

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

AGENDA

Tuesday, November 15, 2016
3:30 p.m.

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

PUBLIC HEARINGS:

Rezoning:

- A. A combined public hearing on a proposed ordinance of the Department of Redevelopment, City of South Bend to zone from GB General Business District to CBD Central Business District and seeking a Special Exception Use for a manufacturing retailer, property located at 331 W. Wayne Street, City of South Bend - AS RE-ADVERTISED - [APC #2798-16](#).

- B. A combined public hearing on a proposed ordinance of DAMSHA BUA LLC to zone from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and seeking the following variance(s): 1) from the required minimum 6 ft. side yard setback to 5 ft.; 2) from the required minimum interior yard of 6 ft. around each building to 0 ft. for projects containing 2 or more buildings; 3) from the requirement that the height and massing of new multi-family buildings shall be no more than twice the massing of the immediately abutting building, including buildings on the same lot to a maximum of seven times; and 4) from the requirement that mechanical equipment shall not be located along primary and secondary street frontages to being allowed but shall be screened from the street by fencing or landscaping, property located at 427 and 437 Corby, and 913 Lawrence Street, City of South Bend - [APC #2800-16](#).

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 51522 State Road 933, St. Joseph County – [APC#2796-16](#)

- B. Findings of Fact for granting Variances for property located at 1037 Elmer Street, City of South Bend – [APC#2797-16](#)

- C. Findings of Fact for granting Variances for property located at 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue, City of South Bend – [APC #2799-16](#)

- D. Approval of the [2017 meeting schedules](#) for the Area Plan Commission, the Executive Committee and the Plat Committee.

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

Staff Report

11/4/2016

APC # 2798-16
Owner: Department of Redevelopment City of South Bend
Location: 331 W. Wayne Street
Jurisdiction: City of South Bend
Public Hearing Date: 11/15/2016

Requested Action:

The petitioner is requesting a zone change from GB General Business District to CBD Central Business District and seeking a Special Exception Use for a manufacturing retailer.

Land Uses and Zoning:

- On site: On site is an existing building and parking lot.
- North: To the north across Wayne Street are businesses zoned MU Mixed Use District.
- East: To the east is the South Bend VA Clinic zoned CBD Central Business District.
- South: To the south is a parking lot zoned GB General Business District.
- West: To the west across William Street is a vacant lot zoned GB General Business District.

District Uses and Development Standards:

The CBD Central Business District is established to promote the development of the downtown region of the City of South Bend as a center for trade, finance, government, high density residential and entertainment districts within St. Joseph County and north central Indiana. The regulations of this district are intended to encourage high density, mid-rise and high rise developments which may include a mixture of compatible urban uses. The development standards in this district, while designed to provide for high density development, also encourage a pedestrian friendly environment supportive of urban residential developments, retail, restaurant, theater and similar business and cultural uses associated with major metropolitan areas.

Site Plan Description:

On site is an exiting 8,650 sq. ft. building that is proposed to be converted to a brew pub. The remainder of the site is a parking lot with a primary entrance on William Street.

Zoning and Land Use History And Trends:

This property was zoned Light Industrial prior to 2006.

Traffic and Transportation Considerations:

William Street has two lanes with a center turn lane and on street parking on the west side of the street. Wayne Street has two lanes.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation and on the

associated special exception request to permit a manufacturing retailer. DCI recommends that in lieu of any other perimeter or parking lot screening landscaping, the petitioner provide street trees at approximately 44' spacing in the Wayne and William Street tree lawns. Over time, the petitioner can add landscaping to existing on-site paved areas that will not be used for parking. The City Engineer commented the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for access and screening; 3) Development of the site requires City approval of a Drainage Plan, and payment of the corresponding Drainage Review Fee, that meets the City's requirement to store all runoff from developed areas on site; 4) Development of the site also require compliance with the City's Downspout Disconnection Program; 5) Verification of required (if any) waivers; and 6) Payment of Final Site Plan Review fee.

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 City Plan, South Bend Comprehensive Plan (November 2006): ED 1.2 Encourage the reuse of abandoned and underutilized land and structures.

Land Use Plan:

The future land use map identifies this area as commercial.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The properties east of the site are predominantly commercial and business oriented. To the north of Wayne and to the west of William is a mixture of residential and business uses.

3. Most Desirable Use:

The most desirable use is commercial.

4. Conservation of Property Values:

The renovation and reuse of a vacant building should not adversely affect adjacent property values.

5. Responsible Development And Growth:

It is responsible development and growth to reuse a vacant building, in conformance with the Comprehensive Plan.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning, and a Special Exception Use. The Commission will forward the rezoning and the Special Exception Use to the Council with or without a recommendation.

The Petitioner is seeking a Special Use to allow:

manufacturing retailer

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

The use will be compatible with existing businesses located in the Central Business District. The special exception for a manufacturing retailer (brewery) will not be injurious to the public.

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

The proposed use will utilize an existing commercial building and should not adversely affect adjacent property values.

(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 building will be renovated to conform to the character of the district.

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

The Comprehensive Plan makes no specific recommendation for this use.

Staff Comments:

The site will require variances from the Area Board of Zoning Appeals for perimeter landscaping and parking area screening along the west property line. Also, the configuration of parking spaces will need to be modified to reflect the requirements of the Zoning Ordinance. The title from the previous meeting did not indicate the requested zoning district. To comply with state law requirements, the petition was re-advertised and must receive a new public hearing. There are no changes from the previous request.

Recommendation:

Based on information available prior to the public hearing, staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends that the special exception use be sent to the Common Council with a favorable recommendation.

Analysis:

Rezoning this property to CBD Central Business District and granting the special exception use for a manufacturing retailer allows for a use that is compatible with the existing Central Business District and will compliment the surrounding uses.

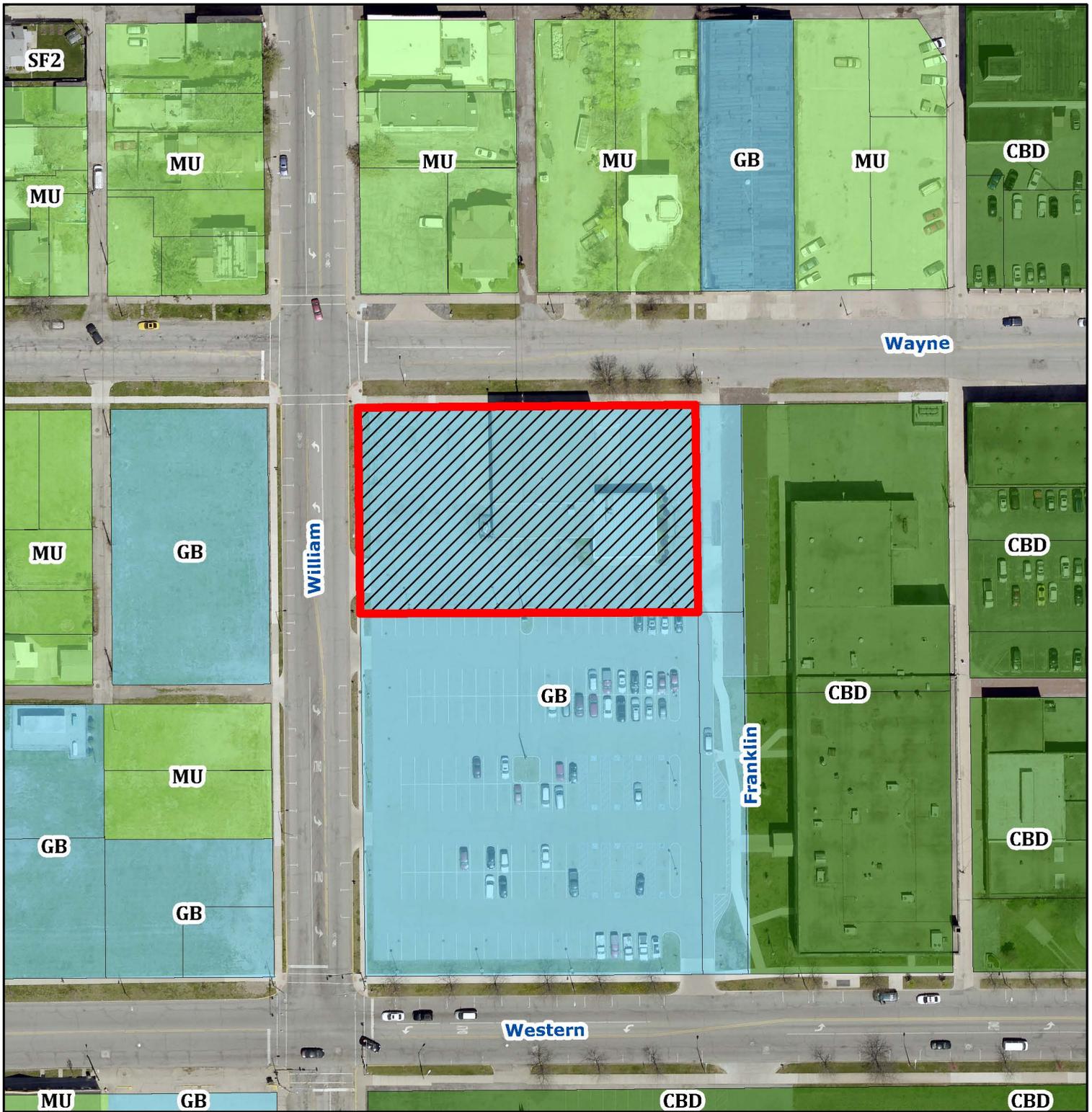
Wayne

William

Franklin

1 inch = 50 feet
PORTAGE TOWNSHIP

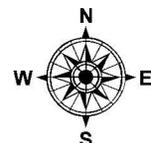




**Rezoning from: CITY OF SOUTH BEND
"GB" GENERAL BUSINESS DISTRICT
to "CBD" CENTRAL BUSINESS DISTRICT**

MASTER ZONING KEY

- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "CBD" CENTRAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT



1 inch = 100 feet

APC # 2798-16

Staff Report

11/4/2016

APC # 2800-16
Owner: DAMSHA BUA LLC
Location: 427 and 437 Corby, and 913 Lawrence Street
Jurisdiction: City of South Bend
Public Hearing Date: 11/15/2016

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and requesting four variances from the development standards.

Land Uses and Zoning:

- On site: On site is vacant land zoned SF2 Single Family & Two Family District.
- North: To the north are single family homes zoned SF2 Single Family & Two Family District.
- East: To the east across Lawrence Street are single family homes zoned SF2 Single Family & Two Family District.
- South: To the south across Corby Boulevard is a hotel zoned MU Mixed Use District and single family homes zoned SF2 Single Family & Two Family District.
- West: To the west are single family homes zoned SF2 Single Family & Two Family District.

District Uses and Development Standards:

The MF1 District is established to protect, promote and maintain the development of urban style multifamily dwellings and to provide for limited public and institutional uses that are compatible with a multifamily residential neighborhood. The development standards are designed to promote the establishment of: multifamily dwelling projects (including apartment, townhouse or row house style developments); and, high density two family dwelling developments located along a block face, in developed areas of the community which are served by a full range of public amenities.

Site Plan Description:

Nine 2-story townhomes, with three units in each building are proposed. Each unit has a garage , with a common access from the public alley.

Zoning and Land Use History And Trends:

This site was zoned residential prior to 2004.

Traffic and Transportation Considerations:

Corby Boulevard and Lawrence Street have two lanes.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation. DCI does

not have an objection to the variances to reduce the side yard setback, to reduce the interior side yard, or to increase the massing. The mechanical equipment must not be located along the street frontages. The equipment can be placed in side yards or on the islands between the garage entries. The petitioner should also give careful consideration to the placement of other services, such as trash pick-up. The petitioner may also wish to consider shifting the northern set of units slightly to the west to approximate the 10' +/- building line/setback of the neighboring housing units to the north. The petitioner should ensure that the corner unit adequately addresses Lawrence Street. The porch should turn the corner, the main door to the garage could be rotated to the east elevation, and the side can be well landscaped.

The Department of Public Works recommends approval noting that the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, alley usage, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for each of the drive approaches, the proposed alley usage (including bringing the alleys' condition up to city standard, maintenance, drainage, existing approaches, power pole at the alley entrance off of Lawrence), and ADA compliance plans for the existing sidewalk; 3) The access plans, and curb cut will need to go through the city curb cut application process; 4) Development of the site requires City approval of a Drainage Plan that meets the City's requirement to store all runoff from developed areas on site; 5) Verification of required (if any) waivers; and 6) Payment of all associated site plan review and permitting fees.

Commitments:

The petitioner is proposing the following Written Commitments:

1) The project site as described above shall be limited to a total of nine (9) single family attached dwelling units; 2) The nine (9) single family attached dwelling units shall be owner-occupied only. Owner-occupied shall be defined as "Primary Residence" as defined under Internal Revenue Service codes for tax purposes (Internal Revenue Service Publication 523 (2009)); 3) No single family attached dwelling unit in the described project site shall be rented, leased or sub-leased for any duration, to any other party, group or person(s); 4) No single-family attached dwelling unit in the described project area shall exceed a maximum height of 40 feet to roof peak; 5) No more than four (4) single-family attached dwelling units shall make up any single building mass; 6) A minimum 5 ft. front-yard setback shall be required along any public street frontage; 7) A minimum 2 ft. offset shall be required between any single-family attached dwelling unit; 8) There shall be a Home Owners Association (HOA) created for the nine (9) single-family attached dwelling units; 9) The Home Owners Association shall allow their property ownership records, meeting minutes and agendas available for review by any Governmental Agency, the NNRO Northeast Neighborhood Redevelopment Organization the NENC Northeast Neighborhood Council. The HOA shall notify the NNRO Northeast Neighborhood Redevelopment Organization and the NENC Northeast Neighborhood Council of any meeting they hold; and 10) No unrelated Graduate or Undergraduate student(s) shall be allowed to maintain occupancy in any single-family attached dwelling unit in the above described project site as said students are defined by the University of Notre Dame. It is staffs opinion that only the Written commitments related to land use be approved.

Staff recommends removal of Written Commitments 2, 3, 8, 9, and 10 as they do not relate

to land use and would be difficult for Area Plan to enforce.

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

1. Comprehensive Plan:

Policy Plan:

This petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Objective H 1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Land Use Plan:

The future land use map identifies this area as medium density residential.

Plan Implementation/Other Plans:

The Northeast Neighborhood Development Area Plan (November 2011) identifies this area for single family and two family residential as part of the single family home ownership preservation area.

2. Current Conditions and Character:

The surrounding properties are mainly residential with a mixture of densities and home sizes.

3. Most Desirable Use:

The most desirable use is residential.

4. Conservation of Property Values:

With adequate landscape screening surrounding property values should not be affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow medium density residential in a residential area.

Combined Public Hearing

The petitioner is seeking the following variance(s):

- 1) from the required minimum 6 ft. side yard setback to 5 ft.
- 2) from the required minimum interior yard of 6 ft. around building to 0 ft. for projects containing 2 or more buildings
- 3) from the requirement that the height and massing of new multi-family buildings shall be no more than twice the massing of the immediately abutting building, including buildings on the same lot to a maximum of seven times
- 4) from the requirement that mechanical equipment shall not be located along primary and secondary street frontages to being allowed but shall be screened from the street by fencing or landscaping

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;**

Because of the moderate density of the townhomes and the overall layout of the property, the proposed development should not be injurious to the public health, safety, or general welfar of the community.

(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;

With proper screening and architectural detail as required by the Northeast Neighborhood Zoning Overlay, the development should not have an adverse impact on the use or value of the adjacent properties provided the mechanical equipment is located as far from the public space as possible.

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

The strict application of terms would result in the practical difficulties in the use of the property. The minimum separation between buildings would prohibit the ability to subdivide the property at a future date. Even though the massing of the proposed buildings are similar to other buildings in the area, the small size of the house immediately abutting this site creates a practical difficulty from constructing a medium density residential building. Because the buildings are located on a corner lot, strict application related to the placement of the mechanical equipment is difficult but the intent of the ordinance could be met by locating them behind the building façade and as far from the public space as possible.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variances, subject to the mechanicals being located along the rear building façade.

Analysis:

Rezoning this property to MF1 Urban Corridor Multifamily District will allow for a variety of housing options in this area in order to address the demands of the market.

REZONING
#2800-16

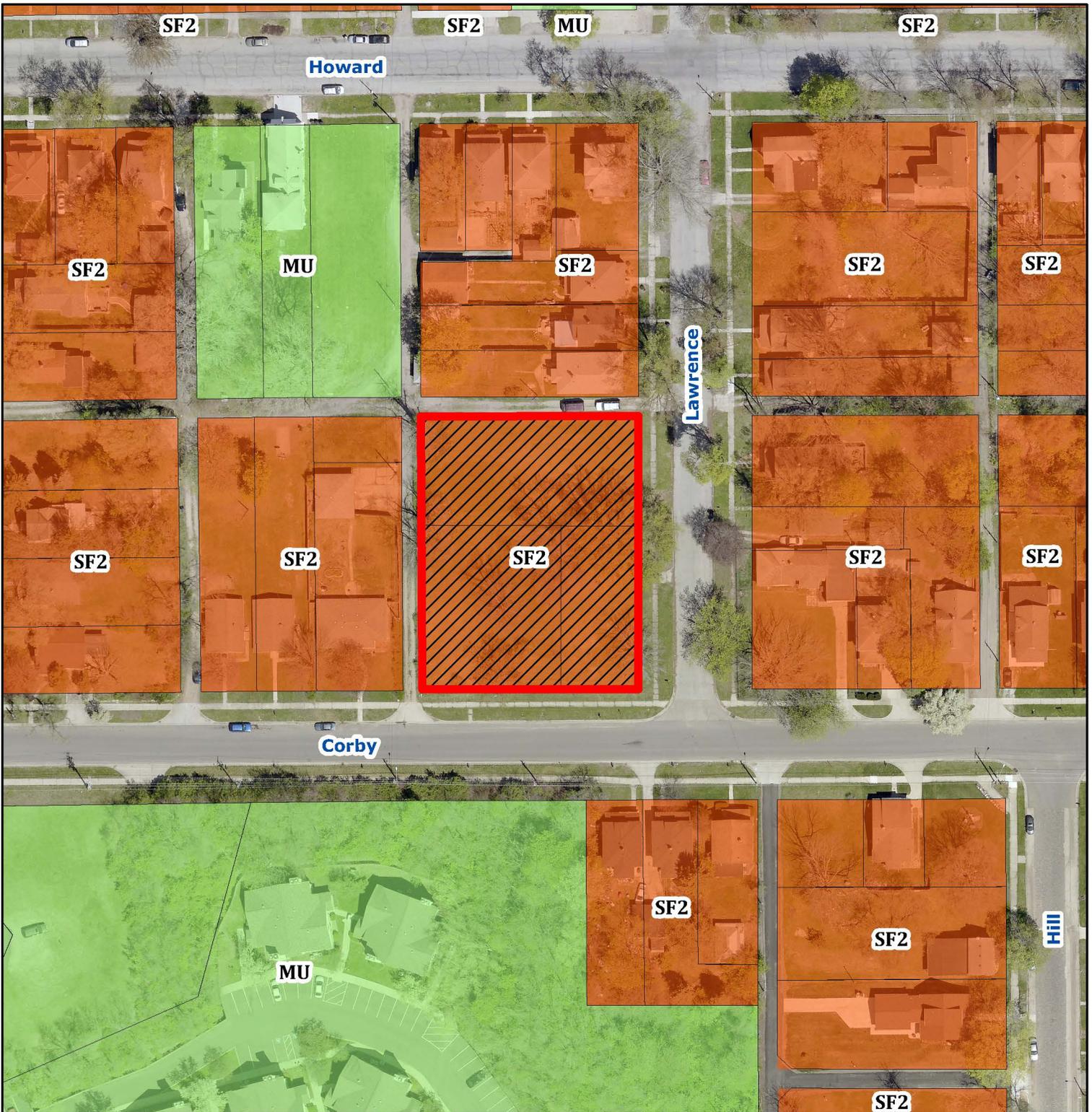


Lawrence

Corby

1 inch = 50 feet
PORTAGE TOWNSHIP

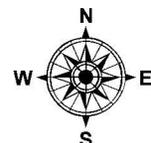




**Rezoning from: CITY OF SOUTH BEND
SF2 SINGLE FAMILY AND TWO FAMILY DISTRICT
to MF1 URBAN CORRIDOR MULTIFAMILY DISTRICT**

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT



1 inch = 100 feet

APC # 2800-16

LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: A PART OF LOT # 151 OF THE PLAT OF "SORIN'S SECOND ADDITION TO THE TOWN OF LOWELL, NOW CITY OF SOUTH BEND" AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT # 151; THENCE N.90°00'00" W. ALONG THE SOUTH LINE OF SAID LOT AND THE NORTH RIGHT-OF-WAY LINE OF CORBY BOULEVARD A DISTANCE OF 158.94 FEET MORE OR LESS TO THE EAST LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE N. 00°00'00" W. ALONG SAID EAST LINE A DISTANCE OF 198.00 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE S. 90°00'00" E. ALONG SAID SOUTH LINE A DISTANCE OF 159.29 FEET TO THE WEST LINE OF LAWRENCE STREET; THENCE ALONG SAID WEST LINE, S. 00°00'00" E., A DISTANCE OF 198.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 0.72 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

REQUESTED VARIANCES:

- 1). FROM THE REQUIRED MINIMUM 6 FT. SIDE YARD SETBACK TO 5 FT.;
- 2). FOR PROJECTS CONTAINING TWO OR MORE BUILDINGS; FROM THE MINIMUM REQUIRED 6 FT. INTERIOR SIDE YARD TO 2 FT.;
- 3). FROM THE REQUIRED 6 FT. MINIMUM INTERIOR SIDE YARD BETWEEN DWELLING UNITS TO A MINIMUM OF 0 FT.;

REQUESTED MINO. VARIANCES:

- 1). FROM THE REQUIREMENT THAT THE HEIGHT AND MASSING OF NEW MULTI-FAMILY BUILDINGS SHALL BE NO MORE THAN TWICE THE MASSING OF THE IMMEDIATELY ADJUTING BUILDING, INCLUDING BUILDINGS ON THE SAME LOT TO A MAXIMUM OF SEVEN TIMES.
- 2). FROM THE REQUIREMENT THAT MECHANICAL EQUIPMENT SHALL NOT BE LOCATED ALONG PRIMARY AND SECONDARY STREET FRONTAGES TO BEING ALLOWED BUT SHALL BE SCREENED FROM THE STREET BY FENCING OR LANDSCAPING.
- 3). FROM THE REQUIREMENT THAT DRIVEWAYS SHALL BE NO MORE THAN TWELVE FEET (12') WIDE AT FRONT PROPERTY LINE TO A MAXIMUM OF 20 FT.

TABULATED DATA:

- 1). SITE ACREAGE..... 0.72 ACRES
- 2). PROPOSED LAND USE:
A). SINGLE FAMILY ATTACHED TOWNHOMES
- 3). LAND COVERAGE:

SO. FT.	% OF SITE
A). BUILDINGS.....15,084.00	47.77
B). PAVED PARKING, DRIVES.....7,346.00	23.27
C). OPEN SPACE.....9,145.83	28.96
TOTAL.....31,575.83	100.00
- 4). PARKING REQUIREMENT BY USE:
SINGLE FAMILY USE REQUIRES ONE SPACE PER DWELLING UNIT.
- 5). THE BUILDING WILL BE SERVICED BY CITY WATER AND SEWAGE FACILITIES.
- 6). THE BUILDING SHOWN IS TO BE TWO STORY.
- 7). DRIVEWAY OPENINGS SHALL BE REQUIRED TO MEET THE LATEST CITY OF SOUTH BEND STANDARDS.
- 8). ALL REQUIRED PERIMETER LANDSCAPE SCREENING WILL CONFORM TO THE LATEST CITY OF SOUTH BEND ZONING ORDINANCE STANDARDS, OR AS APPROVED.

EXISTING LEGEND

△ SET P.K. NAIL	● FOUND IRON	○ SET FLUSH 5/8" CAPPED REBAR
(M) MEASURED DISTANCE	(R) RECORD DISTANCE	MI. REG. F-5044
		MI. REG. #22436
☆ PINE TREE	⊙ GAS METER	⊗ SOIL BORING
⊙ BUSH	⊙ WATER MANHOLE	⊙ WATER METER
⊙ TREE	⊙ END SECTION	⊙ CABLE PED.
⊙ FOUNTAIN/IRR.	⊙ ELEC. VAULT	⊙ PHONE PED.
⊙ BOLLARD/POLE	⊙ ELEC. TRANSFORMER	⊙ ELEC. PED.
⊙ LIGHT POLE	⊙ PHONE VAULT	⊙ MAILBOX
⊙ UTILITY POLE	⊙ SPOT ELEVATION	⊙ A/C UNIT
⊙ GUY ANCHOR		
⊙ SIGN	— EX. ELEVATION	
⊙ WELL	— WIRE FENCE	
⊙ VALVE	— CHAIN LINK FENCE	
⊙ FIRE HYDRANT	— WOOD FENCE	
⊙ CURB INLET	— ELEC. USE	
⊙ DRYWELL	— UT. USE	
⊙ SANITARY MANHOLE	— UT. USE	
⊙ STORM MANHOLE	— CTV. USE	
⊙ CLEAN-OUT	— W. USE	
⊙ FIBER OPTIC MANHOLE	— FO. USE	
	— STORM LINE	
	— SANITARY LINE	

- SETBACKS:**
- (A) 5' FRONT SETBACK
 - (B) 6' SIDE YARD SETBACK

GENERAL SURVEY DISCLAIMER NOTES:

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

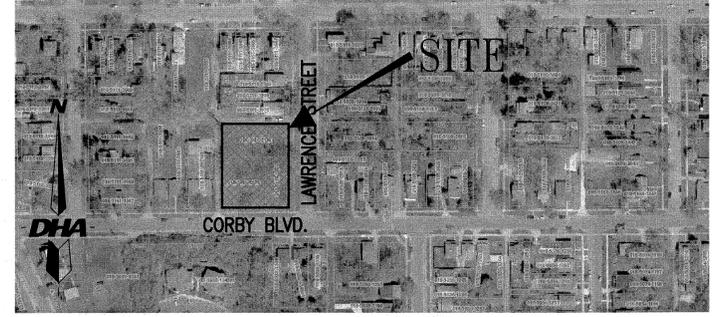
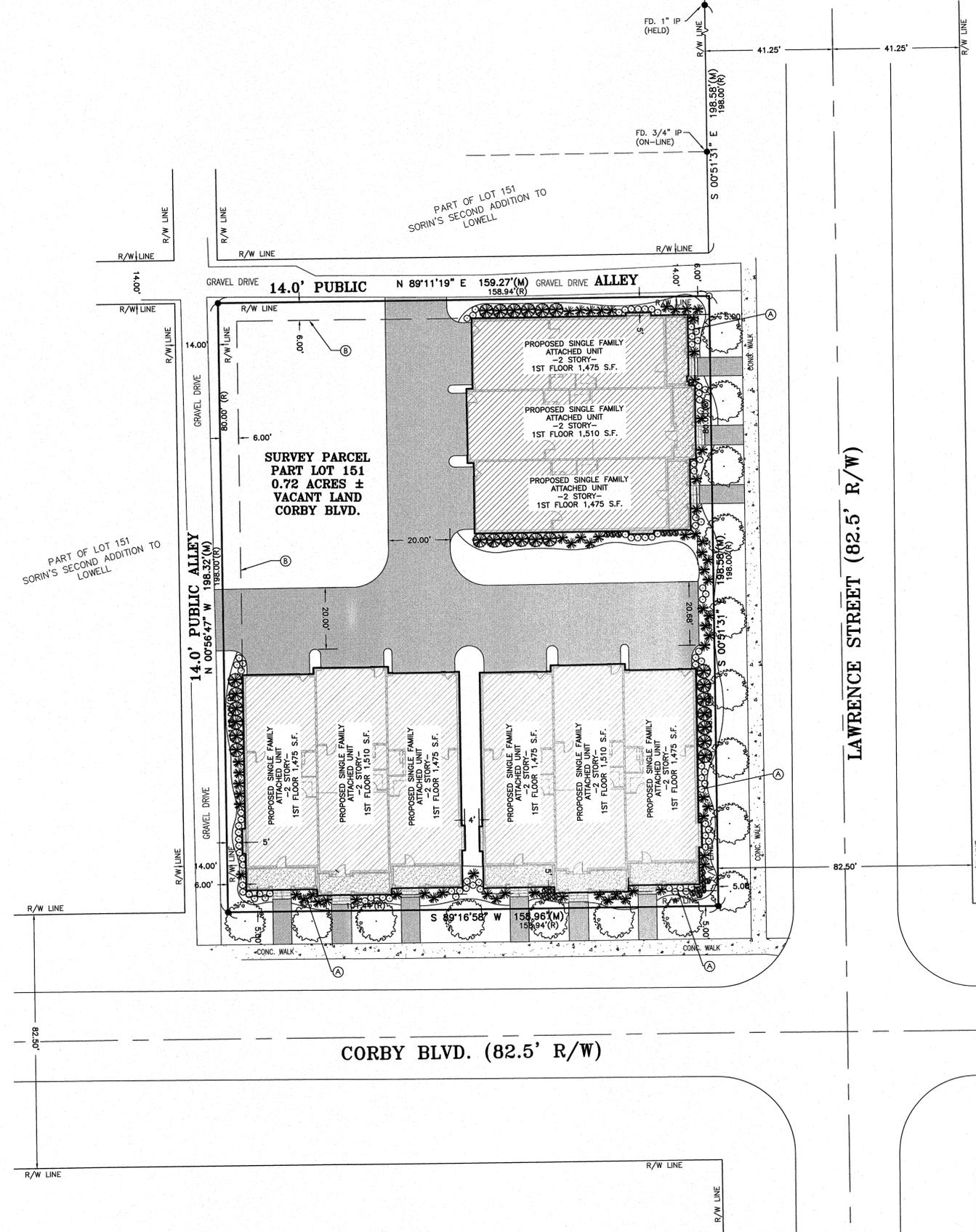
UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY INJURIOUS MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS ON EXTENSION OF THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADOPTION BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.

PRELIMINARY SITE PLAN

PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

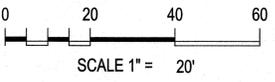


SITE VICINITY MAP
1"=200'

- LANDSCAPE LEGEND:**
- OVER-STORY DECIDUOUS TREE
 - UNDER-STORY DECIDUOUS SHRUB
 - UNDER-STORY DECIDUOUS FLOWERING SHRUB
 - UNDER-STORY EVERGREEN SHRUB
 - COLUMNAR EVERGREEN TREE

PROPERTY OWNERS
DAMSHA BUA LLC.
4404 TECHNOLOGY DRIVE
SOUTH BEND, IN 46628

PROPERTY ADDRESS
427/437 CORBY BLVD.
913 LAWRENCE STREET
SOUTH BEND, IN
0.12± ACRES



SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

DATE	DRAWN BY:	REVISIONS	
10-4-16	JTB	DATE	BY
SCALE	CHECKED BY:	10/26/16	JTB
1"=20'	MDJ	Rev. per SH&C	
FILE #	PROJ. MANGR:		
160204	JTB		

Danch, Harner & Associates, Inc.
 Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners
 Office: (574)234-4003 / Fax: (574)234-4119
 1643 Commerce Drive • South Bend, IN 46628

FINDINGS OF FACT

APC# 2796-16
Family Video Movie Club, Inc.
51522 State Road 933
St. Joseph County

On Tuesday, October 18, 2016, the Area Plan Commission **approved** the following variances from the Development Standards of the St. Joseph County Zoning Ordinance:

- 1) From the required perimeter landscaping to none, subject to providing the required perimeter landscaping on the North and West;
- 2) From the required off-street parking area screening to none;
- 3) From the required 180 parking spaces to 65; and
- 4) From the required foundation landscaping to none.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community. Approval of variances #1, may be injurious to the general welfare because the intent of the landscape ordinance is to provide a visual and sound barrier to buffer any negative impact placed on surrounding properties; for variance #3 the existing number of parking spaces are sufficient in promoting efficient traffic circulation and at preventing undue traffic congestion; for variance #4, approval will not be injurious to the public health, safety, morals and general welfare of the community.

(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.

Without the modification to a 6' fence on the east property line in lieu of the required perimeter landscaping, approval of variances #1 may negatively affect property values; approval of variance #3 and #4 will not affect adjacent properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. For variance #1 there is no practical difficulty that would prohibit the installation of perimeter landscaping along the north and west property lines. Along the east property line, the existing building is setback 9.5', this leaves little room for landscaping; for variances # 3 and #4 A large portion of the site is covered by the parking lot, and the lot size limits further expansion of the parking area, and the installation of foundation landscaping would result in the removal of the existing sidewalk and hinder access to the building.

The Minutes of the October 18, 2016 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 15th day of November, 2016.

Daniel H. Brewer, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary
Area Plan Commission of
St. Joseph County, Indiana

FINDINGS OF FACT

APC# 2797-16
Bettie Jo Williams
1037 Elmer Street
City of South Bend

On Tuesday, October 18, 2016, the Area Plan Commission **approved** the following variance from the Development Standards of the City of South Bend Zoning Ordinance:

- 1) From the required minimum side residential bufferyard setback of 15' to 7' along the North property line.

The Area Plan Commission **denied** the following variances from the Development Standards of the City of South Bend Zoning Ordinance:

- 2) From the required Type A landscaping to none along the east and west property line;
- 3) From the required Section 21-03.02(13) Architecture standards to allow the construction of a metal building.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.

The proposed variances should not have an impact on the general welfare of the community. The development is an expansion of an existing business.

(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.

Without appropriate landscaping and attention to the quality of the building being installed, the expansion of this business into the residential neighborhood could have a negative affect on the use and value of adjacent properties.

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

The relatively small lot size creates a practical difficulty in the strict application of the residential bufferyard setback on this property. There are no practical difficulties that support the granting of variances from the landscape or architectural standards for this site.

The Minutes of the October 18, 2016 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 15th day of November, 2016.

Daniel H. Brewer, President
Area Plan Commission of St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary
Area Plan Commission of St. Joseph County, Indiana

FINDINGS OF FACT

APC# 2799-15

Richard & Linda Ford, Civil City of South Bend

**736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue
City of South Bend**

On Tuesday, October 18, 2016, the Area Plan Commission **approved** the following variances from the Development Standards of the City of South Bend Zoning Ordinance:

- 1) From the required minimum 5 ft. front yard setback to 0 ft.;
- 2) From the required minimum 20 ft. front yard setback for parking to 5 ft.;
- 3) From the required minimum 15 ft. side residential bufferyard to 5 ft. for a building, trash dumpster, parking, and driveway;
- 4) From the required minimum 15 ft. rear residential bufferyard to a minimum of 5 ft. for a building, trash dumpster, parking, and driveway;
- 5) From the required 15 ft. side and rear residential bufferyard to a minimum of 0 ft. for a balcony structure and driveway;
- 6) From the maximum allowed 40 ft. building height to 42 ft.;
- 7) From the required Type A landscaping of required front perimeter yards to none;
- 8) From the required Type B landscaping of required side and rear perimeter yards to none;
- 9) From the required screening of a trash dumpster to none;
- 10) From the required 9' X 20' parking spaces to a minimum of 9' X 19';
- 11) From the required minimum 24-foot-wide maneuvering aisle to a minimum of 22 feet wide; and
- 12) From the required 137 parking spaces to 37.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community. The proposed development will fill a need in the neighborhood for affordable housing and local retail, supporting the general welfare of the community.

(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.

With proper landscape buffering along the residential properties, the use and value of the adjacent area should not be affected.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. Due to the layout of the existing building and the odd configuration of the lots, the setback requirements result in practical difficulties in the use of the property. The location of the property along a public transportation route and the intended market of the development reduce the demand for onsite parking, creating practical difficulties in meeting the strict application of the ordinance.

The Minutes of the October 18, 2016 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 15th day of November, 2016.

Daniel H. Brewer, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary
Area Plan Commission of
St. Joseph County, Indiana

2017 AREA PLAN COMMISSION MEETING DATES

REGULAR MEETINGS OF THE AREA PLAN COMMISSION – 3:30 P.M. **Council Chambers, 4th Floor of the County City Building**

January 17, 2017	Tuesday
February 21, 2017	Tuesday
March 21, 2017	Tuesday
April 18, 2017	Tuesday
May 16, 2017	Tuesday
June 20, 2017	Tuesday
July 18, 2017	Tuesday
August 15, 2017	Tuesday
September 19, 2017	Tuesday
October 17, 2017	Tuesday
November 21, 2017	Tuesday
December 19, 2017	Tuesday

EXECUTIVE COMMITTEE MEETING DATES – 3:30 P.M.

Commission Office, 11th Floor County City Building

January 5, 2017	Thursday	July 6, 2017	Thursday
January 19, 2017	Thursday	July 20, 2017	Thursday
February 2, 2017	Thursday	August 3, 2017	Thursday
February 16, 2017	Thursday	August 17, 2017	Thursday
March 2, 2017	Thursday	September 7, 2017	Thursday
March 16, 2017	Thursday	September 21, 2017	Thursday
April 6, 2017	Thursday	October 5, 2017	Thursday
April 20, 2017	Thursday	October 19, 2017	Thursday
May 4, 2017	Thursday	November 2, 2017	Thursday
May 18, 2017	Thursday	November 16, 2017	Thursday
June 1, 2017	Thursday	December 7, 2017	Thursday
June 15, 2017	Thursday	December 21, 2017	Thursday

PLAT COMMITTEE HEARING DATES – 8:30 A.M.

Commission Office, 11th Floor County City Building

January 5, 2017	Thursday	July 6, 2017	Thursday
January 19, 2017	Thursday	July 20, 2017	Thursday
February 2, 2017	Thursday	August 3, 2017	Thursday
February 16, 2017	Thursday	August 17, 2017	Thursday
March 2, 2017	Thursday	September 7, 2017	Thursday
March 16, 2017	Thursday	September 21, 2017	Thursday
April 6, 2017	Thursday	October 5, 2017	Thursday
April 20, 2017	Thursday	October 19, 2017	Thursday
May 4, 2017	Thursday	November 2, 2017	Thursday
May 18, 2017	Thursday	November 16, 2017	Thursday
June 1, 2017	Thursday	December 7, 2017	Thursday
June 15, 2017	Thursday	December 21, 2017	Thursday