

**THE AREA PLAN COMMISSION  
OF ST. JOSEPH COUNTY, IN**

**AGENDA**

Tuesday, April 16, 2019  
3:30 p.m.

Fourth-Floor Council Chambers  
County-City Building, South Bend, IN

The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County's compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings or the proposed project have been given an opportunity to provide input throughout the process.

**PUBLIC HEARINGS:**

**Rezoning:**

- A. A combined public hearing on a proposed ordinance of Jai Jagdish, Inc., an Indiana Corporation to zone from R: Single Family District and C: Commercial District to C: Commercial District and seeking the following variance(s): 1) from the minimum front yard setback of 15' for parking to 0' on the west and 8.4' on the east; 2) from the minimum side residential bufferyard setback of 20' to 4.1' for parking; 3) from the required perimeter yard landscaping to none; 4) from the required interior off-street parking area landscaping to none; and 5) from the required off-street parking area screening to none., property located at Lot North of 6225 South Michigan Street, St. Joseph County - APC# 2892-19.

**ITEMS NOT REQUIRING A PUBLIC HEARING**

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 629, 705, 713 N. Notre Dame Avenue and vacant property south of 629 N. Notre Dame Avenue, City of South Bend - APC #2891-19.
- B. A Resolution of the Area Plan Commission of St. Joseph County, Indiana Revising the By-Laws – APC #R252-19 (For Discussion Purposes Only)
- C. A Resolution of the Area Plan Commission of St. Joseph County, Indiana Approving Resolutions of the South Bend Redevelopment Commission to Amend the Boundaries of the River East Development Area, the River West Development Area, the West Washington Chapin Development Area, and the Southside Development Area and Approving of Amended and Restated Development Plans for the River East Development Area, the River West Development Area, the West Washington Chapin Development Area and the Southside Development Area – APC #R253-19

- 2. Executive Director's Report:
- 3. Minutes:
- 4. Adjournment:

**Staff Report**

4/10/2019

APC # 2892-19  
Owner: Jai Jagdish, Inc., an Indiana Corporation  
Location: Lot North of 6225 South Michigan Street  
Jurisdiction: St. Joseph County  
Public Hearing Date: 4/16/2019

**Requested Action:**

The petitioner is requesting a zone change from R: Single Family District and C: Commercial District to C: Commercial District and 5 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a parking lot used for the hotel to the south.
- North: To the north is a vacant parcel zoned R: Single Family District.
- East: To the east, across Michigan Street, are businesses zoned CB Community Business District in South Bend.
- South: To the south is a Comfort Suites zoned CB Community Business District in South Bend.
- West: To the west is US Highway 31.

**District Uses and Development Standards:**

The C: Commercial District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the C: Commercial District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses.

**Site Plan Description:**

The site plan shows the existing parking lot to remain. Any future development will need to meet the development standards of the C: Commercial District.

**Zoning and Land Use History And Trends:**

The property to the south was rezoned to CB Community Business District and annexed into the City of South Bend in 2006.

**Traffic and Transportation Considerations:**

Access to the site will be from the property to the south. Michigan Street is three lanes with a multiuse path.

**Utilities:**

The site has access to municipal water and sewer.

**Agency Comments:**

The St. Joseph County Engineer commented that the parking lot was constructed without site plan approval and does not meet the current requirements.

**Commitments:**

The petitioner is not proposing any written commitments.

**Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:**

**1. Comprehensive Plan:**

**Policy Plan:**

The petition is consistent with Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

**Land Use Plan:**

The Future Land Use Plan identifies this area for residential growth.

**Plan Implementation/Other Plans:**

There are no other plans in effect for this area.

**2. Current Conditions and Character:**

The surrounding area has been maintained as a commercial node.

**3. Most Desirable Use:**

The most desirable use for the property are commercial uses that is consistent with the character of the area.

**4. Conservation of Property Values:**

Locating commercial uses along major corridors and with proper landscaping should help conserve adjacent property values.

**5. Responsible Development And Growth:**

It is responsible development and growth to locate commercial uses at major intersections.

**Combined Public Hearing**

This is a combined public hearing procedure. The Commission will forward the rezoning petition to the County Council with or without a recommendation and approve or deny the variances.

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

- 1) from the minimum front yard setback of 15' for parking to 0' on the west and 8.4' on the east
- 2) from the minimum side residential bufferyard setback of 20' to 4.1' for parking
- 3) from the required perimeter yard landscaping to none
- 4) from the required interior off-street parking area landscaping to none;
- 5) from the required off-street parking area screening to none

**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 public health, safety, morals and general welfare of the community. Approval of variances 3-5 could adversely affect adjacent property values and compromise the general welfare of the community by not providing an aesthetically pleasing environment.

**(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;**

Variances 1 and 2 should not adversely affect adjacent property values. Approval of variances 3-5 would allow for the failure to provide adequate landscaping which could adversely affect adjacent property values.

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

The site poses a unique situation that would create practical difficulties in the use of the property. There are no practical difficulties in providing the appropriate landscaping.

**Staff Comments:**

The staff recommends denial of variances for perimeter yard landscaping on the east, interior off-street parking area landscaping, and parking area screening on the east. Landscaping requirements are intended to conserve and protect the value of adjacent properties. The parking area screening shields the headlights of cars from the public right of way, ensuring the safe use of the road.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends sending this petition to the County Council with a favorable recommendation. The staff recommends approval of variances 1 and 2. The staff recommends denial of variances for perimeter yard landscaping on the east, interior off-street parking area landscaping, and parking area screening on the east.

**Analysis:**

Rezoning this site will allow for the continued growth of an established commercial use and is consistent with the character of the area.