



# City of South Bend PLAN COMMISSION

County-City Building  
227 W. Jefferson Blvd. 1400S  
South Bend, IN 46601  
(574) 235-7627  
[www.southbendin.gov/zoning](http://www.southbendin.gov/zoning)

## AGENDA

**Monday, March 16, 2020 - 4:00 P.M.**

County-City Building  
Fourth-Floor Council Chambers

### PUBLIC HEARING:

A. REZONINGS

- 1) **Location:** 514 FRANCES ST PC#0007-20  
**Petitioner:** LORI HISCOCK  
**Requested Action:**  
Rezoning: From U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2

B. MAJOR SUBDIVISIONS

- 1) **Location:** North side of Adams Road along Dillon Drive PC#0008-20  
**Name:** PORTAGE PRAIRIE BUSINESS PARK - PRIMARY PLAT

C. TEXT AMENDMENTS

- 1) **Requested Action:** PC#0009-20  
A proposed ordinance of South Bend Plan Commission, amending Chapter 21 of the South Bend Municipal Code to correct typographical errors in various Articles and to add clarifying language and tables.

### ITEMS NOT REQUIRING A PUBLIC HEARING:

A. FINDINGS OF FACT

- 1) 1322 Chimes Blvd - PC#0006-20

B. UPDATES FROM STAFF

C. MINUTES – February 17, 2020

D. ADJOURNMENT



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**Property Information**

Location: 514 FRANCES ST  
Owner: LORI HISCOCK

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**Requested Action**

Rezone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2

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**Project Summary**

The petitioner requests a rezoning to the U2 district to allow for the construction of a carriage house on the property and other uses, as allowed, in a manner that will fit within the neighborhood.

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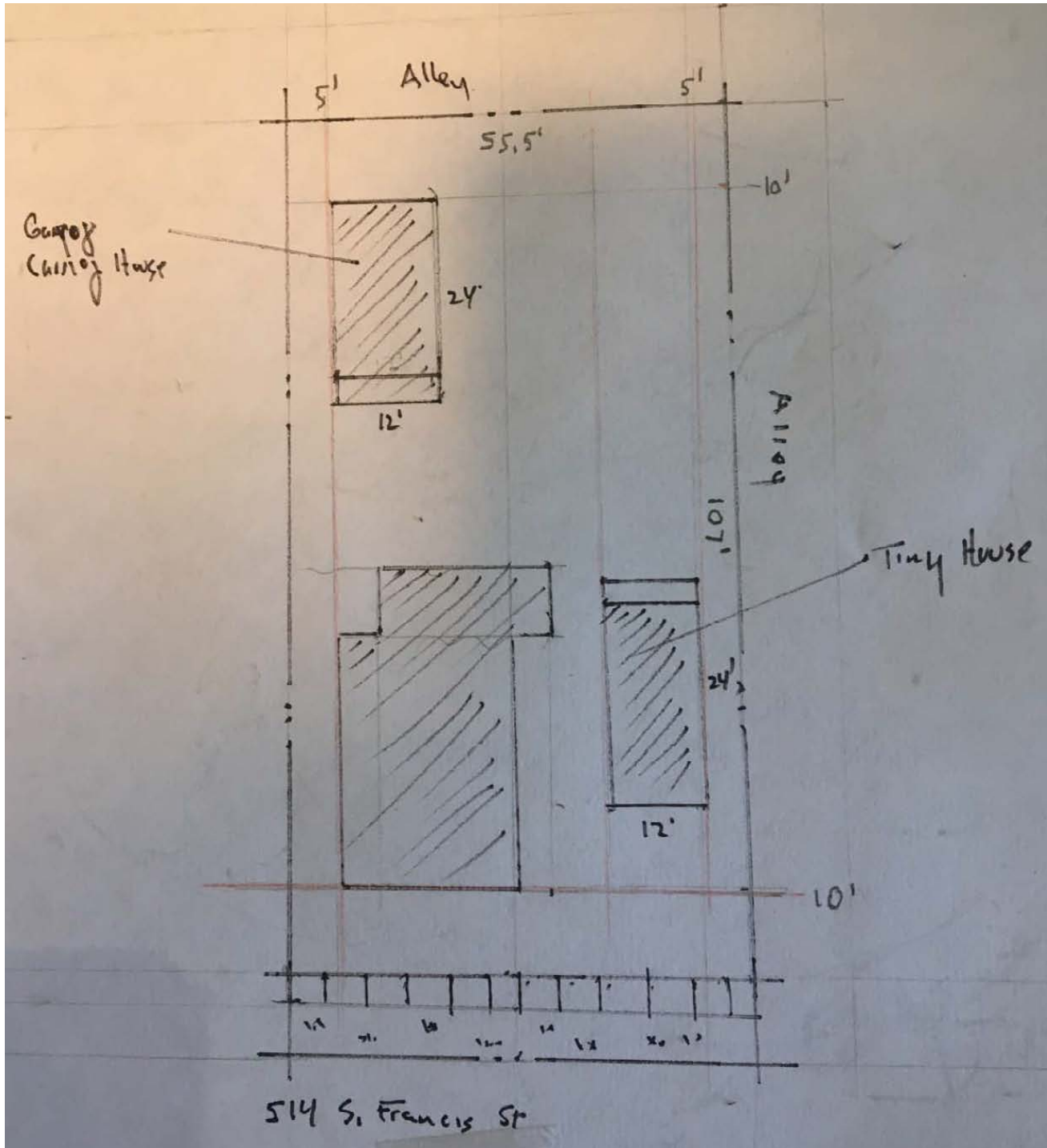
**Location Map**

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**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 the site is a single family home.
- North: To the north is a single family home zoned U1 Urban Neighborhood 1.
- East: To the east is a vacant lot zoned U1 Urban Neighborhood 1.
- South: To the south is a single family home zoned U1 Urban Neighborhood 1.
- West: To the west is a single family home zoned U1 Urban Neighborhood 1.

### 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 site plan as submitted shows the construction of a detached "tiny house" to the south of the current house and a "Garage Carriage House" to the east of the current house. The house to south will require a subdivision prior to design and installation. The carriage house will be designed to meet the current development standards of the district.

### Zoning and Land Use History and Trends:

The surrounding properties have seen a marked change in the past 15 years from single family homes and light industrial uses to primarily dense single family and townhomes with the construction of housing on the old TRANSPO Depot site just across the street from this parcel. In 2015 and 2016, two large parcels on the west side of Frances were rezoned to MF1 to allow for townhomes. In 2019, several lots on the west side of Frances received a Special Exception for duplexes.

### Traffic and Transportation Considerations:

Frances Street is two lanes with on-street parking. The property is bordered to the south by an alley as well as an alley to the east.

## Agency Comments

### Agency Comments:

There were no Engineering comments at this time.

### Staff Comments:

Zoning of properties to U2 Urban Neighborhood 2 allows for the creation of more diverse and affordable housing types. These housing types blend well with the character and scale of existing urban neighborhoods. With its location in a walkable neighborhood that is close to downtown, amenities, and transit, and that already has a wide variety of housing types, 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 the following:

**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.

**Plan Implementation/Other Plans:**

The petition is consistent with The Howard Park Neighborhood Plan (2012), which encourages an increase of residential opportunities in the neighborhood, specifically "Preferred Direction #4 Promote the continuation of historic density, street patterns and open space. "

**2. Current Conditions and Character:**

The neighborhood is currently evolving to a medium density residential area with a mix of dense single family homes, duplexes, and townhouses.

**3. Most Desirable Use:**

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

**4. Conservation of Property Values:**

Allowing this property to add units should help continue the residential growth in a reasonable manner while providing diverse housing options in a desirable neighborhood.

**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 continued residential growth 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.



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### Property Information

Subdivision Name: **PORTAGE PRAIRIE BUSINESS PARK - PRIMARY PLAT**

Location: This Major Primary subdivision is located North side of Adams Rd. along Dillon Dr., City of South Bend.

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### Requested Action

The total area of the subdivision is 118.95 acres and will consist of 6 building lots.

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### Location Map



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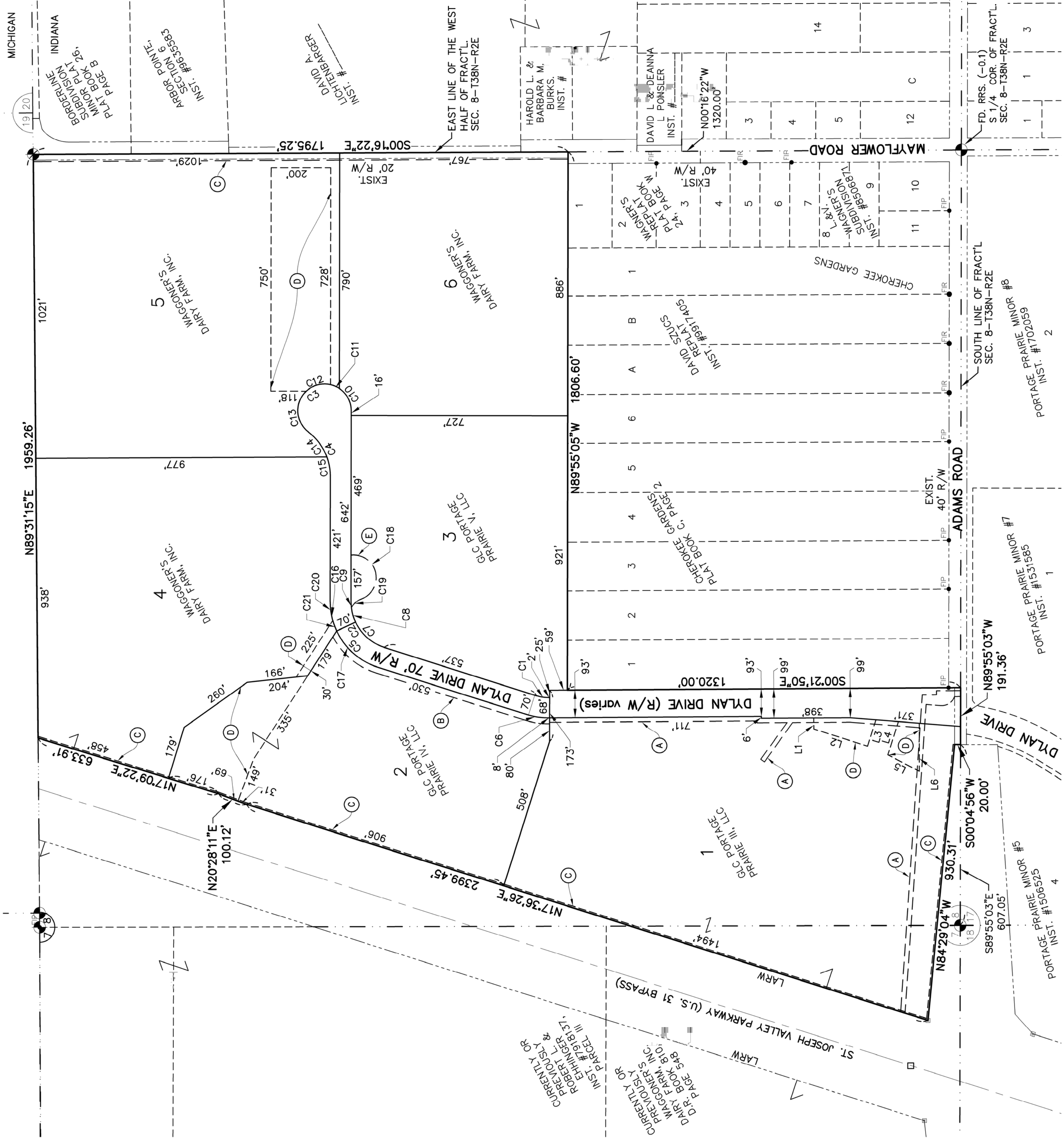
### Recommendation

**Staff Recommendation:** The Staff recommends the Commission approve the waivers. 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: 1) Adding the waiver note to the plat; and 2) Addressing the comments from the City Engineering Department.



PORTAGE PRAIRIE BUSINESS PARK  
PRIMARY PLAT

PART OF THE WEST 1 / 2 OF FRACTIONAL SECTION 8, TOWNSHIP 38 NORTH, RANGE 2 EAST,  
GERMAN TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA



PROPERTY OWNERS/SUBDIVIDERS			
WAGGONER'S DAIRY FARM, INC. 52129 STATE ROAD 933 SOUTH BEND, IN 46628	GLC PORTAGE PRAIRIE III, LLC 112 W JEFFERSON BLVD, STE. 200 SOUTH BEND, IN 46601	GLC PORTAGE PRAIRIE IV, LLC 112 W JEFFERSON BLVD, STE. 200 SOUTH BEND, IN 46601	ABONMARCHE CONSULTANTS, INC. 750 LINCOLN WAY EAST SOUTH BEND, IN 46601

SURVEYED BY:  
ABONMARCHE CONSULTANTS, INC.  
750 LINCOLN WAY EAST  
SOUTH BEND, IN 46601

NOTES

- AREA OF SUBDIVISION: TOTAL = 118.95 ACRES±  
R/W = 2.85 ACRES±
- ENGINEERING REPORT: ALL LOTS SHALL BE SERVICED BY CITY OF SOUTH BEND MUNICIPAL SANITARY SEWER AND WATER.
- ACCORDING TO THE 1987 U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, INVENTORY MAPS, THERE ARE NO WETLANDS LOCATED ON THE SUBJECT PROPERTIES.
- THERE ARE NO ENCROACHMENTS OF EXISTING PERMANENT STRUCTURES UPON LOT LINES, BUILDING SETBACKS, OR EASEMENTS CREATED IN THE PLATTING OF THIS SUBDIVISION.
- BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE CITY OF SOUTH BEND ZONING ORDINANCE.
- ALL NEW LOT CORNERS AND COMMON LOT CORNERS WITHOUT FOUND MONUMENTS WILL BE MARKED WITH 5/8 INCH DIAMETER REBAR ROD, 24 INCHES IN LENGTH, CAPPED WITH A PLASTIC, YELLOW MARKER STAMPED "ABONMARCHE FIRM #0050", UNLESS INDICATED OTHERWISE.
- THE BOUNDARY SURVEY OF THE PARENT PARCEL, TRACT #1, IS RECORDED UNDER INSTRUMENT NUMBER 0637721 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER. EXISTING MONUMENTS ARE SHOWN ON SAID SURVEY.
- ACCORDING TO THE 1999 ST. JOSEPH COUNTY POTENTIAL GROUNDWATER CONTAMINATION SITES MAP PUBLISHED BY THE MICHIANA AREA COUNCIL OF GOVERNMENTS, THERE APPEARS TO BE NO DOCUMENTED DUMPSITES, LANDFILLS, SITES USED FOR DISPOSING OF HAZARDOUS SUBSTANCES, OR WELL HEAD PROTECTION AREAS, EXISTING ONSITE OR ADJACENT TO THE SITE.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FEDERAL INSURANCE RATE MAP (FIRM) INDEX PANEL NO. 1814100065D WITH AN EFFECTIVE DATE OF JANUARY 6, 2011, THE SUBJECT PROPERTY BY SCALING SAID MAP IS LOCATED WITHIN AN AREA DESIGNATED AS "ZONE X, NO SPECIAL FLOOD HAZARD AREA".
- UTILITY EASEMENT "B" IS RESERVED FOR INDIANA & MICHIGAN ELECTRIC POWER TO INSTALL, OPERATE, AND MAINTAIN BELOW GRADE ELECTRIC POWER LINES AND OTHER APPURTENANCES SERVING THE PORTAGE PRAIRIE BUSINESS PARK. THE LOT OWNER, THEIR SUCCESSORS OR ASSIGNS, SHALL TAKE THEIR TITLE SUBJECT TO SAID USE OF EASEMENT.
- DRAINAGE EASEMENT "D" AREAS ARE RESERVED FOR CONSTRUCTION AND MAINTENANCE OF STORM WATER MANAGEMENT FACILITIES THAT ARE TO BE MAINTAINED BY THE PORTAGE PRAIRIE BUSINESS PARK PROPERTY OWNERS ASSOCIATION, ITS SUCCESSORS OR ASSIGNS. THE STORM WATER MANAGEMENT FACILITIES WILL SERVE THE PORTAGE PRAIRIE BUSINESS PARK PRIVATE PROPERTY AND THE DYLAN DRIVE PUBLIC RIGHT-OF-WAY.

LEGEND

- (A) INDIANA MICHIGAN POWER COMPANY EASEMENT (INSTR. # 17351145)
- (B) INDIANA MICHIGAN POWER COMPANY EASEMENT
- (C) 5' NON-ACCESS EASEMENT
- (D) DRAINAGE EASEMENT
- (E) TEMPORARY CUL-DE-SAC EASEMENT

STREET CLASSIFICATION

ST. JOSEPH VALLEY PARKWAY (384' R/W).....ARTERIAL  
ADAMS ROAD (R/W VARIES).....COLLECTOR  
MAYFLOWER ROAD (R/W VARIES).....COLLECTOR  
DYLAN DRIVE (R/W VARIES).....MINOR

GRAPHIC SCALE



750 Lincoln Way E  
South Bend, IN 46601  
P 574.251.4440  
F 574.251.4440  
abonmararche.com

Boillie Creek  
South Bend  
Vaporisco  
Gothen  
Barton Harbor  
Coburne  
South Haven

Engineering - Architecture - Land Surveying

PART OF THE WEST 1 / 2 OF FRACTIONAL  
SECTION 8, T 38 N, R 2 E, GERMAN  
TOWNSHIP, CITY OF SOUTH BEND,  
ST. JOSEPH COUNTY, INDIANA

PORTAGE PRAIRIE BUSINESS PARK  
PRIMARY PLAT

SHEET TITLE:

DRAWN BY: DEF/NI  
DESIGNED BY: BMC  
PW REVIEW: BMC  
QA/QC REVIEW: BMC

DATE: 02/04/20  
SEAL: HANCOCK COUNTY, INDIANA  
P. MUSE R  
(LS29700002)  
STATE OF INDIANA  
LAND SURVEYOR

SIGNATURE: [Signature]  
DATE: 02/05/20  
SCALE: 1" = 200'  
HORIZ: N/A  
VERT: N/A  
ACQUAINTANCE

19-0149  
SHEET NO.



# PORTAGE PRAIRIE BUSINESS PARK

## PRIMARY PLAT

PART OF THE WEST 1/2 OF FRACTIONAL SECTION 8, TOWNSHIP 38 NORTH, RANGE 2 EAST,  
GERMAN TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

### LEGAL DESCRIPTION

A PART OF THE WEST HALF OF FRACTIONAL SECTION 8, TOWNSHIP 38 NORTH, RANGE 2 EAST, AND A PART OF THE EAST HALF OF FRACTIONAL SECTION 7, TOWNSHIP 38 NORTH, RANGE 2 EAST, LYING EAST OF THE EASTERN LIMITED ACCESS RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (U.S. 31), GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 8, SAID CORNER BEING MARKED BY A HARRISON MONUMENT; THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS EAST, ALONG THE SOUTH LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8, A DISTANCE OF 607.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 56 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE NORTH RIGHT OF WAY OF ADAMS ROAD AND SAID EASTERN LIMITED ACCESS RIGHT OF WAY; THENCE THE NEXT FOUR (4) CALLS ALONG SAID LIMITED ACCESS RIGHT OF WAY LINES: 1) NORTH 84 DEGREES 29 MINUTES 04 SECONDS WEST, A DISTANCE OF 930.31 FEET, 2) NORTH 17 DEGREES 36 MINUTES 26 SECONDS EAST, A DISTANCE OF 2399.45 FEET, 3) NORTH 20 DEGREES 28 MINUTES 11 SECONDS EAST, A DISTANCE OF 100.12 FEET, 4) NORTH 17 DEGREES 09 MINUTES 22 SECONDS EAST, A DISTANCE OF 633.91 FEET TO THE NORTH LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8 AND THE MONUMENTED INDIANA STATE LINE; THENCE NORTH 89 DEGREES 31 MINUTES 15 SECOND EAST, ALONG SAID NORTH LINE A DISTANCE OF 1959.26 FEET TO THE NORTH QUARTER CORNER OF SAID FRACTIONAL SECTION 8; THENCE SOUTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, ALONG THE EAST LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8, A DISTANCE OF 1795.25 FEET TO THE NORTHEAST CORNER OF CHEROKEE GARDENS AND WAGNER'S REPLAT OF CHEROKEE GARDENS RECORDED IN PLAT BOOK C, PAGE 2, AND PLAT BOOK 24, PAGE W, RESPECTIVELY, SAID CORNER LYING NORTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, A DISTANCE OF 1320.00 FEET FROM THE SOUTH QUARTER OF SAID FRACTIONAL SECTION 8, SAID SOUTH QUARTER CORNER BEING MARKED BY A RAILROAD SPIKE; THENCE NORTH 89 DEGREES 55 MINUTES 05 SECONDS WEST, ALONG THE RESPECTIVE NORTH LINES OF SAID WAGNER'S REPLAT AND CHEROKEE GARDENS, A DISTANCE OF 1806.60 FEET TO THE NORTHWEST CORNER OF SAID CHEROKEE GARDENS; THENCE SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, ALONG THE WEST LINE OF SAID CHEROKEE GARDENS, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF SAID FRACTIONAL SECTION 8; THENCE NORTH 89 DEGREES 55 MINUTES 03 SECONDS WEST, A DISTANCE OF 191.36 FEET TO THE POINT OF BEGINNING;

SAID DESCRIBED TRACT CONTAINING 118.953 ACRES, MORE OR LESS;

SUBJECT TO ALL EASEMENTS, COVENANTS, RESTRICTIONS, AND RIGHT OF WAY OF RECORD.

### DEED OF DEDICATION

THE UNDERSIGNED, GLC PORTAGE PRAIRIE III, LLC, GLC PORTAGE PRAIRIE IV, LLC, GLC PORTAGE PRAIRIE V, LLC, AND WAGGONER'S DAIRY FARM, INC. AN INDIANA LIMITED LIABILITY COMPANY ARE THE OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DOES HEREBY LAYOFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "PORTAGE PRAIRIE BUSINESS PARK". ALL STREETS, RIGHT-OF-WAYS, ALLEYS, FUTURE ROADWAY EASEMENTS AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED NOW ARE HEREBY DEDICATED TO THE PUBLIC FOR THE USES DESIGNATED HEREIN. THE AREA OF GROUND DESIGNATED ON THIS PLAT AND MARKED AS "EASEMENTS", ARE RESERVED FOR THE USES AS DESIGNATED BY THE UTILITIES; AND INCLUDE, BUT ARE NOT LIMITED TO, THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES AND WRES, DRAINAGE FACILITIES, AND ACCESS FOR PRESENT OR FUTURE DEVELOPMENT, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES, AND TO THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

### PROPERTY OWNERS/SUBDIVIDERS

WAGGONER'S DAIRY FARM, INC. GLC PORTAGE PRAIRIE III, LLC  
52129 STATE ROAD 933 112 W JEFFERSON BLVD, STE. 200  
SOUTH BEND, IN 46628 SOUTH BEND, IN 46601

GLC PORTAGE PRAIRIE IV, LLC GLC PORTAGE PRAIRIE V, LLC  
112 W JEFFERSON BLVD, STE. 200 112 W JEFFERSON BLVD, STE. 200  
SOUTH BEND, IN 46601 SOUTH BEND, IN 46601

### OWNER'S CERTIFICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED, GLC PORTAGE PRAIRIE III, LLC; GLC PORTAGE PRAIRIE IV, LLC; AND GLC PORTAGE PRAIRIE V, LLC ARE THE OWNERS OF THE LAND DESCRIBED HEREIN, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON; FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

GLC PORTAGE PRAIRIE III, LLC, GLC PORTAGE PRAIRIE IV, LLC, GLC PORTAGE PRAIRIE V, LLC

BY: GLC PORTAGE PRAIRIE III, LLC  
GLC PORTAGE PRAIRIE IV, LLC  
GLC PORTAGE PRAIRIE V, LLC  
112 W JEFFERSON BLVD.  
SOUTH BEND, IN 46601

RYAN RANS, MEMBER

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

### NOTARY PUBLIC CERTIFICATE:

STATE OF INDIANA )  
COUNTY OF ST. JOSEPH )

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JEFF SMOKE AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS A VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

MY COMMISSION EXPIRES: \_\_\_\_\_

(SIGNATURE)

(PRINT)

NOTARY PUBLIC IS A RESIDENT OF ST. JOSEPH COUNTY, INDIANA.

CURVE TABLE		
CURVE #	LENGTH	RADIUS
C1	42.34'	135.00'
C2	202.38'	160.00'
C3	366.04'	90.00'
C4	172.14'	186.00'
C5	290.93'	230.00'
C6	64.30'	205.00'
C7	131.96'	160.00'
C8	49.67'	160.00'
C9	20.76'	160.00'
C10	86.35'	90.00'
C11	32.69'	90.00'
C12	86.34'	90.00'
C13	156.65'	90.00'
C14	106.18'	186.00'
C15	65.96'	186.00'
C16	101.24'	230.00'
C17	189.69'	230.00'
C18	221.63'	76.50'
C19	45.53'	58.50'
C20	63.84'	230.00'
C20	37.40'	230.00'

LINE TABLE		
LINE	LENGTH	BEARING
L1	37.57'	N89°38'10"E
L2	189.17'	S17°36'26"W
L3	93.07'	S72°23'34"E
L4	117.20'	S72°23'34"E
L5	119.27'	N27°43'44"E
L6	161.61'	N90°00'00"E

### OWNER'S CERTIFICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED, WAGGONER'S DAIRY FARM, INC. IS THE OWNER OF THE LAND DESCRIBED HEREIN, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

WAGGONER'S DAIRY FARM, INC.

BY: WAGGONER'S DAIRY FARM, INC.  
52129 STATE ROAD 933  
SOUTH BEND, IN 46628

MARTHA NORQUIST, VICE PRESIDENT  
SHAREHOLDER AND DIRECTOR

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

### NOTARY PUBLIC CERTIFICATE

STATE OF INDIANA )  
COUNTY OF ST. JOSEPH )

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARTHA NORQUIST AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS A VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

MY COMMISSION EXPIRES: \_\_\_\_\_

(SIGNATURE)

(PRINT)

NOTARY PUBLIC IS A RESIDENT OF ST. JOSEPH COUNTY, INDIANA.

### SURVEYOR CERTIFICATE

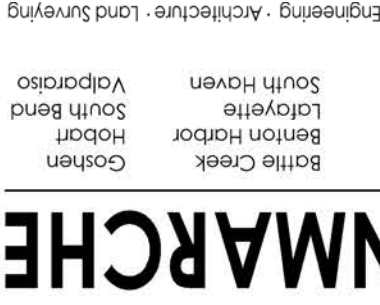
I, HANS P. MUSSER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PRIMARY PLAT IS ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF ST. JOSEPH COUNTY, INDIANA.

THIS INSTRUMENT WAS PREPARED BY HANS P. MUSSER, P.L.S. I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT I HAVE TAKEN REASONABLE CARE TO REACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

HANS P. MUSSER, PS  
REGISTERED LAND SURVEYOR NO. 297000002

### SURVEYED BY:

ABONMARCHÉ CONSULTANTS, INC.  
750 LINCOLN WAY EAST  
SOUTH BEND, IN 46601



750 Lincoln Way E  
South Bend, IN 46601  
t 574.251.4400  
f 574.252.8200  
abonmarc@abonmarc.com  
abonmarc.com

Engineering - Architecture - Land Surveying  
Bohler Creek  
Berlton Harbor  
South Bend  
Voloportico  
Gothen

PART OF THE WEST 1/2 OF FRACTIONAL  
SECTION 8, T 38 N, R 2 E, GERMAN  
TOWNSHIP, CITY OF SOUTH BEND,  
ST. JOSEPH COUNTY, INDIANA

PORTAGE PRAIRIE BUSINESS PARK  
PRIMARY PLAT

SHEET TITLE:  
DRAWN BY: DLF  
DESIGNED BY:  
BMC  
PM REVIEW:  
QA/QC REVIEW:  
HCW  
DATE: 02/04/20  
SEAL:  
HANS P. MUSSER, PS  
REGISTERED LAND SURVEYOR NO. 297000002  
STATE OF INDIANA  
LAND SURVEYOR  
P. MUSSER, PS  
DATE: 02/05/20  
SCALE: N/A  
HORIZ: N/A  
VERT: N/A  
ACUION #  
19-0149  
SHEET NO.

2 of 2

PNUM RDESC RBY RDATE

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**Project Details**

<b>Environmental Data:</b>	A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.
<b>Drainage:</b>	The conceptual drainage plan has been approved.
<b>Rights-Of-Way:</b>	The rights-of-way are correct as shown.
<b>Utilities:</b>	The site will be served by Municipal Water and Municipal Sewer.
<b>Agency Comments:</b>	The City Engineering Department recommends approval subject to the following: 1) Municipal easement is required between P2, 3 to maintain City storm infrastructure and end section that will drain Dylan to the basin, 30' is desirable. ; 2) Verify that the future Dylan R/W width captures all existing infrastructure and appropriate space given to allow maintenance. It looks like an existing MH is close to the line where the Dylan R/W reduces in width to 68'; 3) Provide a utility plan showing the public extensions along Dylan to the end of the cul-de-sac and indicate how they will serve future development, grades, pressures, etc; 4) Provide roadway data or plans showing the road widths proposed, roadway geometry, cul-de-sac radii, etc. We want to verify roadway will be built to city standards and captured in current R/W; and 5) Remove the space capturing trees on the east side of the sidewalk along Dylan Dr. from City R/W

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**Recommendation**

**Staff Comments:** The petitioner is requesting the following waivers: 1) From Section 21-11.02(d)(5) to install a sidewalk on one side of the public street; 2) From Section 21-11.02(e)(2) to allow a subdivision without 10% public open space requirement; 3) from 21-11.04(b)(6) to allow a 2,924' cul-de-sac.

**Staff Recommendation:** The Staff recommends the Commission approve the waivers.

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: 1) Adding the waiver note to the plat; and 2) Addressing the comments from the City Engineering Department.

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**Requested Action**

An Ordinance amending Chapter 21 of the South Bend Municipal Code to correct typographical errors in various Articles and to add clarifying language and tables where necessary.

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**Project Summary**

The proposed ordinance includes the following changes:

- Correction of typographical errors in various sections of the Ordinance
- Define non-frontage lot
- Clarify provisions for double frontage, multifrontage lots, and non-frontage lot
- Add garage placement provisions to the Access & Parking table in the U1 and U2 district
- Adjust U2 setbacks to be consistent with U1
- Clarify a second curb cut is permitted for non-residential lots when permitted by engineering
- Add transparency requirements for corner façade in the C Commercial district
- Clarify language for building material standards in the special districts
- Clarify language regarding rear extension within a minimum rear setback for primary building
- Clarify regulations for porch and stoop frontage types
- Add a table related to maximum fence heights and clarify material standards for DT District
- Add provision for 33' lot of record to utilize reduced side setback

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**Analysis & Recommendation**

**Analysis:** The proposed ordinance will help clarify the regulations and development standards required under the zoning ordinance.

**Recommendation:** Based on the information available prior to the public hearing, the staff recommends the Plan Commission send the text amendment ordinance to the Common Council with a favorable recommendation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO  
CORRECT TYPOGRAPHICAL ERRORS IN VARIOUS ARTICLES  
AND TO ADD CLARIFYING LANGUAGE AND TABLES

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its adoption in November, use and testing of the Ordinance has identified a few standards that need further clarification or correction.

NOW, THEREFORE, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.02 Definitions is hereby amended by adding a new definition:

**Lot, Non-Frontage.** A lot with no frontage that is interior to a development.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (b) Building Placement is hereby amended as follows:

**(2) Lot Line Determination.** For non-frontage, double frontage, and multiple frontage lots, the Zoning Administrator shall determine which lot lines shall be considered front, corner, side, or rear based on the context of the development.

**(2) (3) Building Setbacks.**

~~(B) — Multiple Frontage Lots.~~ For lots that abut three or more streets, all frontages shall be designated as either primary and/or secondary streets. The applicable front or corner setbacks shall apply to more than one lot line. In these instances, a side or rear setback may not apply. The Zoning Administrator shall determine which street or streets shall be considered primary and secondary.

~~(C) (B)~~

~~(3) (4)~~



SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements is hereby amended by adding a new subsection (d)(4)(D):

- (D) For projects containing multiple buildings, only the facades of buildings visible in elevation view from a street shall be used to determine the percentage of the facade within a setback zone.

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.03 U1 Urban Neighborhood 1, subsection (e) Access & Parking, and Section 21-03.04 U2 Urban Neighborhood 2, subsection (e) Access & Parking are hereby amended as follows:

**Parking Access**

If access is available from an alley which is open to traffic, there shall be no access allowed from the street.

If allowed, a maximum of one street curb cut is permitted per street frontage.

If oriented with garage doors facing a street or alley, garages shall be located at the minimum rear setback or not less than 18' from the right-of-way.

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.04 U2 Urban Neighborhood 2, subsection (d) Building Placement is hereby amended as follows:

<b>Building Setbacks</b>	<b>Front<sup>1</sup></b>
Residential (min.)	<del>10'</del> <u>15'</u>
Residential (max.)	<del>20'</del> <u>25'</u>

SECTION VI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.05 U3 Urban Neighborhood 3, subsection (j) Landscape is hereby amended as follows:

- (j) **Foundation Landscape Required<sup>2 3</sup>**

SECTION VII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (c) Building Placement is hereby amended as follows:

**Building Setbacks**

Adjacent to S1, S2, U1, ~~or~~ U2, U3, or UF

SECTION VIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (d) Access & Parking, and Section 21-04.04 I Industrial, subsection (d) Access & Parking are hereby amended as follows:

**Parking Access**

If allowed, a maximum of one street curb cut is permitted per street frontage. Lots with large frontages may be granted a second street curb cut per the latest standards adopted by the Board of Public Works.

SECTION IX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (g) Building Standards is hereby amended as follows:

**Façade Transparency**

Ground Floor – Primary Street	40%
Ground Floor – Corner Façade <sup>1</sup>	20%

<sup>1</sup> If a building is located more than 50' from the corner lot line, the Zoning Administrator may waive this requirement if the transparency is not needed to meet the intent of this ordinance.

**Building Materials**

A minimum of 66% of each front or corner facade shall be constructed of E.I.F.S. or high quality, durable, natural materials, such as stone or brick; wood lap siding; lapped, shingled, or panel fiber cement board siding; and glass. High quality synthetic materials may be approved by the Zoning Administrator. E.I.F.S. may constitute a maximum of 66 percent of the ground floor facade.

~~Restrictions on building materials shall apply to all front and corner facades of non-residential buildings.~~

Building materials used on the front and corner facades shall extend a minimum depth of 16" along the side facade.

~~E.I.F.S. may constitute a maximum of 66 percent of the ground floor facade.~~

Standard, fluted, or split face concrete masonry units above the basement level are prohibited as face material.

Unfinished metal, plywood, unfinished precast or poured-in-place concrete are prohibited.

Windows and doors on a ground floor front/corner façade shall have clear, transparent glass that has a min. VLT of 50% and a max. VLR of 25%.

SECTION X. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses is hereby amended by adding a new subsection (j)(3)(A)(ii):

- (ii) An existing Detached House building type shall be exempt from (A)(i), above, provided that the residential use had not been previously converted to a non-residential use.

SECTION XI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (d) Location is hereby amended as follows:

- (1) Unless otherwise specified, accessory structures shall not be located in any established front or corner yard. ~~For double frontage and multiple frontage lots, one lot line as determined by the Zoning Administrator may be treated as an established side yard.~~

SECTION XII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Uses Definitions and Standards is hereby amended as follows:

- (10) **Garage**  
See Section ~~21-08.01(g)(10)~~ 21-08.01(g)(11) for all attached and detached garage regulations.

SECTION XIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (c) Location of Required Vehicle Parking Areas is hereby amended as follows:

- (4) ~~Unless otherwise specified within the required parking location of the applicable zoning district, off street parking lots shall not be located in front of a line 5 feet behind the front or corner building facade. If the lot does not have a building, parking areas shall have a minimum front or corner setback of 12 feet~~ As specified in the applicable zoning district.

SECTION XIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards is hereby amended by adding a new subsection (e)(10) as follows:

- (10) In a C district, a minimum of 66 percent of each front or corner facade of all primary buildings shall be constructed of the following building materials:
- (A) High quality, durable, natural materials, such as brick or stone; wood lap siding; lapped, shingled, or panel fiber cement board siding; and glass.
  - (B) Other high quality synthetic materials such as synthetic equivalents of brick or stone, architectural precast concrete that looks like brick or stone; or traditional lime-based stucco may be approved by the Zoning Administrator.
  - (C) Exterior insulation and finish system (E.I.F.S.).

SECTION XV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (f) Façade Articulation - NC or DT District is hereby amended as follows:

(f) **Façade Articulation Composition - NC or DT District**

In a NC or DT district, these regulations are intended to encourage walkable environments by creating visually interesting buildings with human scaled details and proportions. The following regulations apply to any building greater than 50 feet wide.

- (1) ~~Vertical articulation (e.g., bays, mullions, columns, pilasters, recessed entries, awnings, or other architectural treatments)~~ is required to visually break up the massing of the front and corner facades into building segments no greater than 25 feet in width. Vertical articulation may be satisfied through the use of architectural features such as bays, mullions, columns, pilasters, regular repetition of window patterns, a break in the building plane, or recessed entries. On corner lots, the material and articulation of the primary facade shall extend a minimum of one segment along the secondary street.
- (2) Horizontal articulation (e.g., base, belt courses, cornice lines, entablatures, friezes, awnings or canopies, changes in materials or window patterns, recessed entries, or other architectural treatments) is required to help distinguish the ground floor or podium from upper stories.
- (3) A main entrance shall effectively address the adjacent public realm and be given prominence on the building facade. This may be satisfied through the use of architectural features such as entranceway roofs or recesses; a chamfered corner; sidelight windows, transom window, or other adjacent windows; additional mouldings with expression lines; or a bay of unique width.



SECTION XVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (g) Building Components is hereby amended as follows:

**(11) Garage.**

- (C) ~~Garages oriented with garage doors facing a street or alley~~ shall be located not less than 18 feet from the right-of-way if oriented with garage doors facing a street and at the minimum required setback of 5 feet or have a setback of not less than 18 feet from the right-of-way if oriented with garage doors facing an alley, sufficient to accommodate the parking of an automobile without blocking the sidewalk or any public way.

SECTION XVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (g) Building Components is hereby amended as follows:

**(16) ~~Rear Additions~~ Extensions.** A secondary extension from the rear wall of a primary building that extends into a required rear setback for a primary building.

- (A) ~~Rear additions shall have a smaller footprint, a narrower width, and a depth not greater than the main building.~~
- (B) ~~Rear additions~~ extensions may encroach into a required rear setback for a primary structure, but they shall be limited to a maximum of one story and shall comply with the maximum allowed height limit for accessory buildings within the applicable zoning district.
- (B) Rear extensions shall have a smaller footprint, a narrower width, and a depth not greater than the main building.
- (C) ~~Rear additions~~ extensions shall comply with the maximum allowed building coverage within the applicable zoning district.
- (D) ~~Rear additions~~ extensions may encroach into any established rear yard up until the rear setback for accessory buildings. Rear extensions shall meet the minimum required ~~front~~, corner, and side setbacks for primary buildings.

SECTION XVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (g) Building Components is hereby amended as follows:

**(21) Towers, Turrets, and Cupolas.** A building ~~appurtenance~~ component that is significantly taller than it is wide with the purpose of gaining views, providing light and ventilation to a building, adding a decorative element, or terminating an important axis including tower, turrets, cupolas, elevator or stair towers, or steeples.

SECTION XIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (h) Building Type: Townhouse is hereby amended as follows:

**(3) Building Type Standards**

Building Width (total of all attached Townhouses)

All other districts      8 units or ~~160'~~ 168' max.

SECTION XX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.03 Building Frontage Types, subsection (a) Frontage Type: Porch is hereby amended as follows:

**(2) Frontage Standards**

**Standards**

A porch shall ~~Shall be open on three sides and~~ have a roof.

If unenclosed and open on three sides, a porch may encroach into a required front or corner setback as allowed by the applicable zoning district.

Open porch bases shall be enclosed with latticework or similar material, or visually concealed with landscape.

~~If unenclosed, a porch may encroach into a required front or corner setback as allowed by the applicable zoning district.~~

SECTION XXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.03 Building Frontage Types, subsection (b) Frontage Type: Stoop is hereby amended as follows:

**(1) Description**

A stoop is a small raised platform that serves as an entryway to a building, typically for residential uses with small setbacks. A stoop ~~is open on three sides and~~ may be roofed or open to the sky, although a covered or recessed stoop is preferred ~~in order~~ to provide shelter from the elements.

**(2) Frontage Standards**

**Dimensions**

~~Finished Level above Sidewalk — 18" min.~~

**Standards**

~~A stoop shall be open on three sides.~~

A stoop shall ~~shall contain stairs leading to the ground level,~~ directly connecting to the sidewalk, walkway, or driveway.

A stoop shall be at least 18" above the sidewalk and shall have a railing or wall, a covering, or be at least 18" above the walkway or driveway.

If unenclosed and open on three sides, a stoop may encroach into a required front or corner setback as allowed by the applicable zoning district.

SECTION XXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.02 Fences & Walls, subsection (c) Height is hereby amended as follows:

- (1) ~~Fences and walls located in an established front or corner yard shall not exceed the maximum height listed in Table 21-09D 36 inches, except in an I district. Maximum height may extend to 48 inches in height if the open space percentage of the fence is greater than 70 percent. In an I district, the maximum height of a fence in an established front or corner yard shall be 6 feet.~~

Table 21-09D: Fences & Walls Maximum Height			
	Front & Corner Yard		Side & Rear Yard
District	Less than or Equal to 70% Open	More than 70% Open	Any Fence Type
S1, S2, U1, U2, U3	3'	4'	6'
UF, NC, DT, OS, U, C	3'	4'	8'
I	6'	6'	10'

- ~~(2) Fences and walls located elsewhere on a lot shall not exceed the allowed height specified in the applicable zoning district.~~

~~(3)~~ (2)

SECTION XXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.02 Fences & Walls, subsection (e) Materials is hereby amended as follows:

- (2) In a NC or DT district, chain link fence materials are prohibited in an established front or corner yard or within 10 feet of a front or corner lot line.

SECTION XXIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 11 Neighborhood & Subdivision Design, Section 21-11.02 Subdivision of Land, subsection (b) General Regulations is hereby amended as follows:

- (7) Easements shall be provided for utilities where necessary. When located along a rear or side lot line, easements shall be centered on such line and be at least 5 feet wide on both sides of the lot line. Easements shall be continuous to the end of the block to connect with adjoining blocks in the shortest direct line.

SECTION XXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 11 Neighborhood & Subdivision Design, Section 21-11.04 Streets & Alleys, subsection (c) Alley Standards is hereby amended as follows:

- (1) Alleys shall be provided in commercial and industrial districts; ~~however, the Plan Commission may waive this requirement if other definite and assured provision is made for service access such as off-street loading, unloading, and parking, consistent with and adequate for the uses proposed.~~



SECTION XXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 13 Nonconformities & Enforcement, Section 21-13.01 Nonconformities is hereby amended by adding a new subsection (c)(4):

**(4) Side Setback Provision for 33' Wide Lots.** A legally established lot of record as of January 1, 2020, in a S1, U1, U2, U3, or UF district that has a lot width of at least 33 feet but less than 34 feet only shall be required to have a minimum side setback of 4 feet for residential uses.

SECTION XXVII. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2020, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at  
\_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

## FINDINGS OF FACT

PC# 0006-20

BRADLEY DAVIS and PUSHPAK PATEL  
1322 CHIMES BLVD and 2326 EDISON RD

On Tuesday, February 17, 2020, the South Bend Plan Commission took the following actions on the variances from the Development Standards of the South Bend Zoning Ordinance:

- |                 |   |
|-----------------|---|
| <b>APPROVED</b> | 1) To allow a drive-through in an established front yard subject to a 25' minimum setback   |
| <b>APPROVED</b> | 2) From the required 10' bail out lane to none  |
| <b>APPROVED</b> | 3) From the required Type 3 buffer landscaping adjacent to property zoned UF to a 6' high vinyl screening fence, subject to the amended site development plan presented |

- (1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.  
Provided there is proper screening and setbacks applied, allowing the drive-through in the established front yard allows for safer traffic patterns by which vehicles entering and exiting the property will not have to cross paths.
- (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 proposed development may have a significant impact on the adjacent properties. In order to mitigate this impact, the full type 3 buffering should be required along the properties zoned S1, as well as an increased setback along Chimes for the proposed use to help preserve the residential character as much as possible.
- (3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.  
Due to the lot having double frontage, strict application of the ordinance would result in practical difficulties of constructing a drive-through on the site.
- (4) The variance granted is the minimum necessary.  
A smaller car wash or different site layout may allow for development of the site with fewer variances.
- (5) The variance granted does not correct a hardship caused by a former or current owner of the property.  
The lot shape and size was created due to the angled direction of Chimes, this resulted in property that has double frontage on both Edison and Chimes.

The variances approved above are subject to the rezoning petition being approved. The Minutes of the February 17, 2020 meeting of the South Bend Plan Commission are hereby incorporated by reference herein.

Adopted by the South Bend Plan Commission on March 16, 2020.

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Daniel Brewer, President  
South Bend Plan Commission

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Angela M. Smith  
Commission Secretary