



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, December 18, 2023 - 4:00 P.M.

County-City Building
Fourth-Floor Council Chambers

www.tinyurl.com/southbendplancommission

PUBLIC HEARING:

A. REZONINGS

- Location:** 603, 607, 611, 615, 617, & 621 MARION ST PC#0151-23
Petitioner: DEPARTMENT OF REDEVELOPMENT, CITY OF SOUTH BEND
Requested Action:
Rezoning: From NC Neighborhood Center to U3 Urban Neighborhood 3
Variance(s):
 - 1) from the maximum 1.5 stories in a cottage court to 2;
 - 2) from the maximum 9 units in a cottage court to 10;
 - 3) from the maximum 2 units per cottage in a cottage court to 4;

B. MAJOR SUBDIVISIONS - None for consideration

C. TEXT AMENDMENTS - None for consideration

D. DEVELOPMENT PLANS - None for consideration

E. COMBINED HEARING

- Name:** 755 SOUTH BEND AVE MINOR SUBDIVISION PC#0181-23
Location: 743, 749, 753 and 755 South Bend Ave – Northwest corner of South Bend Ave and St Peter St.
Petitioner: VISION REALTY INT'L LLC
Requested Action:
Subdivision Type: Minor Subdivision (*Does not require a public hearing*)
Variance(s):
 - 1) from the maximum 4 units in a townhouse building type in a U2 district to 5;
 - 2) from the maximum 72' width of a townhouse building type in a U2 district to 104';
 - 3) from the maximum 48' width of a duplex building type to 56';
 - 4) from the minimum 15' lot width in a U2 district to 4.21';**Zoning:** U2 Urban Neighborhood 2

ITEMS NOT REQUIRING A PUBLIC HEARING:

A. MINOR SUBDIVISIONS

- Name:** DEA ANDREWS MINOR SUBDIVISION PC#0178-23
Location: 706 W Lasalle and 223 N Scott
- Name:** LIFE PLAN MINOR SUBDIVISION PC#0184-23
Location: 2206 Miami St



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B. FINDINGS OF FACT - None for consideration

C. MINUTES – November 20, 2023

D. UPDATES FROM STAFF

1. 2024 Calendar
2. BZA appointee

E. ADJOURNMENT

Property Information

Location: 603, 607, 611, 615, 617, & 621 MARION ST
Owner: DEPARTMENT OF REDEVELOPMENT, CITY OF SOUTH BEND

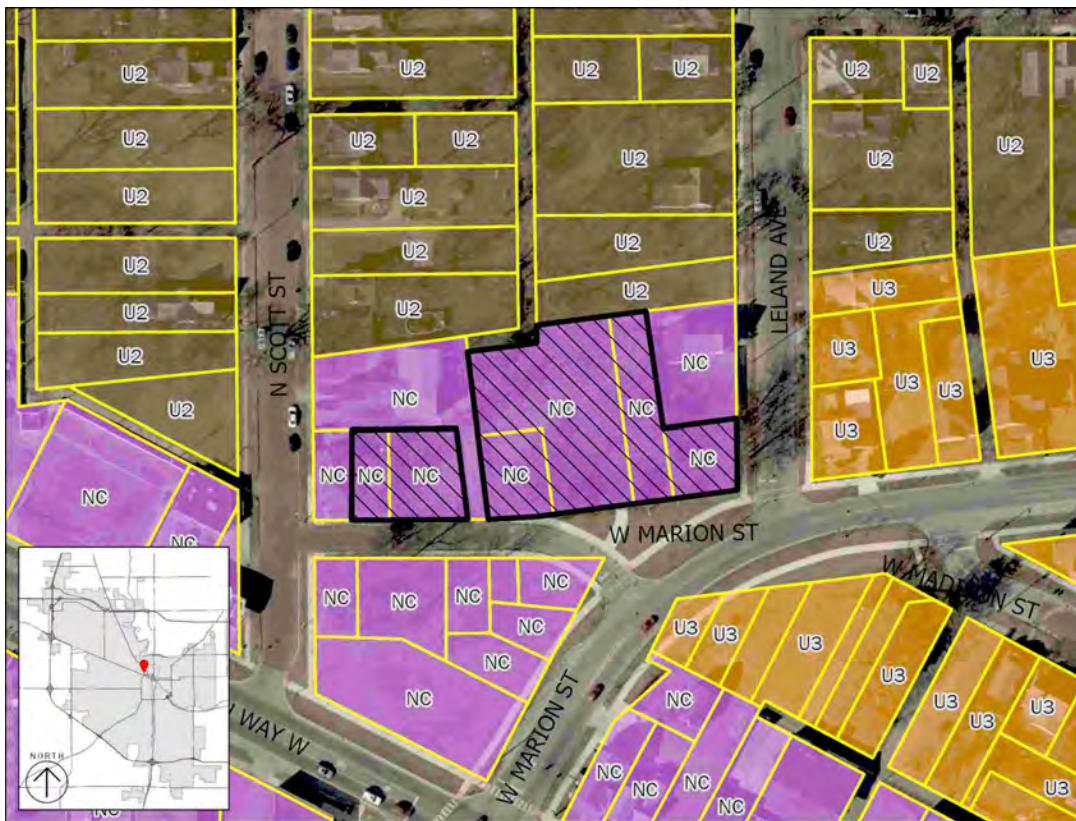
Requested Action

Rezone from NC Neighborhood Center to U3 Urban Neighborhood 3
Variance(s):
1) from the maximum 1.5 stories in a cottage court to 2 stories
2) from the maximum 9 units in a cottage court to 10 units
3) from the maximum 2 units per cottage in a cottage court to 4 units

Project Summary

A rezoning from NC Neighborhood Center to U3 Urban Neighborhood 3, a cottage court development containing 10 units, and the development of an additional 5 single family units on the parcel.

Location Map



Recommendation

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends that the Commission send the rezoning to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variances as requested.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: A series of vacant lots

North: Residential dwellings zoned NC Neighborhood Center and a vacant lot zoned U2 Urban Neighborhood 2

East: A residential dwelling zoned NC and across Leland Ave a residential dwelling zoned U3

South: Across W Marion St vacant lots zoned NC and vacant lots zoned U3 Urban Neighborhood 3

West: Residential dwellings zoned NC

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 neighborhoods in core and outlying areas of the City.

Site Plan Description:

15 new units will be built on the parcels. 10 will be arranged in a cottage court and another 5 will be single family dwellings. A parking lot will be built on the western portion of 611 and 615 Marion St.

Zoning and Land Use History and Trends:

These parcels have historically been used for residential dwelling units. It appears that all of these parcels contained housing units as late as 1972 and were all vacant by 2010, with half being vacant by 1987. These parcels are separated by 250' along Leland Avenue and 150' along Scott Street from Lincoln Way West, a primary corridor through the north and western portions of the city, flanked by medium density residential development to the north and south.

Traffic and Transportation Considerations:

To the south, the western leg of Marion Street is a 20' yield street. Marion Street curves to the southeast and intersects Leland Avenue, forming a y-intersection with the two-lane street running northeast. To the east of the parcels, Leland Avenue is a 30' yield street and to the west of the parcels, Scott Street is a 30' yield street.

Agency Comments

Staff Comments: No additional comments at this time.

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 consistent with the Comprehensive Plan. The Near Northwest Neighborhood Plan (2019) recommends infill development, focusing more intense housing along or near corridors with the most intense housing appropriate for the Lincoln Way West corridor.

Land Use Plan:

These parcels were identified in the Near Northwest Neighborhood Plan as the northern portion of a targeted node for redevelopment, utilizing urban design principles to create a pedestrian oriented mixed-use space.

Plan Implementation/Other Plans:

The petition is consistent with the South Bend City Plan (2006) H 1.1 Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

2. Current Conditions and Character:

The parcels are currently vacant at this site and the sites directly to the south. Residential properties line the parcels to the east and north. South and west, Lincoln Way West is a mix of residential structures and a wide variety of nonresidential uses.

3. Most Desirable Use:

The most desirable use is one that supports the neighborhood through infill to increase housing stock and promote a mixed use and pedestrian scale outcome.

4. Conservation of Property Values:

The use and value of the adjacent properties should not be negatively impacted. Development at this site will increase housing stock and create a denser, safer neighborhood.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the infill development in this neighborhood along a major city corridor.

Variance(s)

The petitioner is seeking the following variance(s):

- 1) from the maximum 1.5 stories in a cottage court to 2 stories
- 2) from the maximum 9 units in a cottage court to 10 units
- 3) from the maximum 2 units per cottage in a cottage court to 4 units

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 of variances 1, 2, and 3 should not be injurious to the general welfare of the community. These variances allow for higher density development that is consistent with the character of the neighborhood.

(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 area adjacent to the property should not be affected in a substantially adverse manner. The development will be consistent with the character of the neighborhood and will not have a greater impact than a use that would have been permitted in an NC zoned district.

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

A higher density cottage court on this irregularly shaped parcel would more closely reflect the character of the surrounding neighborhood and support more housing stock in a parcel along a major city corridor and proximate to the downtown area.

(4) The variance granted is the minimum necessary.

The intent in NC zoned districts is to develop higher intensity urban neighborhood centers. Rezoning to U3 with variances to allow for a higher density cottage court is the minimum necessary because the higher density cottage court preserves the character of the neighborhood and supports greater housing stock in a parcel that was previously zoned NC.

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

The NC zoning district does not allow for a cottage court building type, but does allow for more intense residential building types such as apartment houses and stacked flats. These same dense residential building types are permitted in U3. Downzoning to U3 and permitting a cottage court with a higher density than outlined in the Ordinance allows for a wider range of housing stock options at an appropriate density along a major city corridor proximate to the downtown area.

Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: The Comprehensive Plan and the Near Northwest Neighborhood Plan support the proposed rezoning and variances to allow for infill development of a cottage court at this site. The NC zoning district does not allow for a cottage court building type, but does allow for more intense residential building types such as apartment houses and stacked flats. U3 also permits these building types, allowing for 3-4 story developments with an unlimited number of units. Downzoning from NC to U3 allows for a cottage court building type, while the variances allow for ten 2-story cottages rather than nine 1.5-story cottages. Cottage court limitations are intended to protect U1/U2 zoned districts from development that is more intense than the surrounding neighborhood. Allowing for a more dense cottage court in a U3 zoned parcel off of a major city corridor and proximate to downtown will increase housing stock, support a variety of housing types, and strengthen the neighborhood.

Recommendation: Based on the information available prior to the public hearing, the Staff recommends that the Commission send the rezoning to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variances as requested.

Property Information

Subdivision Name: **755 SOUTH BEND AVE MINOR SUBDIVISION**
 Location: Northwest corner of South Bend Avenue and St. Peter Street

Requested Action

Minor subdivision: The total area of the subdivision is .54 acres and will consist of 10 building lots.

Variance(s):

- 1) from the maximum 4 units in a townhouse building type in a U2 district to 5
- 2) from the maximum 72’ width of a townhouse building type in a U2 district to 104’
- 3) from the maximum 48’ width of a duplex building type to 56’
- 4) from the minimum 15’ lot width in a U2 district to 4.21’

Location Map



Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted approval. The Staff recommends the Commission approve the variances as requested.

Proposed Plat



755 SOUTH BEND 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

1. THIS SUBDIVISION IS A PART OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA. THE LAND IS BEING PLatted FOR THE PURPOSE OF SUBDIVIDING THE LAND INTO LOTS FOR THE PURPOSE OF CONVEYING THE SAME TO THE OWNERS OF THE SAME.

2. THE TOTAL AREA OF THE LAND IS 1.78 ACRES, MORE OR LESS, AS SHOWN ON THE ATTACHED SURVEY MAP.

3. THE LAND IS BEING PLatted IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

4. THE PLAT IS BEING PREPARED BY A LICENSED SURVEYOR AND IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF SURVEYING AND MAPPING.

5. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

6. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

7. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

8. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

9. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

10. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

11. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

12. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

13. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

14. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

15. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

16. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

17. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

18. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

19. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

20. THE PLAT IS BEING PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SUBDIVISION ACT, AS AMENDED.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Board of Surveying and Mapping at South Bend, Indiana, this 15th day of December, 2023.

[Signature]
 Board of Surveying and Mapping
 State of Indiana

WIGHTMAN
 Surveyors & Engineers, Inc.
 1000 North Lincoln Street, South Bend, IN 46708
 Phone: (574) 298-1111
 Fax: (574) 298-1112
 www.wightman-surveyors.com

DATE: 12/18/23
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 TITLE: [Title]

Support

Proposed Plat



SITE PLAN - FOR VARIANCE



SITE PLAN SUMMARY:

- ZONING: U2 (CURRENT ZONING)
- 10 UNITS: (4) 24' WIDE @ FRONT FACADE, (2) 24' TOTAL, (2) 36' TOTAL
 - (6) 18' WIDE @ FRONT FACADE
 - (1) 24' TOTAL, (5) 18' TOTAL

GENERAL NOTES:

1. 10' WIDE BIKE PATH, SIDEWALKS, AND NEW GEOMETRIC 5' SOUTH BEND AVENUE BASED ON PROPOSED FUTURE CHANGES TO RIGHT OF WAY
2. STORIES TO BE DESIGNED TO COMPLY WITH ZONING
3. STORM DRAINAGE TO BE DESIGNED PER CITY ENGINEERING STANDARDS
4. LANDSCAPE TREES TO BE AS REQUIRED PER ZONING STANDARDS (NOT SHOWN)
5. DUMPSTER ENCLOSURE AND SCREENING TO BE PER ZONING REQUIREMENTS

 KILL ARCHITECTURE 201 W. BROADWAY SUITE 200 DENVER, CO 80202 (303) 733-1111 www.killarchitecture.com	FOR VARIANCE NOT FOR CONSTRUCTION	755 SOUTH BEND AVENUE SOUTH BEND, IN 45517	PROPOSED SITE PLAN FOR VARIANCE NOV. 13, 2023	A1.0
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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:

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: There are no additional comments at this time.

Criteria for Decision Making

Variance(s)

The petitioner is seeking the following variance(s):

- 1) from the maximum 4 units in a townhouse building type in a U2 district to 5
- 2) from the maximum 72' width of a townhouse building type in a U2 district to 104'
- 3) from the maximum 48' width of a duplex building type to 56'
- 4) from the minimum 15' lot width in a U2 district to 4.21'

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 of the variances should not be injurious to the general welfare of the community. The variances allow for development that is consistent with the character of the neighborhood.

(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 area adjacent to the property should not be affected in a substantially adverse manner. The development will be consistent with the character of the neighborhood and allow for well designed development on a highly visible street.

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

The irregularly shaped lot and the angle of South Bend Avenue along the southern edge of the lot create practical difficulties in the use of the property. Granting the variances would allow for development that better addresses the street and conceals internal parking areas. The irregularly shaped lot also creates the need for a lot width vaiance along Turnock Street.

(4) The variance granted is the minimum necessary.

The variance granted is the minimum necessary. The parcel could be rezoned to U3 to eliminate the need for variances, and conditions would be placed on the parcel to limit development beyond the context of the surrounding neighborhood. Preserving the U2 zoning classification while allowing for more dense townhouse development better serves to increase the housing stock in a manner consistent with the character of the neighborhood.

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

The variances do not correct a hardship caused by a former or current owner of the property. The variances address the irregular shape of the lot and the angle of South Bend Avenue to produce a well designed development on a highly visible street.

Analysis & Recommendation

Analysis: The Comprehensive Plan, as amended through the Northeast Neighborhood Plan, supports the proposed infill townhouse development on the site. The neighborhood plan allows for groupings of 6 housing units at no more than 2.5 stories in height. The variances allow for an appropriately scaled development with strong urban design principles that will increase housing stock, support a variety of housing types, and strengthen the neighborhood.

Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted approval. The Staff recommends the Commission approve the variances as requested.

Property Information

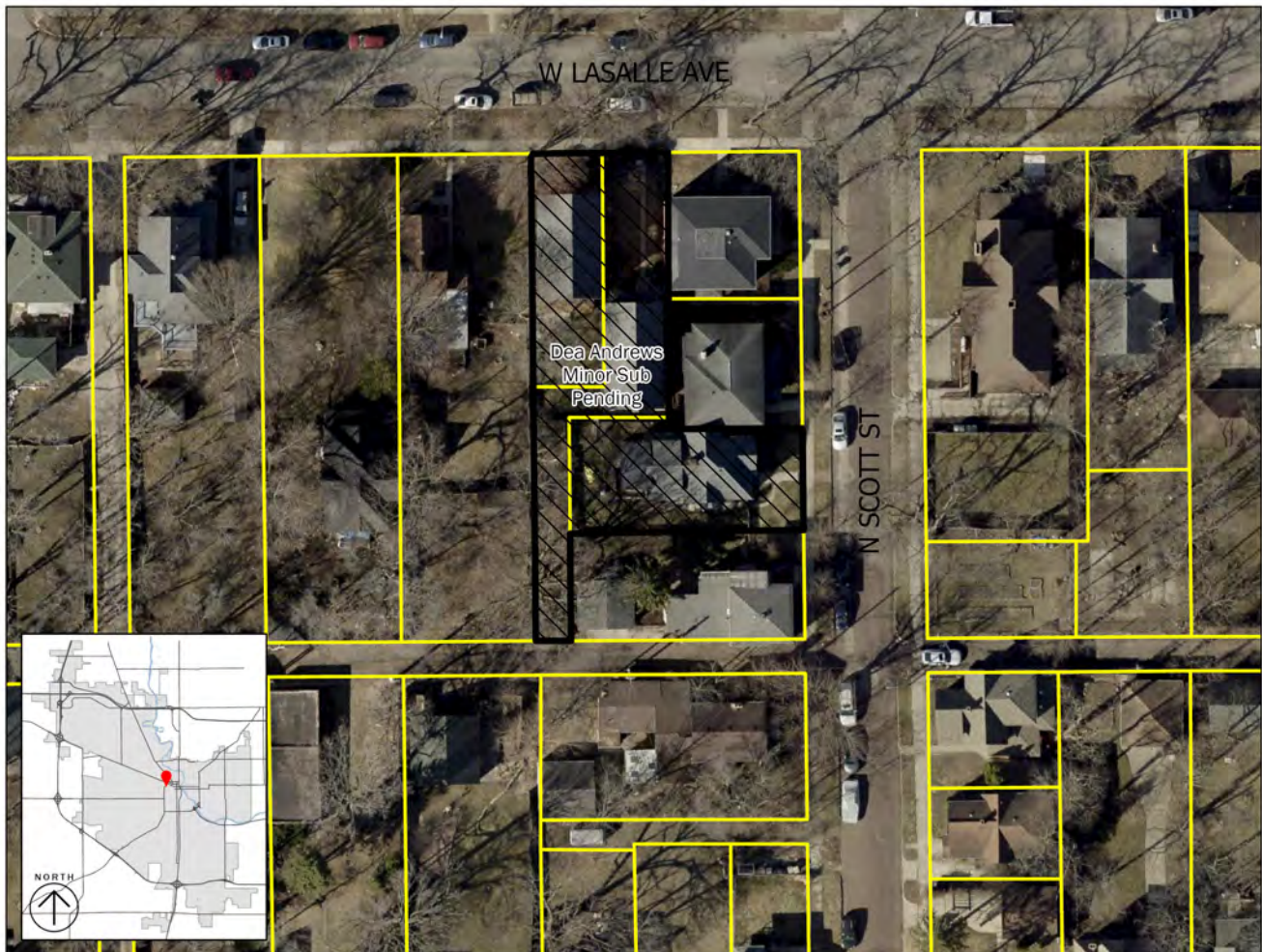
Subdivision Name: **DEA ANDREWS MINOR SUBDIVISION**

Location: 706 W LASALLE AND 223 N SCOTT

Requested Action

The total area of the subdivision is .26 acres and will consist of 2 building lots.

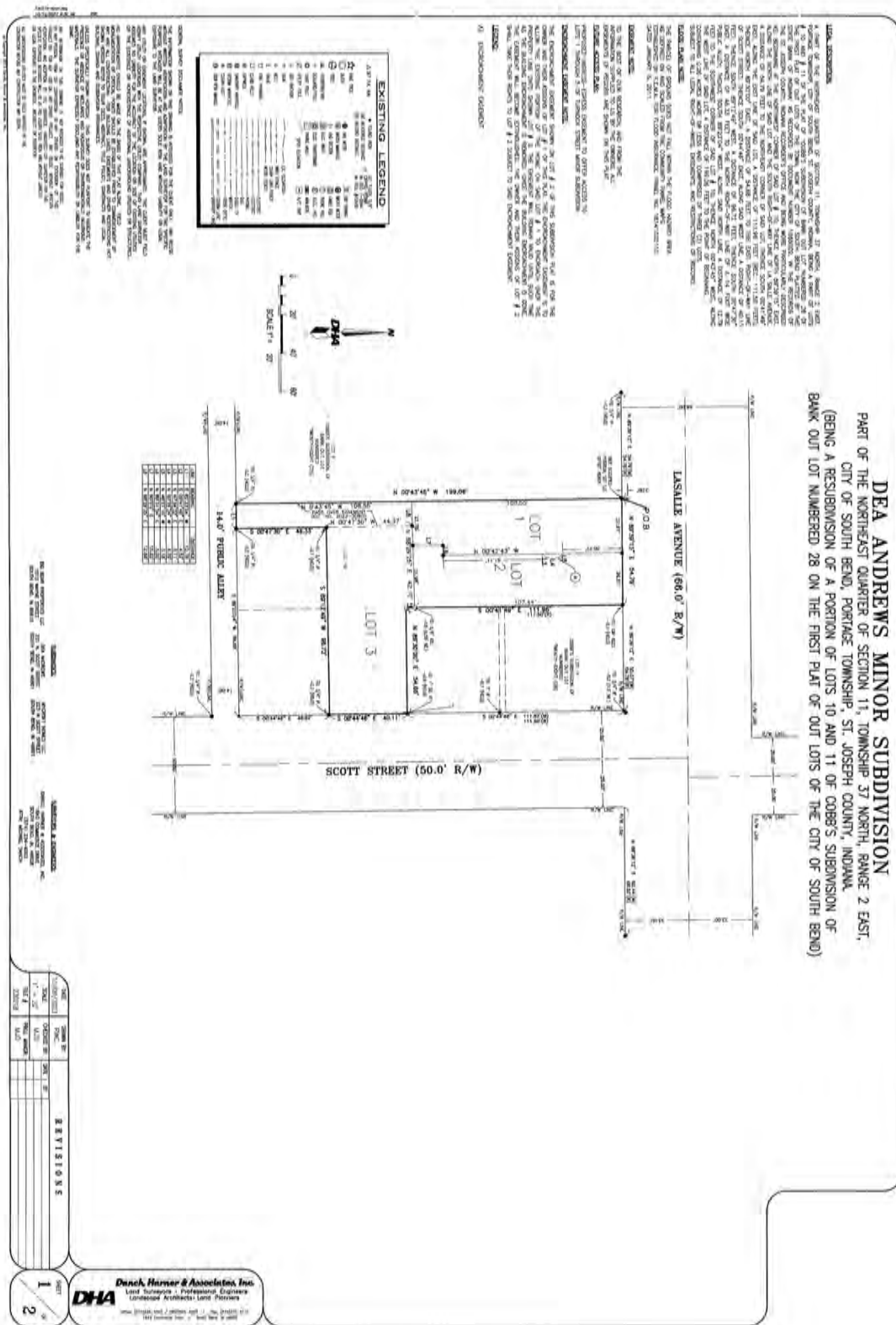
Location Map



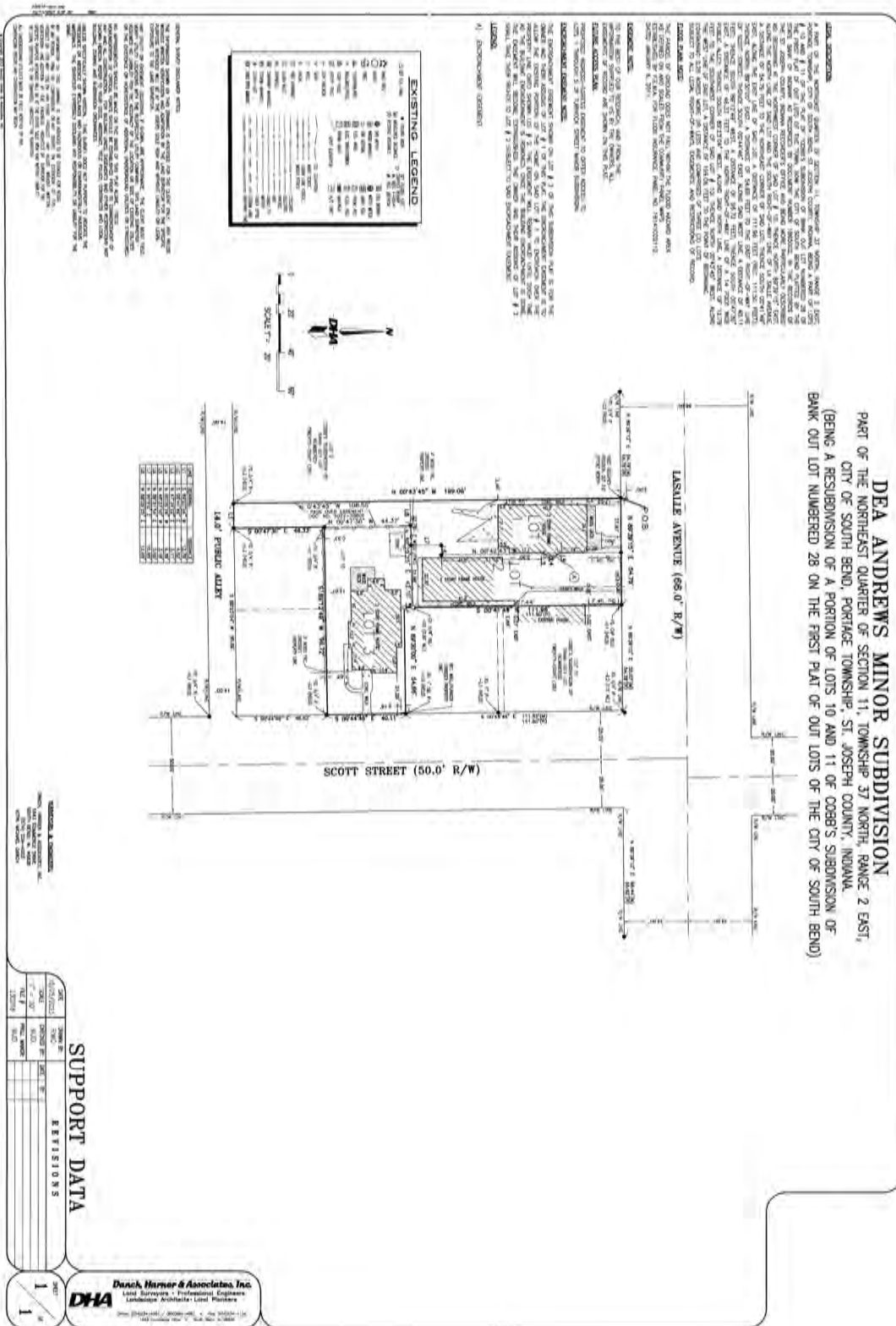
Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval.

Proposed Plat



Proposed Plat



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.

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: Provide access plan.

Recommendation

Staff Comments: No additional staff comments

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval.

Property Information

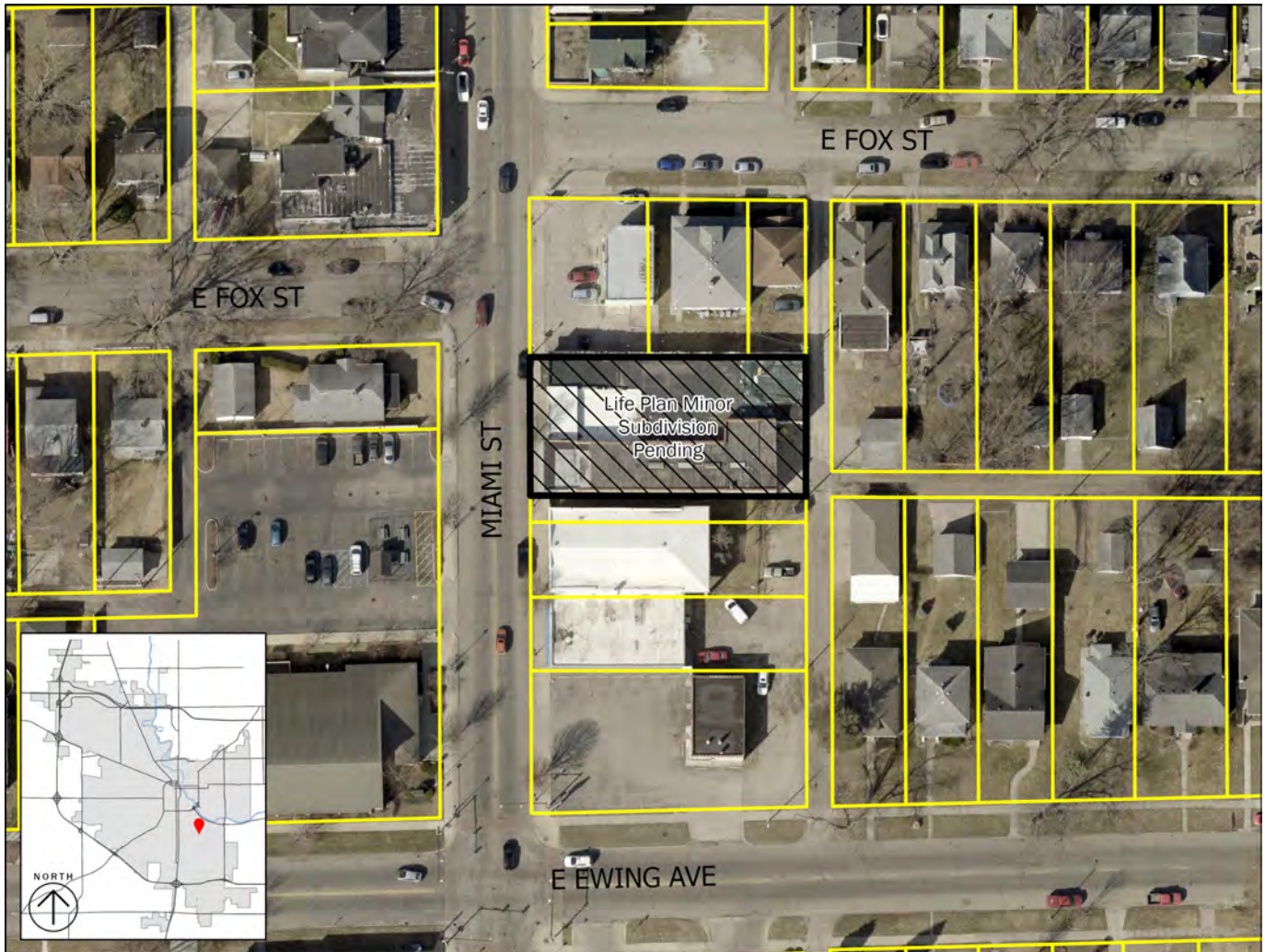
Subdivision Name: **LIFE PLAN MINOR SUBDIVISION**

Location: 2206 Miami St

Requested Action

The total area of the subdivision is .244 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 Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted approval.

Project Details

Environmental Data: A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.

Drainage: Not required.

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: None at this time.

Recommendation

Staff Comments: No additional staff comments.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted approval.