



# 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](http://www.southbendin.gov/zoning)

## AGENDA

**Monday, September 19, 2022 - 4:00 P.M.**  
County-City Building  
Fourth-Floor Council Chambers  
[www.tinyurl.com/southbendplancommission](http://www.tinyurl.com/southbendplancommission)

### PUBLIC HEARING:

#### A. REZONINGS

- Location:** 2701 LINCOLNWAY WEST PC#0078-21  
**Petitioner:** HIMMAT SINGH LLC  
**Requested Action:**  
Rezoning: From U1 Urban Neighborhood 1 to NC Neighborhood Center  
Special Exception: Gas Station
- Location:** 1345 MICHIGAN ST PC#0114-22  
**Petitioner:** MEMORIAL HEALTH SYSTEMS INC  
**Requested Action:**  
Rezoning: From UF Urban Neighborhood Flex to C Commercial  
Variance(s): 1) from the 40% transparency on the north, east, and south to 0%;  
2) to allow a dumpster to be located in the established corner yard; 3) to allow a  
drive through in the established corner yard

#### B. MAJOR SUBDIVISIONS – None for consideration

#### C. TEXT AMENDMENTS - None for consideration

#### D. DEVELOPMENT PLANS

- A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AND ADOPTING THE NORTHEAST NEIGHBORHOOD PLAN PC#0107-22
- A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AND ADOPTING THE KENNEDY PARK NEIGHBORHOOD PLAN PC#0110-22
- A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AND ADOPTING THE RUM VILLAGE NEIGHBORHOOD PLAN PC#0111-22

### ITEMS NOT REQUIRING A PUBLIC HEARING:

#### A. MINOR SUBDIVISIONS



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1. **Name:** CORBY MANOR MINOR SUBDIVISION PC#0113-22  
**Location:** NORTH SIDE OF CORBY BLVD. APPROX. 660' EAST OF N.  
EDDY ST.

B. FINDINGS OF FACT - None for consideration

C. UPDATES FROM STAFF

D. MINUTES – August 15, 2022

E. ADJOURNMENT

**Property Information**

Location: 2701 LINCOLNWAY WEST  
Owner: HIMMAT SINGH LLC

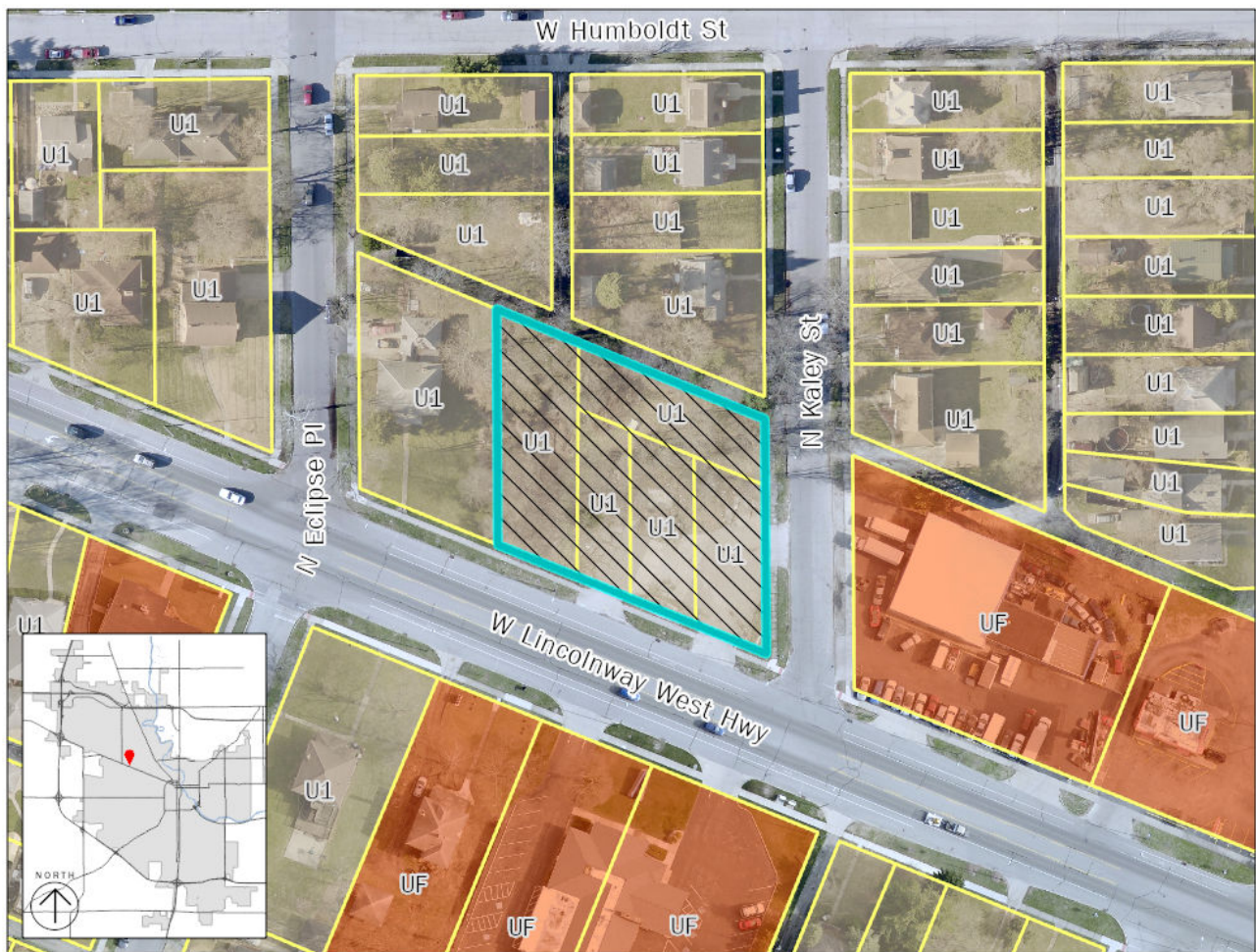
**Requested Action**

Rezone from U1 Urban Neighborhood 1 to NC Neighborhood Center  
Special Exception: Gas Station

**Project Summary**

Construction of a gas station, deli, and convenience store.

**Location Map**



**Recommendation**

**Staff Recommendation:** Based on information available prior to the public hearing, the Staff recommends the Plan Commission send this petition to the Common Council with an unfavorable recommendation.

Proposed Site Plan



## Site & Context

### Land Uses and Zoning:

On site: On site is a vacant lot.

North: Across the alley, is a single unit dwelling zoned U1 Urban Neighborhood 1.

East: Across N Kaley, is a business zoned UF Urban Neighborhood Flex.

South: Across Lincoln Way West, is a business zoned UF Urban Neighborhood Flex.

West: Single unit dwellings zoned U1 Urban Neighborhood 1.

### District Intent:

The NC District is established to promote higher intensity, urban neighborhood centers, typically located near the intersection of major streets, in core and outlying areas of the City that are well connected to surrounding neighborhoods.

### Site Plan Description:

The most recent site plan shows a proposed gas station and convenience store located parallel to Kaley St. in the southeast corner of the parcel with direct access to Lincoln Way. The canopy of gas pumps is located in the northwest corner of the parcel. The appropriate landscaping is shown.

### Zoning and Land Use History and Trends:

Lincoln Way West is a primary corridor through the north and western portions of the city, flanked by medium density residential development to the north and south. Properties fronting Lincoln Way West are primarily medium density residential with pocks of small scale commercial and mixed-use development. The north side of Lincoln Way between Kaley and Goodland to the west is comprised of large residential structures suitable for medium density residential. A large commercial node is located at the intersection of Lincoln Way and Bendix, with more intense auto-oriented uses located west of Bendix.

### Traffic and Transportation Considerations:

Lincoln Way West is a three lane thoroughfare with on street parking. Kaley Street is a narrow two lane street with on-street parking.

## Agency Comments

### Agency Comments:

There are no additional comments at this time. Full review will be done with the Plan Review submittal.

### Staff Comments:

The Comprehensive Plan designates this area as residential. Rezoning this property to a district more intense than medium density residential is not consistent with the Comprehensive Plan. Additionally, with the exception of the property to the east, which is currently in the process of addressing several code violations, the non-residential uses in this area of Lincoln Way are low intensity uses built with more of a residential character. The urban design of the gas station would work well in an area already zoned NC Neighborhood Center, but would not meet the criteria for decision making at this particular site. The urban layout gas station was anticipated by the Ordinance in areas where the adaptive reuse of the primary building could succeed after the gas pumps are no longer needed.

## 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 not consistent with the Comprehensive Plan. The West Side Main Streets (2014) update to the Comprehensive Plan recommends commercial development be focused into the nodes. The petition is not consistent with the recommendation as it is located outside of the identified nodes and encroaches on single family properties.

**Land Use Plan:**

The future land use plan identifies this area as medium density residential.

**Plan Implementation/Other Plans:**

The petition is not consistent with City Plan, South Bend Comprehensive Plan (2006), Objective H5: Increase the marketability of South Bend's neighborhoods.

**2. Current Conditions and Character:**

The current character of the area is a mix of low-to medium density residential and small-scale commercial uses. The commercial property to the east is non-conforming and in the process of being brought into conformance.

**3. Most Desirable Use:**

The most desirable use for the land would be construction of new housing to increase the depleted population of the surrounding neighborhood and contain commercial activities to the nodes on Lincoln Way West which were outlined in the West Side Main Street Plan (2014).

**4. Conservation of Property Values:**

Allowing the construction of a gas station, or other demanding uses allowed in C Commercial, could lead to depreciating property values in adjacent and nearby properties. The property is adjacent both to the west and to the north by single family residential sites which could be negatively impacted.

**5. Responsible Development and Growth:**

It is not responsible development and growth to allow for the encroachment of suburban styled C Commercial uses near single family properties when there are suitable alternatives for this type of development on nearby land already zoned appropriately.

### Special Exception

**The petitioner is seeking a Special Exception to allow:**

Gas Station

**A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that:**

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

The introduction of a gas station in such close proximity to residential homes could be injurious to the public health, safety, and 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;**

Approving the Special Exception and allowing for a gas station could adversely affect the use of the adjacent areas by further reinforcing the auto-centric nature of Lincoln Way West. There has

been renewed interest, both from local neighborhood planning efforts and City initiatives, in restoring the pedestrian orientated nature of Lincoln Way West. Allowing the use of this property as a gas station would further degrade that progress.

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

The proposed development does incorporate an urban style gas station, which is appropriate for the NC Neighborhood Center District. However, the NC Neighborhood Center District requested for this property is not consistent with the Comprehensive Plan and not appropriate for this area of Lincoln Way.

**(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.**

The proposed use is not compatible with the recommendations of the Comprehensive Plan. The West Side Main Streets Plan (2014), an amendment to the Comprehensive Plan, encourages retail uses to be located within the nodes along the corridor and areas outside of the nodes focus more on residential and pedestrian oriented uses. Allowing the proposed use would be counter to that intention.

## Analysis & Recommendation

**Commitments:** There are no commitment proposed at this time.

**Analysis:** Rezoning the property to NC Neighborhood Center is not consistent with the Comprehensive Plan for the area. The proposed use of a gas station could adversely affect the use of the adjacent areas by further reinforcing the auto-centric nature of Lincoln Way West. There has been renewed interest, both from local neighborhood planning efforts and City initiatives, in restoring the pedestrian orientated nature of Lincoln Way West. Allowing the use of this property as a gas station would further degrade that progress.

**Recommendation:** Based on information available prior to the public hearing, the Staff recommends the Plan Commission send this petition to the Common Council with an unfavorable recommendation.

**Property Information**

Location: 1345 MICHIGAN ST  
 Owner: MEMORIAL HEALTH SYSTEMS INC

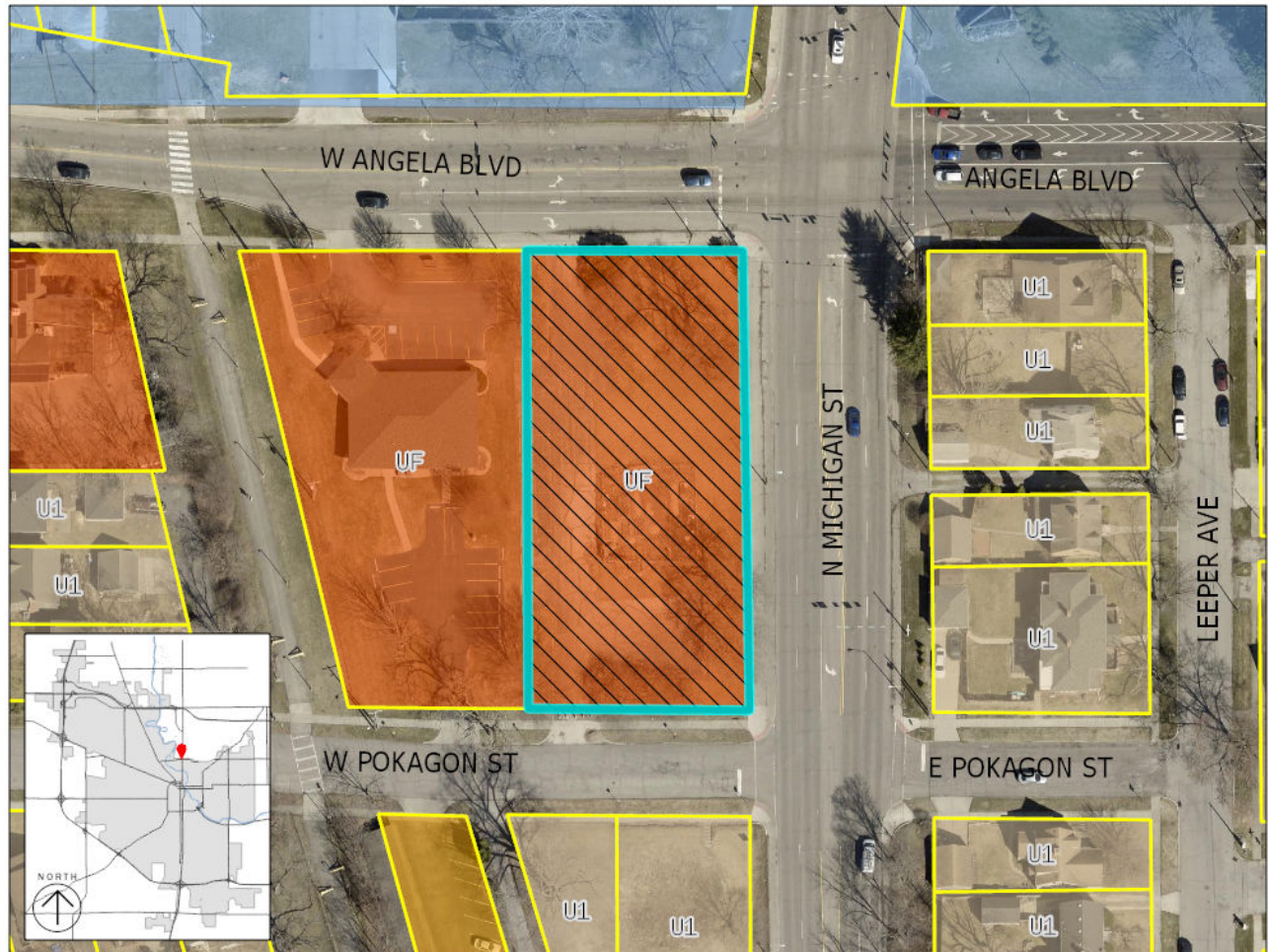
**Requested Action**

Rezone from UF Urban Neighborhood Flex to C Commercial  
 Variance(s): 1) from the 40% transparency on the north, east, and south to 0%  
 2) to allow a dumpster to be located in the established corner yard  
 3) to allow a drive through in the established corner yard

**Project Summary**

The project will consist of the rezoning of Parcel 018-5127-4504 Currently zoned UF Urban Flex to C Commercial designation necessary to support a drive through coffee shop.

**Location Map**

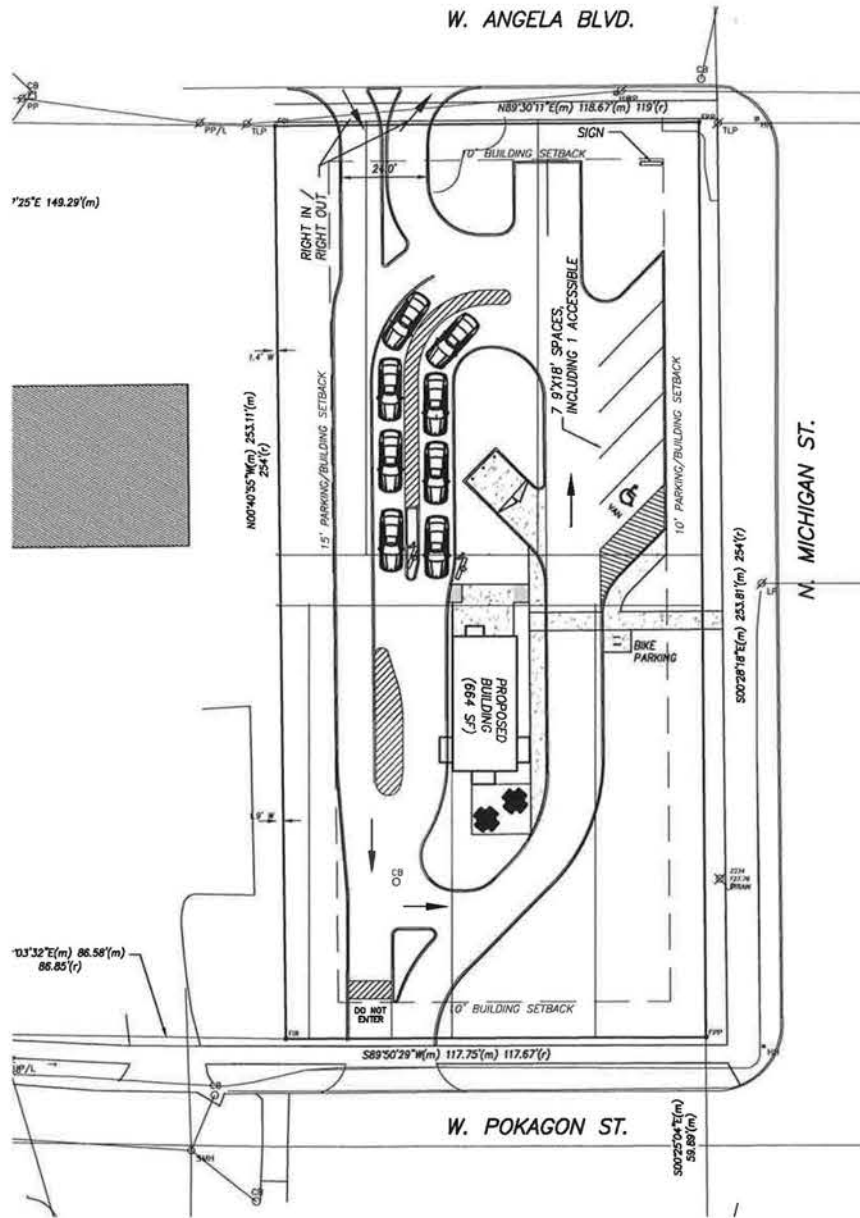


**Recommendation**

**Staff Recommendation:** Based on the information available to the public hearing, the Staff recommends the Commission send the petition to the Common Council with an unfavorable recommendation. The Staff recommends the variances be denied.



Proposed Site Plan



## Site & Context

### Land Uses and Zoning:

- On site: On site is a community garden with existing pavement.
- North: Across Angela Blvd., is a former school zoned U University.
- East: Across Michigan St., are single unit dwellings zoned U1 Urban Neighborhood 1.
- South: Across Pokagon St., are vacant lots zoned U1 Urban Neighborhood 1
- West: To the west is a medical office zoned UF Urban Neighborhood Flex.

### District Intent:

The C District is established to provide a location for medium- to high-intensity commercial uses that are auto-oriented, typically located along major corridors at the fringe of the City or as small groupings located outside of neighborhood centers.

### Site Plan Description:

The current site plan shows the removal of the community garden and the construction of a drive-through coffee facility. The drive-through starts on the southern portion of the site with the primary access from Pokagon Street. The proposed use does not have any inside dining or walk-up windows.

### Zoning and Land Use History and Trends:

The Northshore Triangle neighborhood first saw housing construction in the very late 19th Century and was built out in the early 20th Century during the South Bend population growth of the early 1900s. The neighborhood was originally built for the growing middle-class population and exhibits a diversity of different housing types. The neighborhood contains both large mansions closer to the river and more modest post-World War II ranch style housing further north with many different housing types in-between.

The neighborhood has seen increased housing demand in the past decade but has seen the population fall as more homes have been purchased as “second homes” or are full time “short term rental” properties. This shows the desirability of the neighborhood but also a need for more housing units to meet this growing demand.

The neighborhood is primarily single family residential with the vast majority of lots being zoned U1 Urban Neighborhood 1. There are some multi-family properties and small offices closer to North Michigan Street that are zoned UF Urban Neighborhood Flex or U3 Urban Neighborhood 3. There are currently no retail or restaurant properties within the neighborhood or C Commercial zoned lots.

The specific property in question had a small-scale commercial building on the site which was torn down between 2002 and 2005.

### Traffic and Transportation Considerations:

Michigan St. is a four lane state highway with a designated left turn lane at the intersection. Angela Blvd. has a wide right of way, with a designated left and right turn lane, as well as a designated deceleration lane for the property to the north. Pokagon St. is a narrow two lane residential street with no on-street parking.

## Agency Comments

### Agency Comments:

A traffic impact study would be needed. Access to Angela Blvd is unlikely. If granted, improvements to Pokagon

**Staff Comments:**

This area is primarily single-family residential with limited office and multi-family uses. The property is less than 100' from public trail systems. Both the East Bank Trail and 933 Trail are in close proximity, with the Coal Line Trail being added soon. Introducing a use that relies solely on the ability of cars to quickly drive-through the establishment will likely endanger people wishing to connect to the trails in this area. The site is not suited for any of the uses found exclusively in the C Commercial District. Allowing a district intended for medium- to high-intensity commercial uses that are auto-oriented is not appropriate at this location. Pokagon Street is not designed to handle high volume commercial traffic associated with the suburban style development. A commercial use consistent with the NC Neighborhood Center District could be appropriate if designed with the appropriate urban character reflective of the district.

## 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 not consistent with City Plan (2006) Policy LU 2.4 Provide buffer spaces between non-compatible land uses.

**Land Use Plan:**

The future land use plan identifies this area as commercial (office & retail). In this particular location, office is appropriate, but commercial may not be.

**Plan Implementation/Other Plans:**

There are no specialized plans for this area.

**2. Current Conditions and Character:**

The current character of the area is primarily low-density housing with a few small medium density residential properties and low-impact offices. The institutional uses to the north and location in close proximity to multiple trails, create a lot of pedestrian activity.

**3. Most Desirable Use:**

The property is well suited for medium density residential and small offices, such as those found in the UF District, to which it is currently zoned. The site, with its proximity to Notre Dame and as an entryway into the City, is a potentially valuable property. The most desirable use is for a mixed use or medium density residential development that addresses its urban context.

**4. Conservation of Property Values:**

Introducing the wide range of auto-oriented commercial uses allowed within the C Commercial District could have a significant negative impact on the use and value of adjacent properties

**5. Responsible Development and Growth:**

It is not responsible development and growth to allow commercial uses to encroach into established residential neighborhood. The Comprehensive Plan emphasizes the need for buffer areas between incompatible uses and preserve the existing housing in the area. The type of development that is planned, by nature, is designed to minimize property tax value. It is not responsible development and growth to encourage low value suburban development in high value urban areas.

## Variance(s)

### The petitioner is seeking the following variance(s):

- 1) from the 40% transparency on the north, east, and south to 0%
- 2) to allow a dumpster to be located in the established corner yard
- 3) to allow a drive through in the established corner yard

### 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.**

Allowing variances that promote an auto oriented use on an urban lot could be injurious to the public health, safety, and general welfare of the community. This is a heavily traveled vehicular intersection, adding additional traffic will worsen the congestion. In addition, this will be the intersection point of 3 pedestrian trails in the near future, so granting variances that allow a suburban, auto-oriented use at the intersection will increase concerns for safety in this 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.**

Allowing such uses as a drive-through and dumpster in the established corner yard could have a substantially adverse affect on the use and value of adjacent property values. Reducing the required transparency will create a building that is out of character for the area. With no other uses of this intensity in the area, it's critical that the layout and design of the site fit within the context of the area.

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

While multiple frontages can be a practical difficulty, the need for the variances is driven more by this particular use than the property constraints. The suburban nature of this use, along with the corporate standard of a small kiosk type building that solely relies on drive-through business is what is creating the practical difficulties in meeting the terms of the Ordinance.

#### **(4) The variance granted is the minimum necessary.**

The variance requested is not the minimum necessary. There is ample space on the site to expand the building to include the trash receptacle inside the building or in an area that is behind the building. The proposed location for both the trash enclosure and drive-through is on the most visible portion of the site. Requesting no transparency on any of the street facing facades is not the minimum necessary.

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

The variances requested would be correcting hardships created by the business owner. It is the suburban auto-oriented use, along with the corporate model for this particular business, that are creating the need for the variances.

## Analysis & Recommendation

**Commitments:** The petitioner is not proposing any written commitments at this time.

**Analysis:** Rezoning this parcel to C Commercial would be detrimental to the neighborhood and the general public. Allowing a district intended for medium- to high-intensity commercial uses that are auto-oriented is not appropriate at this location.

**Recommendation:** Based on the information available to the public hearing, the Staff recommends the Commission send the petition to the Common Council with an unfavorable recommendation. The Staff recommends the variances be denied.

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**Requested Action**

A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA,  
APPROVING AND ADOPTING THE NORTHEAST NEIGHBORHOOD PLAN

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**Project Summary**

The Northeast Neighborhood is in the northeast quadrant of South Bend and is roughly bounded by Angela Boulevard on the north, Twyckenham Drive on the east, LaSalle Avenue on the south, and Niles Avenue and Michigan Street on the west.

The City of South Bend developed this plan through a process that engaged residents, businesses, institutions, government agencies, and other neighborhood stakeholders. The planning process included online surveys, key stakeholder interviews, in-person and virtual workshops that gathered critical information about the Northeast Neighborhood's existing conditions, needs, and opportunities. This engagement provided the basis for this plan. During the planning process, the City provided updates to the neighborhood organization and Common Council.

The Neighborhood Plan contains a list of Northeast Neighborhood project ideas which may be pursued by the City, nonprofit organizations, and the private sector over the next 20 years. The timing and scale of each project will be subject to funding and additional community engagement. Projects may change as the neighborhood and city evolves. The plan includes proposed streetscape improvements, bicycle and pedestrian infrastructure, redevelopment of vacant lots, development of a neighborhood park, and updates to the zoning map and an implementation matrix for proposed action items and projects.

[Link to proposed Northeast Neighborhood Plan](#)

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**Recommendation**

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Commission adopt the Resolution.

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**Requested Action**

A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA,  
APPROVING AND ADOPTING THE KENNEDY PARK NEIGHBORHOOD PLAN

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**Project Summary**

The Kennedy Park Neighborhood Plan area is roughly bounded by Westmoor Street and Lincoln Way West on the north, City Cemetery on the east, Washington Street on the south, and Bendix Drive on the west.

The City of South Bend developed this plan through a process that engaged residents, businesses, institutions, government agencies, and other neighborhood stakeholders. The planning process included online surveys, key stakeholder interviews, in-person and virtual workshops that gathered critical information about the Kennedy Park Neighborhood's existing conditions, needs, and opportunities. This engagement provided the basis for this plan. During the planning process, the City provided updates to the neighborhood organization, and Common Council.

The Neighborhood Plan contains a list of Kennedy Park Neighborhood project ideas which may be pursued by the City, nonprofit organizations, and the private sector over the next 20 years. The timing and scale of each project will be subject to funding and additional community engagement. Projects may change as the neighborhood and city evolves. The plan includes proposed streetscape improvements, bicycle and pedestrian infrastructure, redevelopment of vacant lots, development of a neighborhood park, and updates to the zoning map and an implementation matrix for proposed action items and projects.

[Link to Kennedy Park Neighborhood Plan](#)

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**Recommendation**

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Commission adopt the Resolution.

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**Requested Action**

A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA,  
APPROVING AND ADOPTING THE RUM VILLAGE NEIGHBORHOOD PLAN

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**Project Summary**

The Rum Village Neighborhood plan focus area is bounded by the railroad tracks north of Indiana Avenue on the north, Main Street on the east, Ewing Avenue on the south, and Olive Street on the west. This plan also covers the area stretching south to Chippewa Avenue and west to the Saint Joseph Valley Parkway.

The City of South Bend developed this plan through a process that engaged residents, businesses, institutions, government agencies, and other neighborhood stakeholders. The planning process included online surveys, key stakeholder interviews, in-person and virtual workshops that gathered critical information about the Rum Village Neighborhood's existing conditions, needs, and opportunities. This engagement provided the basis for this plan. During the planning process, the City provided updates to the neighborhood organization, and Common Council.

The Neighborhood Plan contains a list of Rum Village Neighborhood project ideas which may be pursued by the City, nonprofit organizations, and the private sector over the next 20 years. The timing and scale of each project will be subject to funding and additional community engagement. Projects may change as the neighborhood and city evolves. The plan includes proposed streetscape improvements, bicycle and pedestrian infrastructure, redevelopment of vacant lots, development of a neighborhood park, and updates to the zoning map and an implementation matrix for proposed action items and projects.

[Link to Rum Village Neighborhood Plan](#)

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**Recommendation**

**Staff Recommendation:** Based on the information available prior to the public hearing, the Staff recommends the Commission adopt the Resolution.



**Property Information**

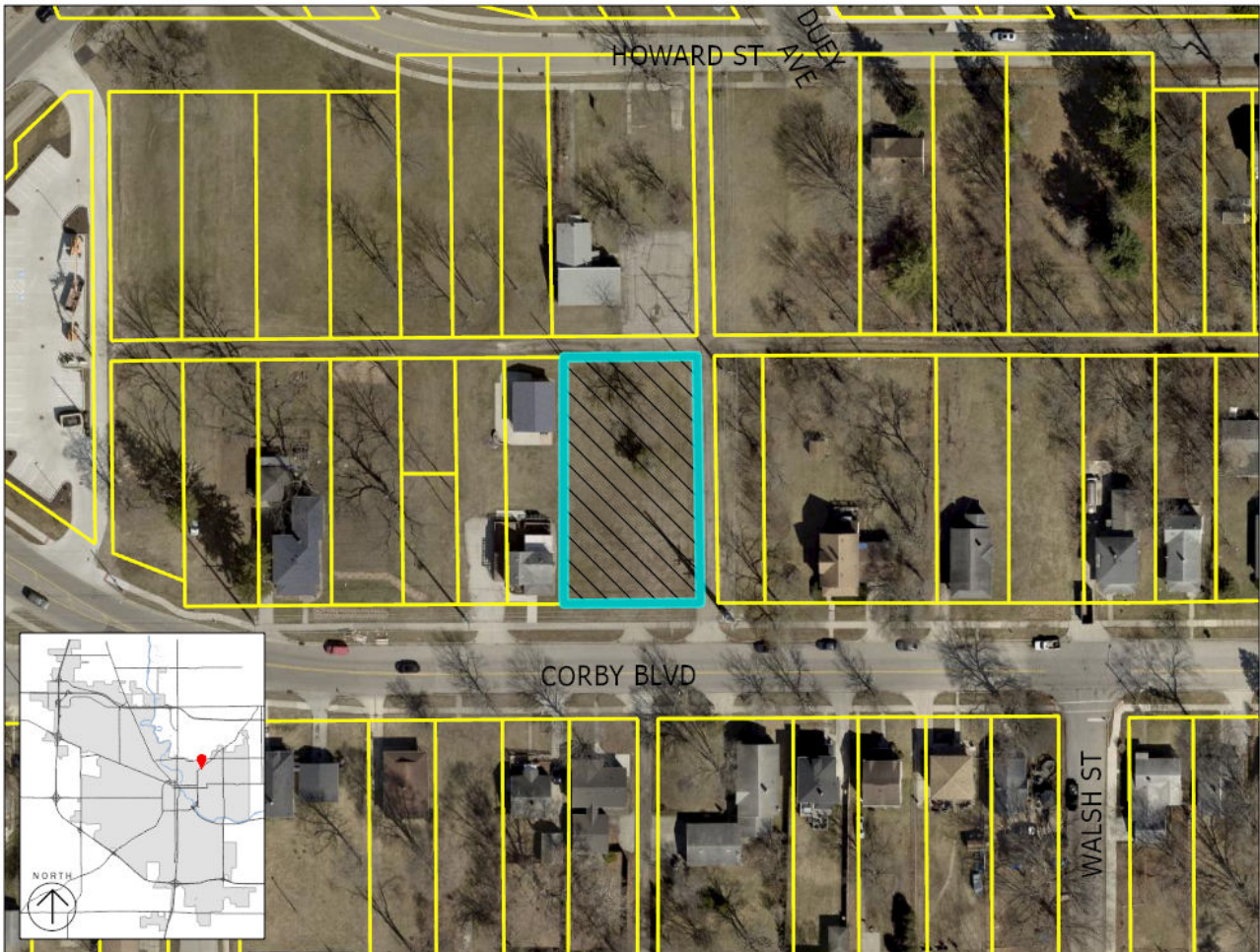
Subdivision Name: **CORBY MANOR MINOR SUBDIVISION**

Location: NORTH SIDE OF CORBY BLVD. APPROX. 660' EAST OF N. EDDY ST

**Requested Action**

The total area of the subdivision is 0.37 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 Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval.



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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:** 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.
- Agency Comments:** There are no additional comments at this time.

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**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.