



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

Tuesday, January 21, 2025 - 4:00 P.M.

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

ADMINISTRATIVE ITEMS:

1. Election of Officers

PUBLIC HEARING:

- 1. Location:** 4022 CLEVELAND ROAD **PC#0240-25**
Petitioner: CITY OF SOUTH BEND DEPARTMENT OF REDEVELOPMENT
Requested Action:
Rezoning:
From I Industrial to S2 Suburban Neighborhood 2
Variance(s):
 - 1) Use variance to allow a Group Residence
 - 2) Development variance from a required building type to no building type
- 2. Location:** 616 SHERMAN AVENUE **PC#0239-25**
Petitioner: PROPERTY BROTHERS, LLC
Requested Action:
Rezoning: From U3 Urban Neighborhood 3 to U2 Urban Neighborhood 2
- 3. Name:** IRON CREEK VILLAS MAJOR SUBDIVISION **PC#0227-24**
Location: NWC HEPLER ST & HICKORY RD
Petitioner: FOX CREEK LLC
Requested Action:
Subdivision:
Major Subdivision
Variance(s):
 - 1) from the maximum units in a cottage court of 5 units to 12 units
 - 2) from the maximum width of a duplex of 48' to 54' for units 5-6, 7-8, 10-11, and 12-13, to 72' 4" for units 1-2 and 3-4, and to 120' for unit 9-14
 - 3) no frontage type for unit 9-14
 - 4) from the maximum fence height in a front yard of 3' to 6'



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4. **Name:** MARION COURT MAJOR SUBDIVISION **PC#0238-25**
Location: NWC MARION ST & LELAND AVE
Petitioner: CITY OF SOUTH BEND DEPARTMENT OF REDEVELOPMENT
Requested Action:
Subdivision:
Major Subdivision
Variance(s):
1) from the required 20' rear setback to 18'
5. **Location:** 1408 ELWOOD AVE **PC#0241-25**
Petitioner: CIVIL CITY OF SOUTH BEND
Requested Action:
Rezoning: From I Industrial to U3 Urban Neighborhood 3

TEXT AMENDMENTS – None for consideration

ITEMS NOT REQUIRING A PUBLIC HEARING:

A. MINOR SUBDIVISIONS

1. **Name:** SHERMAN AVENUE MINOR SUBDIVISION **PC#0229-24**
Location: 618 & 620 SHERMAN AVE
2. **Name:** OCR CABANA MINOR SUBDIVISION **PC#0237-25**
Location: 25471, 25481, 25491 CLEVELAND RD

B. DEVELOPMENT PLANS

1. **Name:** RESOLUTION OF THE SOUTH BEND PLAN COMMISSION **PC#0242-25**
APPROVING RESOLUTION OF THE SOUTH BEND REDEVELOPMENT
COMMISSION APPROVING AMENDMENTS TO THE DECLARATORY
RESOLUTION AND THE DEVELOPMENT PLAN FOR THE RIVER WEST
DEVELOPMENT AREA FOR THE PURPOSE OF ESTABLISHING A NEW
ALLOCATION AREA AND RELATED MATTERS

C. FINDINGS OF FACT – None for consideration

D. MINUTES – December 16, 2024

E. UPDATES FROM STAFF

F. ADJOURNMENT

Property Information

Location: 4022 CLEVELAND RD
Owner: CITY OF SOUTH BEND DEPARTMENT OF REDEVELOPMENT

Requested Action

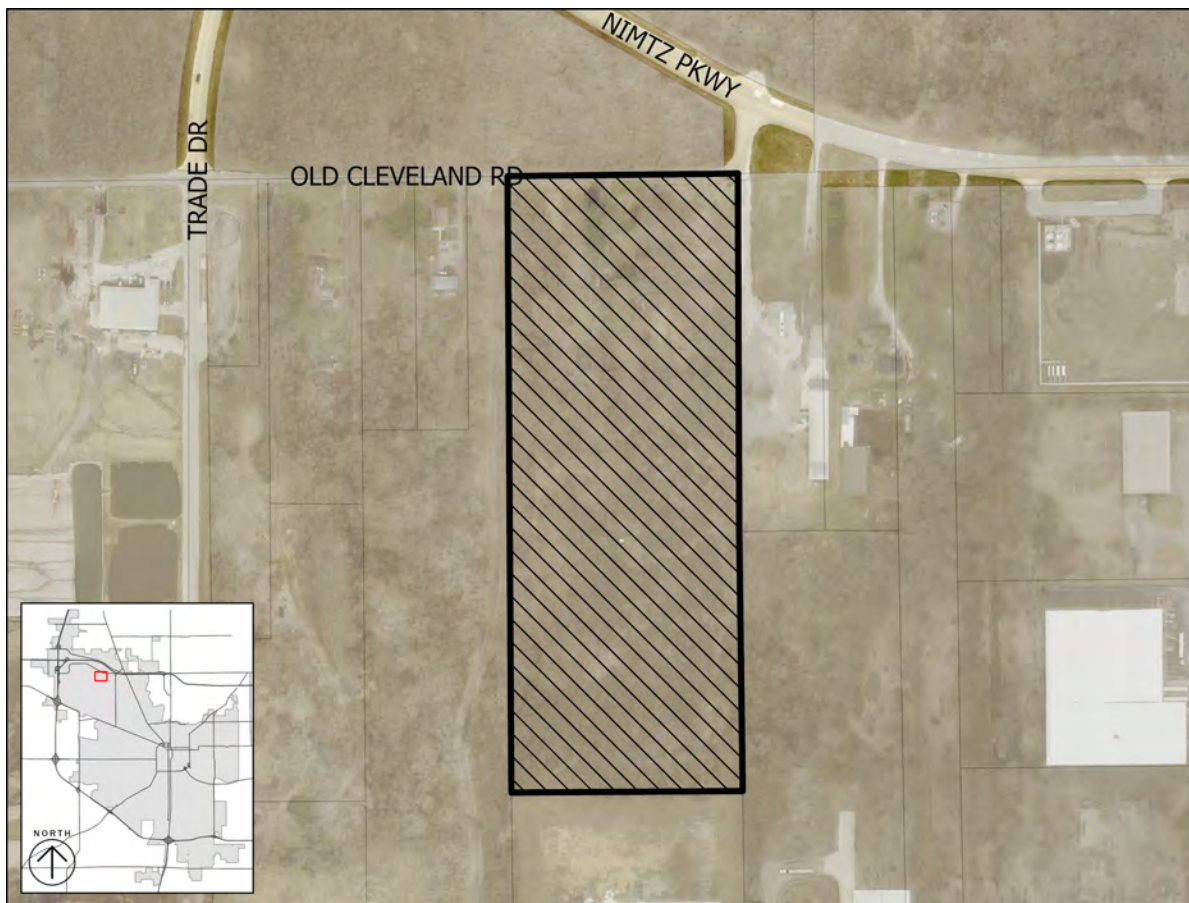
Rezone from I Industrial to S2 Suburban Neighborhood 2

Variance(s):

- 1) Use variance to allow a Group Residence
 - 2) Development variance from a required building type to no building type
-

Project Summary

Proposed Low-Barrier Intake Center.

Location Map

Recommendation

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

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: A single family house on a 15 acre lot, zoned I Industrial
 North: Across Old Cleveland Road, a vacant lot zoned I Industrial
 East: A towing service warehouse zoned I Industrial
 South: A shipping service center zoned I Industrial
 West: A vacant lot zoned I Industrial

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:

A low barrier intake center will be constructed at the site, offering residential spaces and other services for guests. The development will be arranged in a series of buildings.

Zoning and Land Use History and Trends:

A house was constructed on the site in 1950. The site is otherwise open land.

Traffic and Transportation Considerations:

Old Cleveland Road is a 20' wide two lane street.

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 Plan, South Bend Comprehensive Plan (2006), Objective H1.5: Support existing transitional housing providers and shelters that offer a continuum of care to move people toward self-sufficiency.

Land Use Plan:

The Future Land Use Plan identifies this area as Light Industrial.

Plan Implementation/Other Plans:

There are no other plans specific to this area.

2. Current Conditions and Character:

A single family house was built in 1950 on 14.93 acres of land.

3. Most Desirable Use:

The most desirable use is a place for housing, including transitional housing, that serves the needs of the City's residents.

4. Conservation of Property Values:

With proper site planning, the proposed use of the property as a group residence should not have a negative impact on property values throughout the area.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the site to be developed consistently with the built form of the surrounding area.

Variance(s)

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

- 1) To allow a Group Residence

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 proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.

The proposed use should not be injurious to the general welfare of the community. The Group Residence should have a lower density and impact than other uses, such as a stacked flats building type, which are allowed by right in the S2 Suburban Neighborhood 2 zoning district. The Group Residence use will accommodate the programming necessary for the proposed project.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.

The use and value of adjacent properties should not be adversely impacted by the proposed use as a Group Residence. The S2 Suburban Neighborhood 2 zoning district allows for other uses such as a stacked flat building type that operate at a higher density and intensity. The large size of the site should be able to accommodate a Group Residence without adversely impacting adjacent properties and will allow for implementation of the proposed programming.

(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 use will be compatible with the mix of uses, some of higher impact, in the surrounding area, which features residential uses, light industrial uses, and large scale facilities such as the South Bend Organic Resources facility and the South Bend Community Re-Entry Center.

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

The proposed use is consistent with City Plan (2006), Objective H1.5: Support existing transitional housing providers and shelters that offer a continuum of care to move people toward self-sufficiency.

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

- 1) From a required building type to no building type

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 variance should not be injurious to the general welfare of the community. The development will meet all other zoning standards, but the services and programming of the development drives the design of buildings. The programming does not fit well within the building types defined in the zoning ordinance.

(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 affected. The development will meet all other zoning standards, but the programming of the development drives the design of buildings which do not fit well within the defined building types in the ordinance.

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

A strict application of the ordinance would result in practical difficulties in the use of the property. The programming of the site will result in buildings which do not fit well within the defined building types in the zoning ordinance, though the development meets the intent of the ordinance for an S2 Suburban Neighborhood 2 zoned parcel.

(4) The variance granted is the minimum necessary.

The variance is the minimum necessary. While no building type will be required, the development will meet all other zoning standards.

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

The variance is driven by the programming of the site. The building types defined in the zoning ordinance do not speak well to a project of this nature, which meets the intent of the ordinance for an S2 Suburban Neighborhood 2 zoned parcel.

Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: Zoning this property to S2 Suburban Neighborhood 2 will allow for a use that is compatible with the built form and use of surrounding properties. The programming of the site will result in buildings which do not fit well within the defined building types in the zoning ordinance, though the development meets the intent of the ordinance for an S2 Suburban Neighborhood 2 zoned parcel.

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

Property Information

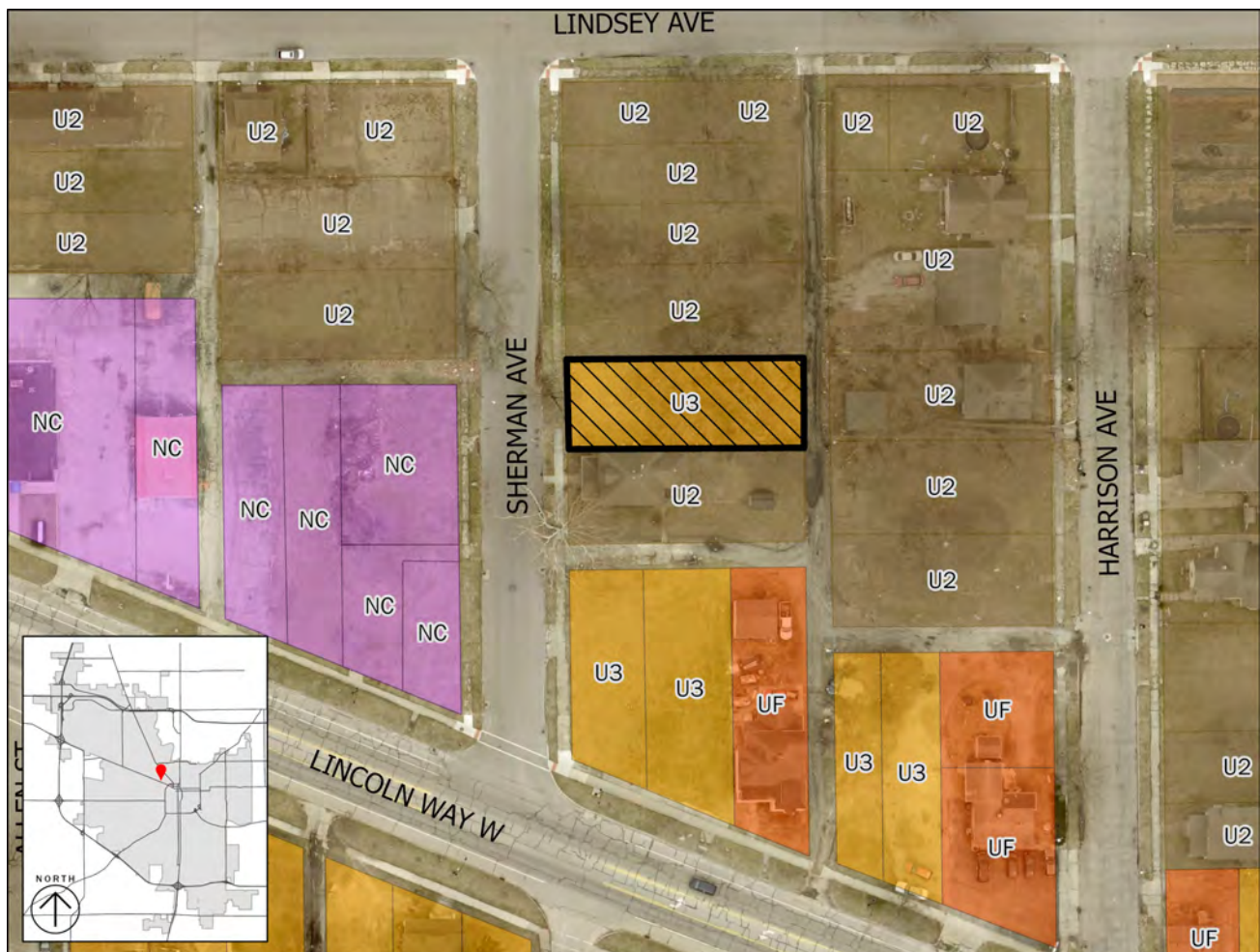
Location: 616 SHERMAN AVENUE
Owner: PROPERTY BROTHERS, LLC

Requested Action

Rezone from U3 Urban Neighborhood 3 to U2 Urban Neighborhood 2

Project Summary

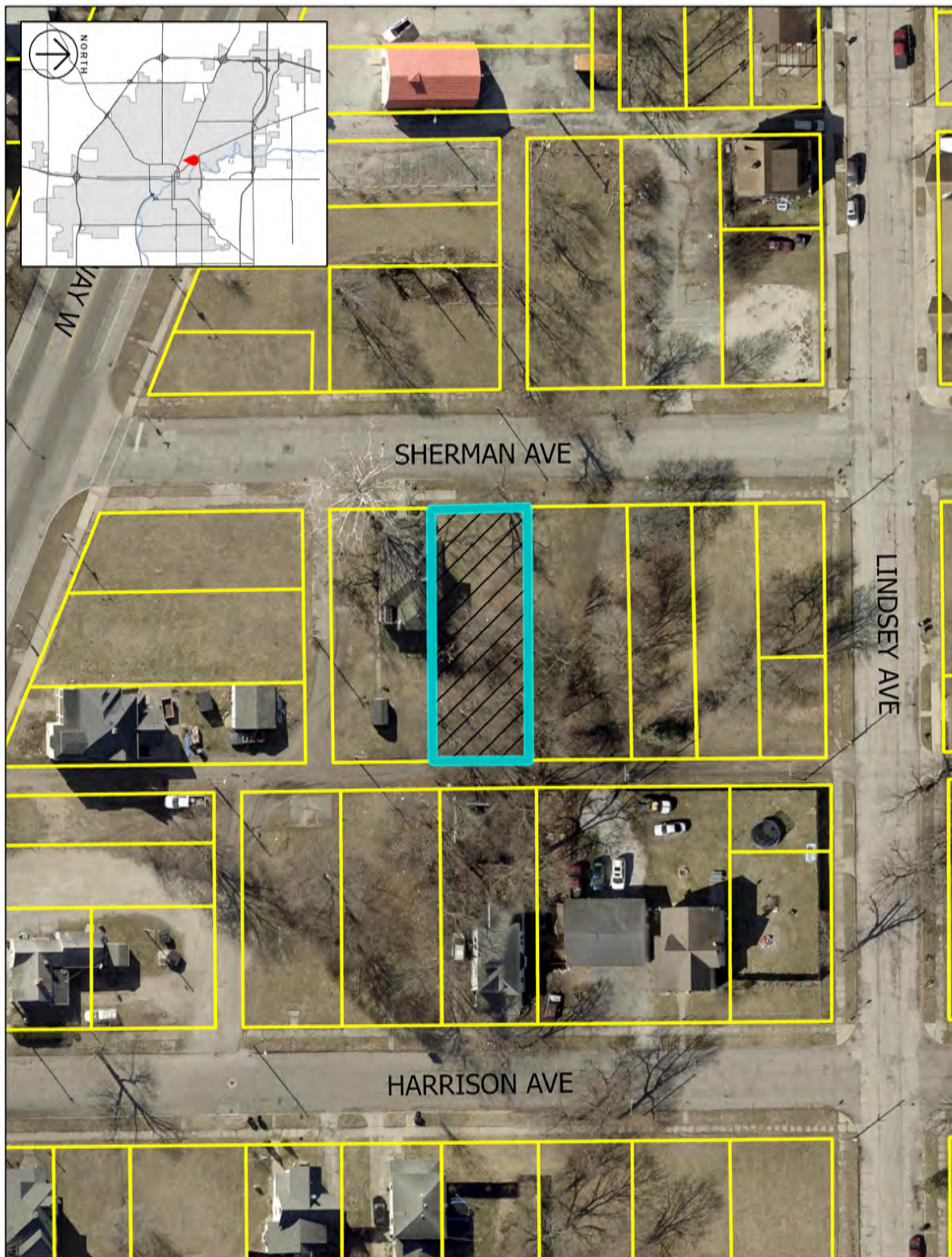
Rezoning a recently constructed duplex.

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 two unit dwelling.

North: A two unit dwelling under construction zoned U2.

East: A one unit dwelling zoned U2.

South: A one unit dwelling zoned U2.

West: An undeveloped parcel zoned NC Neighborhood Center and a two unit dwelling under construction zoned U2.

District Intent:

The U2 District is established to provide for, promote, and maintain the development of diverse housing types in urban neighborhoods located near neighborhood centers in core and outlying areas of the City.

Site Plan Description:

The petitioner is in the process of subdividing the property to create three buildable lots from two.

Zoning and Land Use History and Trends:

The neighborhood was largely established in the late 1890s and early 1900s as a walkable urban neighborhood consisting of one unit dwellings with an occasional duplex or triplex, accessed by rear alleys. Through the last few decades, houses have been demolished, resulting in many vacant lots. There has been an effort in recent years to build new housing on vacant lots. In 2023, this property was rezoned from U2 to U3 to allow for the construction of a sixplex.

Traffic and Transportation Considerations:

Sherman Avenue is two lanes with on-street parking.

Agency Comments

Agency Comments:

There are no additional comments at this time.

There are no Engineering comments at this time.

Staff Comments:

These housing types blend well with the character and scale of existing urban neighborhoods. With its location in a fairly walkable urban neighborhood that is close to a major corridor and its businesses, transit, and downtown, this property is well suited for U2 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 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 Medium Density Residential, which would allow for a range of neighborhood-scaled residential housing types.

Plan Implementation/Other Plans:

The Near Northwest Neighborhood Plan (2019) promotes a mix of housing styles to address missing middle housing needs in the area. Its future zoning map designates this parcel as U2.

2. Current Conditions and Character:

The existing neighborhood was a dense urban neighborhood. Over time, the demolition of houses has resulted in an increased number of vacant lots. Most of the original homes in the neighborhood date from prior to the 1920s. A concerted effort is being made to build new housing on vacant lots as well as rehabilitate deteriorated housing.

3. Most Desirable Use:

The most desirable use, at this time, is a range of medium-density residential housing types that will seamlessly fit in 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 site to U2 Urban Neighborhood 2 will allow for residential growth and increased housing options in the neighborhood while not drastically changing the established character.

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: **IRON CREEK VILLAS MAJOR SUBDIVISION**
Location: **NWC HEPLER ST & HICKORY RD**

Requested Action

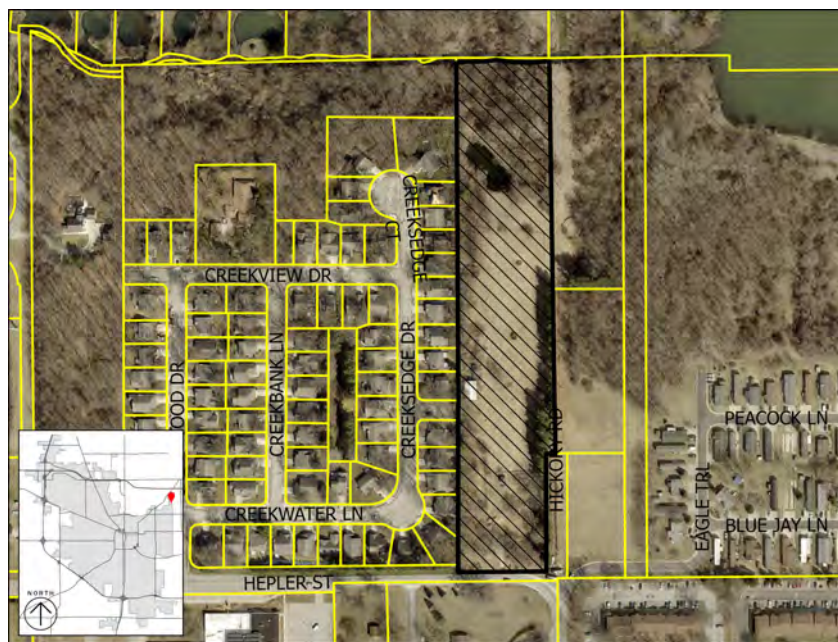
The total area of the subdivision is 7.5 acres and will consist of 42 building lots.

Variance(s):

- 1) from the maximum units in a cottage court of 5 units to 12 units
 - 2) from the maximum width of a duplex of 48' to 54' for units 5-6, 7-8, 10-11, and 12-13, to 72' 4" for units 1-2 and 3-4, and to 120' for unit 9-14
 - 3) no frontage type for unit 9-14
 - 4) from the maximum fence height in a front yard of 3' to 6'
-

Project Summary

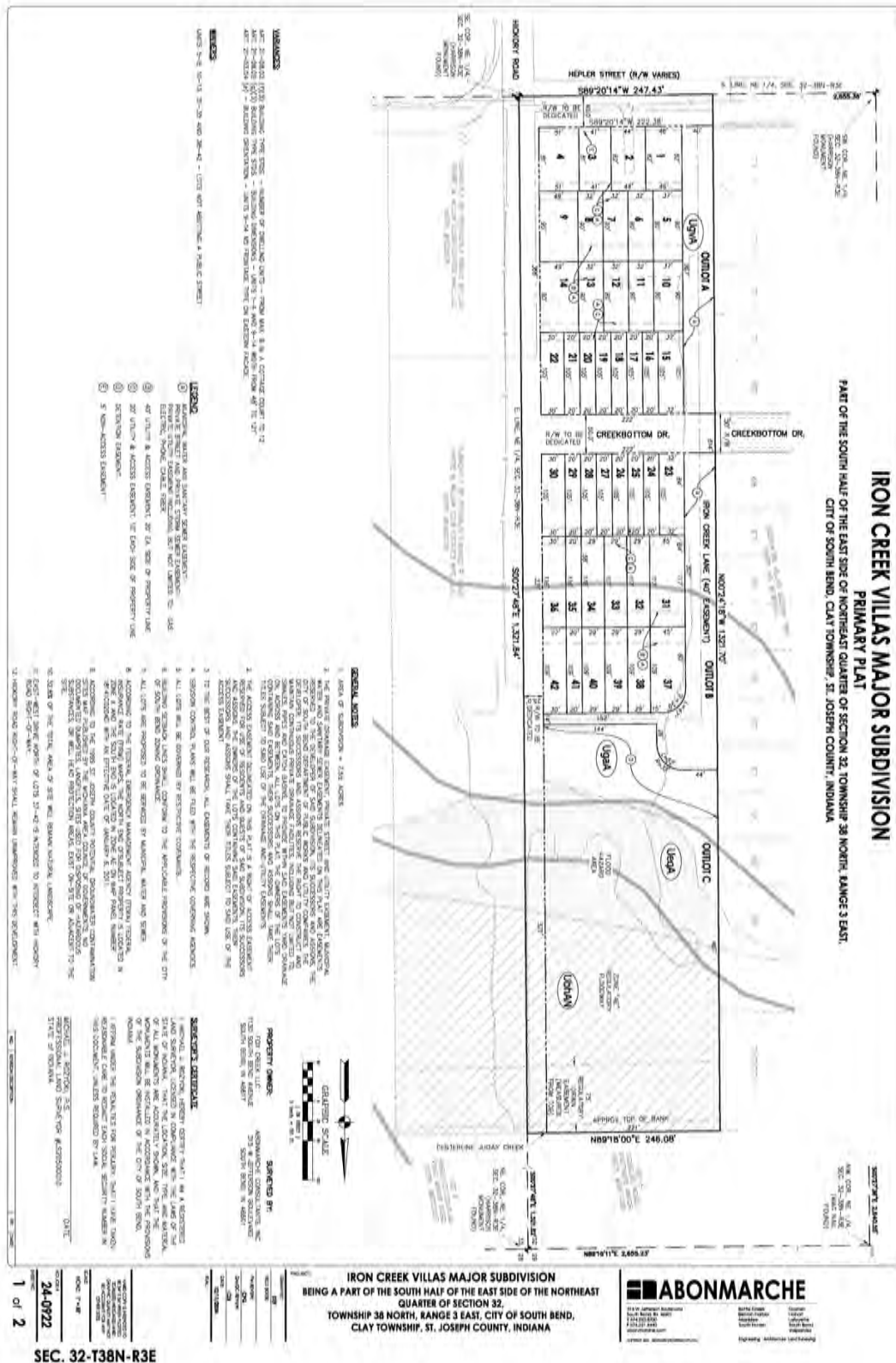
A residential development with 42 total units in the form of duplexes.

Location Map

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the waivers are granted and 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: Addressing all comments from zoning such as eliminating outlots, removing surrounding subdivision indications to avoid confusion, and providing support data sheet, and comments from Engineering regarding an acceptable drainage plan, and any possible utility or water/sewage extension agreements. The Staff recommends the Plan Commission approve variances 1, 2, and 3 as presented and deny variance 4.

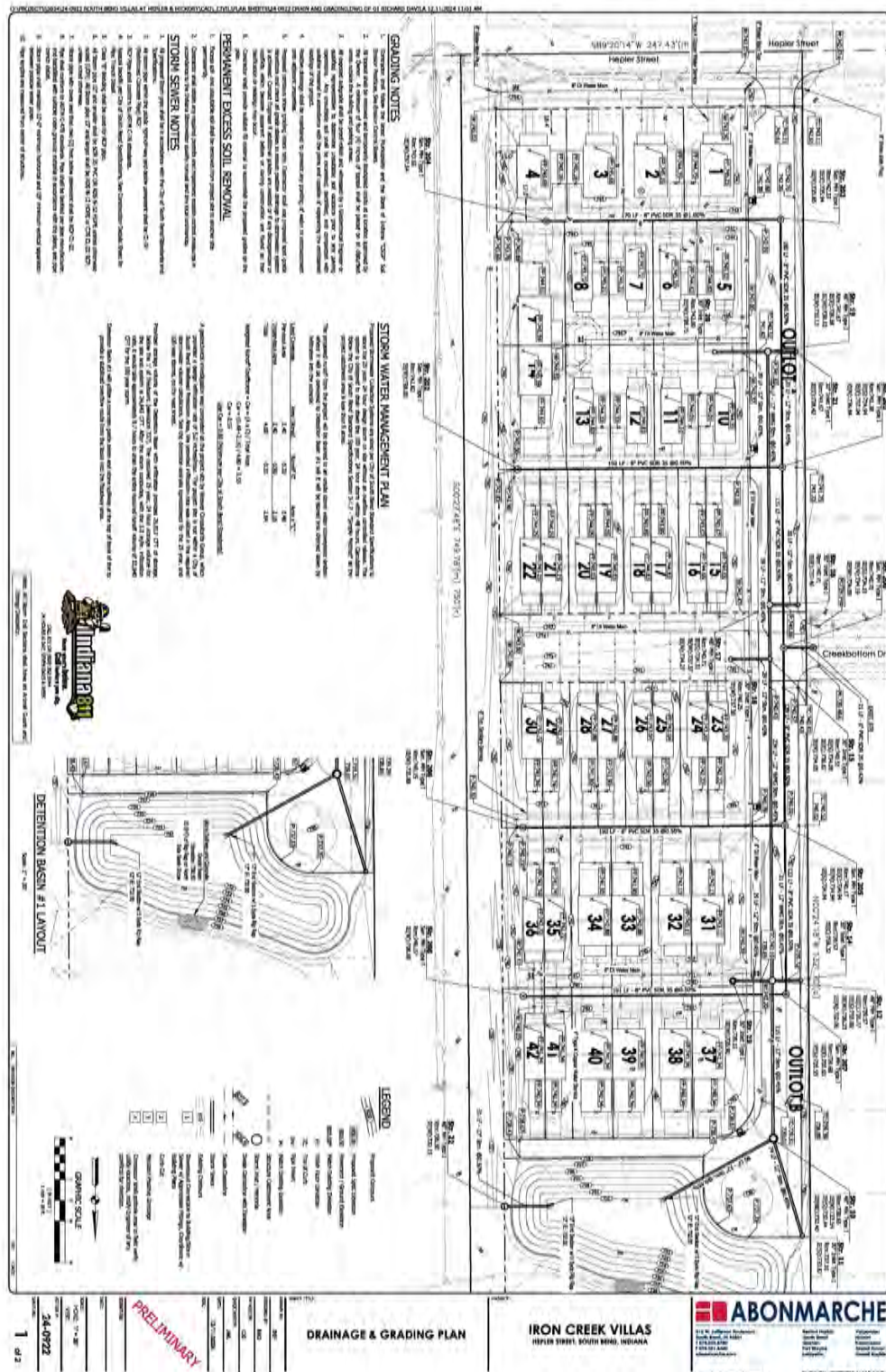
Proposed Site Plan



Proposed Site Plan

[illegible]

Proposed Site Plan



Project Details

Environmental Data:	A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
Drainage:	As required by Engineering
Rights-Of-Way:	The rights-of-way are correct as shown.
Utilities:	The site will be served by Municipal Water and Municipal Sewer.

Criteria for Decision Making**The petitioner is seeking the following variance(s):**

- 1) from the maximum units in a cottage court of 5 units to 12 units
- 2) from the maximum width of a duplex of 48' to 54' for units 5-6, 7-8, 10-11, and 12-13, to 72' 4" for units 1-2 and 3-4, and to 120' for unit 9-14
- 3) no frontage type for unit 9-14
- 4) from the maximum fence height in a front yard of 3' to 6'

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 variances 1 and 2 should not be injurious to the general welfare of the community. The number of units in the cottage court and the size of the duplexes are contextually appropriate in this suburban setting. Variance 3 should not be injurious to the general welfare of the community as a frontage type will still be provided to the open space of the cottage court. Variance 4 could be injurious, as it would allow for an extensive privacy fence running along a public right-of-way.

(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 adjacent properties should not be adversely affected by variances 1 and 2. The variances allow for a development that is consistent with the built form of the surrounding area, which is largely suburban in nature. Variance 3 will allow for the frontage type to face the cottage court. Variance 4 may adversely impact surrounding properties by introducing an extensive privacy fence along a public right-of-way.

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

Variances 1 and 2 allow for a cottage court development that meets the intent of the ordinance and is contextually appropriate. Variance 3 allows the frontage type to face the cottage court. A strict application of the fence height in a front or corner yard would not result in practical difficulties in the use of the property.

(4) The variance granted is the minimum necessary.

Variances 1 and 2 are the minimum necessary as they allow for a cottage court development that is contextually appropriate and meets the intent of the ordinance. Variance 3 allows units 7 and 14 to orient the frontage to the cottage court. Variance 4 is not the minimum necessary. A 6' privacy fence is not necessary in the front or corner yard and other zoning compliant fence or screening options are possible.

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

Variances 1, 2, and 3 respond to the surrounding built form and the dimensions of the site, allowing for a larger cottage court development that meets the intent of the ordinance. Variance 4 is a self-created hardship based on the desire to build a privacy fence in the front/corner yard along a public right of way.

Recommendation

Staff Comments: The registered surveyor on behalf of the property owner requests the following waivers from the Subdivision Control Ordinance: Section 21-11.02 (c) (2) Every lot shall abut on a public street for lots 5-8, 10-13, 31-35, 38-42; Section 21-11.04 (b) (6) Cul-de-sac and dead-end streets, designed to be so permanently, shall not be longer than 200 feet measured along its centerline from the centerline of the intersecting street to the radius point.

Analysis: Variances 1 and 2 allow for the development of cottage courts that are consistent with the intent of the ordinance and contextually appropriate in a suburban setting. Variance 3 is appropriate as a frontage type will be provided to the open space of the cottage court. Variance 4 would allow for an extensive privacy fence running along a public right-of-way, which is not consistent with the intent of the ordinance.

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the waivers are granted and 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: Addressing all comments from zoning such as eliminating outlots, removing surrounding subdivision indications to avoid confusion, and providing support data sheet, and comments from Engineering regarding an acceptable drainage plan, and any possible utility or water/sewage extension agreements. The Staff recommends the Plan Commission approve variances 1, 2, and 3 as presented and deny variance 4.

Property Information

Subdivision Name: **MARION COURT MAJOR SUBDIVISION**
Location: **NWC MARION ST & LELAND AVE**

Requested Action

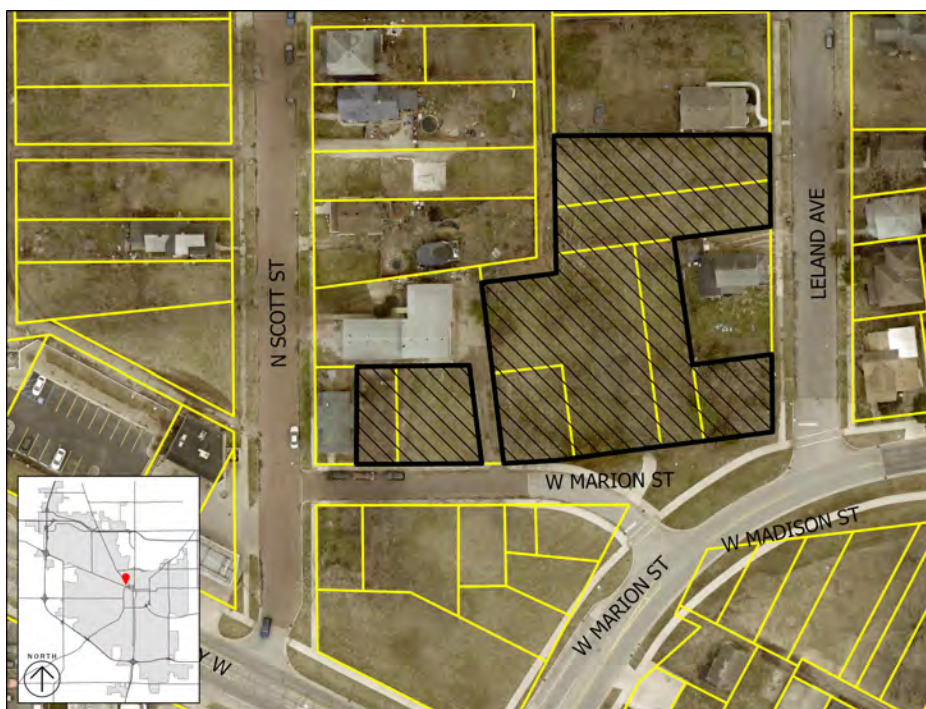
The total area of the subdivision is 0.98 acres and will consist of 6 building lots

Variance(s):

- 1) Variance from the required 20' rear setback to 18'.
-

Project Summary

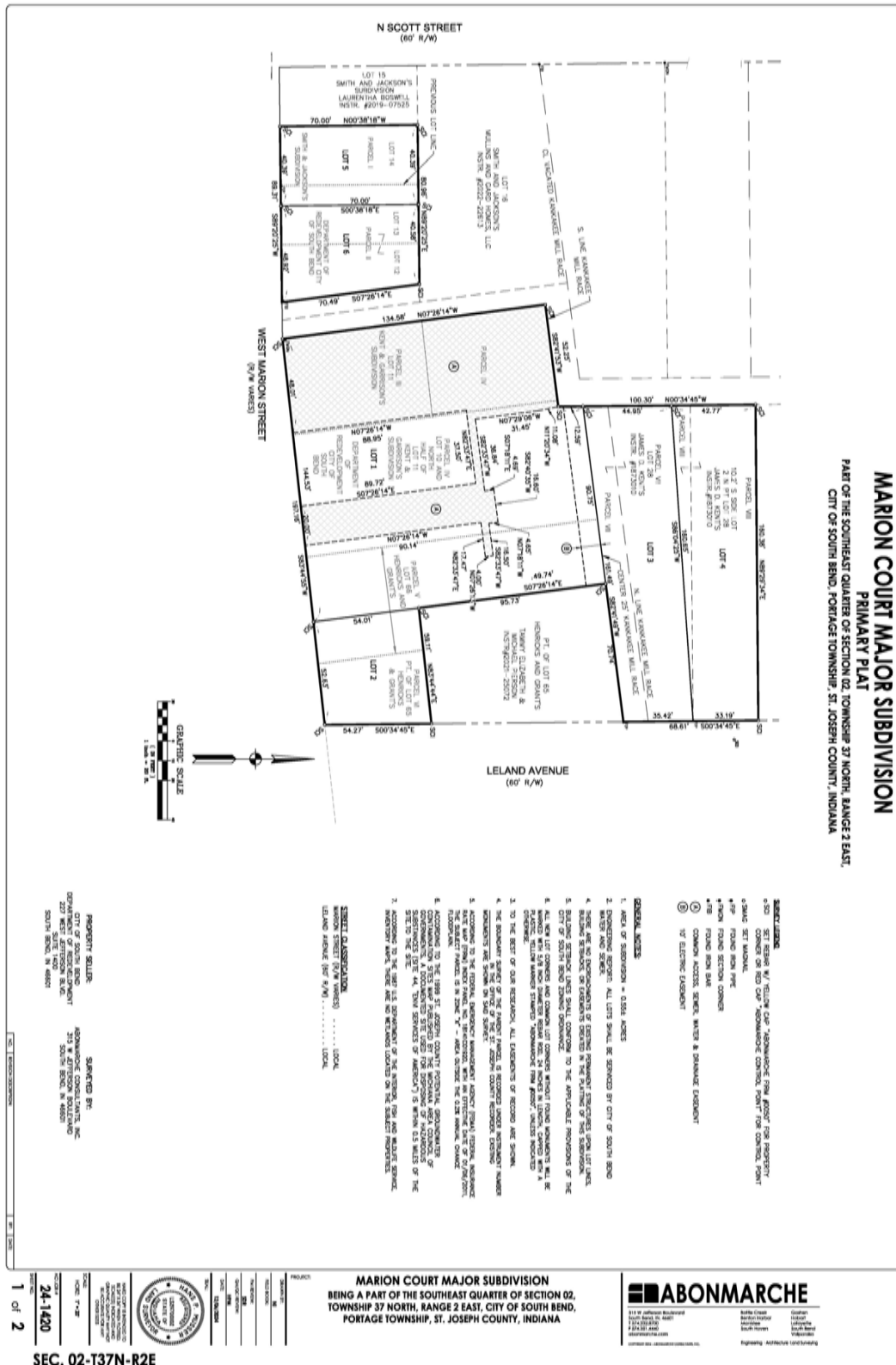
Residential development of a ten unit cottage court, one duplex, and single family homes.

Location Map

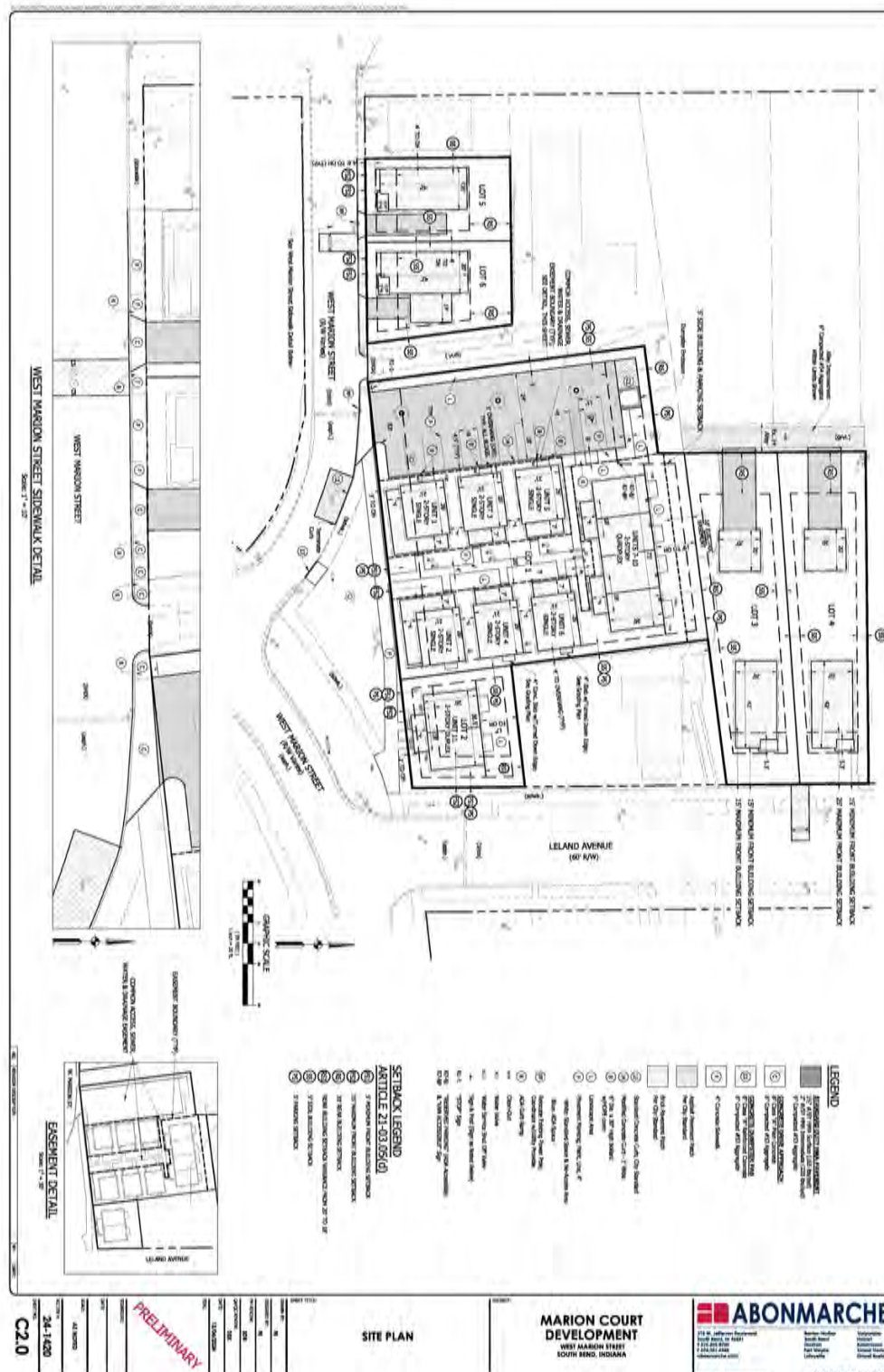
Recommendation

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: Master utility plan, dedicated improvements agreement, and drainage plan required prior to major secondary approval. Public water line needs to have 20' of clear space for easement. No utilities other than sanitary sewer should be within this easement. Specify responsibilities of each utility - water main will be dedicated as public, but stormwater/sanitary lines on site must be maintained privately. No sewer should be placed in the alley. Lots with frontage on street should utilize existing utilities in street. Water extensions will be public. 6' wide sidewalk required where there is no tree lawn. The Staff recommends approval of the variance as presented.

Proposed Site Plan



Proposed Site Plan



Project Details

Environmental Data:	A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
Drainage:	Units 1 and 2 should connect to onsite storage system. Final master drainage plan will be required with final master utility plan.
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:	Master utility plan, dedicated improvements agreement, and drainage plan required prior to major secondary approval. Public water line needs to have 20' of clear space for easement. No utilities other than sanitary sewer should be within this easement. Specify responsibilities of each utility - water main will be dedicated as public, but stormwater/sanitary lines on site must be maintained privately. No sewer should be placed in the alley. Lots with frontage on street should utilize existing utilities in street. Water extensions will be public. 6' wide sidewalk required where there is no tree lawn.

Criteria for Decision Making**The petitioner is seeking the following variance(s):**

- 1) Variance from the required 20' rear setback to 18'

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 should not be injurious to the general welfare of the community. This infill development is located on a small square lot and will provide two new units in a duplex that matches the scale and built form of the surrounding area. If the duplex were rotated to face Leland Avenue, the house would only require a 5' setback.

(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 property should not be adversely impacted. If the duplex were rotated to face Leland Avenue, the house would only require a 5' setback.

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

The variance responds to the small size of the lot, which significantly limits the potential building footprint.

(4) The variance granted is the minimum necessary.

The variance granted is the minimum necessary. The 20' rear setback is being reduced by 2'. If the duplex were rotated to face Leland Avenue, the side setback would only be 5'.

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

The variance responds to the small size of the lot.

Recommendation

Staff Comments: None at this time.

Analysis: The variance reducing the rear yard setback will allow for a duplex on a small square lot that matches the scale and built form of the surrounding area. If the duplex were rotated to face Leland Avenue, the house would only require a 5' setback.

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: Master utility plan, dedicated improvements agreement, and drainage plan required prior to major secondary approval. Public water line needs to have 20' of clear space for easement. No utilities other than sanitary sewer should be within this easement. Specify responsibilities of each utility - water main will be dedicated as public, but stormwater/sanitary lines on site must be maintained privately. No sewer should be placed in the alley. Lots with frontage on street should utilize existing utilities in street. Water extensions will be public. 6' wide sidewalk required where there is no tree lawn. The Staff recommends the variance be granted as presented.

Property Information

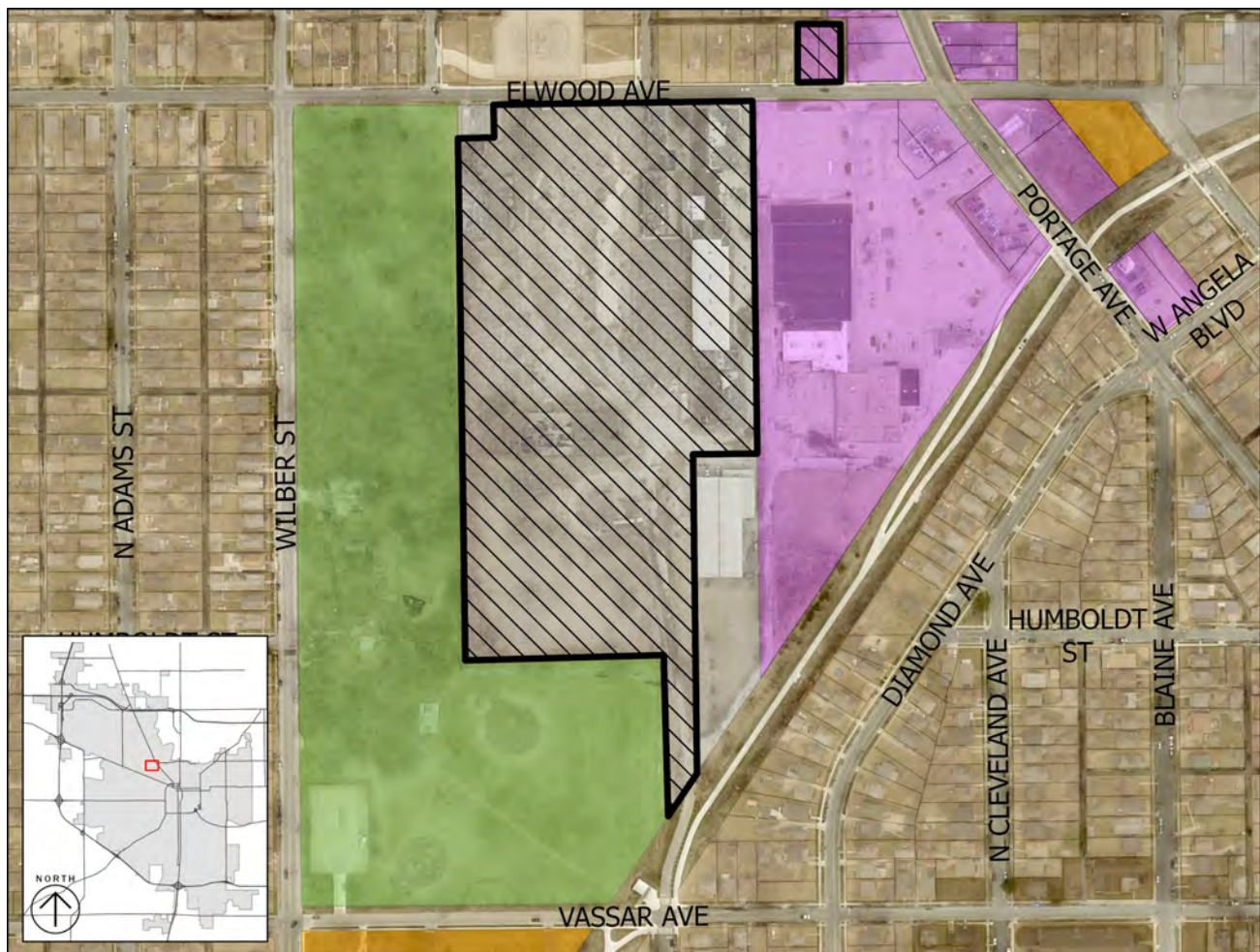
Location: 1408 ELWOOD AVE
Owner: CIVIL CITY OF SOUTH BEND

Requested Action

Rezone from I Industrial to U3 Urban Neighborhood 3

Project Summary

Redevelopment of the former Drewrys Brewery 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.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

- On site: On site is the former Drewry's Brewery site.
- North: Across Elwood are several one unit dwellings zoned U1 Urban Neighborhood 1 and an AEP substation also zoned U1 Urban Neighborhood 1.
- East: Former Elwood Shopping Center zoned NC Neighborhood Center.
- South: Muessel Grove Park zoned OS Open Space and across the Coal Line Trail are one unit dwellings zoned U1 Urban Neighborhood 1.
- West: Muessel Grove Park zoned OS Open Space.

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 surrounding area for the majority of its history was a mix of industrial uses - including the Drewry's Brewery site - as well as single family housing. Dense single family homes built up around the brewery mainly in the 1920's. All of the former Drewry's buildings have been demolished and the site cleared to make way for the redevelopment of the site into a mix of housing types to provide additional housing options for the neighborhood.

Traffic and Transportation Considerations:

Elwood Avenue is a two-lane street with no on-street parking.

Agency Comments

Agency Comments:

There are no additional comments at this time.

Staff Comments:

The rezoning of this property to U3 Urban Neighborhood 3 will revitalize a long vacant industrial property and provide much needed housing in the Portage Elwood neighborhood.

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 H1: 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 City Plan Future Land Use Plan identifies this area as Commercial, however, with the remediation of the site and its proximity to Muessel Grove Park, its adaptive re-use is well-suited for a mix of residential housing options.

Plan Implementation/Other Plans:

For this site, the Portage Elwood Neighborhood Center Vision plan shows a range of housing types compatible in scale with the surrounding context.

2. Current Conditions and Character:

The existing area is located in the midst of a dense neighborhood with smaller commercial/retail businesses located along Portage Avenue.

3. Most Desirable Use:

The most desirable use, at this time, is a range of residential housing types that will seamlessly fit the established character of the neighborhood and help meet the demand for walkable urban living.

4. Conservation of Property Values:

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

5. Responsible Development and Growth:

It is responsible development and growth to allow for a variety of housing options on a infill redevelopment site.

Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

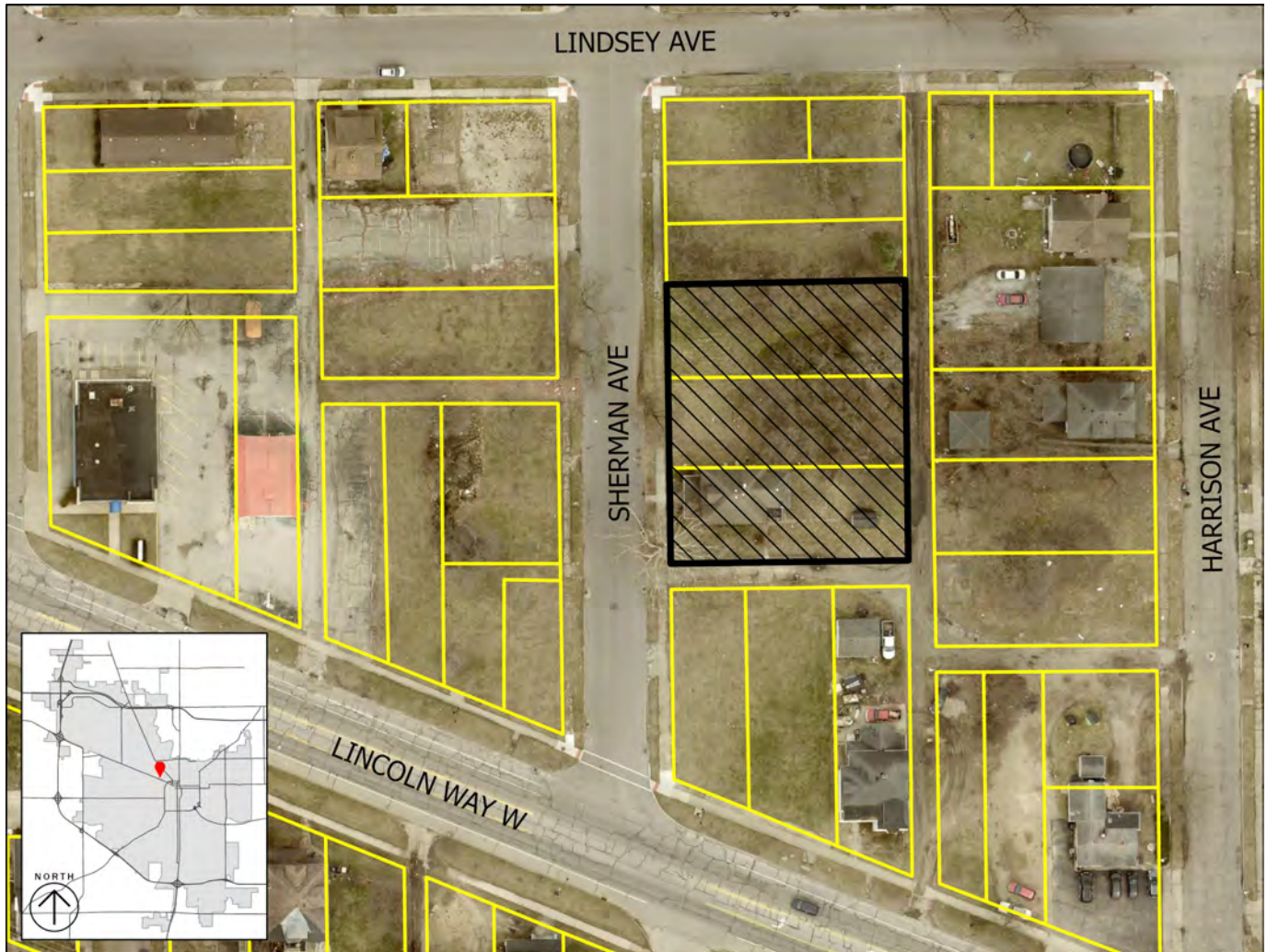
Analysis: Rezoning the site to U3 Urban Neighborhood 3 will allow for residential growth and increased housing options in the Portage Elwood Neighborhood and allow for the adaptive reuse of a large vacant industrial parcel. Approving the rezoning will allow for a greater possibility of development that best fits the character of the 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 InformationSubdivision Name: **SHERMAN AVENUE MINOR SUBDIVISION**Location: 614,618 & 620 SHERMAN AVE

Requested Action

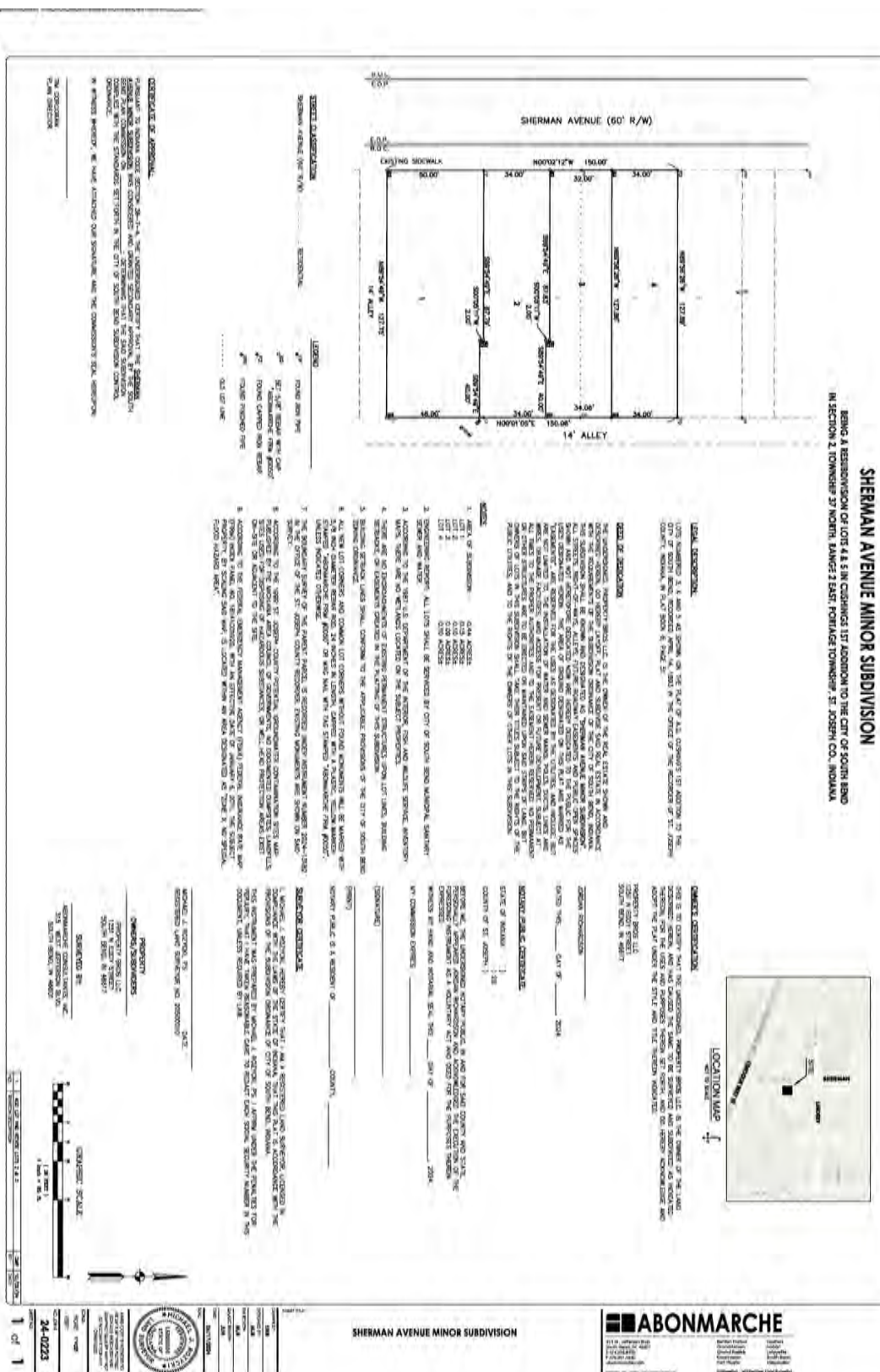
The total area of the subdivision is 0.44 acres and will consist of 4 building lots.

Location Map

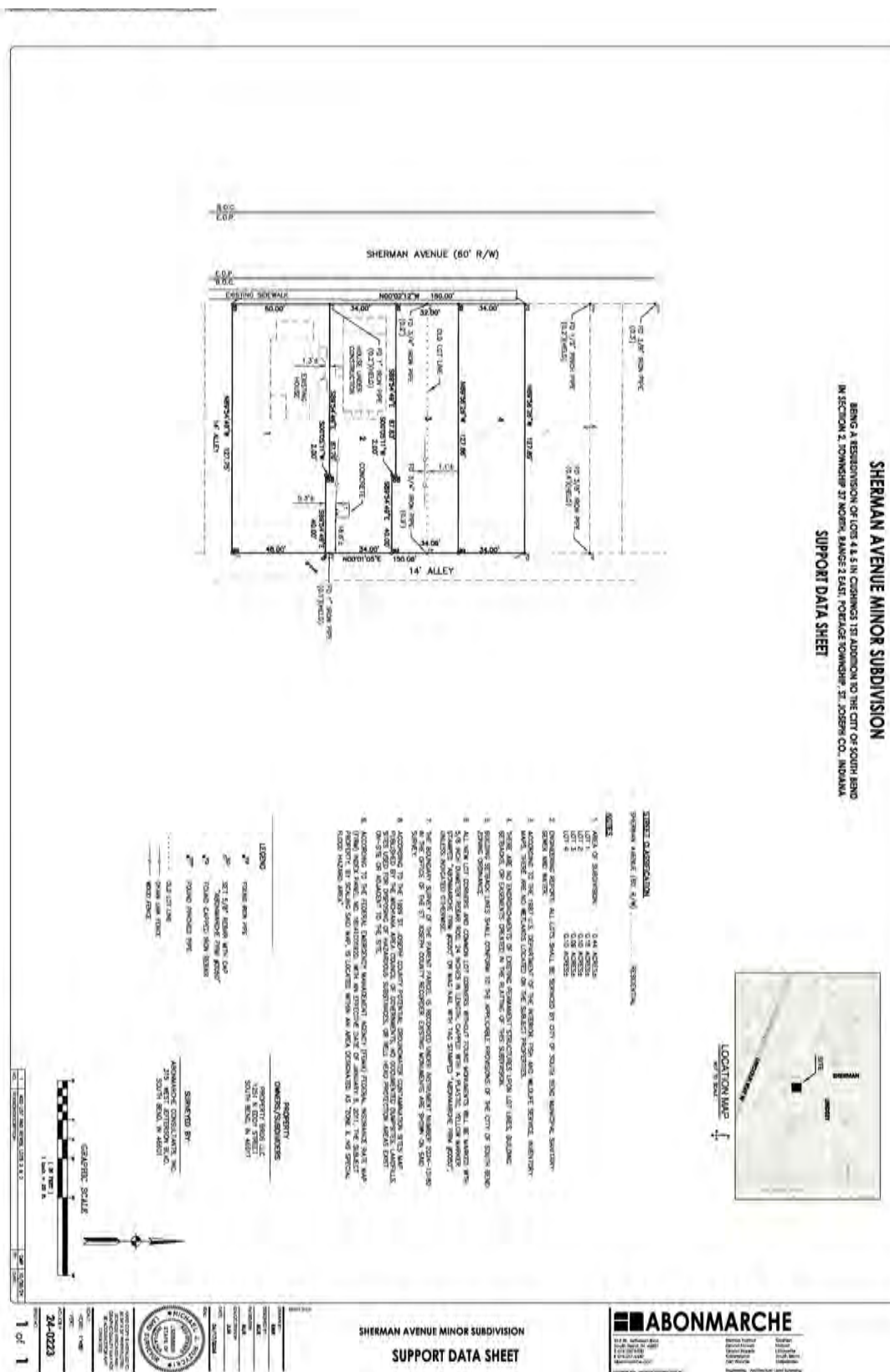
Recommendation

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.

Proposed Plat



Proposed Plat



Project Details

Environmental Data:	A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
Drainage:	Not required.
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:	None at this time.

Recommendation

Staff Comments: There are no additional comments at this time.

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.

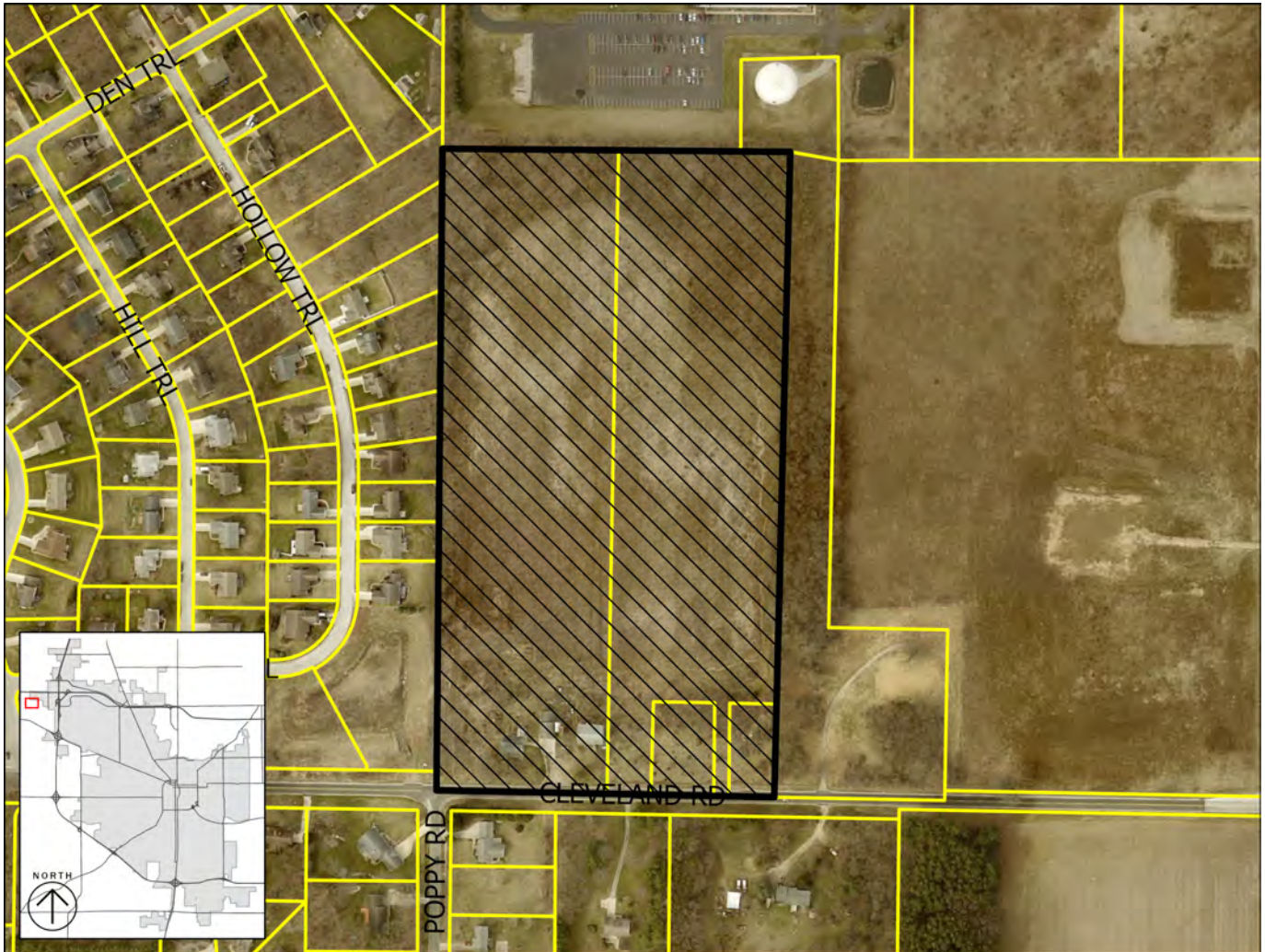
Property Information

Subdivision Name: **OCR CABANA MINOR SUBDIVISION**

Location: 25471, 25481, 25491 CLEVELAND RD

Requested Action

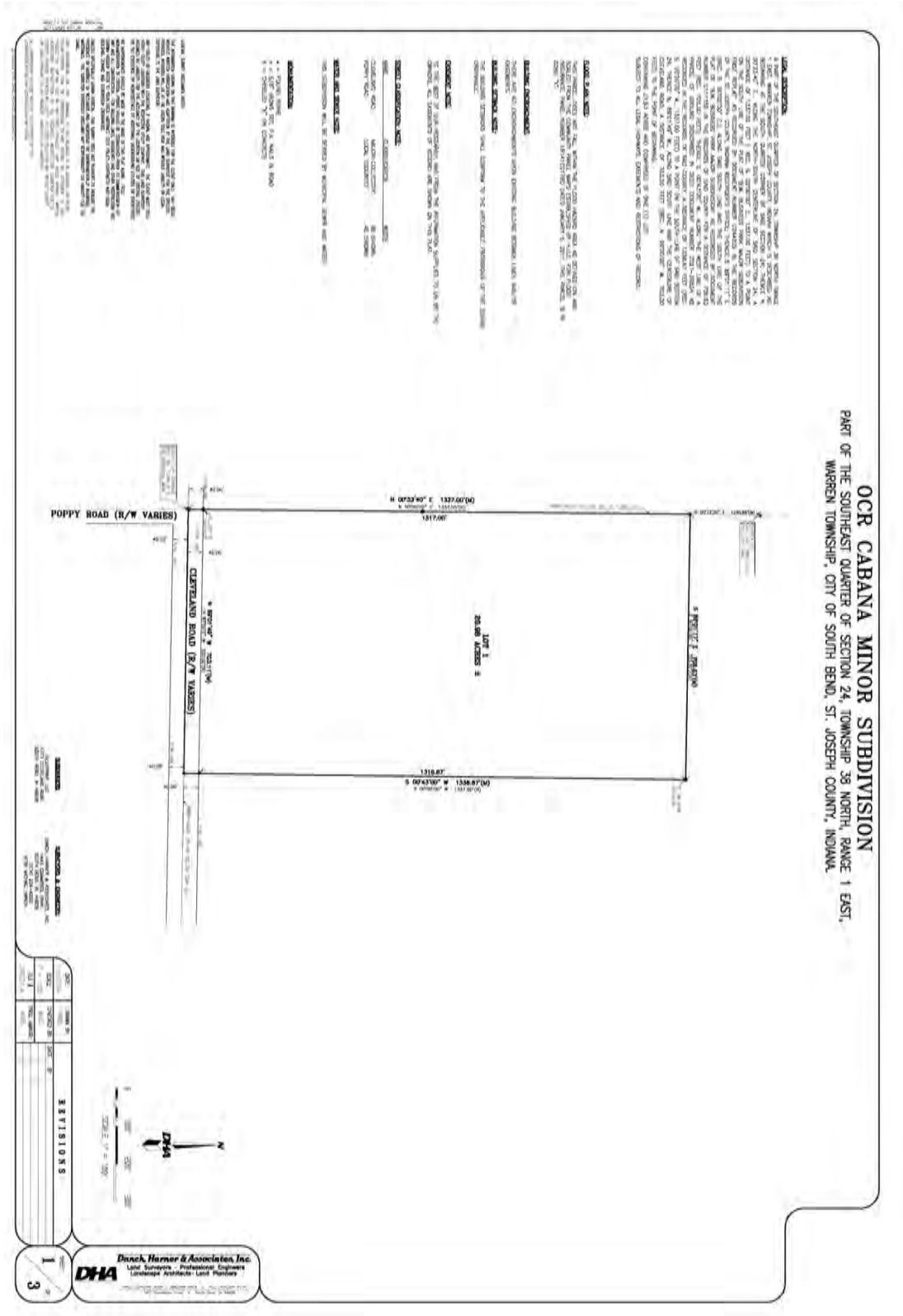
The total area of the subdivision is 21.63 acres and will consist of 1 building lot.

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.

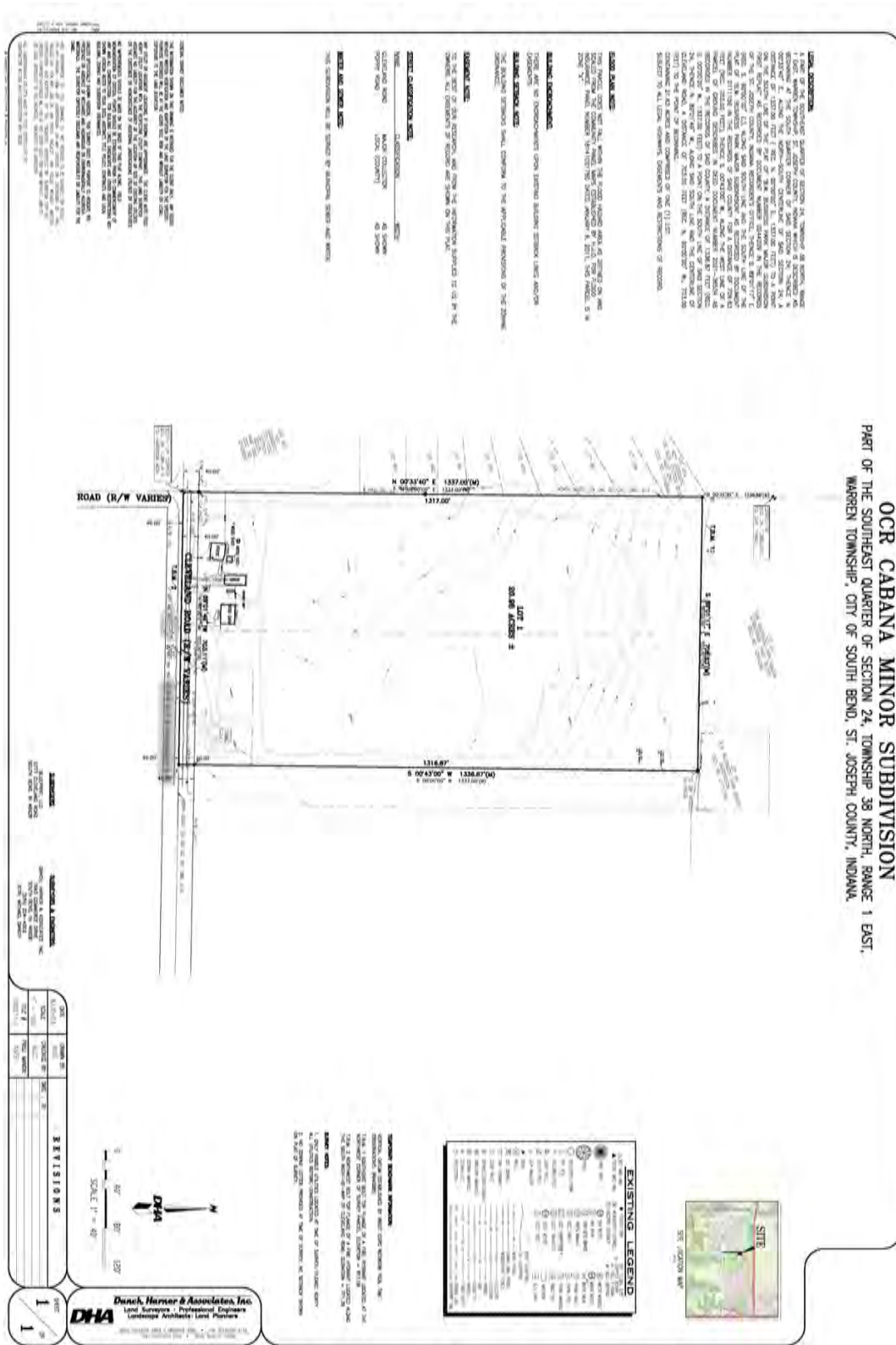
Proposed Plat



Proposed Plat

[illegible]

Proposed Plat



Project Details

Environmental Data:	A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
Drainage:	Drainage plan will be required for site 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:	Curb and sidewalks may be required for site development.

Recommendation

Staff Comments: There are no additional comments at this time.

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.

Requested Action

RESOLUTION OF THE SOUTH BEND PLAN COMMISSION APPROVING RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION AND THE DEVELOPMENT PLAN FOR THE RIVER WEST DEVELOPMENT AREA FOR THE PURPOSE OF ESTABLISHING A NEW ALLOCATION AREA AND RELATED MATTERS

Project Summary

On January 9, 2024, the South Bend Redevelopment Commission (RDC) approved and adopted its Resolution No. 3627 entitled “Resolution of the South Bend Redevelopment Commission Approving Amendments to the Declaratory Resolution And The Development Plan for the River West Development Area for the Purpose of Establishing a New Allocation Area and Related Matters.” The RDC resolution would amend the River West Development Area for the purpose of establishing a new allocation area to support the redevelopment of property on the west bank of the St. Joseph River. The new allocation area would be known as the “Riverwalk Allocation Area.”

Pursuant to Indiana Code 36-7-14, as amended, the RDC has submitted its Resolution No. 3627 to the Plan Commission for approval. Resolution No. 2025-1 to be considered by the Plan Commission, if adopted, would approve, ratify, and confirm the RDC resolution.

The creation of the Riverwalk Allocation Area would support a redevelopment project led by Indiana developer, J.C. Hart Company, Inc. This will be an estimated \$61.5 million project and will entail the demolition of the southern Crowe building and subsequent construction of 2 multi-family residential buildings (totaling a minimum of 291 apartments) and a minimum 398-space structure parking garage. As stated in the RDC resolution, the full development of the Riverwalk Allocation Area with these improvements would not proceed as planned without the contribution of tax increment revenues to be derived from the Riverwalk Allocation Area to this project.

Recommendation

Staff Recommendation: Based on the information available prior to the public hearing, the staff recommends the Plan Commission approve the resolution.

RESOLUTION NO. 2025-1

RESOLUTION OF THE SOUTH BEND PLAN COMMISSION APPROVING RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION AND THE DEVELOPMENT PLAN FOR THE RIVER WEST DEVELOPMENT AREA FOR THE PURPOSE OF ESTABLISHING A NEW ALLOCATION AREA AND RELATED MATTERS

WHEREAS, the South Bend Plan Commission (the “Plan Commission”), is the body charged with the duty of developing a general plan of development for the City of South Bend, Indiana (the “City”); and

WHEREAS, the South Bend Redevelopment Commission (the “Commission”), the governing body of the South Bend Department of Redevelopment (the “Department”) and the Redevelopment District of the City of South Bend, Indiana (the “District”), pursuant to Indiana Code 36-7-14, as amended (the “Act”), on January 9, 2025, approved and adopted its Resolution No. 3627 entitled “Resolution of the South Bend Redevelopment Commission Approving Amendments to the Declaratory Resolution and the Development Plan for the River West Development Area for the Purpose of Establishing a New Allocation Area and Related Matters” (the “Amending Declaratory Resolution”); and

WHEREAS, the Amending Declaratory Resolution approved amendments to the Declaratory Resolution previously adopted by the Commission and the development plan (the “Plan”) previously approved by the Commission in connection with the establishment and subsequent amendment of the River West Development Area and designation of the related Allocation Area (the “Allocation Area”) to (i) designate an area, presently part of the Allocation Area and described at Exhibit A of the Amending Declaratory Resolution, as a separate allocation area to be known as the “Riverwalk Allocation Area” (the “Riverwalk Allocation Area”) and (ii) amendment of the Plan to include the Riverwalk Allocation Area therein (clauses (i) and (ii), collectively, the “2025 Amendments”); and

WHEREAS, the Plan Commission desires to approve the Amending Declaratory Resolution and the 2025 Amendments; and

WHEREAS, the Commission has submitted the Amending Declaratory Resolution to the Plan Commission for approval pursuant to the provisions of the Act, which Amending Declaratory Resolution is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the Plan Commission has reviewed the Amending Declaratory Resolution and the 2025 Amendments described in the Amending Declaratory Resolution and has determined that they conform to the plan of development for the City, and now desires to approve the Amending Declaratory Resolution and the 2025 Amendments described therein and, pursuant

to Section 16 of the Act, the Plan Commission desires to issue its written order approving the Amending Declaratory Resolution and the 2025 Amendments described therein;

NOW, THEREFORE BE IT RESOLVED by the South Bend Plan Commission, as follows:

1. Pursuant to Section 16 of the Act, the Plan Commission hereby finds and determines that the Amending Declaratory Resolution and the 2025 Amendments described in the Amending Declaratory Resolution conform to the plan of the development of the City.

2. The Amending Declaratory Resolution and the 2025 Amendments described in the Amending Declaratory Resolution are in all respects approved, ratified and confirmed.

3. This Resolution hereby constitutes the written order of the Plan Commission approving the Amending Declaratory Resolution and the 2025 Amendments described in the Amending Declaratory Resolution pursuant to Section 16 of the Act.

4. The Secretary of the Plan Commission is hereby directed to file copies of the Amending Declaratory Resolution with the minutes of this public meeting.

5. This Resolution shall be in full force and effect after its adoption by the Plan Commission.

PASSED, ISSUED AND APPROVED by the South Bend Plan Commission this 21st day of January, 2025.

SOUTH BEND PLAN COMMISSION

President

ATTEST:

Secretary

EXHIBIT A

AMENDING DECLARATORY RESOLUTION

(See Attached)

RESOLUTION NO. 3627

RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION AND THE DEVELOPMENT PLAN FOR THE RIVER WEST DEVELOPMENT AREA FOR THE PURPOSE OF ESTABLISHING A NEW ALLOCATION AREA AND RELATED MATTERS

WHEREAS, the South Bend Redevelopment Commission (the “Commission”), the governing body of the City of South Bend, Indiana, Department of Redevelopment (the “Department”) and the Redevelopment District of the City of South Bend, Indiana (the “District”), exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in Indiana Code 36-7-14, as amended from time to time (the “Act”); and

WHEREAS, the Commission has heretofore adopted a declaratory resolution (as subsequently confirmed and amended from time to time, the “Declaratory Resolution”) designating an area known as the River West Development Area (the “Area”) as an economic development area pursuant to the Act, designating the Area as an allocation area pursuant to Section 39 of the Act (the “Allocation Area”), and approving and subsequently amending from time to time a development plan for the Area (collectively, the “Plan”); and

WHEREAS, pursuant to Sections 15-17.5 of the Act, the Commission desires to further amend the Declaratory Resolution and the Plan to designate an area, presently part of the Allocation Area and described at Exhibit A attached hereto, as a separate allocation area pursuant to Section 39 of the Act to be known as the “Riverwalk Allocation Area” (the “Riverwalk Allocation Area”); and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation and expansion of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, this Commission deems it advisable to apply the provisions of said Section 39 of the Act to the Riverwalk Allocation Area; and

WHEREAS, the Commission now desires to approve the designation of the Riverwalk Allocation Area and the amendment of the Plan to include the Riverwalk Allocation Area therein (collectively, the “2025 Amendments”); and

WHEREAS, the proposed 2025 Amendments and supporting data were reviewed and considered at this meeting.

NOW, THEREFORE, BE IT RESOLVED by the South Bend Redevelopment Commission as follows:

1. The Commission hereby finds and determines that the 2025 Amendments promote significant opportunities for the (i) gainful employment of the citizens of the City of South Bend, Indiana (the “City”), (ii) attraction of major new business enterprises to the City, and (iii) retention and expansion of significant business enterprises existing in the boundaries of the City and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety, and welfare, increasing the economic well-being of the City and the State of Indiana (the “State”) and serving to protect and increase property values in the City and the State.

2. The 2025 Amendments cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of conditions that lower the value of the land below that of nearby land, multiple ownership of land, and other similar conditions.

3. The public health and welfare will be benefited by accomplishment of the 2025 Amendments.

4. It will be of public utility and benefit to further amend the Declaratory Resolution and the Plan for the Area as provided in the 2025 Amendments and to continue to develop the Area, including the Riverwalk Allocation Area, as provided under the Act.

5. Accomplishment of the 2025 Amendments will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

6. The Commission hereby finds that the further amendment of the Declaratory Resolution and the Plan, to designate the Riverwalk Allocation Area, conforms to the comprehensive plan for the City.

7. The map and plat of the Riverwalk Allocation Area showing its boundaries, the location of the various parcels of property, streets and alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, redevelopment or economic development of the Riverwalk Allocation Area, and the parts of the Riverwalk Allocation Area that are to be devoted to public ways, levees, sewerage, parks, playgrounds and other public purposes under the Plan, are hereby approved and adopted as the map and plat for the Riverwalk Allocation Area.

8. The 2025 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and the Plan and the purposes of the Act.

9. The findings and determinations set forth in the Declaratory Resolution and the Plan are hereby reaffirmed.

10. The Commission finds that no residents of the Area will be displaced by any project resulting from the 2025 Amendments, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.

11. The 2025 Amendments are hereby in all respects approved.

12. The area described in Exhibit A is hereby removed from the Allocation Area, and is hereby designated as a separate “allocation area” pursuant to Section 39 of the Act to be known as the “Riverwalk Allocation Area,” for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under I.C. 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the District and when collected paid into an allocation fund for the Riverwalk Allocation Area hereby designated as the “Riverwalk Allocation Area Allocation Fund” and may be used by the District to do one or more of the things specified in Section 39(b)(4) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(5) of the Act. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the Riverwalk Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit B. The base assessment date for the Riverwalk Allocation Area is January 1, 2025.

13. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and the allocation provisions herein relating to the Riverwalk Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Riverwalk Allocation Area.

14. Any member of the Commission is hereby authorized to take such actions as are necessary to implement the purposes of this resolution, and any such action taken prior to the date hereof is hereby ratified and approved.

15. This Resolution, together with any supporting data, shall be submitted to the City of South Bend Plan Commission (the “Plan Commission”) and the Common Council of the City (the “Common Council”) as provided in the Act, and if approved by the Plan Commission and the Common Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

16. This Resolution shall take effect immediately upon its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the South Bend Redevelopment Commission held on the 9th day of January, 2025.

SOUTH BEND
REDEVELOPMENT COMMISSION



President

ATTEST:



Vice President

EXHIBIT A

LEGAL DESCRIPTION

**Riverwalk Allocation Area
River West Development Area**

Lot B of the Crowe Chizek Second Minor Subdivision Lot Line Adjustment

EXHIBIT B

2025 PLAN SUPPLEMENT

The Plan is further supplemented and amended to add the description for the territory to be known as the Riverwalk Allocation Area as set forth at Exhibit A.

Tax Increment Revenues from the Riverwalk Allocation Area may be used to support all or any portion of the development, design, construction, equipping, and improving, as the case may be, of a development consisting of 2 buildings housing 291 apartments and a 398-space structured garage to be located in the Riverwalk Allocation Area and for any other economic development projects that are located in or serve the Riverwalk Allocation Area.

The Commission anticipates capturing tax increment revenues from the Riverwalk Allocation Area and applying such tax increment revenues to offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the unit, or to pay principal or interest on economic development revenue bonds issued by the unit to provide incentives to a developer, in furtherance of the economic development or redevelopment purposes of the Riverwalk Allocation Area.

Based on representations made to the Commission, the Commission has determined that the full development of the Riverwalk Allocation Area with the improvements described above, will not proceed as planned without the contribution of tax increment revenues to be derived from the Riverwalk Allocation Area to the projects described above.