



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, November 21, 2022 - 4:00 P.M.

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

PUBLIC HEARING:

A. REZONINGS

1. **Location:** 21275 CLEVELAND RD PC#0116-22
Petitioner: J PATRICK MCGANN
Requested Action:
Rezoning: From OB Office Buffer District (St. Joseph County) to C Commercial
Variance(s): 1) To allow accessory structures in the established front yard
2. **Location:** 613 WARREN ST PC#0121-22
Petitioner: LINDA DAMARIS TINOCO
Requested Action:
Rezoning: From U1 Urban Neighborhood 1 to UF Urban Neighborhood Flex
3. **Location:** THE VACANT LAND ON THE EAST AND WEST SIDES OF N
LINDENWOOD DRIVE E BETWEEN W LINDENWOOD DRIVE SOUTH AND
AUTEN ROAD PC#0124-22
Petitioner: SEVEN DIAMONDS LLC
Requested Action:
Rezoning: From U3 Urban Neighborhood 3 and S2 Suburban Neighborhood 2 to
S1 Suburban Neighborhood 1
4. **Location:** 1036 LINCOLNWAY and 1044 LINCOLNWAY PC#0126-22
Petitioner: DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND and
1044 TRUST
Requested Action:
Rezoning: From I Industrial to U3 Urban Neighborhood 3

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

1. **Name:** DUBAIL AVENUE MINOR SUBDIVISION PC#0123-22
Location: Northeast Corner of Dubail Ave and Carroll St.



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2. **Name:** SOUTH BEND CHOCOLATE COMPANY MINOR SUBDIVISION
PC#0125-22
Location: Southwest Corner of US 20 and US 31

B. FINDINGS OF FACT

1. **PC#0112-22** 1340 E Colfax Ave
2. **PC#0108-22** 3313 McKinley Highway (Youth Service Bureau Major Subdivision)

C. UPDATES FROM STAFF

1. 2023 Calendar

D. MINUTES – October 17, 2022

E. ADJOURNMENT

Property Information

Location: 21275 CLEVELAND RD
 Owner: J PATRICK MCGANN

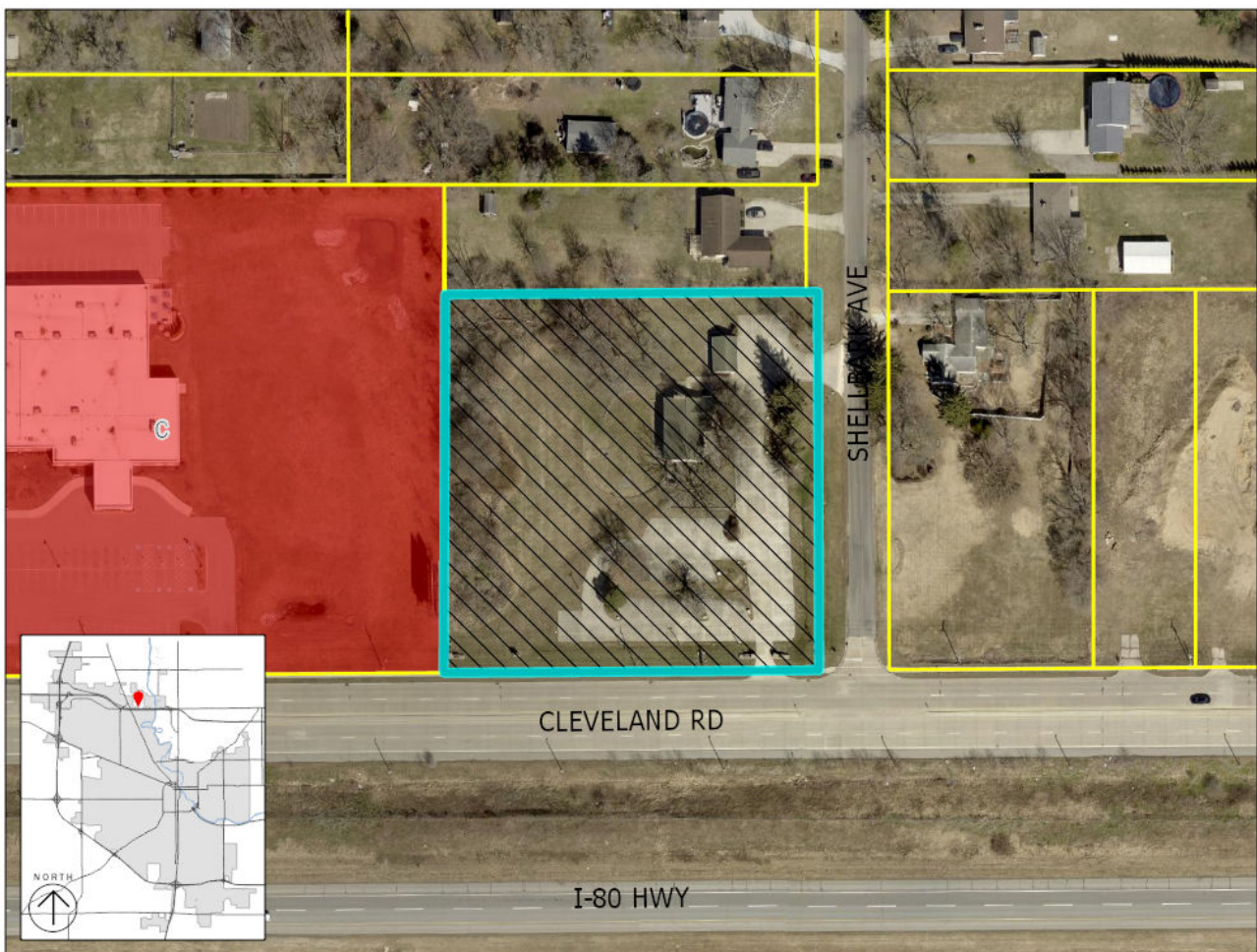
Requested Action

Rezone from OB Office Buffer District (St. Joseph County) to C Commercial by annexation into to the City of South Bend
 Variance(s): 1) To allow accessory structures in the established front yard

Project Summary

To allow the development of a car wash with vacuums.

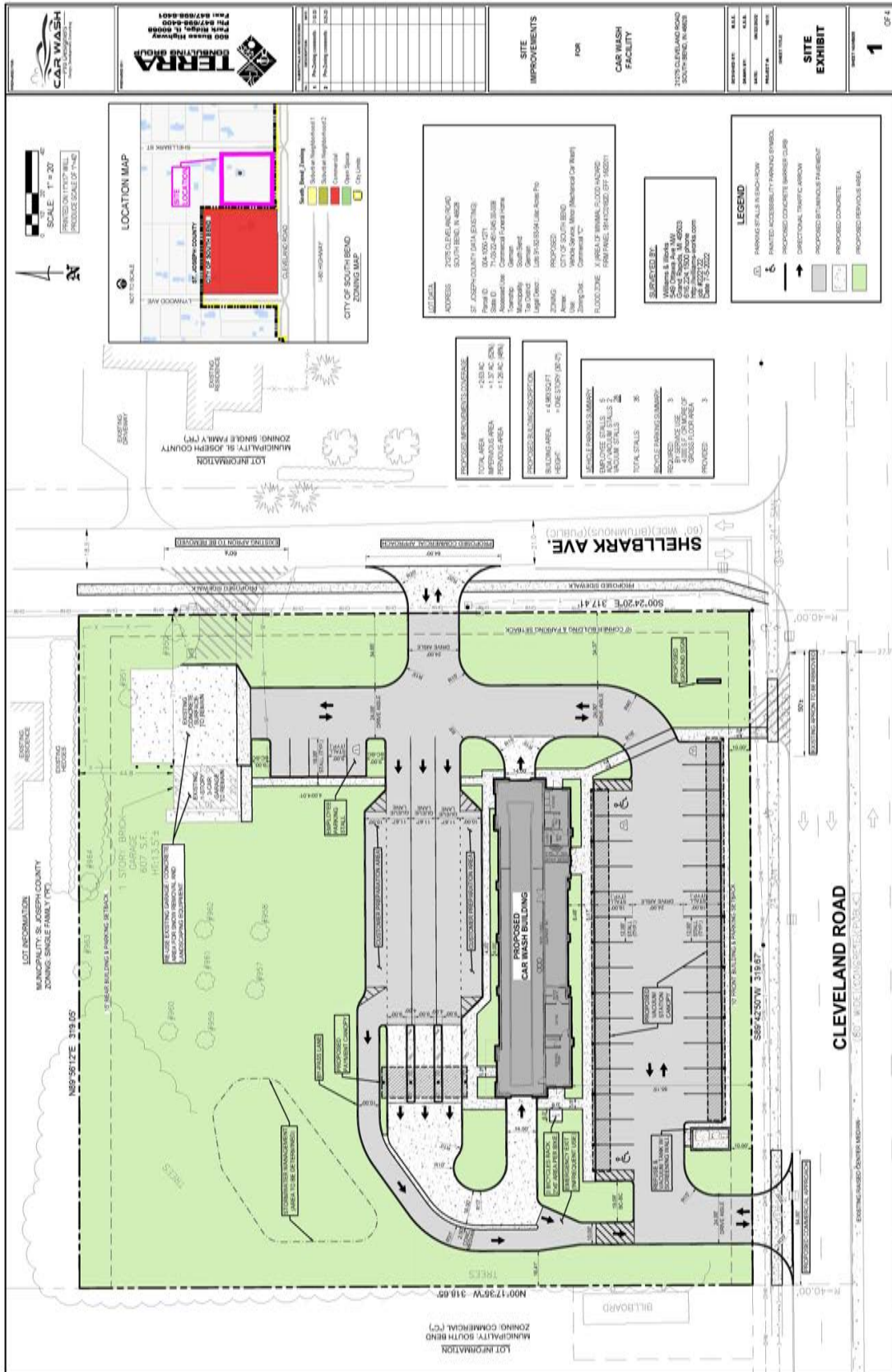
Location Map



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. The Staff recommends the Commission approve the variance, as presented.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

- On site: On site is a residential style building, which was converted to a funeral home with associated parking.
- North: 1 Unit Dwellings zoned "R" Residential (unincorporated St. Joseph County)
- East: Across Shellbark Ave., 1 Unit Dwellings zoned "R" Residential (unincorporated St. Joseph County)
- South: Across Cleveland Rd. and I-80 Hwy, a residential care facility zoned S1 Suburban Neighborhood 1 (City)
- West: A medical building zoned C Commercial (City)

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 site plan shows a car wash with associated drive-thru for the car wash. Outdoor vacuums are shown on the south side of the property. A small storage building for snow removal and landscaping equipment with employee parking at the rear of the site. The site plan includes a structure to house the refuse and vacuum equipment within the established front yard, as well as structured vacuums, which require a variance from the development standards of the Ordinance.

Zoning and Land Use History and Trends:

The parcels that front onto Cleveland Rd were largely developed around the 1940s with the exception of the parcel directly west, which was developed in 2015. The property was originally developed in 1946 for the use of a funeral home. The surrounding neighborhood started developing in the 1980s into the 1990s

Traffic and Transportation Considerations:

Cleveland Rd. is a four lane thoroughfare with a center turn lane and no on street parking. Shellbark is a narrow two lane with no on street parking.

Agency Comments

Agency Comments:

Staff Comments:

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 ED2: Retain existing businesses and recruit new ones to the city.

Land Use Plan:

The Future Land Use Plan identifies this area as Low Density Residential, the County parcels that border the City limits were not extensively researched for the future land use. However, the parcels along Cleveland Rd. that have annexed into the City have been primarily for Commercial uses.

Plan Implementation/Other Plans:

There are no specialized plans for this area.

2. Current Conditions and Character:

Currently the character of the properties located within the City are Commercial uses and the properties located in the County are more residential uses.

3. Most Desirable Use:

The most desirable use for the property would be a commercial use designed to minimize impact on pedestrian traffic.

4. Conservation of Property Values:

It is responsible development and growth to allow property in a commercially developing area to be used for commercial growth.

5. Responsible Development and Growth:

It is responsible development and growth to allow for a new business to invest into property along Cleveland Rd. in a manner that is complimentary to the existing businesses.

Variance(s)

The petitioner is seeking the following variance(s):

- 1) To allow accessory structures in the established front 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.

Approval of this variance should not be injurious to the public health, safety, morals and general welfare of the community. Orienting the accessory structures towards Cleveland Rd. allows the building to provide more of a buffer to the residential neighborhood to the north.

(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 variance requested will allow for the vacuums to be located closer to the heavily traveled street, which should have preserve the use and value of the residential proeprties to the north. With proper design and landscaping, the visual impact to the motorist should be minimized.

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

Strict application would eiter require the vacuums to be located closer to the residential property to the north or to employ an underground systems that does not function well in this climate.

(4) The variance granted is the minimum necessary.

The variance is the minimum necessary to support the use proposed for the site. The peitioner is designing the enclosure to integrate it into the design of the main building of the site.

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

While the harship is partially self created in that it is a function of the specific use requested, efforts have been made by the petitioner to minimize the impact on the surrounding properties. The fact that the property is adjacent to low density residential is not self-created.

Analysis & Recommendation

Commitments: There are no commitments proposed.

Analysis: The area along Cleveland Road is commercial/business in nature and will adequately support the development of further commercial businesses. Cleveland Road is a major thoroughfare which supports the type of traffic associated with this type of commercial development. The required landscaping and buffer yard should buffer the adjacent residential area to the north.

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.

Property Information

Location: 613 WARREN ST
Owner: LINDA DAMARIS TINOCO

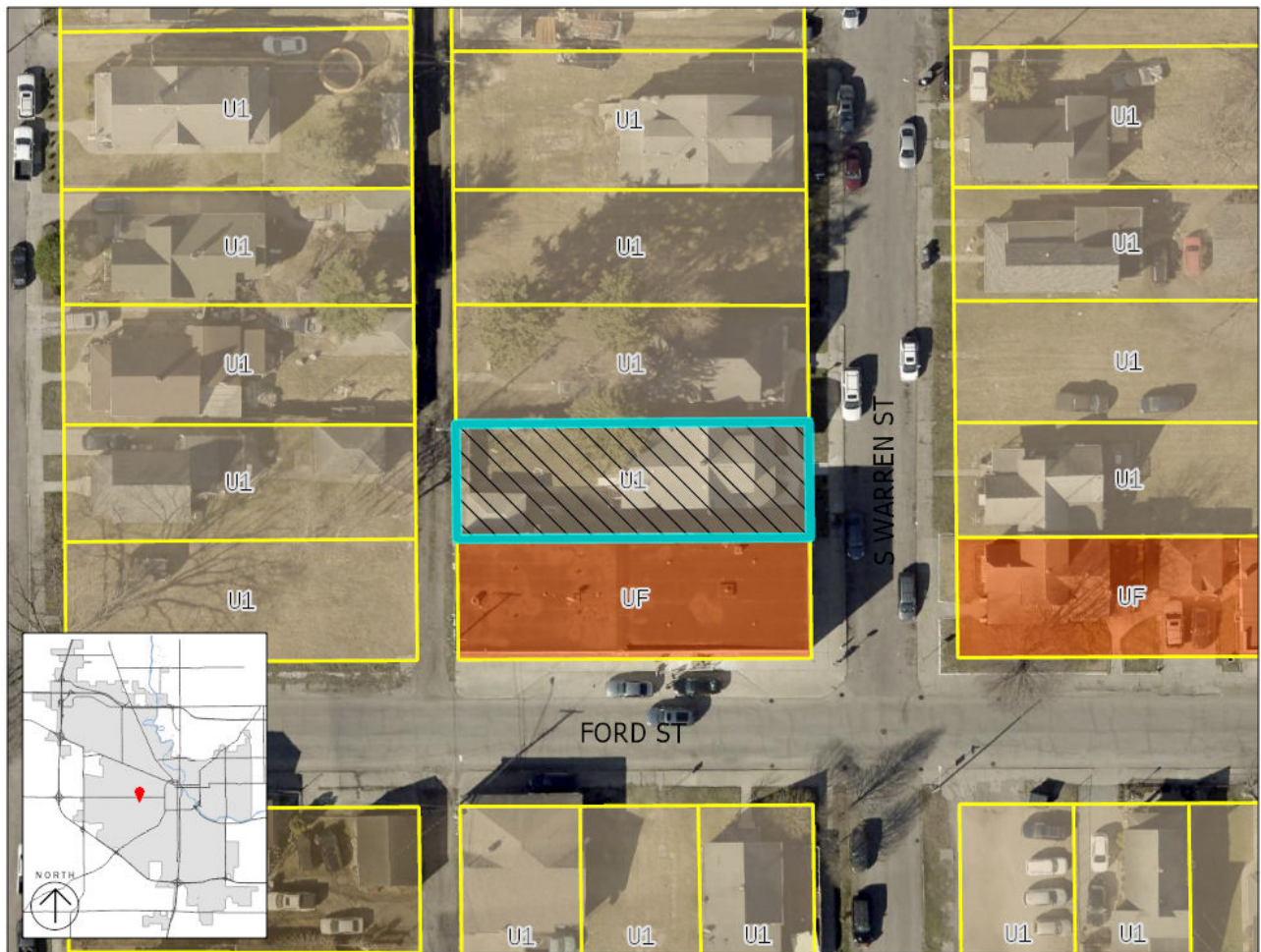
Requested Action

Rezone from U1 Urban Neighborhood 1 to UF Urban Neighborhood Flex

Project Summary

To allow a beauty salon as accessory to a residential use.

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.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

- On site: On site is a residential structure with a salon store front and one unit dwelling.
- North: A residential structure zoned U1 Urban Neighborhood 1 District.
- East: Across Warren St., a residential structure zoned U1 Urban Neighborhood 1 District.
- South: An office building zoned UF Urban Neighborhood Flex District.
- West: A residential structure zoned U1 Urban Neighborhood 1 District.

District Intent:

The UF District is established to enhance and support a full range of housing types and small-scale commercial uses found outside neighborhood centers in core and outlying areas of the City.

Site Plan Description:

There are currently no plans to change the layout of the site.

Zoning and Land Use History and Trends:

The residential structure was built in the 1920s. Most of the homes and commercial structures date to the early 1900s when the area experienced large scale growth through growing manufacturing employment opportunities and incoming immigration. The neighborhood is dotted with a number of small scale restaurants and commercial establishments appropriately scaled for the neighborhood.

Traffic and Transportation Considerations:

Warren Street is a narrow one-way street with on-street parking.

Agency Comments

Agency Comments:

There were no agency comments at this time.

Staff Comments:

A beauty salon is not a permitted home occupation, but is consistent in scale with other uses allowed. The location of this property adjacent to another UF use and close to the intersection Warren and Ford make it a suitable location for the proposed use and zoning.

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 city's comprehensive plan, City Plan (2006) Objective ED2: Retain existing businesses and recruit new ones to the city. Allowing the rezoning of the site will allow for the retention of a current business in the city.

Land Use Plan:

The Future Land Use Plan identifies this area for Medium Density Residential.

Plan Implementation/Other Plans:

There are no neighborhood specific plans for this area.

2. Current Conditions and Character:

The existing neighborhood is a dense urban single-family neighborhood. Most of the homes in the neighborhood date from the early 1900s. Many small scale commercial buildings exist on corner lots which continue to serve the neighborhood.

3. Most Desirable Use:

The most desirable use, at this time, is to allow for the live-work use which fits into the established character of the neighborhood.

4. Conservation of Property Values:

Urban Neighborhood Flex District is established to enhance and support a full range of housing and small-scale commercial uses.

5. Responsible Development and Growth:

It is responsible development to allow for the continued use of an existing neighborhood business within this urban neighborhood.

Analysis & Recommendation

Commitments: There are not commitments proposed at this time.

Analysis: Rezoning the site to UF Urban Neighborhood Flex will allow for the continued use as a work-live residential building allowing for neighborhood scale service to the surrounding area.

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.

Property Information

Location: THE VACANT LAND ON THE EAST AND WEST SIDES OF N LINDENWOOD DRIVE E BETWEEN W LINDENWOOD DRIVE SOUTH AND AUTEN ROAD
Owner: SEVEN DIAMONDS LLC

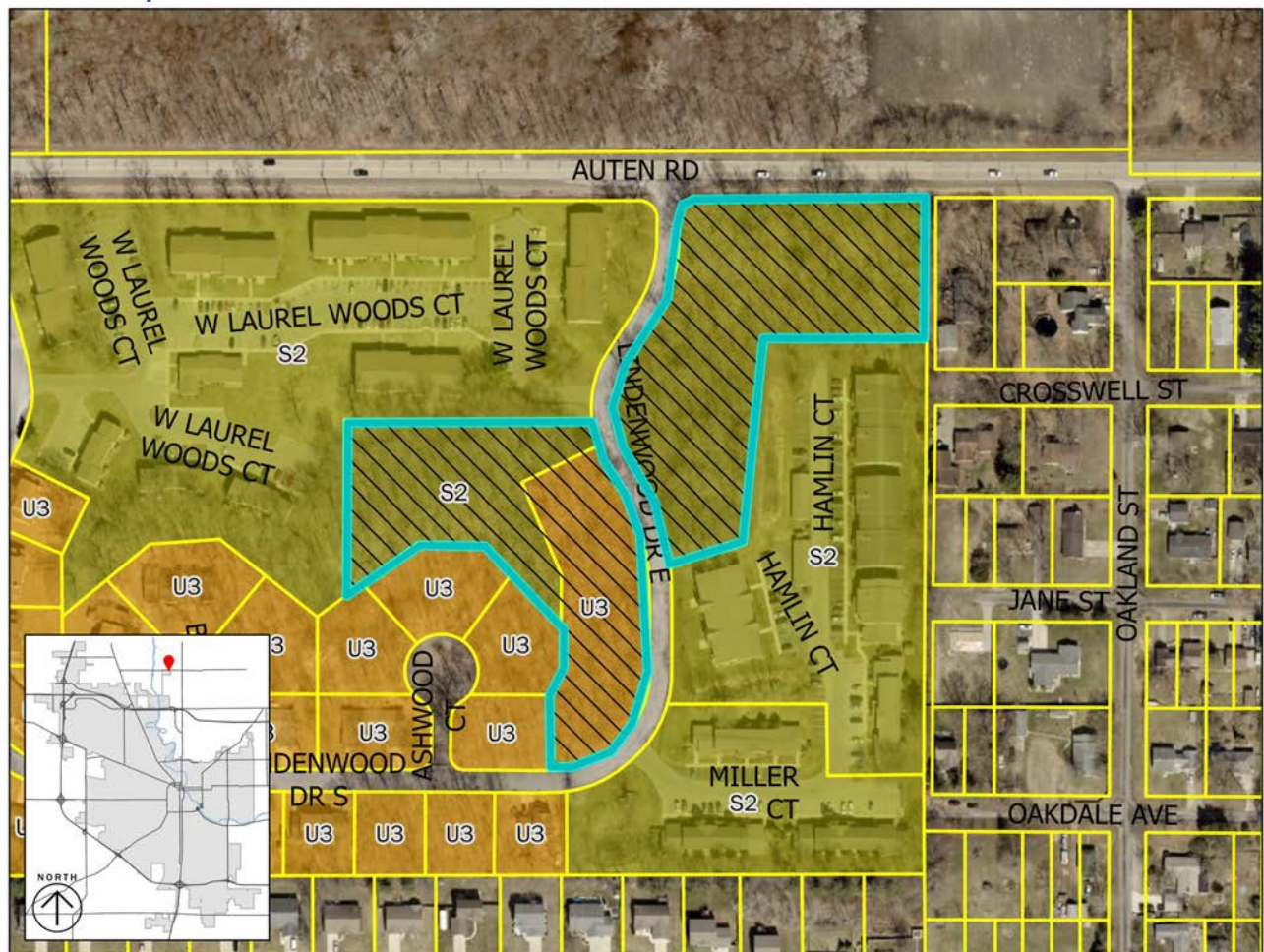
Requested Action

Rezone from U3 Urban Neighborhood 3 and S2 Suburban Neighborhood 2 to S1 Suburban Neighborhood 1

Project Summary

Proposed rezoning from U-3 and S-2, to S-1 is being requested to facilitate a single family detached housing project with lots situated along Lindenwood Drive East and Auten Road.

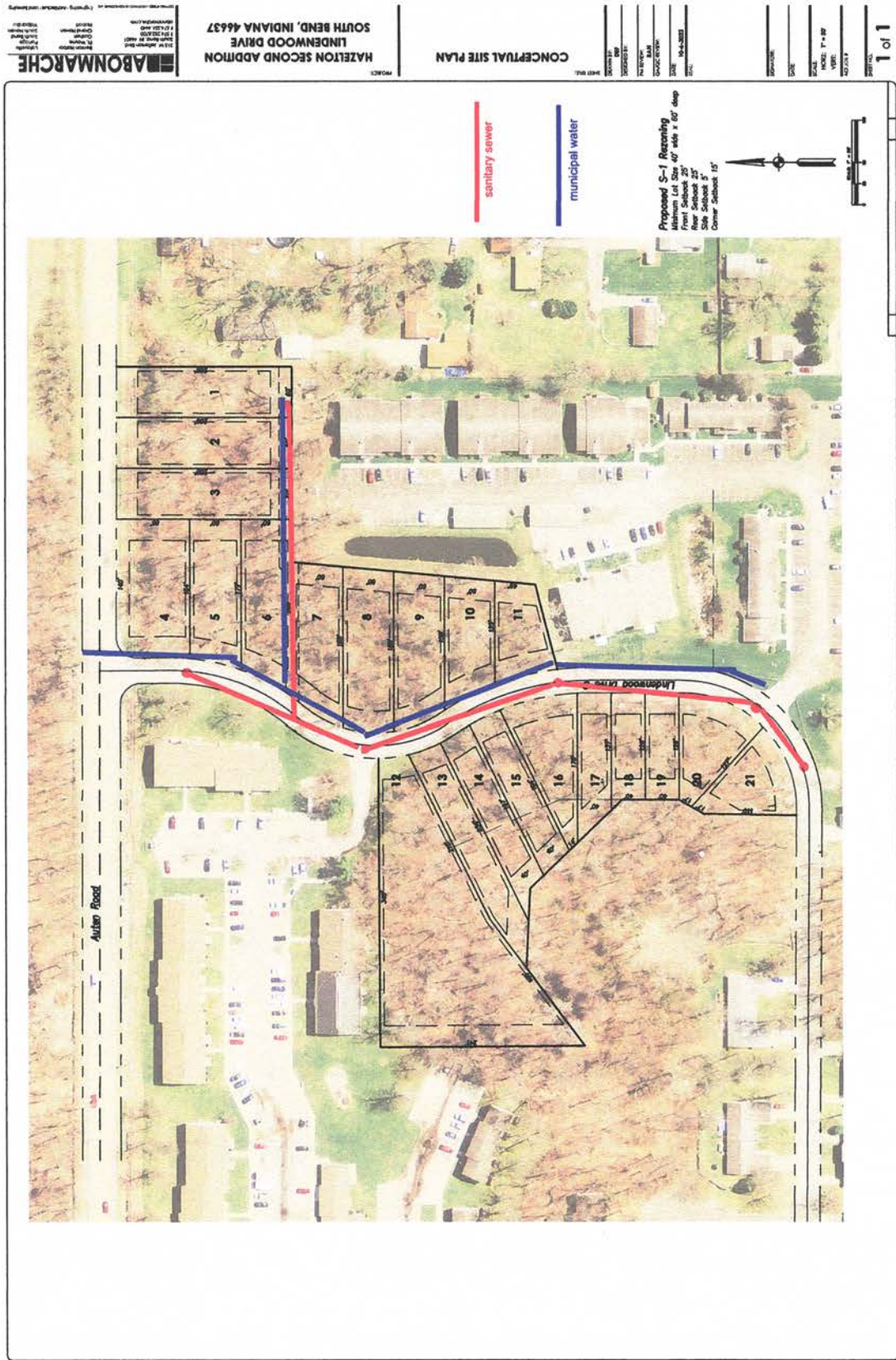
Location Map



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.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

- On site: Undeveloped wooded area that straddles both sides of Lindenwood.
- North: Multi-unit dwellings zoned S2 Suburban Neighborhood 2 (City) on the west. On the east, across Auten, is vacant land in unincorporated St. Joseph County.
- East: Multi-unit buildings zoned S2 Suburban Neighborhood 2.
- South: Two unit dwellings zoned U3 Urban Neighborhood 3 on the west. On the east, multi-unit buildings zoned S2 Suburban Neighborhood 2.
- West: Undeveloped land zoned U3 Urban Neighborhood 3 and multi-unit buildings zoned S2 Suburban Neighborhood 2.

District Intent:

The S1 District is established to provide for and maintain suburban neighborhoods in outlying areas of the City.

Site Plan Description:

The proposed development includes a one-unit dwelling units developed in a traditional suburban layout.

Zoning and Land Use History and Trends:

This area was annexed into the City as a planned residential development between 1980s and 1990s. The intention was to have a mix of residential housing types with one unit dwellings, two unit dwellings and multifamily apartment buildings.

Traffic and Transportation Considerations:

Lindenwood Drive is a narrow two lane residential street with no on street parking. Auten Road is an arterial road in the County.

Agency Comments

Agency Comments:

There are no agency comments at this time. Utilities and drainage will be addressed at the time of subdivision or development.

Staff Comments:

This area was designed to be a mix of housing styles and options. It was originally zoned for the most intense housing types. The proposed zoning request is a less intense zoning that will allow for one unit dwellings developed under single control. If two unit dwellings are desired in the future, a special exception can be granted to allow the use.

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 H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.

Land Use Plan:

The Future Land Use Plan identifies this area for Low Density Residential.

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 a mix of low to medium density residential uses.

3. Most Desirable Use:

The most desirable use, at this time, is a range of low to medium density residential housing types that will seamlessly fit the established character of the neighborhood.

4. Conservation of Property Values:

Allowing for new residential development should help conserve property values in the area by introducing new housing options.

5. Responsible Development and Growth:

It is responsible development and growth to allow for a variety of housing options within this neighborhood.

Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: Rezoning the site to S1 Suburban Neighborhood 1 District will allow the area to be developed with low density residential that will contribute to the mix of housing options originally anticipated and offer a greater variety of housing choice in the area.

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.

Property Information

Location: 1036 and 1044 LINCOLN WAY EAST

Owner: DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND and 1044 TRUST

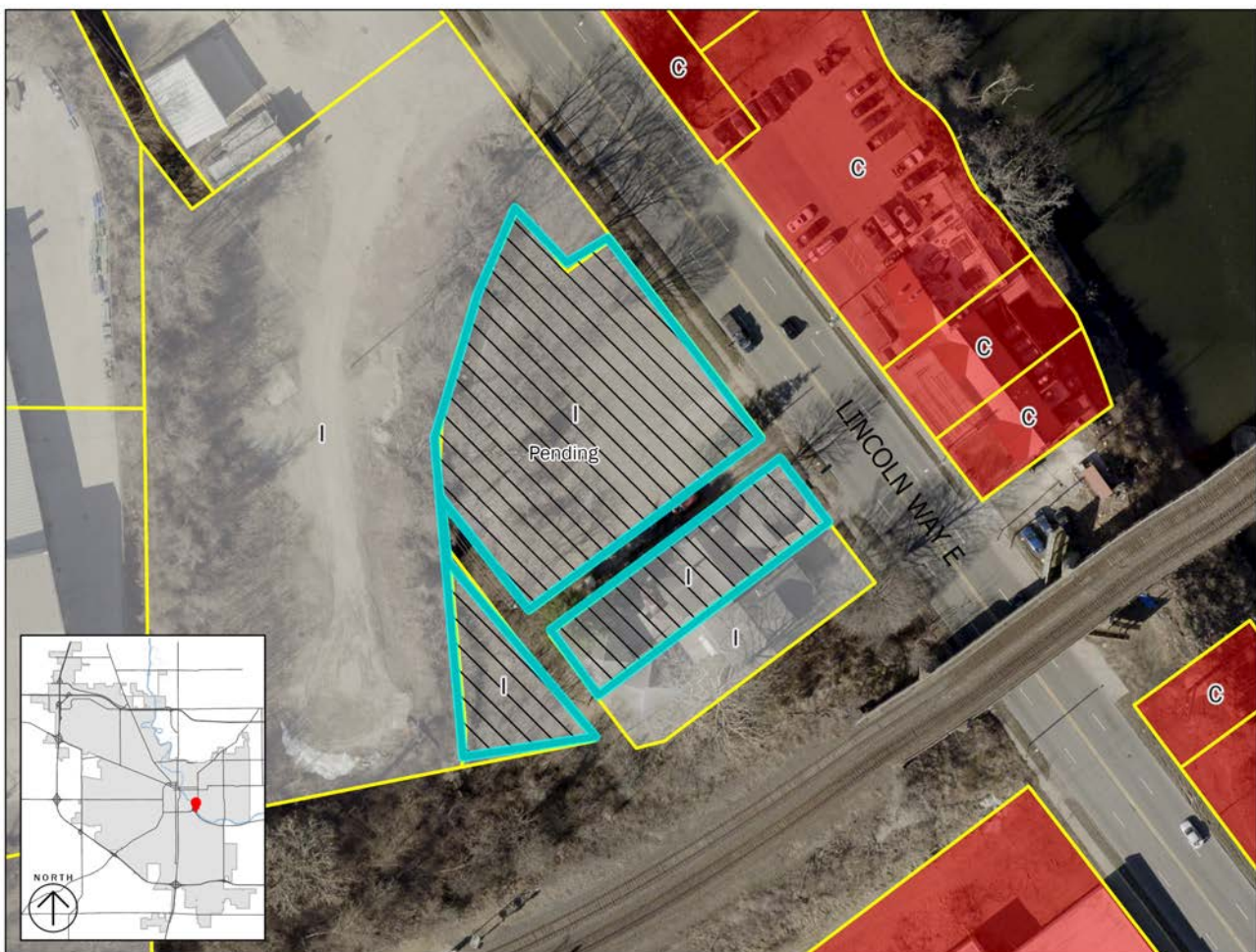
Requested Action

Rezone from I Industrial to U3 Urban Neighborhood 3

Project Summary

The Department of Redevelopment desires to rezone the property to open up better opportunities for redevelopment of the site. The small size and irregular shape of the parcel limits the possibility of redevelopment as an industrial use.

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.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

- On site: On site is an undeveloped parcel and a one unit residential dwelling.
- North: Across Lincoln Way East, is a an office and parking for the restaurant zoned C Commercial.
- East: Across Lincoln Way East, is a restaurant zoned C Commercial.
- South: A one unit dwelling zoned I Industrial. Across the railroad tracks, is a business zoned C Commercial.
- West: A business zoned I Industrial.

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 neighborhood centers and along major streets in urban neighborhoods in core and outlying areas of the City.

Site Plan Description:

There is currently no site plan for this property.

Zoning and Land Use History and Trends:

The northern lot was purchased by the City of South Bend in 1950 for use as a fire station. Lincoln Way East has long served as a key arterial road from downtown South Bend to Mishawaka and further east. This highly trafficked corridor has long held a residential character with industrial and commercial properties scattered throughout. The firehouse was torn down in approximately 2009 and the site has sat vacant since. The two residential properties between the former fire station and railroad tracks have remained as one unit dwelling since originally constructed. The Redevelopment Commission has advertised the property for industrial use with little interest. The southern lot has been used as residential, despite being zoned Industrial.

Traffic and Transportation Considerations:

Lincoln Way East is a 4 lane thoroughfare with no on street parking in this section.

Agency Comments

Agency Comments:

There are no additional comments at this time. Utilities and drainage will be reviewed at the time of development.

Staff Comments:

This area between the stream and the railroad tracks has historically been zoned Industrial, despite the residential uses. The lots are too small to meet the setbacks of the I Industrial District and still allow for any reasonable development. Single-family homes are not a permitted primary use in the current I Industrial District, which can make financing and development difficult. The U3 Urban Neighborhood 3 District allows for a range of housing types that are more appropriately for redevelopment of this area.

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 H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.

Land Use Plan:

The Future Land Use Plan identifies this area as Light Industrial, however, the area between the stream and railroad tracks has primarily been residential. The location and size of the lots would be challenging to development as industrial uses.

Plan Implementation/Other Plans:

The Southeast Neighborhood Master Plan (2015) identifies this area as Medium Density Residential. The plan calls for the encouragement of infill development in currently vacant lots to help stabilize the population and provide a range of different housing types and price points in order to help keep the area a diverse, mixed-income neighborhood.

2. Current Conditions and Character:

The current character of the area is a mix of small residential properties, vacant land and industrial uses in close proximity. There is still a significant active industrial presence in the surrounding neighborhood, however there are also several industrial properties that are currently vacant. Crooked Ewe Brewery and other commercial uses have succeeded in the last few years in rehabbing older structures along the St. Joseph River.

3. Most Desirable Use:

The most desirable use, at this time, is a range of medium density residential housing types that will seamlessly fit the established character of the neighborhood.

4. Conservation of Property Values:

Allowing new development on vacant lots should improve the overall value of the neighborhood. Adding additional population to the neighborhood should help stabilize property values.

5. Responsible Development and Growth:

It is responsible development and growth to allow for a variety of housing options within this urban neighborhood.

Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: Rezoning the properties to U3 Urban Neighborhood 3 will allow for the adaptive reuse of a vacant parcel and legalize zoning for the adjacent home. Lincoln Way East has long served as a key arterial road from Downtown South Bend to Mishawaka and further east. This highly trafficked corridor has long held a residential character with industrial and commercial properties scattered throughout. Approving the Rezoning will allow for a greater possibility of development that best fits the character of this neighborhood.

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.

Property Information

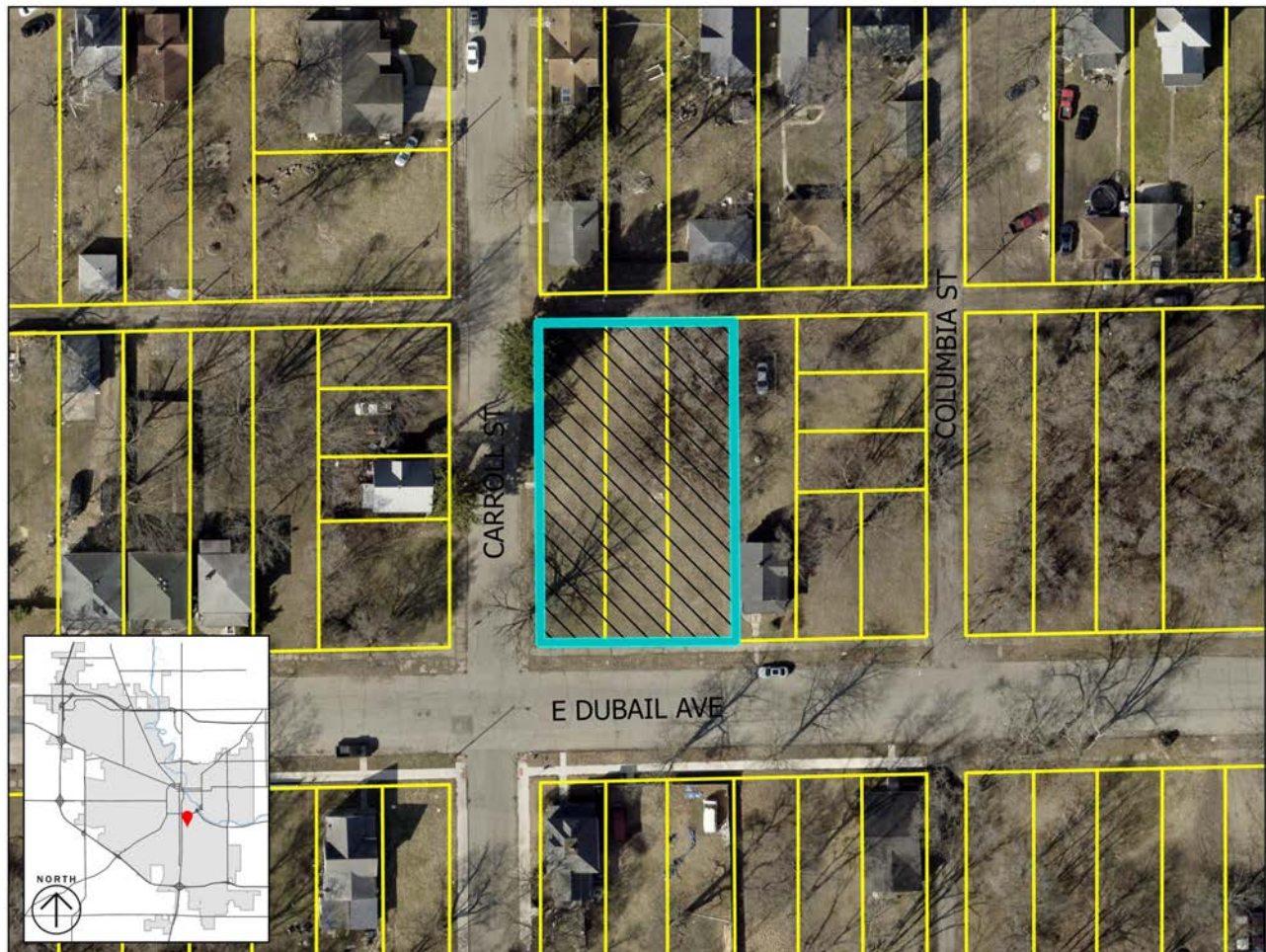
Subdivision Name: **DUBAIL AVENUE MINOR SUBDIVISION**

Location: Northeast Corner of Dubail Ave and Carroll 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 that if the conditions are met 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, subject to the following: 1) Adding a 2" x 2" space in the upper right corner for the recording stamp

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.

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the conditions are met 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, subject to the following: 1) Adding a 2" x 2" space in the upper right corner for the recording stamp

Property Information

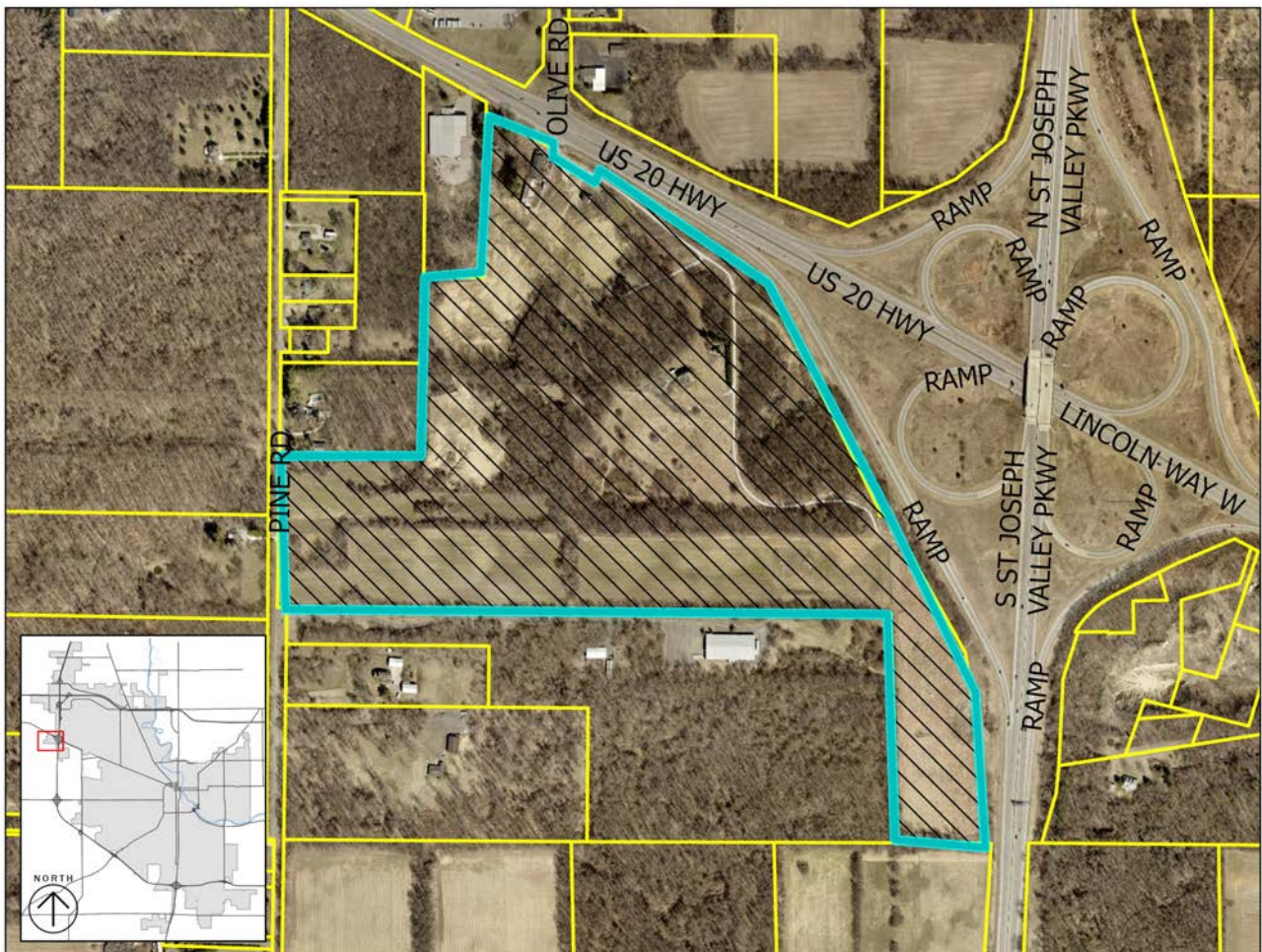
Subdivision Name: **SOUTH BEND CHOCOLATE COMPANY MINOR SUBDIVISION**

Location: Southwest Corner of US 20 and US 31.

Requested Action

The total area of the subdivision is 79.54 acres and will consist of 7 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.

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 site drainage plan will be required at the time of 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:** The residential building structure will require a Use Variance if its intended purpose is residential.

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.