



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

December 19, 2023

Honorable Committee Chair Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: 711 Leland Avenue – PC#0187-24

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your January 8, 2024, Council meeting, and set it for public hearing at your January 22, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the January 16, 2024, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

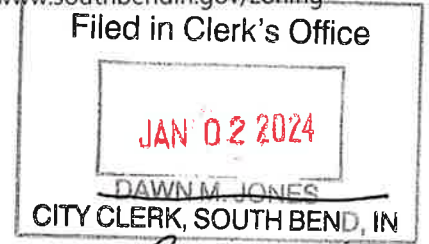
Rezone property from U2 Urban Neighborhood 2 to UF Urban Flex

If you have any questions, please feel free to contact our office.

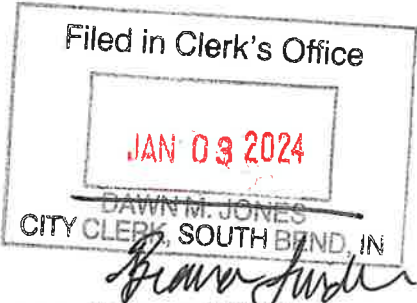
Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer



Bianca Thado



BILL NO. 02-24

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 711 LELAND AVENUE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from U2 Urban Neighborhood 2 to UF Urban Flex

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

LOT NUMBERED SIX (6) AS SHOWN ON THE RECORDED PLAT OF ST. JOSEPH COUNTY AGRICULTURAL SOCIETY'S ADDITION TO THE CITY OF SOUTH BEND, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 1

be and the same is hereby established as UF Urban Flex

SECTION II. This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

SECTION III. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2024, at _____ o'clock ____ . m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-1057-2416

Address: 711 Leland

Owner: Caspers-Shutts Family Trust

Legal Description:

LOT NUMBERED SIX (6) AS SHOWN ON THE RECORDED PLAT OF ST. JOSEPH COUNTY AGRICULTURAL SOCIETY'S ADDITION TO THE CITY OF SOUTH BEND, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 1.

Project Summary

The propose rezoning would allow for a non-residential ground-floor use with a residential dwelling unit above. The development would use the existing structure on site. Additional residential units may be added in an secondary structure at the rear of the property in compliance with the Ordinance.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U2 Urban Neighborhood 2

Additional Districts, if applicable

Proposed District: UF Urban Flex

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) The comprehensive Plan;*
- (2) Current conditions and the character of the current structures and uses in each district;*
- (3) The most desirable use for which the land in each district is adapted;*
- (4) The conservation of property values throughout the jurisdiction; and*
- (5) Responsible development and growth.*

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: Retail & Service and Restaurant

Variance(s) - List variances below, complete and attach Criteria for Decision Making

Variance(s) requested:

Required Documents

- Completed Application (including Contact Information)
- Site Plan drawn to scale
- Filing Fee
- Additional documents as noted above

Criteria for Decision Making

Special Exception - *if applicable*

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:

The proposed restaurant or retail space will meet all applicable building and fire safety codes. Therefore, it should not be detrimental to the public health, safety, or general welfare of the community.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:

This home is located in a historic district, which protects the appearance and form of the structure. Allowing for a use that would compliment the neighborhood - like a small restaurant or retail place - should not adversely impact the use or value of the adjacent property. The outward appearance of the structure would be residential, and the use would be limited in scale by the nature and size of the structure.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein, because:

While not immediately fronting Portage Road, the unique street configuration in this area makes it feel like it is part of the Portage Road frontage. Across Leland Ave is the successful No. 6 Restaurant. The proposed use would compliment the No.6 Restaurant use and provide needed services to the neighborhood. The property would be developed in a mixed use format with a residential unit on the 2nd story of the existing structure, allowing for a more traditional neighborhood development pattern common in this area where a business owner could potentially live above their business.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

The proposed use is consistent with City Plan (2006), Objective LU2: Encourage a compatible mix of land uses in the community. More specifically, LU2.2 Pursue a mix of land uses along major corridors. This property is less than 75' from and highly visible to the Portage Road corridor. The only property between this and Portage Road is a small piece of a triangular lot occupied by a restaurant. As a mixed use building (with residential above), it would also comply with Objective H2, which speaks of both renovating and repairing older homes and maintaining housing stock.

Contact information

Property owner(s) of the petition site:

Name: Casper-Shutts Family Trust

Address: 1211 Campeau St
South Bend, IN 46617

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Danch, Harner & Associates - Attn: Angela Smith

Address: 1643 Commerce Drive
South Bend, IN 46628

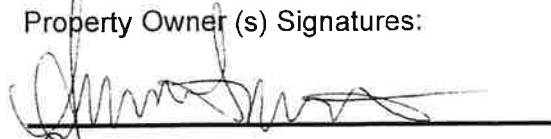
Phone Number: 574-234-4003

E-mail: asmith@danchharner.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

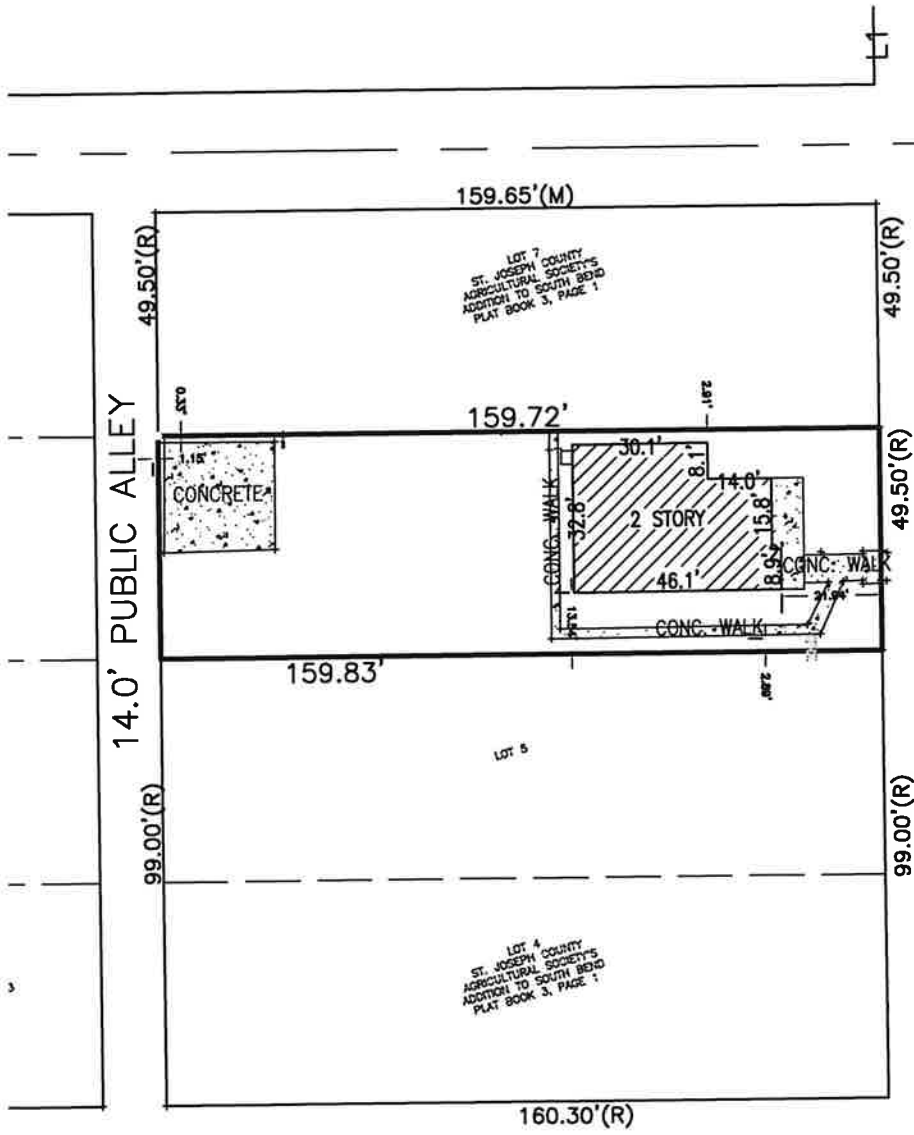
Property Owner (s) Signatures:



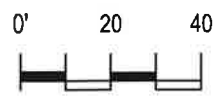


12/12/2023 9:10 AM

230125.3 Site Plan.dwg



LELAND AVENUE (60.0' R/W)



Danch, Harner & Associates, Inc.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46628

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