

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

**AGENDA**

Tuesday, June 19, 2018  
3:30 p.m.

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

**PUBLIC HEARINGS:**

**Rezoning:**

- A. A proposed ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana on behalf of the Town of Lakeville to zone from R1 Single Family District to R2 Multi-family District, property located at 500 E Monroe Street, Town of Lakeville - APC# 2866-18 – REQUEST TO WITHDRAW.
- B. An ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 2 Residential Districts, Article 3 Commercial / Mixed Use Districts, and Article 7 General Regulations to revise off-street parking regulations - APC# 2872-18.

**ITEMS NOT REQUIRING A PUBLIC HEARING**

- 1. Miscellaneous:
  - A. Findings of fact for denial of variances for 1619 South Michigan Street, City of South Bend – APC #2865-18.
  - B. Findings of fact for granting of variances for property located at 18644 Cleveland Road, 53062 & 53184 Bracken Fern Court, St. Joseph County – APC #2868-18.
  - C. Findings of fact for granting of variances for property located at 13060 Adams Road, St. Joseph County – APC #2869-18.
  - D. Appointment of Randy James as the Building Department alternate to the Plat Committee.
- 2. Executive Director's Report:
- 3. Minutes and Expenditures:
- 4. Adjournment:

## EXPENDITURES

May 16 – June 18, 2018

Dept. of Public Works (Gas) – \$29.95

Mishawaka Enterprise (Legals) - \$91.06; 13.68

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

**MINUTES**

Tuesday, June 19, 2018  
3:30 p.m.

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

**MEMBERS PRESENT:**

Dan Brewer, Debra Davis, Oliver Davis, John DeLee, Adam DeVon, Robert Hawley, Martin Madigan, Elizabeth Maradik, John R. McNamara, Matthew Peterson, John Leszczynski, Jordan Richardson, Dr. Jerry Thacker

**MEMBERS ABSENT:**

Steve Vojtko

**ALSO PRESENT:**

Larry Magliozzi, Angela Smith, Jordan Wyatt; Jennifer Parcell, Staff

**PUBLIC HEARING - 3:30 P.M.**

**1. REZONINGS:**

- A. A proposed ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana on behalf of the Town of Lakeville to zone from R1 Single Family District to R2 Multi-Family District, property located at 500 E Monroe Street, Town of Lakeville – APC #2866-18 – REQUEST TO WITHDRAW.

**DANIEL BREWER:** We have a request to withdraw this petition from further consideration by the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, a proposed ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana on behalf of the Town of Lakeville to zone from R1 Single Family District to R2 Multi-Family District, property located at 500 E Monroe Street, Town of Lakeville, is WITHDRAWN from further consideration by the Area Plan Commission.

- B. An ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 2 Residential Districts, Article 3 Commercial / Mixed Use Districts, and Article 7 General Regulations to revise off-street parking regulations - APC# 2872-18.

**ANGELA SMITH:** The petitioner is requesting a zoning ordinance amendment to update parking standards within the City of South Bend. Since the adoption of the Ordinance in 2004, the parking requirements have proven to be overly burdensome on development in an urban setting. The proposed amendment simplifies the parking table for minimum parking requirements, adjusts requirements to better align with best practices and current demand, recognizes on-street parking, and promotes transportation alternatives such as transit and bicycle

transportation. The proposed changes include: \* Eliminating redundant language in existing districts that currently have allowances for on-street parking; \* Simplifies the process by which development can utilize nearby parking areas; \* Simplifies parking design standards per current best practices; \* Clarifies that decorative and storm water sensitive materials satisfy hard surface requirements; \* Promotes the re-use of existing properties by increasing change of use allowance from 15% to 25%; \* Simplifies the parking requirements by standardizing most requirements to a gross floor area requirement; \* Removes reduction of combined parking area; \* Clarifies ADA parking provisions; \* Updates bicycle parking requirements to better reflect current best practices; \* Simplifies the minimum parking table to more accurately reflect current trends and demands; \* Allows on-street parking and other alternatives such as reductions for proximity to bus routes and substitution of bicycle parking. Based on information available prior to the public hearing, the staff recommends the Zoning Ordinance Amendment be sent to the Common Council with a favorable recommendation. Updating the parking requirements to reflect current best practices and more accurately align with parking demands will promote smart development and strengthen the urban character of the City.

MARTIN MADIGAN: This one, here off-track wagering facility. Are you planning or is there one hidden?

ANGELA SMITH: It is one of those things that is in the Ordinance. Not planning. It has been in there for decades.

#### IN FAVOR

MICHAEL DIVITA: I am with the Department of Community Investment. Offices located on the 14<sup>th</sup> Floor of the County City Building. Community Investment was pleased to develop this proposed ordinance amendment in cooperation with the Area Plan Commission staff. The ordinance's current minimum parking standards are based on decades-old suburban calculations that do not translate well to today's realities and urban contexts. The existing minimum parking counts tend to oversupply off-street parking, requiring developers to go to the expense of building parking spaces they will never use and which do not contribute to the city's quality or tax base. All of you can probably think of locations with large parking lots that always have many empty spaces. Using aerial photography, we analyzed the current parking needs for various land uses locally to better calibrate the required minimums. Property owners can still provide more parking if they see a demand. As Staff mentioned, the proposed amendments would also provide greater flexibility in how off-street parking requirements can be met, including a reduction in required parking for areas near transit. Further, the ordinance, with improved graphics and simplified provisions, will be easier to use by property owners and to administer from a staff perspective. For example, the number of uses with a unique parking requirement has been reduced from 53 to 11 major categories. While the changes will benefit the whole city, we believe these changes will be particularly helpful in advancing neighborhood-scale revitalization: smaller users and lots. I, then, would ask for your favorable recommendation on this text amendment.

#### REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, a proposed ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 2 Residential Districts, Article 3 Commercial / Mixed Use Districts, and Article 7 General Regulations to revise off-street parking regulations, is sent to the Common Council with a FAVORABLE recommendation. Updating the parking requirements to reflect current best practices and more accurately align with parking demands will promote smart development and strengthen the urban character of the City.

#### ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Findings of fact for denial of variances for 1619 South Michigan Street, City of South Bend – APC #2865-18.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis being seconded by Elizabeth Maradik and unanimously carried, the Findings of fact for denial of variances for 1619 South Michigan Street, City of South Bend were approved.

- B. Findings of fact for denial of variances for property located at 18644 Cleveland Road, 53062 & 53184 Bracken Fern Court, St. Joseph County – APC #2868-18.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by John Leszczynski and unanimously carried, the Findings of fact for denial of variances for property located at 18644 Cleveland Road, 53062 & 53184 Bracken Fern Court, St. Joseph County were approved.

- C. Findings of fact for granting of variances for property located at 13060 Adams Road, St. Joseph County – APC #2869-18.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Robert Hawley, and unanimously carried, the Findings of fact for granting of variances for property located at 13060 Adams Road, St. Joseph County were approved.

D. Appointment of Randy James as the Building Department alternate to the Plat Committee.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Elizabeth Maradik Randy James of the Building Department was appointed as alternate to the Plat Committee.

2. Executive Director's Report:

There was no Executive Director's Report.

OLIVER DAVIS: Just wanted to acknowledge that we have some interns from the South Bend Common Council that are here, could you just introduce them quick Ms. Bianca?

BIANCA TIRADO: I am from the City Clerk's office. Offices located on the 4<sup>th</sup> floor of the County City Building. I have with me Casey Colvin, Gabriel Njimu Murei, David Boling and Elivet Quijada, they will be learning our legislative process. Please welcome them.

3. Minutes and Expenditures:

A. Approval of the minutes from the May 15, 2018 meeting of the Plat Committee.

There were no minutes to approve at this time.


B. Approval of the expenditures from May 16 through June 18, 2018.

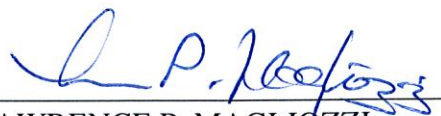
Dept. of Public Works (Gas) - \$29.95; Mishawaka Enterprise (Legals) - \$91.06; \$13.68

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the expenditures from May 16 through June 18, 2018 were approved.

4. Adjournment: 3:44 p.m.

  
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DANIEL H. BREWER,  
PRESIDENT OF THE COMMISSION

  
\_\_\_\_\_  
LAWRENCE P. MAGLIOZZI,  
SECRETARY OF THE COMMISSION

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

AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 2 RESIDENTIAL DISTRICTS, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS, AND ARTICLE 7 GENERAL REGULATIONS TO REVISE OFF-STREET PARKING REGULATIONS

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Experience in using the Ordinance's provisions for off-street parking has shown that these regulations have led to the overbuilding of vehicle parking lots while not promoting the use of active transportation modes. This ordinance revises required parking count and parking design standards to reduce the amount of unnecessary off-street parking and to encourage infill and reuse of existing properties.

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 Residential Districts, Section 21-02.03 (b) Development Standards, is hereby amended as follows:

- (11) Parking – See Section 21-07.04 – Off-Street Parking Regulations; ~~provided, however, a project in the MF1 District may include on-street parking located immediately adjacent to the project, if such adjacent on-street parking is approved by the Department of Public Works and the design of the on-street parking is approved by the Department of Public Works. If on-street parking is provided, the amount of off-street parking required by this Ordinance for the project shall be deemed to be reduced by the number of on-street parking spaces provided immediately adjacent to the project.~~

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.01 (b) Development Standards, is hereby amended as follows:

- (10) Parking – See Section 21-07.04 – Off-Street Parking Regulations; ~~provided, however, on-street parking located immediately adjacent to the site may be permitted if the design and location of the on-street parking is approved by the Board of Public Works. If on-street parking is provided, the amount of off-street parking required by this Ordinance shall be deemed to be reduced by the number of on-street parking spaces provided immediately adjacent to the site.~~

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 General Regulations, Section 21-07.04 Off-Street Parking Regulations, is hereby deleted and replaced with a new Section 21-07.04 as follows:

### **Section 21-07.04 Off-Street Parking Regulations.**

Intent – These Off-Street Parking Regulations are intended to provide for the provision of *off-street parking areas* which are adequate to support the needs of proposed *uses* and future *uses* of a site while at the same time assuring that the design and construction of such *off-street parking areas* meet minimum design standards necessary to promote efficient circulation and prevent undue traffic congestion. These Regulations are also intended to support active transportation modes.

#### **(a) General Regulations.**

##### **(1) Applicability.**

##### **(A) Parking for Buildings, Structures or Uses.**

All new development, additions to *buildings* or *structures*, or conversions of *use* for which an *improvement location permit* is required by this Ordinance in any *district* except the MU *District* or CBD *District* shall provide required *off-street parking areas* in accordance with the regulations of this Section 21-07.04 and the *development standards* of the applicable *district* of this Ordinance.

##### **(B) Exceptions to Off-Street Parking Regulations for any MU *District* or CBD *District*.**

*Off-street parking areas* shall not be required for any *use* located in any MU *District* or CBD *District*. Any *off-street parking areas* which are provided, even if not required, shall be developed in compliance with the design and construction standards set forth in this Section 21-07.04.

##### **(2) Existing Parking Areas.**

Existing *off-street parking areas* shall not be reduced below the minimum requirement for such *use* as required by this Ordinance. Any *off-street parking areas* existing prior to the effective date of this Ordinance which were already below the standards established by this Ordinance shall not be further reduced.



(3) Location of Parking Areas.

*Off-street parking areas* shall be located:

- (A) on the same *lot* as the building, structure or use served by the *off-street parking area*;
- (B) within the same integrated center, business park, or industrial park as the *building, structure* or *use* served by the *off-street parking area*; or
- (C) within five hundred (500) feet, of the *building, structure* or *use* served by the *off-street parking area*, provided that such off-site location for the *off-street parking area* is:
  - i. located within a *district* which permits the *use* for which the *off-street parking* is provided; and,
  - ii. described by a written agreement, properly drawn and executed by the parties concerned and approved as to form by the South Bend City Attorney, assuring the availability of the *off-street parking area* and filed with the *Zoning Administrator* as part of the request for approval of an *Improvement Location Permit*.
- (D) In addition to the above location requirements, the location of *off-street parking areas* in residential districts shall not be located in violation of the provisions set forth in Section 21-02.11 (e).

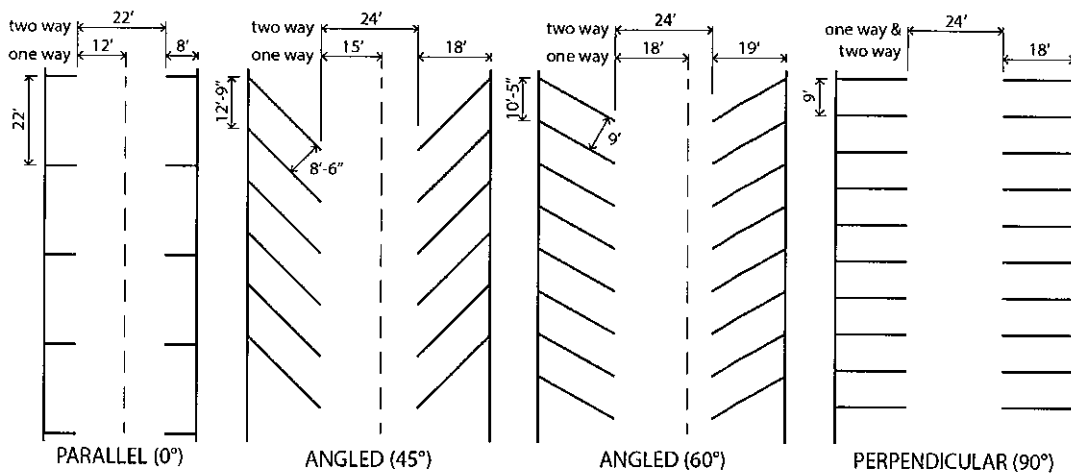
(b) **Vehicle Parking.**

(1) Design and Construction of *Off-Street Parking Areas*.

The design and construction of all required *off-street parking areas* shall be in compliance with the stricter of the regulations contained in this Section 21-07.04 (b)(1) or the minimum specifications prescribed by the Board of Public Works.

- (A) Design of Parking Areas.
  - i. The layout of all *off-street parking areas* shall be in compliance with Table 21.07.04 A: Parking Lot Design. An *alley* adjacent to the *lot* may be used to meet the requirement for drive aisle width.

Space Angle	Space Width	Parking Row Depth	Curb Width	Drive Aisle Width: One-Way	Drive Aisle Width: Two-Way
Parallel (0°)	8'	8'	22'	12'	22'
45°	8'-6"	18'	12'-9"	15'	24'
60°	9'	19'	10'-5"	18'	24'
Perpendicular (90°)	9'	18'	9'	24'	24'



- ii. Except for individual *single family dwellings* or *two family dwellings*, the landscaping of all *off-street parking areas* shall comply with the regulations contained in Section 21-07.01.

- iii. Except for individual *single family dwellings* or *two family dwellings*, all *off-street parking spaces* shall be:
  - a. identified by painted lines (minimum four inches (4") in width), raised curbs or other means to indicate individual spaces; and,
  - b. provided with a raised curb, wheel stops or other devices to ensure that motor vehicles do not encroach beyond the *off-street parking area* or into a required *yard*.

(B) *Surface of Off-Street Parking Areas.*

*Off-street parking areas* and any *driveway*, *interior access driveway* or *interior access drive* to and from such *off-street parking areas* shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface, which meets or exceeds the minimum specifications prescribed by the Board of Public Works, provided, however, a *temporary* or seasonal *use* permitted by the *district* in which such *temporary* or seasonal *use* is located may use an unimproved or gravel surface for the duration of the *temporary* or seasonal *use*. If a temporary gravel surface is provided, such gravel shall be removed and the *off-street parking area* shall be returned to its prior condition immediately upon cessation of the *temporary* or seasonal *use*.

(2) *Minimum Number of Off-Street Parking Spaces.*

*Off-street parking* for all *uses* shall be provided in accordance with the minimum requirements set forth in Table 21-07.04 B: Required Off-Street Parking Table. When the computation of required *off-street parking spaces* results in a fraction of one-half (1/2) or greater, the number of required *off-street parking spaces* shall be rounded up to the next whole number. Except for residential uses, any individual, non-related and separately operated *use* shall provide no less than two (2) *parking spaces*.

<b>Table 21-07.04 B: Required Off-Street Parking</b>	
<i>Use</i>	<b>Minimum Number of <i>Parking Spaces</i> per One Thousand (1,000) Square Feet of <i>Gross Floor Area</i> of <i>Buildings</i> (except as noted)</b>
Automobile Sales, Service, & Related <i>Uses</i>	2
Commercial: Hotels, Motels, & Other Sleeping Establishments	0.75, plus 2 <i>parking spaces</i> at office or registration area
Commercial: Retail & Service	2
Commercial: Restaurants & Bars	8
Industrial	0.5
Industrial: Warehouse or Distribution	0.33
Institutional: Schools	0.75
Institutional: Hospitals and Clinics	2.5
Office	3
Public Assembly, Civic, Religious, and Recreational Facilities	4
Residential	1 per <i>dwelling unit</i>

Note: For any *use* not specified above, the minimum number of *parking spaces* shall be determined by the *Zoning Administrator* and shall be based upon requirements for similar *uses*, expected demand, and traffic generated by the proposed *use*, and other information from appropriate traffic engineering and planning criteria.

(A) Units of Measurement.

*Gross floor area* shall be determined per the definition of *gross floor area* in Section 21-11 – Definitions.

(B) Credits to Provide Minimum Number of *Off-Street Parking Spaces*.

- i. Legal, *on-street parking spaces* located immediately adjacent to and on the same side of the *street* as the *front lot line* may be counted toward *off-street parking space* requirements.

- ii. The minimum number of *off-street parking spaces* may be reduced by ten (10) percent if the *lot* is located within one thousand (1,000) feet of a public transit line.
- iii. The required number of *off-street parking spaces* may be reduced by one (1) for every two (2) bicycle parking spaces provided above those otherwise required by Section 21-07.04 (c)(2), up to a maximum of ten (10) percent of the minimum *off-street parking space* requirement.

(C) Increase in Intensity of Use.

Additional *off-street parking spaces* shall be required whenever a change of *use*, units, or size of a *building, structure, or lot* results in an increase in the minimum number of required *off-street parking spaces* of twenty-five (25) percent or more from the number of *off-street parking spaces* existing on the effective date of this Ordinance, whether such total increase occurs at one (1) time or in successive stages.

(3) Required Parking for the Disabled.

Every *off-street parking area* and *parking garage* available to the public shall have *parking spaces* reserved for the use of physically handicapped persons as specified in Table 21-07.04 C: Minimum ADA Parking Spaces (as required by ADA Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a), published in the Federal Register, Volume 56, No. 144, dated July 26, 1991); provided, however, facilities which provide medical care and other services to persons with mobility impairments shall provide ADA Parking Spaces as follows:

- (A) Outpatient units and facilities – 10% of the total number of *off-street parking spaces* provided; and,
- (B) Units and facilities that specialize in treatment services for persons with mobility impairments – 20% of the total number of *off-street parking spaces* provided.

<b>Table 21-07.04 C: Minimum ADA Parking Spaces</b>	
<b>Total Parking Spaces Provided</b>	<b>Minimum Number of Reserved Spaces</b>
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	Two percent (2%) of the total number of <i>off-street parking spaces</i> .
1001 and over	Twenty (20), plus one (1) for each one hundred (100) <i>off-street parking spaces</i> over one thousand (1000).

(c) **Bicycle Parking.**

(1) Design and Construction of *Off-Street* Bicycle Parking.

- (A) Bicycle parking shall be placed with one-hundred (100) feet of, and clearly visible from, the main entrance to the *use* served.
- (B) All bicycle parking areas shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface.
- (C) All bicycle racks shall be
  - i. securely anchored,
  - ii. able to support the bicycle frame in at least two places to prevent the bicycle from falling over, and
  - iii. configured to allow the locking of the frame and at least one wheel with a U-lock.

- (2) Minimum Number of Required *Off-Street* Bicycle Parking Spaces.
- (A) The number of bicycle parking spaces, not the number of bicycle parking fixtures, is used to determine bicycle parking. For example, a single bicycle rack that is designed for parking two bicycles is counted as two bicycle parking spaces.
  - (B) Any *use* that requires at least ten (10) vehicle *parking spaces* (per the provisions of Section 21-07.04 (b)(2)) shall provide one (1) bicycle parking space for every ten (10) required vehicle *parking spaces* or fraction thereof. No more than sixteen (16) bicycle parking spaces shall be required.

SECTION IV. 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 \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ . m.

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

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at  
\_\_\_\_\_ o'clock \_\_\_\_ . m.

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