTS, SUBJECT TO ALL LEGAL, RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

FLOOD PLAIN NOTE:

THE PARCEL OF BOUNDING LOTS DOES NOT FALL WITHIN THE FLOOD HAZARD AREA AS DESIGNATED AND SEALED FROM THE COMMUNITY PANEL MAPS DATED JANUARY 6, 2011.

EASEMENT NOTE:

TO THE BEST OF OUR RESEARCH AND FROM THE INFORMATION SUPPLIED TO US BY THE OWNERS, ALL EASEMENTS OF RECORD ARE SHOWN ON THIS PLAT.

FEATURE ACCESS PLAT:

LOTS 1 THRU 3 SHOWN ON THIS SUBDIVISION PLAT WILL HAVE ACCESS ONTO TURNOCK STREET VIA PRIVATE DRIVE.

GENERAL SURVEY DISCLOSURE NOTES:
THIS SURVEY WAS PREPARED BY THE SURVEYOR FOR THE CLIENT. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PARCEL AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT MAY AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PARCELS AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT MAY AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE RECORDS OF THE COUNTY CLERK AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT MAY AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE RECORDS OF THE COUNTY CLERK AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT MAY AFFECT THE SURVEY.

NOT A PROFESSIONAL SURVEY. THIS SURVEY WAS PREPARED FOR THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PARCEL AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT MAY AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PARCELS AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT MAY AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE RECORDS OF THE COUNTY CLERK AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT MAY AFFECT THE SURVEY.

SUBDIVISOR:
HARVEST FOR HUMANITY OF ST. JOSEPH COUNTY, INC.
102 E SOUTH STREET
SOUTH BEND, IN 46701

SURVEYOR & ENGINEERS:
DANCK, HANSEN & ASSOCIATES, INC.
102 E SOUTH STREET
SOUTH BEND, IN 46701
ATTN: MICHAEL DANCH

| DATE | BY | REVISIONS |
|---------|----|-----------|
| 2/22/23 | MD | 1 |
| 1-30 | MD | 2 |

1
2

TURNOCK STREET 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 DEDICATION

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAY OFF, PLAT, AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA. THIS SUBDIVISION SHALL BE

TURNOK STREET MINOR SUBMISSION

ALL STREETS, RIGHTS-OF-WAY ALLOYS, OUTSIDE ROWS, PARKWAYS, AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED, NOW ARE HEREBY DEDICATED TO THE PUBLIC FOR THE USES DESCRIBED HEREIN. FRONT BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAN, BETWEEN WHICH LINES AND THE RIGHT-OF-WAY LINE OF THE STREETS THERE SHALL BE NO PLANT, TREES OR OTHER OBSTACLES. THE SETBACK LINES SHALL BE MAINTAINED PERMANENTLY. THE PLAT AND MARKED "EASEMENTS" ARE RESERVED FOR THE USES AS DESIGNATED FOR THE USE OF THE PUBLIC UTILITIES AND INCLUDE BUT ARE NOT LIMITED TO THE INSTALLATION OF WATER AND SEWER MAINS, CABLES, LIGHTS, AND OTHERS. THE PROPER MAINTENANCE AND REPAIRS FOR THE FUTURE OF THE PUBLIC UTILITIES SHALL BE THE RESPONSIBILITY OF THE PUBLIC UTILITIES. THE EASEMENTS ARE RESERVED, NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID EASEMENTS OF LAND, BUT THE OWNERS OF SAID LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES THEREIN SUBJECT TO THE EASEMENTS OF SAID LOTS AND TO THE RIGHTS OF THE OWNERS OF THE 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 HEREIN, AND THAT THEY HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS _____ DAY OF _____, 2023.

HABITAT FOR HUMANITY OF ST. JOSEPH COUNTY, INC.
402 E. SOUTH STREET
SOUTH BEND, IN 46801

HABITAT FOR HUMANITY OF ST. JOSEPH COUNTY, INC.

NOTARIZATION STATEMENT:

STATE OF INDIANA]
SS:

COUNTY OF ST. JOSEPH]
 APPEAR ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE DID PERSONALLY
 BEFORE ME THE ABOVE NOTED PERSON(S), AND (EACH) SEPARATELY AND SEVERALLY ACKNOWLEDGED 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
NOTARY PUBLIC
RESIDENT OF ST. JOSEPH COUNTY
NP #0660529

SURVEYOR'S CERTIFICATE:

I, L. R. HARNER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA: THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON THE 15TH DAY OF MARCH, 2022, AND RECORDED AS DOCUMENT NO. 2022-09168, IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, AND THAT THE LOCATION, SIZE, TYPE, AND MATERIAL OF ALL MONUMENTS ARE ACCURATELY SHOWN AND THAT THE MONUMENTS WILL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA.

R.L. HARNER #910032

CERTIFICATE OF APPROVAL

PURSUANT TO INDIANA CODE SECTION 36-7-4, THE UNDERSIGNED CERTIFY THAT THE TURNBLOK STREET MINORS SUBDIVISION 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 ORDINANCE.

IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURE AND THE COMMISSION'S SEAL HEREON:

ANGELA M. SMITH
SECRETARY OF THE COMMISSION

March, Hamner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
Office: (574) 234-4003 / (800) 564-4003 • Fax: (574) 234-4119
1845 Commerce Road • South Bend, IN 46628

DHA

2 of 2
SHEET

REVISIONS

| | | | |
|-----------------|--------------------|------|----|
| DATE 2/23/23 | DRAWN BY: GGS | DATE | BY |
| SCALE NA | CHECKED BY: MJD | | |
| FILE # | PROJ. MGR: | | |

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. |

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.