



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, October 18, 2021 - 4:00 P.M.

County-City Building
Fourth-Floor Council Chambers

www.tinyurl.com/southbendplancommission

PUBLIC HEARING:

A. REZONINGS

1. **Location:** Southwest corner of Adams Rd & St. Joseph Valley Pkwy PC#0067-21

Petitioner: INDIANA MICHIGAN POWER COMPANY

Requested Action:

Rezoning: From NC Neighborhood Center to I Industrial

Variance(s): 1) from the required durable dust free surface for outdoor storage to gravel

Tabled from September 20, 2021

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 - None for consideration

B. FINDINGS OF FACT - None for consideration

C. UPDATES FROM STAFF

D. MINUTES- September 20, 2021

E. ADJOURNMENT

Property Information

Location: southwest corner of Adams Road and St. Joseph Valley Parkway
Owner: INDIANA MICHIGAN POWER COMPANY

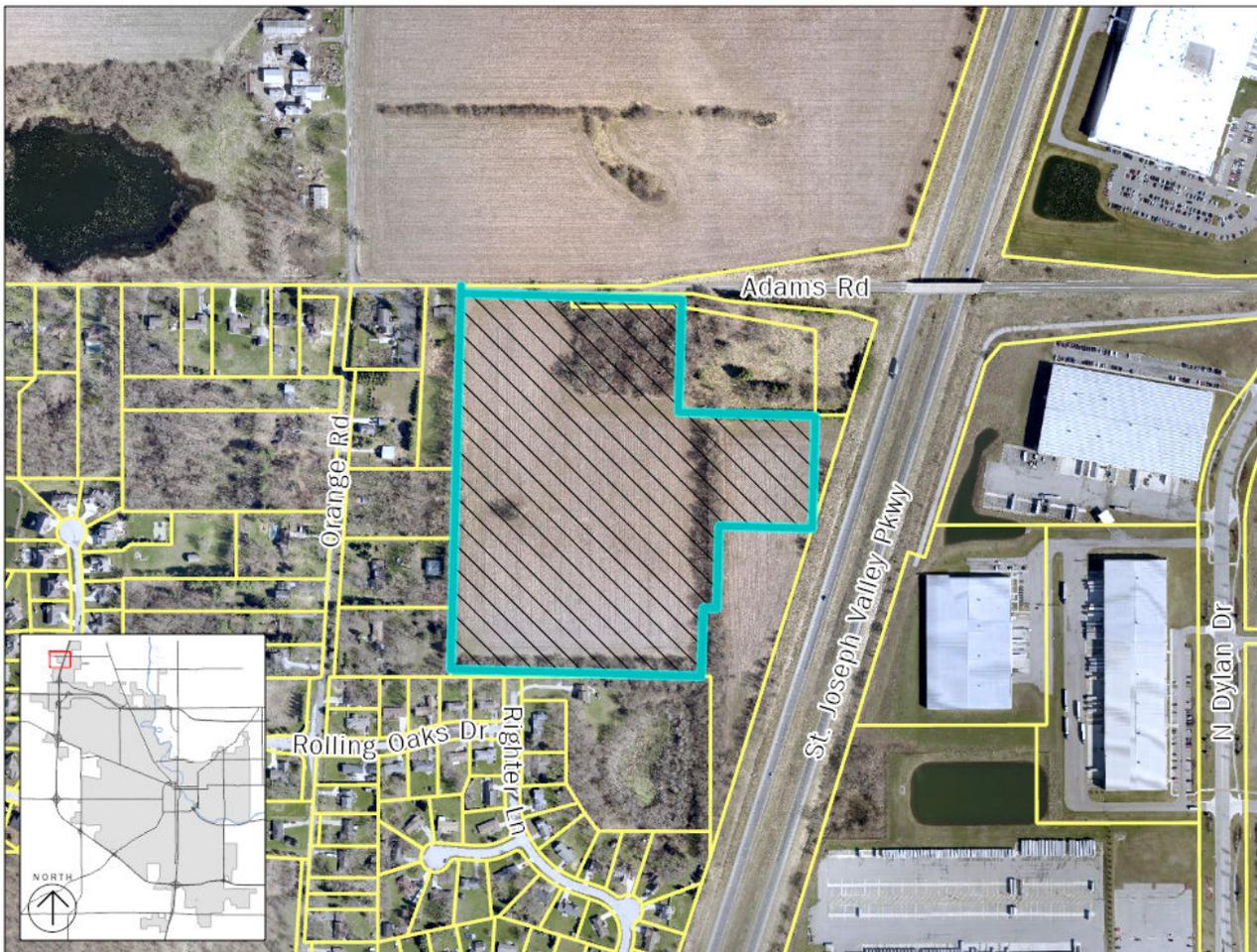
Requested Action

Rezone from NC Neighborhood Center to I Industrial
Variance(s): 1) from the required durable dust free surface for outdoor storage to gravel

Project Summary

AEP wishes to construct a new service center in South Bend, Indiana. This includes an approximately 98,000 SF office and garage building and 15,000 SF detached vehicle storage building. A substation will also be located on the NE corner of the site.

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.

Site & Context

Land Uses and Zoning:

On site: The site is currently vacant and is heavily wooded in some sections while other sections have been used for agriculture purposes recently.

North: To the north, across Adams Road, is a tilled agriculture field zoned NC Neighborhood Center.

East: To the east, across the St. Joseph Valley Parkway (bypass), are industrial warehouses zoned I Industrial

South: To the south are residential properties zoned R Residential in the County.

West: To the west are residential properties zoned R Residential in the County.

District Intent:

The I District is established to provide a location for medium- to high intensity industrial uses, typically grouped along highways and major streets and separated from residential uses.

Site Plan Description:

The current site plan shows a new service center including approximately 98,000 SF office and garage building and 15,000 SF detached vehicle storage building. A substation will also be located on the NE corner of the site.

Zoning and Land Use History and Trends:

The property was initially annexed into South Bend in the early 2000s and included as part of the Portage Prairie PUD. The development was predicated on a proposed interchange at Adams Road and the the US-31 bypass with the intention of creating a mixed use development to support apartments and other mixed use growth west of the interchange. This development did not materialize leading to the property remaining agriculture in use despite being zoned mixed-use.

With the new Zoning Ordinance in 2020, any property zoned PUD was paired with the district most closely related to the intended uses and development standards. Because the area west of the bypass was intended to have a mix of uses, the properties were assigned to Neighborhood Center District. The surrounding area east of the bypass has become heavily industrial with a large increase in companies in the past decade.

Traffic and Transportation Considerations:

Adams Road is two lanes with no on-street parking. The St. Joseph Valley Parkway (bypass) is a limited access freeway. At this time, there seems to be little interest from INDOT in constructing the Adams Road interchange.

Agency Comments

Agency Comments:

There are no additional comments at this time.

Staff Comments:

While AEP does not need to rezone the property to operate the substation, the I Industrial District is appropriate for the adjacent service center. The property is centrally located for the AEP service area with easy access to major roads, allowing them to service the public in a more timely manner.

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 ED 2: Retain existing businesses and recruit new ones to the city.

Land Use Plan:

The Future Land Use Plan identifies this area for Mixed Use.

Plan Implementation/Other Plans:

There are no other plans specific to this area.

2. Current Conditions and Character:

While the proposed development was annexed with the intent of being a mixed use area, the highway interchange needed to make that successful never materialized. The area is currently rural residential and agricultural.

3. Most Desirable Use:

The most desirable use, as this time, is a use more compatible with the growing industrial and distribution growth seen east of the bypass.

4. Conservation of Property Values:

The I Industrial District includes buffering requirements designed to mitigate the impact on surrounding property values.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the site to be used in a similar manner to properties east of the bypass. As the land is already annexed into the City Limits, using the land to its highest and best use is responsible development for the City.

Variance(s)

The petitioner is seeking the following variance(s):

- 1) from the required durable dust free surface for outdoor storage to gravel

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 will not be injurious to the public health, safety, morals and general welfare of the community. Due to the distance of the parking lot from any accessible public right-of-way and being bounded by a limited access highway with no direct access from the site, the negative impacts of a gravel parking lot are mitigated and should not be injurious to the general welfare of the community.

(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 parking lot will be a considerable distance and buffered from any privately owned adjacent property. This should limit any adverse affects of the gravel parking. The existence of the bypass to the east and large buffering on site should also limit any adverse affects.

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

The strict application of the terms of this Chapter would require the developer to develop their site to unnecessary standards. The site is far removed from adjacent uses and bordered by a limited access highway.

(4) The variance granted is the minimum necessary.

The variance granted is the minimum necessary for the petitioner to develop the site in accordance with the I Industrial District standards and taking into account the unique conditions of the property.

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

The variance granted does not correct a hardship caused by a former or current owner of the property. Neither the current nor former owners are responsible for the bypass running alongside the property or the rural nature of the surrounding properties.

Analysis & Recommendation

Commitments: There are no written commitments proposed.

Analysis: While the NC Neighborhood Center District is the most closely related district to the original uses of the PUD, it is not well suited for this area. The NC District is typically pedestrian-orientated in scale and well connected to surrounding residential neighborhoods. The site will most likely never meet those characteristics, and the mixed use development originally proposed will likely never occur.

As a public utility regulation by the IURC, the AEP substation is permitted by right in any district. The zoning ordinance cannot restrict the location of the proposed substation and utility lines. Allowing the site be zoned to the I Industrial District will better suit the use and provide additional protections for adjacent property owners through increased buffering.

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.