



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

MINUTES

February 19, 2024
4:00 p.m.

Council Chambers, 4th Floor
County-City Building, South Bend, IN

MEMBERS PRESENT:

Rebecca Ward
Francisco Fotia
John Martinez
Dr. Oliver Davis
Jason Piontek
Caitlin Stevens

MEMBERS ABSENT:

Kara Boyles
Scott Ford

ALSO PRESENT:

Michael Divita
Kari Myers
Amani Morrell
Kate Bolze
Tom Panowicz

PUBLIC HEARING - 4:00 P.M.

Select President Pro Temp for the meeting

(Audio Position: 03:07)

Upon a motion by John Martinez, being seconded by Dr. Oliver Davis and unanimously carried, Jason Piontek is selected President Pro Temp for today's meeting as the President and Vice President of the Plan Commission are not in attendance.

A. REZONINGS:

- 1. A proposed ordinance of AREVALO GUADALUPE AND ROSA to zone from U1 Urban Neighborhood 1 to NC Neighborhood Center, property located at 734 WALNUT ST, City of South Bend - PC# 0185-24.**

(Audio Position: 04:21)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: Rezoning to NC Neighborhood Center will allow this property to be fully utilized by the business to the south, which currently owns the parcel. Under common ownership and the same zoning, the parcel can support accessory uses to the business, expanding the capacity of a neighborhood scale business to serve the surrounding area.

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.

PETITIONER

Rosa Arevalo, 740 Walnut St, South Bend, IN appeared virtually to present.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

After due consideration, the following action was taken:

Upon a motion by Dr. Oliver Davis, being seconded by Francisco Fotia and unanimously carried, a proposed ordinance of GUADALUPE AND ROSA AREVALO to zone from U1 Urban Neighborhood 1 to NC Neighborhood Center, property located at 734 WALNUT ST, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

- 2. A proposed ordinance of HILAL SALAH M & CYNTHIA A to zone from S2 Suburban Neighborhood 2 to C Commercial, property located at 3931 PORTAGE RD and adjacent vacant lot to the West, City of South Bend - PC# 0186-24.**

(Audio Position: 10:16)

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Rezoning the western lot adjacent to 3931 Portage Avenue will allow for cohesive site development along a major commercial corridor. The eastern portion of the property (3931 Portage Ave) is already zoned C Commercial. Portage Avenue has a history of commercial development especially north of Cleveland Road.

Staff Recommendation: Based on the information available prior to the public hearing, staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.

PETITIONER

Angela Smith, with Danch, Harner & Associates, 1643 Commerce Dr, South Bend, IN appeared in person on behalf of the petitioner to present.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

Alison Mynsberge, 2633 Arrowhead Dr, South Bend, IN appeared virtually and spoke in opposition to the petition.

REBUTTAL

Angela Smith, with Danch, Harner & Associates, provided rebuttal comments.

ACTION

After due consideration, the following action was taken:

Upon a motion by Dr. Oliver Davis, being seconded by John Martinez and unanimously carried, a proposed ordinance of SALAH M & CYNTHIA A HILAL to zone from S2 Suburban Neighborhood 2 to C Commercial, property located at 3931 PORTAGE RD and adjacent vacant lot to the West, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

- 3. A combined public hearing on a proposed ordinance of CASPERS-SHUTTS FAMILY TRUST to zone from U2 Urban Neighborhood 2 to UF Urban Neighborhood Flex and seeking a Special Exception to allow Retail & Service and Restaurant, property located at 711 LELAND AVE, City of South Bend - PC# 0187-24.** *(Audio Position: 19:35)*

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Rezoning the site to UF Urban Neighborhood Flex will allow for the continued use as a residential dwelling on the 2nd floor with a small scale retail and/or restaurant use on the first floor.

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 Board send the Special Exception to the Common Council with a favorable recommendation.

PETITIONER

Angela Smith, with Danch, Harner & Associates, 1643 Commerce Dr, South Bend, IN appeared in person on behalf of the petitioner to present.

INTERESTED PARTIES

Madeline Kasper, 720 Portage Ave, South Bend, IN appeared in person and spoke in favor, with reservations, of the petition.

REBUTTAL

Angela Smith, with Danch, Harner & Associates, provided rebuttal comments.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

After due consideration, the following action was taken:

Upon a motion by Dr. Oliver Davis, being seconded by Rebecca Ward and unanimously carried, a proposed ordinance of CASPERS-SHUTTS FAMILY TRUST to zone from U2 Urban Neighborhood 2 to UF Urban Neighborhood Flex, property located at 711 LELAND AVE, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

Upon a motion by Dr. Oliver Davis, being seconded by Caitlin Stevens and unanimously carried, a Special Use for Retail & Service and Restaurant property located at 711 LELAND AVE, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

4. **A combined public hearing on a proposed ordinance of LIGHTNER THERESA to zone from U1 Urban Neighborhood 1 to UF Urban Neighborhood Flex and seeking the following variance(s): 1) from the required 3 streetscape trees on Hilde to none; 2) from the minimum parking setback of 5' behind the corner facade and 5' from the side lot line to 2' behind the corner facade on the west and 0' on the south; 3) from the required type 1 parking area screening on the west and south to a 6' solid fence; 4) from the 3' maximum height for a solid fence in the established corner yard to 6', property located at 1610 and 1612 HILDE CT, City of South Bend - PC# 0188-24.**

(Audio Position: 32:46)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: Rezoning to UF Urban Neighborhood Flex will legalize the existing parking lot and link it to the business to the north, which currently owns the parcel. Under common ownership and the same zoning, the parcel can support accessory uses to the business, expanding the capacity of a neighborhood scale business to serve the surrounding area. While the rezoning legalizes parking lots that have existed for 40 years and 15 years respectively, the lots should be brought up to current City standards. Appropriate buffering, street trees, and fencing do not restrict the use of the parking lot and mitigate potential negative impacts of legalizing parking lots along a residential road.

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 Plan Commission deny Variances #1, #2, #3, and #4 as presented.

PETITIONER

Angela Smith, with Danch, Harner & Associates, 1643 Commerce Dr, South Bend, IN appeared in person on behalf of the petitioner to present.

INTERESTED PARTIES

Toni Coop, 1614 Hilde Ct, South Bend, IN submitted a letter in support of the petition.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

After due consideration, the following action was taken:

Upon a motion by Dr. Oliver Davis, being seconded by Caitlin Stevens and unanimously carried, a proposed ordinance of THERESA LIGHTNER to zone from U1 Urban Neighborhood 1 to UF Urban Neighborhood Flex, property located at 1610 and 1612 HILDE CT, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

Upon a motion by Dr. Oliver Davis, being seconded by Francisco Fotia and carried, the variance(s) 1) from the required 3 streetscape trees on Hilde to none; 2) from the minimum parking setback of 5' behind the corner facade and 5' from the side lot line to 2' behind the corner facade on the west and 0' on the south; 3) from the required type 1 parking area screening on the west and south to a 6' solid fence and 4) from the 3' maximum height for a solid fence in the established corner yard to 6' property located at 1610 and 1612 HILDE CT, City of South Bend, were approved as presented subject to the fence becoming a legal, non-conforming structure that would need to be brought into conformance if removed and replaced.

- 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. FIVE CORNERS II – REPLAT MINOR SUBDIVISION – PC# 0192-24

(Audio Position: 1:09:36)

STAFF REPORT

The staff report was presented by Kari Myers.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval.

ACTION

After due consideration, the following action was taken:

Upon a motion by Francisco Fotia, being seconded by Dr. Oliver Davis and unanimously carried, the Plan Commission finds the evidence adduced at this Plan Commission Hearing supports each element of the Staff Report, and FIVE CORNERS II – REPLAT MINOR SUBDIVISION therefore complies with the City of South Bend Subdivision Control Ordinance and is granted Primary Approval.

B. FINDINGS OF FACT – December 18, 2023

(Audio Position: 1:11:09)

Upon a motion by Dr. Oliver Davis, being seconded by Rebecca Ward and unanimously carried, the findings of fact from the December 18, 2023 Plan Commission meeting were approved.

C. MINUTES – February 5, 2024 - SPECIAL Meeting

(Audio Position: 1:11:35)

Upon a motion by Dr. Oliver Davis, being seconded by Francisco Fotia and unanimously carried, the minutes from the December 18, 2023 Plan Commission meeting were approved.

D. UPDATES FROM STAFF

E. ADJOURNMENT – 5:12 PM



Scott Ford,
President



Tim Corcroan,
Interim Secretary of the Commission