



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, May 16, 2022 - 4:00 P.M.

County-City Building
Fourth-Floor Council Chambers
www.tinyurl.com/southbendplancommission

PUBLIC HEARING:

A. REZONINGS

1. **Location:** 3400 NORTHSIDE BLVD PC#0095-22
Petitioner: THE RIVER GARDENS LLC
Requested Action: Terminate Written Commitments associated with the original rezoning in 2007 **Request to table indefinitely**
2. **Location:** NW CORNER OF CORBY BLVD AND HICKORY RD PC#0098-22
Petitioner: BENTON SQUARE LLC
Requested Action:
Rezoning: From NC Neighborhood Center to S2 Suburban Neighborhood 2
Variance(s): 1) from the minimum 25 ft. parking setback in the front yard to 15 ft.;
2) from the 200' maximum building width for a stacked flat to 270'; 3) from the 2 story minimum building height to 1 story

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

E. ADJOURNMENT

Property Information

Location: NW CORNER OF CORBY BLVD AND HICKORY RD
 Owner: BENTON SQUARE LLC

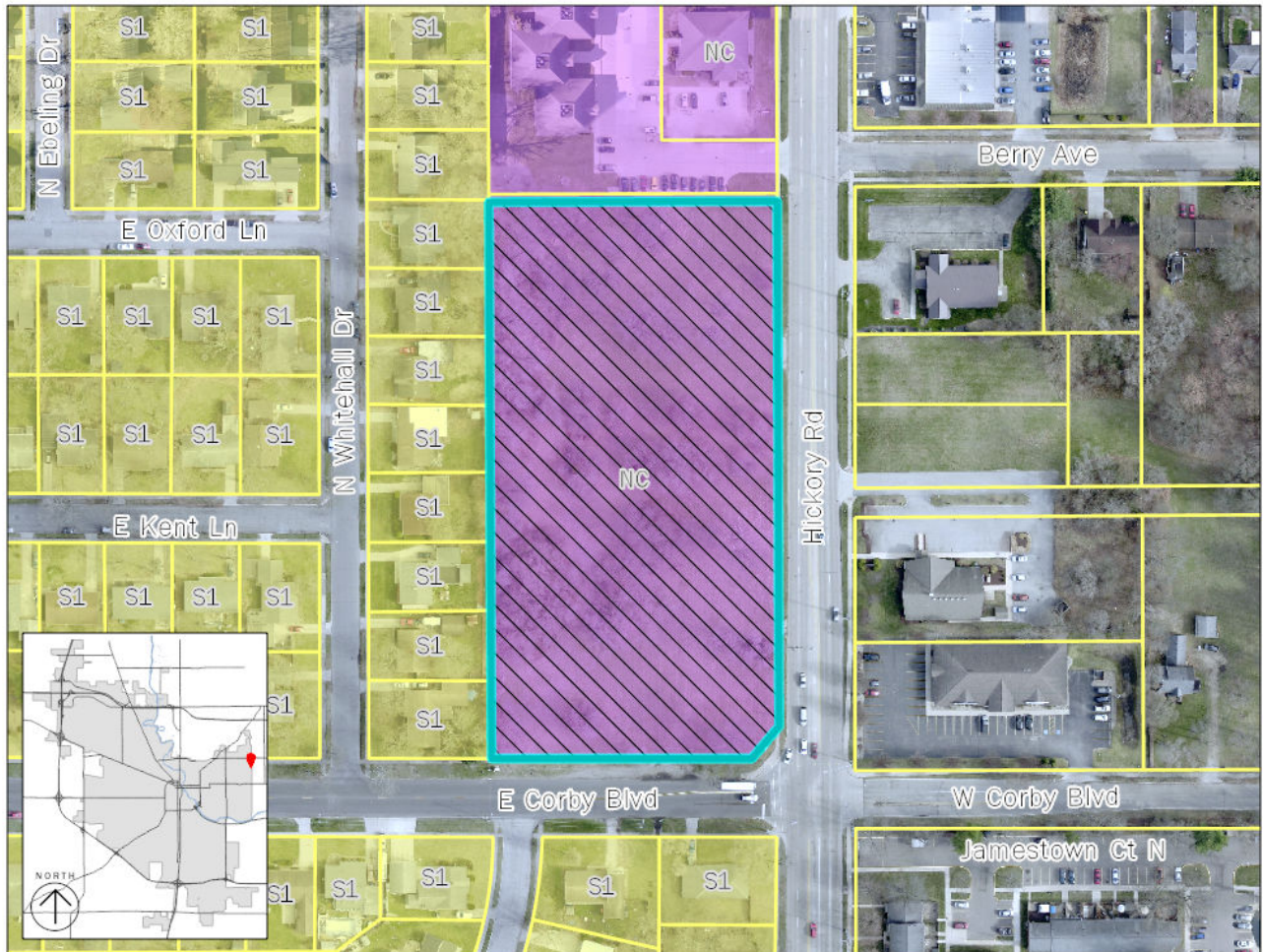
Requested Action

Rezone from NC Neighborhood Center to S2 Suburban Neighborhood 2
 Variance(s): 1) from the minimum 25 ft. parking setback in the front yard to 15 ft.
 2) from the 200' maximum building width for a stacked flat to 270'
 3) from the 2 story minimum building height to 1 story

Project Summary

The petitioner is requesting a rezoning to allow for a memory care facility.

Location Map



Recommendation

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends to the Commission forward this petition to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variances, as presented.

Proposed Site Plan

REZONING AND VARIANCE PRELIMINARY SITE PLAN
 PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 3 EAST,
 CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

LEGAL DESCRIPTION:
 LOT NUMBERED 3 OF CAMDEN PARK ON HICKORY SECOND MAJOR SUBDIVISION,
 PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA,
 AS RECORDED IN THE OFFICE
 OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

THAMATED SITE DATA

1. ACREAGE OF SITE	3.78 ACRES
2. EXISTING LAND USE	VACANT
3. PROPOSED LAND USE	MEMORY CARE FACILITY
4. EXISTING ZONING	NC-NEIGHBORHOOD CENTER
5. PROPOSED ZONING	S-2 SUBURBAN NEIGHBORHOOD 2
6. LAND COVERAGE	
TOTAL	164,608
7. PROPOSED BUILDING IS ONE-STORY.	
8. BUILDING TO BE CONNECTED TO PUBLIC WATER AND SEWER.	
9. SITE TO COMPLY WITH CITY OF SOUTH BEND LANDSCAPE ORDINANCE.	

REZONING REQUEST:
 TO REZONE PROPERTY FROM NC-NEIGHBORHOOD CENTER TO
 S-2 SUBURBAN NEIGHBORHOOD 2 TO ALLOW FOR A MEMORY CARE FACILITY.

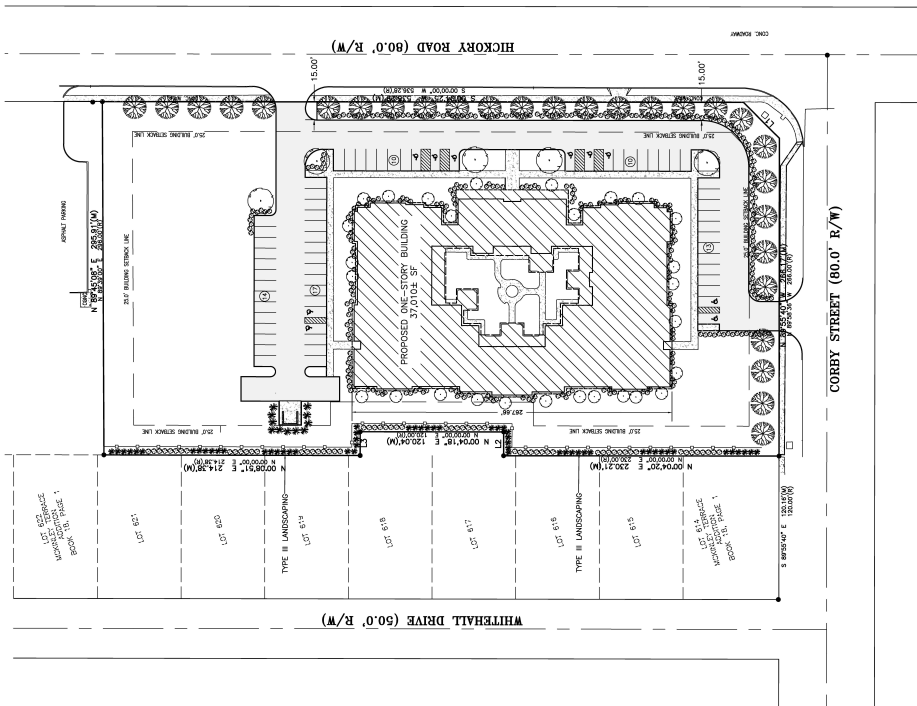
VARIANCE REQUEST:

- FROM REQUIRED MINIMUM 25'-FT FRONT-YARD BUILDING SETBACK ALONG HICKORY ROAD TO A MINIMUM FRONT-YARD BUILDING SETBACK
- FROM THE 200' MAXIMUM BUILDING WITH FOR A STACKED FLAT TO 270'-FT.
- FROM THE 2 STORY MINIMUM BUILDING HEIGHT TO 1 STORY.

LINE	DESCRIPTION	LENGTH
1	1/4" = 100'	42.42
2	1/4" = 100'	55.55
3	1/4" = 100'	55.55
4	1/4" = 100'	55.55
5	1/4" = 100'	55.55
6	1/4" = 100'	55.55
7	1/4" = 100'	55.55
8	1/4" = 100'	55.55
9	1/4" = 100'	55.55
10	1/4" = 100'	55.55
11	1/4" = 100'	55.55
12	1/4" = 100'	55.55
13	1/4" = 100'	55.55
14	1/4" = 100'	55.55
15	1/4" = 100'	55.55
16	1/4" = 100'	55.55
17	1/4" = 100'	55.55
18	1/4" = 100'	55.55
19	1/4" = 100'	55.55
20	1/4" = 100'	55.55



AERIAL PHOTOGRAPH/LOCATION MAP



DMA
 Donald M. Harner & Associates, Inc.
 Landscape Architects - Professional Engineers
 11110 E. 10th Avenue, Suite 100, Denver, CO 80231
 (303) 751-1111

DATE: 5/13/22
 DRAWN BY: CDS
 CHECKED BY: [blank]
 SCALE: [blank]
 FILE # [blank]
 PROJ. NO.: 220110
 MAID: [blank]

REVISIONS

NO.	DATE	DESCRIPTION
1		
1		

SCALE: 1" = 40'
 0 40 80 120'

North Arrow

Professional Engineer Seal: DONALD M. HARNER, No. 12345, State of Indiana, Exp. 12/31/2023

ENGINEER & ARCHITECT:
 DONALD M. HARNER & ASSOCIATES, INC.
 11110 E. 10th Avenue, Suite 100, Denver, CO 80231
 (303) 751-1111

Site & Context

Land Uses and Zoning:

- On site: A vacant lot zoned NC Neighborhood Center
- North: To the north, is a medical office complex zoned NC Neighborhood Center
- East: To the east, across Hickory Rd., are offices in the City of Mishawaka
- South: To the south, across Corby Blvd., are single family homes zoned S1 Suburban Neighborhood 1
- West: To the west, are single family homes zoned S1 Suburban Neighborhood 1

District Intent:

The S2 District is established to provide for, maintain, and enhance suburban neighborhoods or primarily apartment complexes or houses grouped together outside of the City's core.

Site Plan Description:

The proposed site plan shows a 37,000 sq. ft. residential care facility with associated parking and all landscaping is provided per the current Zoning Ordinance.

Zoning and Land Use History and Trends:

Prior to the mid 1990s, a single family home occupied the property. During the mid 1990s the home was torn down and the first of the small scale retail developed north of the property. During the early 2000s, the surrounding area developed into the small scale retail and office development as it stands today. The property has been a vacant lot since the mid 1990s.

Traffic and Transportation Considerations:

Hickory is a 4 lane road with a stoplight as it intersects with Corby Blvd. Corby is a 2 lane road with no curb or sidewalk in this area.

Agency Comments

Agency Comments:

The petitioner will need to work with Engineering to address drainage and improvements along the road way.

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 proposal is consistent with City Plan (2006) Policy H1.4 Encourage the development of a vary of housing types and care choices for seniors and disabled persons.

Land Use Plan:

The Future Land Use Plan shows this area as commercial (office and retail.)

Plan Implementation/Other Plans:

There are no other plans for the area.

2. Current Conditions and Character:

The properties along Hickory Rd. are a mix of one-story office buildings and single family residential. Most of the office buildings are designed with a residential character.

3. Most Desirable Use:

The most desirable use for the properties is a low impact office, retail or institutional use that is compatible with adjacent residential.

4. Conservation of Property Values:

Down zoning the property to S2 Suburban Neighborhood 2 for a low density institutional use should help protect the use and value of the adjacent S1 Suburban Neighborhood 1 properties.

5. Responsible Development and Growth:

It is responsible development and growth to allow the vacant parcel to develop as a low impact multifamily institutional use.

Variance(s)**The petitioner is seeking the following variance(s):**

- 1) from the minimum 25 ft. parking setback in the front yard to 15 ft.
- 2) from the 200' maximum building width for a stacked flat to 270'
- 3) from the 2 story minimum building height to 1 story

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 public health, safety or general welfare of the community. The proposed design is consistent with the character of the area.

(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 adjacent properties should not be adversely impacted by the development. The variances allow the building to be closer to Hickory and be designed in a residential character compatible with the area.

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

Strict application of the Ordinance would require the residential facility be located closer to the single-family properties to the west. The Ordinance is designed for traditional suburban multifamily development. It does not anticipate this type of development.

(4) The variance granted is the minimum necessary.

The parking is shown with a 15' parking setback, which is appropriate to the area and the minimum necessary to properly lay out the site. The variance for the building length is minimal and the one-story design is appropriate for the area.

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

The proposed variances are primarily due to the fact that the use is more institutional in nature. This type of use is allowed with the district proposed. Granting the variances will not correct a hardship caused by the former or current owners.

Analysis & Recommendation

Commitments: There are no commitments proposed for this property.

Analysis: Rezoning the property the S2 Suburban Neighborhood 2 will allow for the development of a parcel that has been vacant for approx. 25 years. The S2 District is designed for suburban style multifamily, which will serve as a buffer between the office and retail uses on the east side of Hickory and the single-family residential to the west.

Recommendation: Based on the information available prior to the public hearing, the Staff recommends to the Commission forward this petition to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variances, as presented.