

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

Tuesday, October 20, 2015
3:30 p.m.

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

PUBLIC HEARINGS:

1. Rezoning:

- A. A proposed ordinance of Cornerstone Homes to zone from O Office District to SF1 Single Family & Two Family District, property located at 1151 and 1205 Hickory Road, City of South Bend - [APC #2754-15](#).
- B. A combined public hearing on a proposed ordinance of RBS Properties LLC to zone from C: Commercial District to C: Commercial District, and seeking the following three variances: 1) from the required minimum front yard of 15' for parking to 5' along Currant Road and to 1' along McKinley Road for lots 217, 218, and 219; 2) from the required foundation landscaping to none along the north and east facades of the existing building; and 3) from the required off-street parking area screening to none along the north, west, and south property lines, property located at 13460 E. McKinley and 56020 Currant Road, St. Joseph County - [APC #2755-15](#).
- C. A combined public hearing on a proposed ordinance of Eggers Real Estate LLC to zone from SF2 Single Family & Two Family District to LI Light Industrial District and seeking the following two variances: 1) from the required 50' side residential bufferyard to 10'; and 2) from the required 50' rear residential bufferyard to 10', property located at 1619 & 1623 Franklin Street, City of South Bend - [APC #2756-15](#).
- D. A combined public hearing on a proposed ordinance of Joseph T. Taylor, Sr. to zone from MU Mixed Use District to LB Local Business District, and seeking the following variance: from the required foundation landscaping to none, property located at 1714 and 1716 South Michigan Street, City of South Bend - [APC #2757-15](#).
- E. A proposed ordinance of Beacon Health System, Inc. to zone from R: Single Family District (County) to CB Community Business District (City), property located at the west 80.58 feet of 52933 Shellbark Avenue, City of South Bend - [APC #2758-15](#).

2. Written Commitments:

- A. A proposed commitment modifying or terminating existing commitments concerning the use or development of real estate made in connection with a development plan approval, zone map change or planned unit development, property located at the northeast corner of Cleveland Road and Lynwood Avenue lying immediately west of 21275 Cleveland Road and south of 52776 Lynwood Avenue, City of South Bend – [APC #2463-08](#)

3. Text Amendments:

- A. An Ordinance initiated by the Area Plan Commission on behalf of the Common Council of the City of South Bend, Indiana, repealing Chapter 21, Article 6, Section 21-06.03 Northeast Neighborhood Development Area Overlay Zoning District of the South Bend Municipal Code, and replacing it with a new Chapter 21, Article 6, Section 21-06.03 entitled Northeast Neighborhood Zoning Overlay District - [APC# 2732-15](#).

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Findings of Facts for Granting of Variances for property located at 2906, 2910 and 2920 Mishawaka Avenue, City of South Bend – [APC #2750-15](#).
- B. Findings of Facts for Granting of Variances for property located at 706 Eddy Street and 1111 Bissell Street, City of South Bend – [APC #2751-15](#)

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

Staff Report

10/7/2015

APC # 2754-15
Owner: Cornerstone Homes
Location: 1151 and 1205 Hickory Road
Jurisdiction: City of South Bend
Public Hearing Date: 10/20/2015

Requested Action:

The petitioner is requesting a zone change from O Office District to SF1 Single Family & Two Family District.

Land Uses and Zoning:

- On site: On site are two existing single family homes.
- North: To the north are single family homes zoned SF1 Single Family & Two Family District.
- East: To the east across Hickory Road is a dentist office in the City of Mishawaka.
- South: To the south is a single family home zoned O Office District.
- West: To the west are single family homes zoned SF1 Single Family & Two Family District.

District Uses and Development Standards:

The SF1 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district.

Site Plan Description:

Rezoning and petitions to SF1 Single Family & Two Family District do not require a site plan.

Zoning and Land Use History And Trends:

In 2009, these homes, along with the house to the immediate south were rezoned from SF1 Single Family & Two Family District to O Office District. All three homes have remained in use as single family residences.

The west side of Hickory between Catalpa and Corby Boulevard rezoned to O Office District between 1989 and 2009.

Traffic and Transportation Considerations:

Hickory Road has four lanes.

Utilities:

This site is served by municipal sewer and water.

Agency Comments:

County Surveyor recommends approval. City Engineer recommends approval, but makes the following comments: surface water connections to the sanitary sewer should be severed, if applicable; building should connect to municipal utilities, if not already connected; hard surface pavement should be provided for driveways; the existing curb cuts should be utilized for access, with no additional openings; shrubbery at sidewalk should be trimmed to provide sightlines to pedestrians.

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:

This rezoning petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006): Objective H: Policy 2.6: Encourage homeowners to maintain their homes.

Land Use Plan:

The Future Land Use Map identifies this area as mixed use.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

Hickory Road is a commercial corridor with a mix of uses. Hickory Road, between Corby Boulevard and Rexford Drive, has developed predominantly with office-type uses.

3. Most Desirable Use:

The most desirable use for this site is one that is compatible with the low-impact mixed-use character of the area.

4. Conservation of Property Values:

Due to the nature of single and two family homes, adjacent property values should not be adversely affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow these homes to rezone back to a residential district.

Staff Comments:

The staff has no additional comments.

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.

Analysis:

Since these homes were never converted into office uses, allowing them to rezone back to a residential district will allow them to continue to be used as residences and be in conformance with the zoning ordinance.



Rexford

CATALPA

BROWN

BERRY

Oxford

Kent

Whitehall

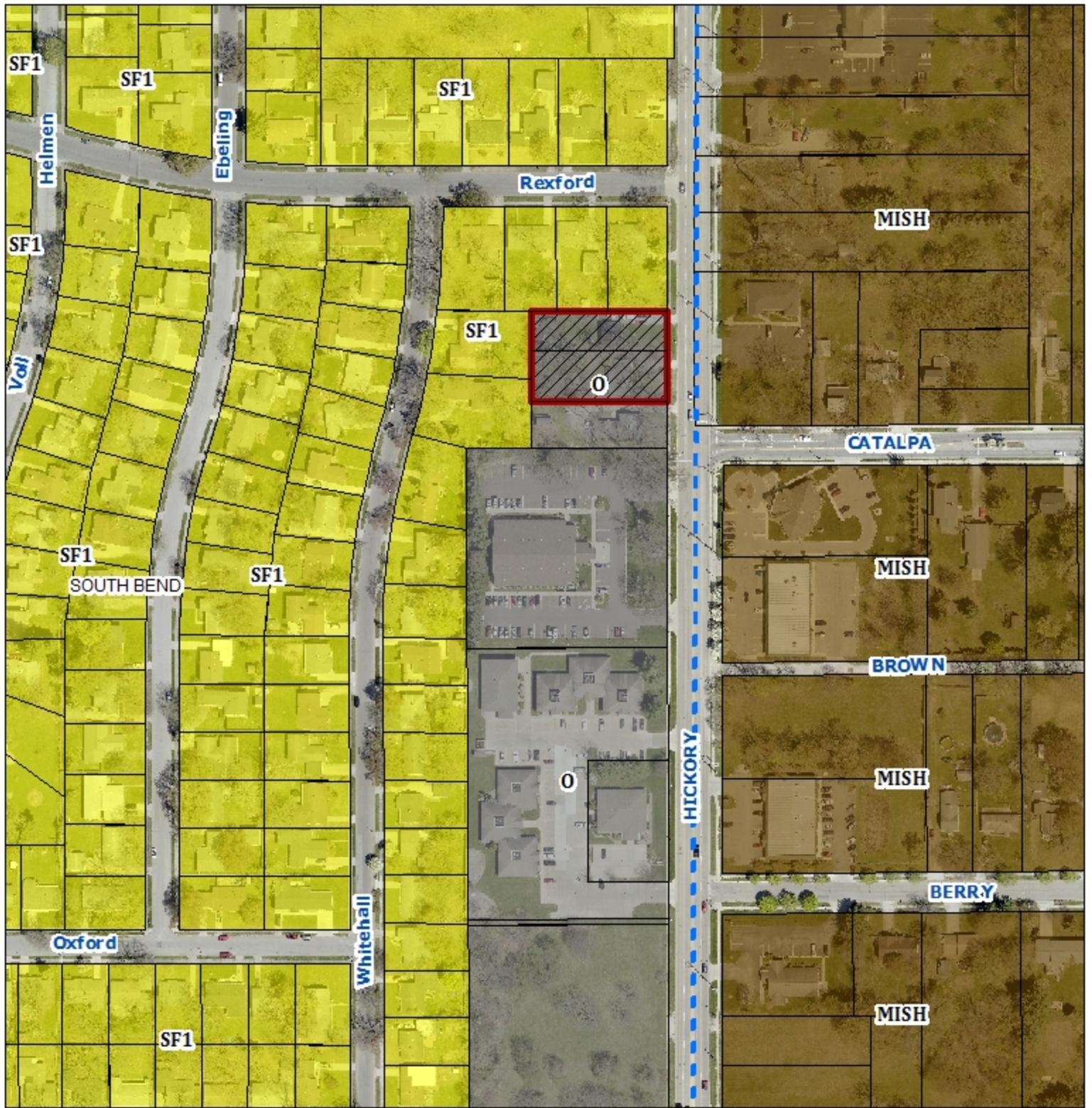
HICKORY

Corby

CORBY

1 inch = 200 feet
PORTAGE TOWNSHIP

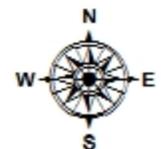




**Rezoning from:
"O" OFFICE DISTRICT to
"SF1" SINGLE FAMILY & TWO FAMILY DISTRICT**

MASTER ZONING KEY

- MISHAWAKA
- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "O" OFFICE DISTRICT



1 inch = 200 feet

APC # 2754-15

Staff Report

10/7/2015

APC # 2755-15
Owner: RBS Properties LLC
Location: 13460 E. McKinley and 56020 Currant Road.
Jurisdiction: St. Joseph County
Public Hearing Date: 10/20/2015

Requested Action:

The petitioner is requesting a zone change from C: Commercial District to C: Commercial District and seeking three variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing automobile sales lot and a commercial building.
- North: To the north across McKinley Highway is an automobile sales lot zoned C: Commercial District.
- East: To the east across Miller Avenue is a dentist office zoned B: Business District.
- South: To the south are single family homes zoned R: Single Family District.
- West: To the west across Currant Road is a trophy shop zoned C: Commercial District.

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:

This site consists of two lots, totaling 0.8 acres. The eastern lot contains a car lot with an existing building for sales and service. The existing commercial building on the western lot will be razed to allow for the display area for car sales to be expanded. Together, the site has frontage on Currant Road, McKinley Highway, and Miller Avenue. The rear of the site abuts a public alley. Access will be from Miller Avenue and Currant Road. Perimeter landscaping will be installed, consisting of Type 1: Open Landscaping along all three frontages, and Type 2: Full Screening Landscaping along the alley. The petitioner is proposing reduced setbacks along Currant and McKinley for the western lot. The display area for the lot on the east is legal non-conforming.

Zoning and Land Use History And Trends:

The west lot was rezoned from B: Business District to C: Commercial District in 1988, subject to a final site plan for a heating supply store. The east lot was rezoned from B: Business District to C: Commercial District in 1986, subject to a final site plan for a car lot and has since undergone several site plan modifications. The northeast corner of McKinley and Currant rezoned from B: Business District to C: Commercial district for a car lot in 1990, and the southwest corner rezoned from R: Residential District to C: Commercial District for outdoor power equipment sales in 1995.

Traffic and Transportation Considerations:

Currant Road has two lanes, with two additional turn lanes at the intersection with McKinley Highway. McKinley Highway has four lanes, a center turn lane, and an additional turn lane at the intersection with Currant Road. Miller Avenue has two lanes.

Utilities:

The site will be connecting to municipal sewer and water, as provided by the City of Mishawaka.

Agency Comments:

County Surveyor recommends approval. County Engineer recommends approval, subject to the final drainage plan, and also notes that perimeter trees will not be permitted in the County right-of-way. Mishawaka Engineering notes that water and sewer are available to the site.

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:

This rezoning petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 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 Map makes no specific recommendation for this area.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

This portion of McKinley Highway is a mix of business and commercial uses that buffer the industrial area to the north from the residential area to the south.

3. Most Desirable Use:

The most desirable use for this site is one that compliments the commercial nature of this

area while limiting any negative impact on surrounding residential properties.

4. Conservation of Property Values:

The site is located in an existing commercial area. With the appropriate buffering, surrounding property values should not be affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow this site to remain commercial.

Staff Comments:

This is a combined public hearing procedure, which includes a rezoning and three variances from the development standards. The Commission will forward the rezoning to the County Council with or without a recommendation and either approve or deny the variances.

The variances are as follows:

- 1) from the required minimum front yard of 15' for parking to 5' along Currant Road and to 1' along McKinley Road for lots 217, 218, and 219;
- 2) from the required foundation landscaping to none along the north and east facades of the existing building; and
- 3) from the required off-street parking area screening to none along the north, west, and south property lines.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved.

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The landscape variances will not be injurious to the public. The setback variance may encroach too closely into the public right-of-way.
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The variances for parking screening and foundation landscaping will not affect the value of surrounding commercial properties. The residential properties to the south will not have line-of-sight to the areas where the landscaping will be absent. This area is already commercial in nature.
- (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Since the site will be used as a car lot, strict application of the landscape regulations would block the visibility of cars from the road and require foundation landscaping on the portions of the building where improvements already exist.

The staff notes that it would support a 5' setback along McKinley, since that is what is allowed in the City for car lots (21-03.07(b)(11)), however sees no practical difficulty to warrant a 1' setback.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the

Staff Report

10/7/2015

rezoning petition be sent to the County Council with a favorable recommendation. Staff recommends approval of variances #2 and #3. The staff recommends denial of variance #1.

Analysis:

Commercial zoning is appropriate for this location since this area of McKinley is a well established commercial corridor.



Mc Kinley

Current

Chippeva

Old Creek

Hoosier

La Salle

Miller

1 inch = 200 feet
PENN TOWNSHIP

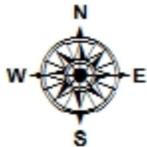




**Rezoning from:
"C" COMMERCIAL DISTRICT to
"C" COMMERCIAL DISTRICT**

MASTER ZONING KEY

- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "B" BUSINESS DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- COUNTY "M" MANUFACTURING INDUSTRIAL DISTRICT



1 inch = 200 feet

APC # 2755-15

Staff Report

10/7/2015

APC # 2756-15
Owner: Eggers Real Estate LLC
Location: 1619 & 1623 Franklin Street
Jurisdiction: City of South Bend
Public Hearing Date: 10/20/2015

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to LI Light Industrial District and seeking two variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing single family house.
- North: To the north is the South Bend Form Tool facility zoned LI Light Industrial District.
- East: To the east across Franklin Street is a roofing and sheet metal facility zoned GI General Industrial District.
- South: To the south are vacant lots 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 LI Light Industrial District is established to provide for development of office/warehouse, warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts.

Site Plan Description:

The site consists of two narrow residential lots, totaling 0.23 acres. The existing residential structure will be razed to make room for a 2,880 square foot storage warehouse. The petitioner is proposing a 10' setback from the west and south property lines. The west property line, which is separated from the adjacent residential district by an alley, and the south property line will be screened with Type C: Full Screening Landscaping. The building will be accessed from a new concrete drive that will adjoin with the existing parking lot to the north.

Zoning and Land Use History And Trends:

This site has been zoned SF2 Single Family & Two Family District since 2004.

Traffic and Transportation Considerations:

Franklin Street has two lanes.

Utilities:

The site will continue to be served by municipal sewer and water.

Agency Comments:

County Surveyor recommends approval. City Engineer recommends approval subject to the final drainage plan.

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): Objective ED 1: Stimulate the rehabilitation and adaptive reuse of property in the city; and Policy ED 2.3: Create opportunities for manufacturing companies to locate in the community.

Land Use Plan:

The Future Land Use Map identifies this area as medium density residential.

Plan Implementation/Other Plans:

The Rum Village Neighborhood Action Plan (1995) identifies this area for small office/service uses.

2. Current Conditions and Character:

The area to the north of Indiana Avenue and to the east of Franklin Street have developed as industrial districts. The area to the southwest of the site begins the residential Rum Village Neighborhood.

3. Most Desirable Use:

The most desirable use is one that is compatible with the industrial character of the area, while limiting any negative impact to adjacent residential properties.

4. Conservation of Property Values:

Due to the full screening landscaping that will be installed to the south and west property lines, surrounding property values should not be adversely affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow this existing and prospering industrial area to expand a limited amount into an underutilized residential block.

Staff Comments:

This is a combined public hearing procedure, which includes a rezoning and 2 variances from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances.

The variances are as follows:

- 1) from the required 50' side residential bufferyard to 10'; and
- 2) from the required 50' rear residential bufferyard to 10'.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved.

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed setbacks are consistent with the LI Light Industrial District. This development will remove an abandoned house and a vacant lot from the neighborhood.

(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 value of the adjacent industrial properties will not be affected by the addition on an industrial building. The value of the surrounding residential properties will not be adversely affected due to the substantial screening that will be installed.

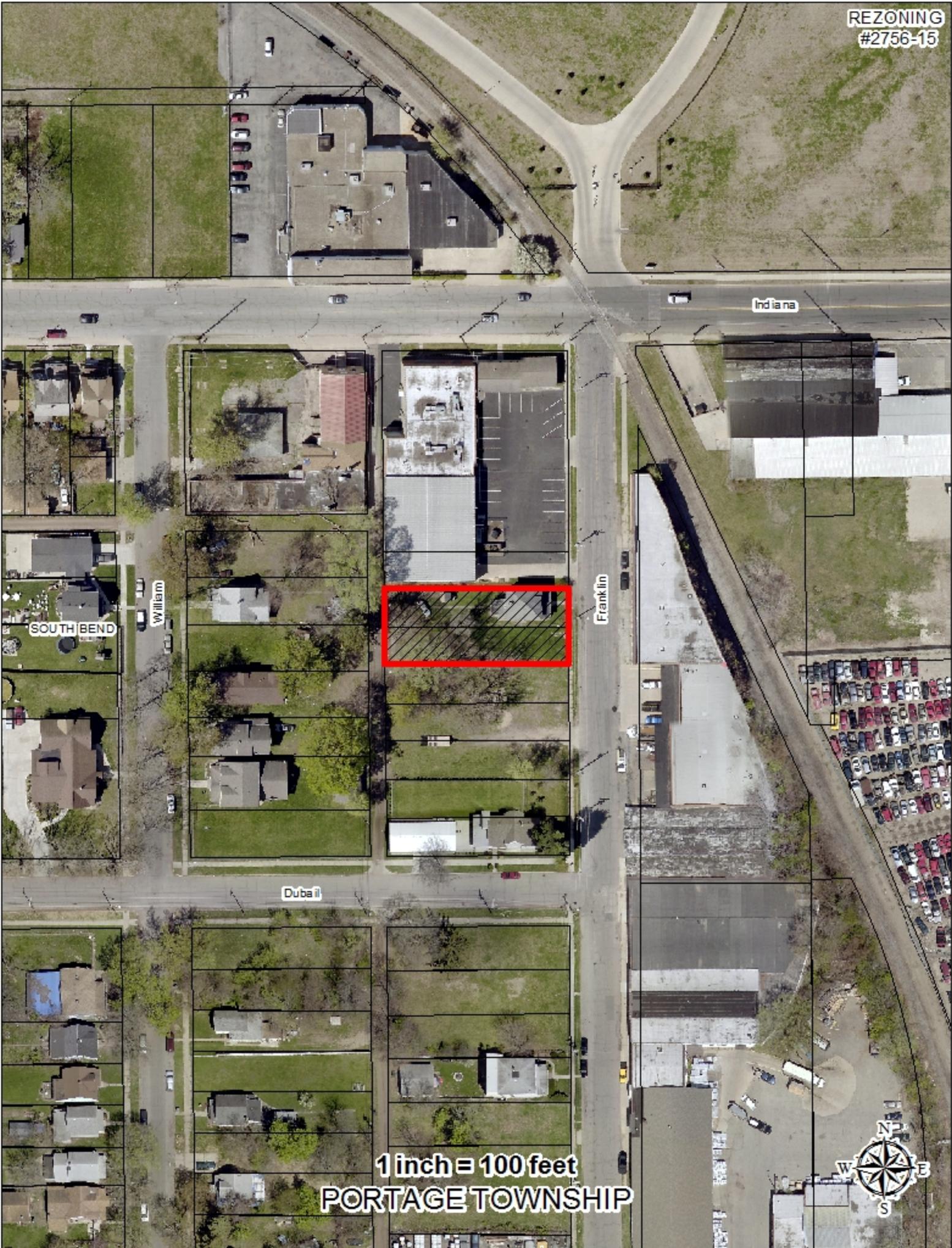
(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The strict application of the residential bufferyard setbacks would not allow this site to develop as any type of industrial use.

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 both variances.

Analysis:

This rezoning will allow for the appropriate expansion of an industrial property in a mixed use neighborhood. The landscaping will serve as a significant buffer between this site and the adjacent residential uses.



1 inch = 100 feet
PORTAGE TOWNSHIP

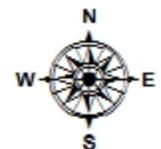




**Rezoning from:
"SF2" SINGLE FAMILY & TWO FAMILY DISTRICT to
"LI" LIGHT INDUSTRIAL DISTRICT**

MASTER ZONING KEY

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT
- SOUTH BEND "GI" GENERAL INDUSTRIAL DISTRICT



1 inch = 100 feet

APC # 2756-15

Staff Report

10/7/2015

APC # 2757-15
Owner: Joseph T. Taylor, Sr.
Location: 1714 and 1716 South Michigan Street
Jurisdiction: City of South Bend
Public Hearing Date: 10/20/2015

Requested Action:

The petitioner is requesting a zone change from MU Mixed Use District to LB Local Business District, and seeking one variance from the development standards.

Land Uses and Zoning:

- On site: On site is an existing mixed-use residential and commercial building.
- North: To the north is a commercial building zoned MU Mixed Use District.
- East: To the east is a single family home zoned SF2 Single Family & Two Family District.
- South: To the south is a vacant pool supply store zoned MU Mixed Use District.
- West: To the west across Michigan Street is a restaurant zoned LB Local Business District.

District Uses and Development Standards:

The LB District is established to provide for small business groupings located outside of the village style mixed use concept and which provide for the full range of convenience uses necessary to meet the daily needs of nearby residential neighborhoods. Permitted uses within the LB Districts are regulated in character to assure harmonious development with the nearby residential districts served and are limited in size and scale to promote pedestrian access.

Site Plan Description:

This site consists of two lots, totaling 0.36 acres. The existing building, which will remain on site, consists of a retail storefront and a residential-type structure in back. The existing storefront was constructed adjacent to the sidewalk, as is common with many commercial structures along this corridor. The petitioner is showing a newly paved surface lot. New and additional landscaping will be installed between the parking lot and the sidewalk along Michigan Street and along the alley in rear. Access to the site will be from the public east-west alley to the north. The primary customer entrance for the retail portion of the site would be along Michigan Avenue. The second floor is proposed as office space with access from the parking lot.

Zoning and Land Use History And Trends:

This site has been zoned MU Mixed Use District since 2004.

Traffic and Transportation Considerations:

Michigan Street has three northbound-only lanes and on-street parking on both sides.

Utilities:

This site will continue to be serviced by municipal sewer and water.

Agency Comments:

County Surveyor recommends approval. City Engineer recommends approval, subject to approval of a drainage plan and also notes that the alley to the north requires clearance of brush and vegetation, and that the trees along Michigan Street require trimming to provide line-of-sight from the alley to Michigan Street traffic to at least 7' above the sidewalk.

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): Policy ED 1.2: Encourage reuse of abandoned and underutilized land and structures.

Land Use Plan:

The Future Land Use Map identifies this area as Mixed Use.

Plan Implementation/Other Plans:

The Southeast Neighborhood Strategic Action Plan (1995) identifies this area as a commercial corridor.

2. Current Conditions and Character:

Main Street and Michigan Street form an arterial commercial corridor that extends from downtown South Bend to Ireland Road.

3. Most Desirable Use:

The most desirable use is one that is compatible with the mixed-use nature of the area, while limiting any negative impact on the residential properties to the east.

4. Conservation of Property Values:

Due to the nature of the existing commercial properties along this corridor, surrounding property values should not be adversely affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow properties along commercial corridors to adapt to better accommodate market demand.

Staff Comments:

This is a combined public hearing procedure, which includes a rezoning and 1 variance from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variance.

The variance is as follows:

1) From the required foundation landscaping to none.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved.

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The absence of foundation landscaping will be consistent with the rest of the businesses along Michigan Street.

(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. Perimeter landscaping and parking screening are being added, which will enhance the area.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Since the building is built up to the sidewalk, there is not adequate spacing to install landscaping without modifying the existing structure.

Recommendation:

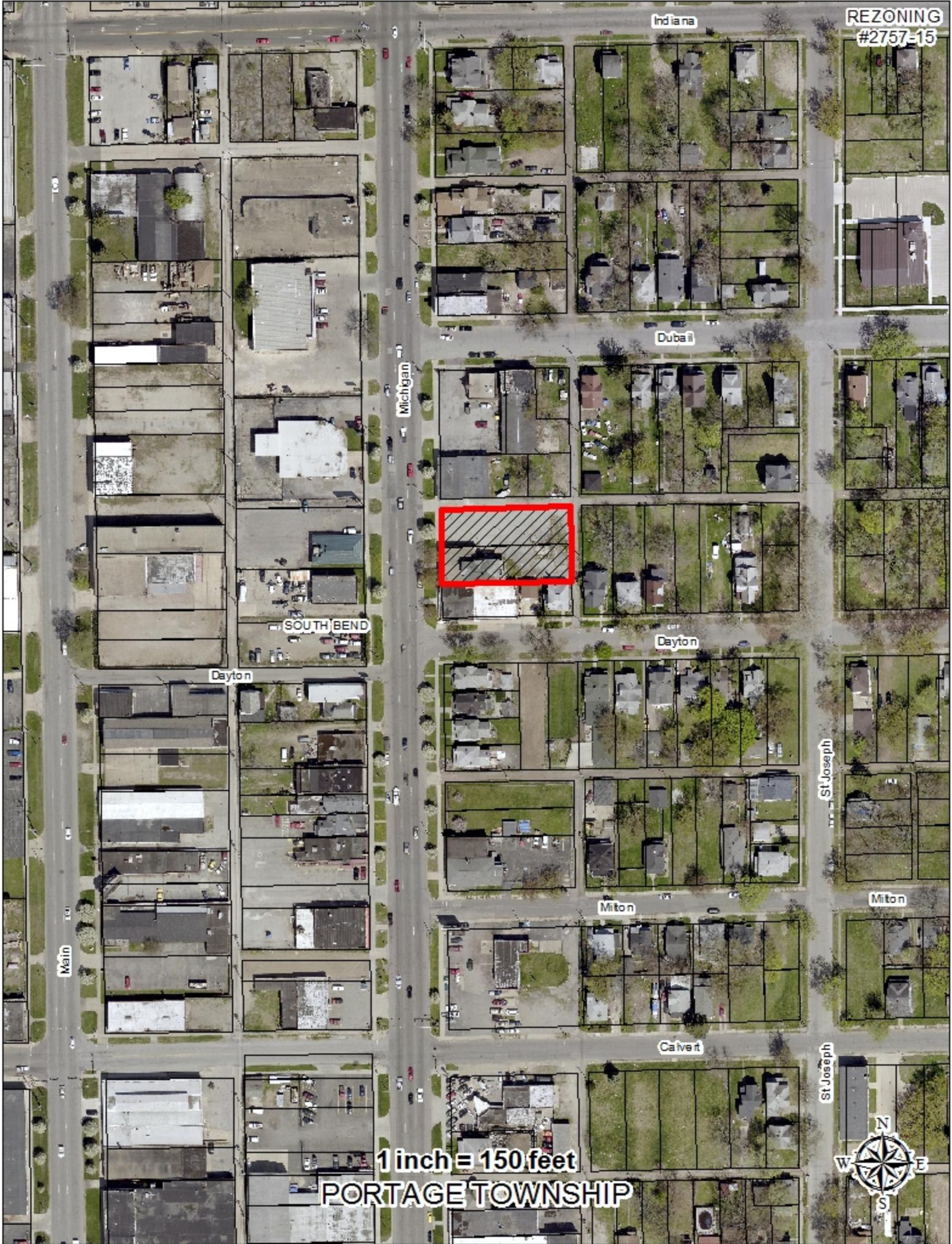
Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation.

The staff recommends approval of the variance.

Analysis:

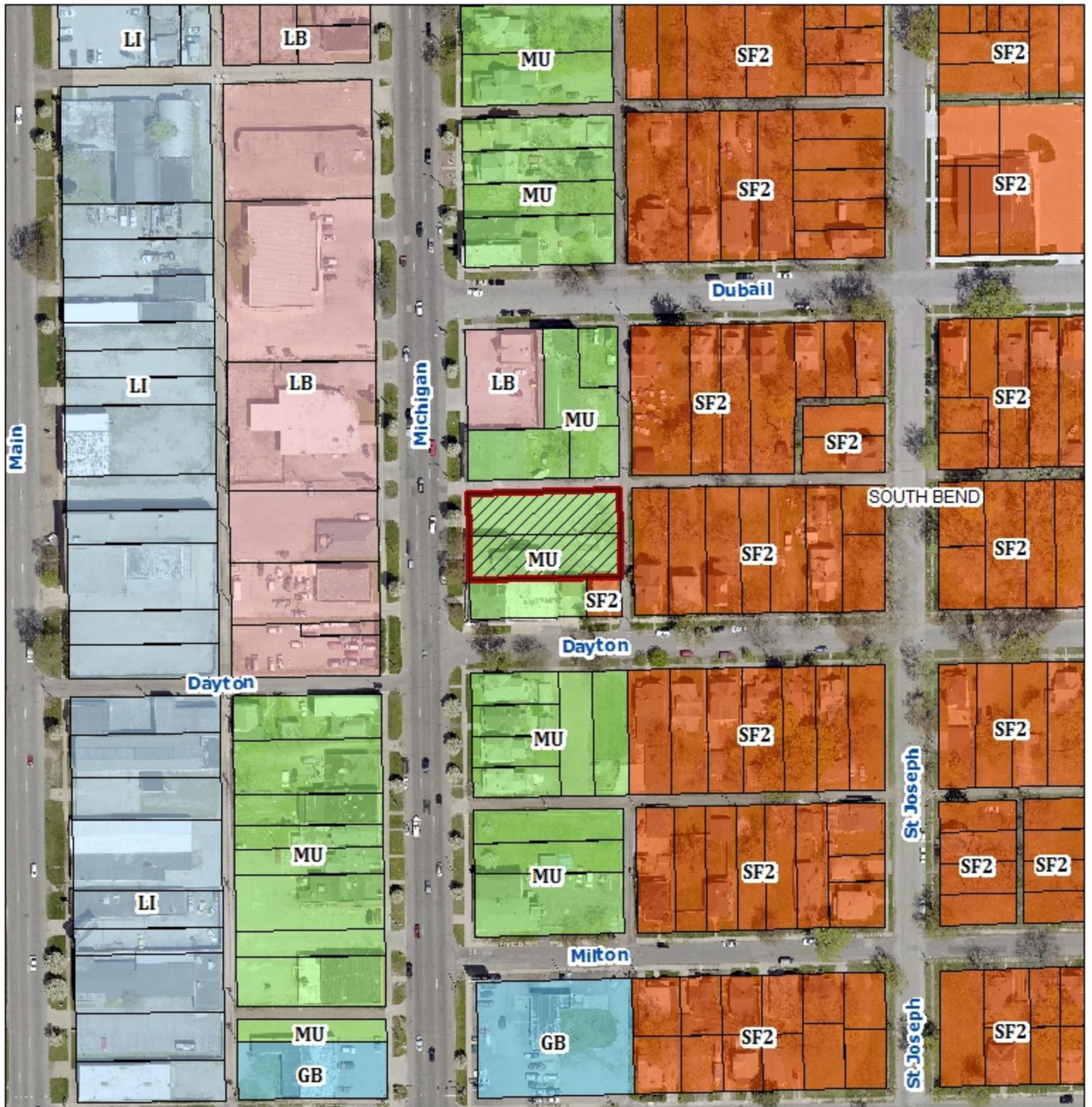
Allowing this vacant commercial property to rezone to LB Local Business District will provide a greater range of allowable uses, further supporting Michigan Street as an important neighborhood business corridor.

REZONING
#2757-15



1 inch = 150 feet
PORTAGE TOWNSHIP

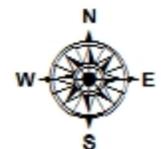




**Rezoning from:
"MU" MIXED USE DISTRICT to
"LB" LOCAL BUSINESS DISTRICT**

MASTER ZONING KEY

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 150 feet

APC # 2757-15

Staff Report

10/7/2015

APC # 2758-15
Owner: Beacon Health System, Inc.
Location: the west 80.58 feet of 52933 Shellbark Avenue
Jurisdiction: City of South Bend
Public Hearing Date: 10/20/2015

Requested Action:

The petitioner is requesting a zone change from R: Single Family District in unincorporated St. Joseph County to CB Community Business District in the City of South Bend.

Land Uses and Zoning:

- On site: On site is vacant land.
- North: To the north is a single family home zoned R: Single Family District in unincorporated St. Joseph County
- East: To the east, and on the same parcel, is a single family home zoned R: Single Family District in unincorporated St. Joseph County
- South: To the south is a development site for a medical complex zoned CB Community Business District in the City of South Bend.
- West: To the west is a development site for a medical complex zoned CB Community Business District in the City of South Bend.

District Uses and Development Standards:

The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts.

Site Plan Description:

This is a 0.17 acre lot designed to be used for stormwater retention for part of a larger development site currently zoned CB Community Business District in the City of South Bend. Type B: Partial screening is required between this property and the residential properties to the north and east.

Zoning and Land Use History And Trends:

This site will be adjacent and accessory to a site to the southwest which was rezoned to O Office District in 1990, then to CB Community Business District in 2008.

Traffic and Transportation Considerations:

Lynnewood Avenue and Shellbark Street have two lanes. Cleveland Road has four lanes and a raised median.

Utilities:

Since the site will be used for retention only, it will not be utilizing any water or sanitary systems. The larger development site will be served by municipal water and sewer.

Agency Comments:

County Surveyor, County Engineer, and County Health Department recommend approval. City Engineer recommends approval, subject to a final drainage plan.

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:

This rezoning petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006): Policy PF 7.1.1: Support the provision of services that effectively meet the changing healthcare needs of residents.

Land Use Plan:

The Future Land Use Map identifies this area as commercial (office & retail).

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The area north of Cleveland Road between Portage Road and Riverside Drive have seen a gradual transition to commercial uses beginning in the late 1980's. Since that time, several properties with access to Cleveland have zoned to various forms of commercial districts. In the immediate proximity of this site, a funeral home and beauty salon have developed. This site will be adjacent and accessory to a site to the southwest which was rezoned to O Office District in 1990, then to CB Community Business District in 2008.

3. Most Desirable Use:

The most desirable use is one that supports commercial growth while limiting any negative impact on surrounding residential properties.

4. Conservation of Property Values:

Due to the low-impact nature of a retention basin, surrounding property values should not be adversely affected.

5. Responsible Development And Growth:

It is responsible growth and development to allow the adjacent medical complex to utilize this property for a drainage basin.

Staff Comments:

The staff has no additional comments.

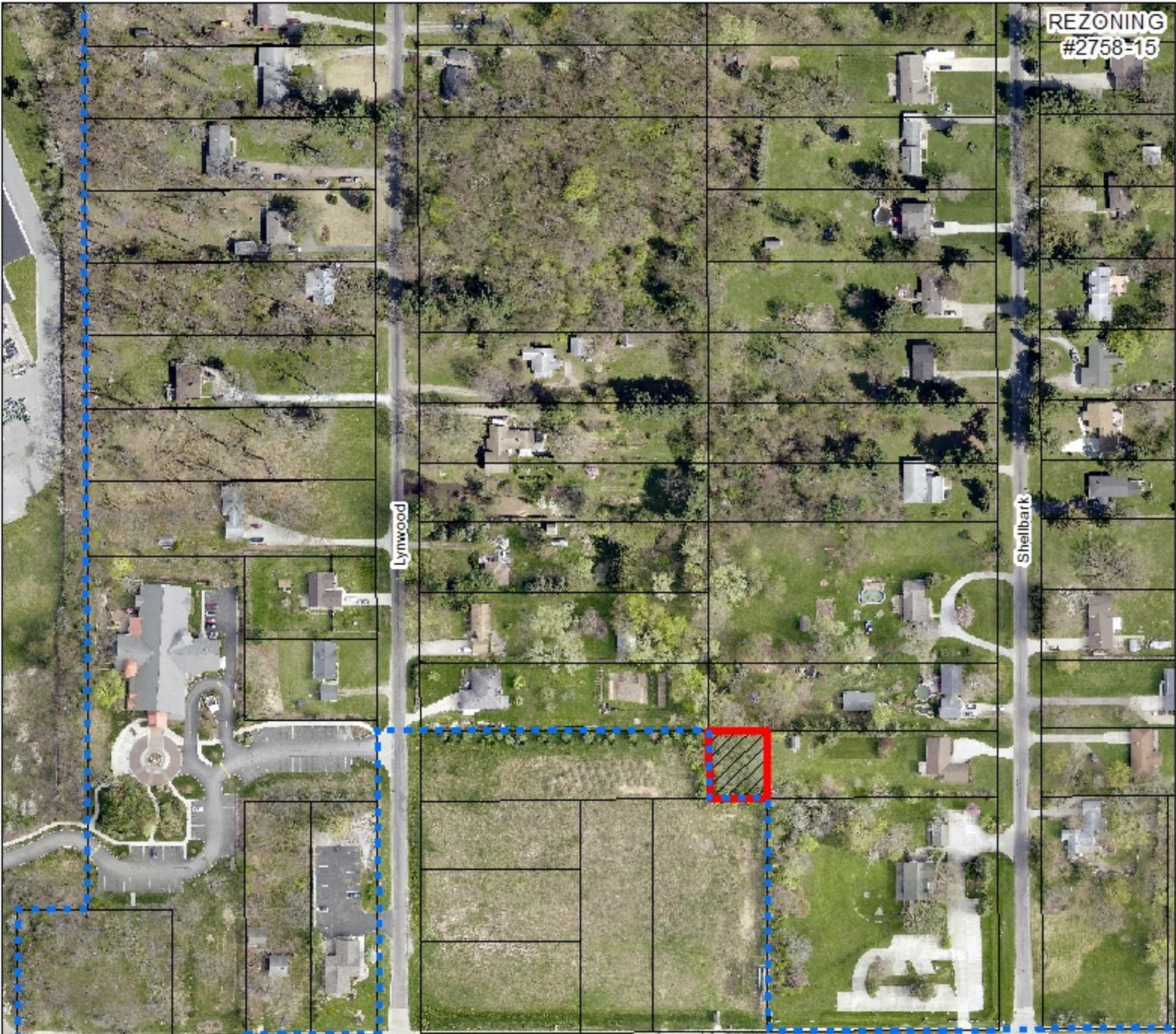
Recommendation:

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.

Analysis:

Rezoning this site to CB Community Business District will allow it to be included in the larger overall development of the medical complex at the northeast corner of Lynnewood and Cleveland. Including this parcel will provide additional area for sufficient retention to make it a viable site and further develop this commercial node.

REZONING
#2758-15



Lynwood

Shellbark

Cleveland

SOUTH BEND

I-80

I-80

1 inch = 200 feet
GERMAN TOWNSHIP

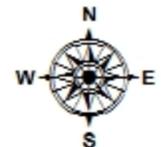




**Rezoning from:
 "R" SINGLE FAMILY DISTRICT ST. JOSEPH COUNTY to
 "CB" COMMUNITY BUSINESS DISTRICT CITY OF SOUTH BEND**

MASTER ZONING KEY

-  COUNTY "R" SINGLE FAMILY DISTRICT
-  COUNTY "OB" OFFICE/BUFFER DISTRICT
-  COUNTY "B" BUSINESS DISTRICT
-  SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT



1 inch = 150 feet

APC # 2758-15

Staff Report

9/30/2015

APC # 2463-08
Owner: Beacon Health Systems
Location: the northeast corner of Cleveland Road and Lynnewood Avenue lying immediately west of 21275 Cleveland Road and south of 52776 Lynnewood Avenue
Jurisdiction: City of South Bend
Public Hearing Date: 10/20/2015

Requested Action:

The petitioner is requesting a commitment modifying or terminating existing commitments concerning the use or development of real estate made in connection with a zone map change.

Zoning and Land Use History And Trends:

The site was annexed and rezoned to CB Community Business in 2008 to allow for a multi-tenant retail space, restaurant, and other potential commercial development.

Staff Comments:

The site was undeveloped until recently when it was acquired by Beacon Health Systems. A 20,000 square foot medical facility is currently under construction. Due to the significant change in the use of the site, the petitioner is requesting the commitments be amended as follows:

Existing Written Commitments:

- 1) To align as close as possible, the Developments' North Drive with the St. Joseph County Library Lynnewood Avenue.
- 2) Restrict Drive openings unto Lynnewood Avenue for exiting vehicles to only be allowed to go South from Development to Cleveland Road.
- 3) Developer to allow access from proposed Development to future non-residential development on property adjacent to and East of Development property.
- 4) Each Store front in the Planned Development shall have a different façade, in keeping with the proposed Development which is referred to as a "Lifestyle Center".
- 5) No Drive-thru facilities shall be permitted in the Northern-most building shown on the submitted preliminary site plan to help reduce noise pollution to the adjacent residential properties.
- 6) Curbs and sidewalks shall be required along petitioned property abutting Cleveland Road and Lynnewood Avenue.
- 7) Place a 6 ft. high Privacy fence along the common boundary between the Development property and the property presently owned by Patrick Romano which is located on Lynnewood Avenue. This is to help protect the Romano's grandchildren and to prevent trash and pedestrian traffic from coming onto the Romano property. Also the Developer is to remove all "marked trees" that were selected at an on-site meeting attended by Patrick Romano, Councilman Ann Puzello and the Developer Steve Cooreman. The selected trees were located on both the Romano property and the Development property.

Staff Report

- 8) State in the Developments' Covenants and as part of the written Commitments that any product delivery times and trash collection times are to occur between the hours of 8:00 a.m. and 5:00 p.m. All Developments' trash bins will be 100% walled off with lockable gates. A written scheduled routine for policing the Development site and trash and papers and a standard of lawn care and parking lot care, as far as weeds and snow piles are concerned.
- 9) Cooreman Real Estate Group, will not lease to any "undesirable tenants", such as: Liquor Stores, Tattoo parlors, Adult Entertainment type business, Cigarette Shops or other non-family uses.
- 10) No "Fast-food" type Restaurants with a Drive-thru facilities shall be located at the Southwest corner of the Development along Lynnewood Avenue and Cleveland Road as shown on the preliminary site plan. A "Sit-down" Restaurant can be located at this location without a Drive-thru facility.

Proposed Written Commitments:

- 1) No Drive-thru facilities shall be permitted in the Northern-most building shown on the submitted preliminary site plan to help reduce noise pollution to the adjacent residential properties.
- 2) Curbs and sidewalks, as required by City Engineering.
- 3) Place a 6 ft. high Privacy fence along the common boundary between the Development property and the property to the North which is located on Lynnewood Avenue.
- 4) State in the Developments' Covenants and as part of the written Commitments that any product delivery times and trash collection times are to occur between the hours of 8:00 a.m. and 5:00 p.m. All Developments' trash bins will be 100% walled off with lockable gates. A written scheduled routine for policing the Development site and trash and papers and a standard of lawn care and parking lot care, as far as weeds and snow piles are concerned.
- 5) Beacon Medical Systems and their assigns, will not lease to any "undesirable tenants", such as: Liquor Stores, Tattoo parlors, Adult Entertainment type business, Cigarette Shops or other non-family uses.
- 6) No "Fast-food" type Restaurants with a Drive-thru facility shall be located at the Southwest corner of the Development along Lynnewood Avenue and Cleveland Road as shown on the preliminary site plan. A "Sit-down" Restaurant can be located at this location without a Drive-thru facility.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the proposed commitments be approved subject to including the commitment that the Developer allow access from proposed Development to future non-residential development on property adjacent to and East of Development property.

Analysis:

The proposed commitment adequately protects the surrounding property owners consistent with the intent of the original approval, while accommodating the change in the use and current development standards.

Staff Report

10/1/2015

APC # 2732-15
Owner: APC Initiated
Location: Text Amendment
Jurisdiction: City of South Bend
Public Hearing Date: 10/20/2015

Requested Action:

The requested action is to replace Section 21-06.03 Northeast Neighborhood Development Area Overlay Zoning District with a new Section 21-06.03 Northeast Neighborhood Zoning Overlay District.

Staff Comments:

The staff has initiated this ordinance based on discussions with the NNRO and the Building Department, where certain terms and development standards have caused conflicts in interpretation of several design standards, and where certain standards may be a practical barrier to construction projects. A number of definitions have been either added or revised, and design standards terminology added and clarified for better understanding and enforcement.

In addition, the recent expansion of the NNDA boundary into the new River East Development Area, technically dissolved the former NNDA boundary and its designation as a Development Area. This text amendment re-establishes the zoning overlay district as a separate and distinct overlay area from the River East Development Area.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the text amendment be sent to the Common Council with a favorable recommendation.

Analysis:

The new Section 21-06.03 re-defines the boundary for what used to be called the Northeast Neighborhood Development Area, which no longer exists, and revises and updates definitions and development standards applying the development experiences that have occurred to date.

Ordinance No. _____

AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION ON BEHALF OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, REPEALING CHAPTER 21, ARTICLE 6, SECTION 21-06.03 NORTHEAST NEIGHBORHOOD DEVELOPMENT AREA OVERLAY ZONING DISTRICT OF THE SOUTH BEND MUNICIPAL CODE, AND REPLACING IT WITH A NEW CHAPTER 21, ARTICLE 6, SECTION 21-06.03 ENTITLED NORTHEAST NEIGHBORHOOD ZONING OVERLAY DISTRICT.

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 in May 2004. A subsequent amendment in 2011 established the Northeast Neighborhood Development Area (NNDA) Overlay Zoning District. On November 10, 2014 the Redevelopment Commission adopted Resolution #3255 modifying and confirming a declaratory resolution and amendment to the Development Plan for the Northeast Neighborhood Development Area. Resolution #3255 expanded the NNDA by incorporating adjacent Development Areas, creating the River East Development Area. Section 21-06.03 was only intended to address the original boundaries of the NNDA. In addition, practical applications in the construction of new homes in the NNDA on existing and replated lots has required the need to clarify and update a number of development standards and definitions so as to meet current terminology and lessen confusion.

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 6 Overlay and Special Use Districts, Section 21-06.03 Northeast Neighborhood Development Area Overlay Zoning District is hereby repealed in its entirety and replaced with a new Article 6 Overlay and Special Use Districts, Section 21-06.03 Northeast Neighborhood Overlay Zoning District, as follows:

Sec. 21-06.03 Northeast Neighborhood Overlay Zoning District

Notwithstanding any provision elsewhere in the South Bend Zoning Ordinance ("hereafter referred to as "SBZO") to the contrary, all new development within the Northeast Neighborhood Zoning Overlay District ("hereafter referred to as "NNZO") shall be subject to the following regulations. In the case of conflict between the provisions of this NNZO and other provisions of the SBZO, the provisions of this NNZO shall control.

(a) Intent.

It is the intent of this NNZO to codify a number of the recommendations of the Northeast Neighborhood Design Guidelines (Edition – Revised: August 2009) which are most relevant and applicable to new development in the NNZO.

By codifying a number of the recommendations of the Northeast Neighborhood Design Guidelines, the NNZO accomplishes the following purposes:

- (1) To establish a comprehensive design approach for the NNZO;
- (2) To encourage high-quality design of future buildings and site development that preserves and enhances the character of a traditional neighborhood;
- (3) To create a strong, unique neighborhood identity image;
- (4) To provide a range of design options to address future development opportunities; and,
- (5) To instill and enforce the sense of "pride of place" among residents, businesses, and property owners.

(b) Applicability

- (1) New Development – The regulations contained in this NNZO shall be applicable to all new construction on real property located within the area designated as the Northeast Neighborhood Zoning Overlay District on the Zoning District Map for the City of South Bend. In order to assure the compatibility of new development within the NNZO area with that of the surrounding community, any new building, structure or sign within the NNZO after the effective date of the NNZO shall be subject to the regulations contained in this NNZO. Renovations or expansions of existing buildings, structures, or signs are not subject to the regulations of this NNZO but shall be subject to all applicable regulations of the underlying zoning district.
- (2) Land Use – The land use permitted on any individual lot with this NNZO shall be determined by the underlying zoning district.
- (3) Development Standards – The determination of which of the development standards and regulations of this NNZO shall be applicable to a particular lot, project or development shall be determined by the proposed use of the real property, not by the underlying zoning district.
- (4) Special Exception Uses – For those uses which must be reviewed by the Board of Zoning Appeals and approved by the Common Council through a Special Exception Use in accordance with the underlying zoning, the applicable regulations of this NNZO shall be determined by the Board of Zoning Appeals

and the Common Council as part of their determination of the appropriateness of the use.

- (5) Planned Unit Development – As part of an application for a Planned Unit Development, the applicant may propose alternative development standards that do not adhere to the standards of the NNZO. If approved by the Common Council, these alternative development standards will control the development of the site. In the event that no alternative development standards are proposed, then the standards contained within this NNZO will govern.

(c) Definitions.

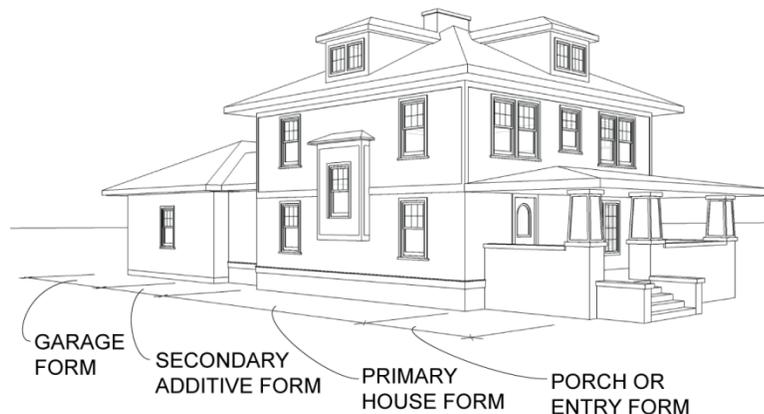
In addition to the definitions contained in Article 11, Section 21-11 Definitions, the following definitions apply in this NNZO.

- (1) American Foursquare Style – An American house style popular in the mid-1890s to the late 1930s that incorporates elements of the Prairie and Craftsman styles. Hallmarks of the style include a basically square, boxy shape, two-and-one-half stories high, large front porch, and commonly a hipped roof, as referenced by the accompanying graphic.



- (2) Arcade – A line of arches supported by columns or piers attached to a solid wall creating a passageway (i.e. Covered access to adjacent shops).
- (3) Architectural Style – Classification used to characterize the wide variety/range of features, such as appearance, form, and materials that make a building or other structure notable and historically identifiable (e.g. Some of the more identifiable architectural styles of the Northeast Neighborhood include American Foursquare, Colonial Revival, Craftsman, Prairie, and Tudor).
- (4) Articulation - The relationship of contacting surfaces to create a series of plane changes in order to avoid a flat appearance.
- (5) Atrium - An opening connecting two or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall.

- (6) Bay - One unit of a building that consists of regularly repeated spatial elements making a vertical division in a structure, commonly defined by the number of window and door openings per floor or by the space between columns and/or piers.
- (7) Belt Course - A narrow, horizontal band projecting from the exterior walls of a building, usually defining the interior floor levels.
- (8) Brace - A diagonal stabilizing member of a building frame.
- (9) Bracket - A support element under eaves, shelves or other overhangs; often more decorative than functional.
- (10) Building Mass – The relationship between height, width and depth of a building or structure (e.g. House massing may consist of a Primary House Form, front Porch/ Portico or Entry Form, Secondary Additive Form and a Garage), as referenced by the accompanying graphic.



- (11) Building Scale - The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.
- (12) Cantilever - A projecting beam or part of a structure fixed at one end, projecting beyond its vertical support.
- (13) Casement Window - A window with sash hung vertically and swinging inward or outward.
- (14) Colonial Revival Style – A nationalistic design movement in the United States in the late 19th century – mid 20th century that sought to revive elements and features of architectural style borrowed from earlier British colonial period houses of the early 19th century. Identifying features include a façade with normally

symmetrically balanced windows and accentuated front door, often centered as referenced by the accompanying graphic.

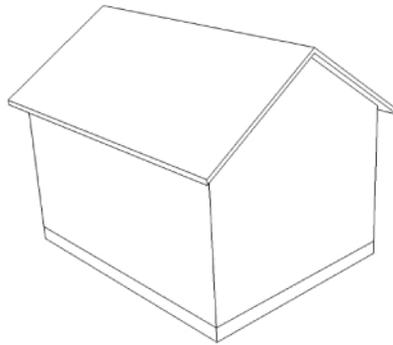


- (15) Cornice - Projecting ornamental molding along the top of a building or wall.
- (16) Craftsman Style - A style derived from the British Arts & Crafts movement from the late 19th century. It originated in southern California and was the dominant style for smaller houses (e.g. Bungalow) built throughout the United States until the early 1920s, as referenced by the accompanying graphic.

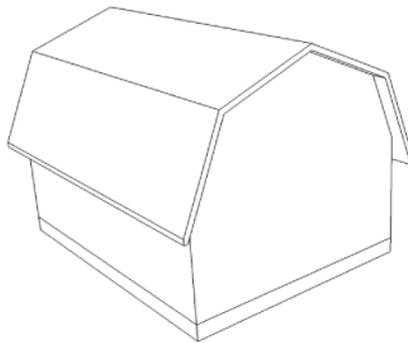


- (17) Cupola - A dome shaped roof on a circular base, often set on the ridge of a roof.
- (18) Decorative Fence – A fence made of metal or wood with open areas representing not less than 70% of the fence area. Chain link, barbed wire or similar style fences shall not be considered decorative.
- (19) Decorative Exterior Wall – A wall made of stone, brick, split-face concrete block, or other decorative unit masonry material. Plain concrete block shall not be considered decorative.
- (20) Dormer - A vertically set window on a sloping roof; the roofed structure housing such a window.

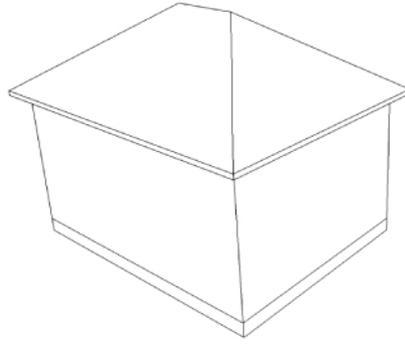
- (21) Eaves - The projecting overhang at the lower edge of a roof.
- (22) Egress - An exit.
- (23) Façade – External face of a building.
- (24) Flat Roof - A roof that has no perceptible pitch or slope.
- (25) Fenestration - The arrangement, proportioning and design of windows and doors in an exterior wall of a building.
- (26) Gable - A triangular exterior wall segment immediately under a double pitched roof (e.g. gabled roof), as referenced by the accompanying graphic.



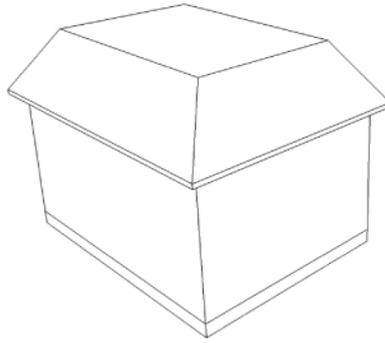
- (27) Gambrel Roof - A symmetrical ridged roof with two slopes on each side, the upper slope is at a shallow angle and the lower slope the steeper pitch, as referenced by the accompanying graphic.



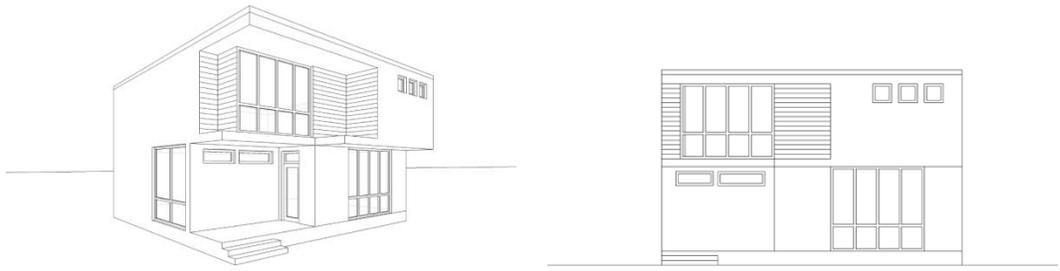
- (28) Hipped Roof - A roof with four uniformly pitched sides, without gables, as referenced by the accompanying graphic.



- (29) Ingress - An access or entry point.
- (30) Lintels - A beam supporting the weight above a door or window opening.
- (31) Mansard Roof - A roof that has two slopes on all four sides, the lower slope being much steeper, as referenced by the accompanying graphic.



- (32) Masonry - Wall construction of cut, shaped or molded units such as stone, brick, concrete, adobe, etc.
- (33) Modern Style – An overarching architectural movement that gained global popularity at the turn of the 20th century that was primarily driven by technological and engineering developments. Common characteristics include simplicity and clarity of forms and elimination of “unnecessary detail”, materials at 90 degrees to each other, visual expression of structure, use of industrially-produced materials and a visual emphasis on horizontal and vertical lines, as referenced by the accompanying graphic.



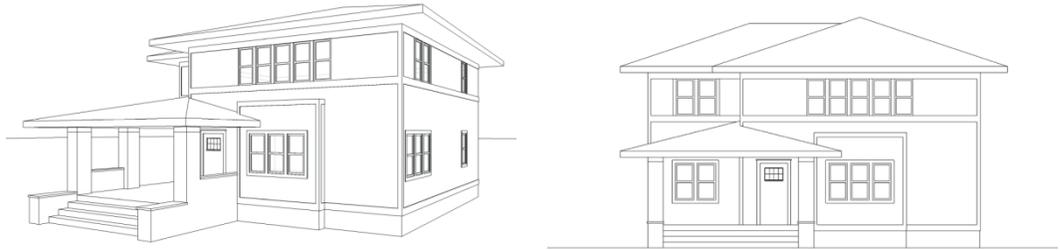
- (34) Molding - A type of trim that is applied to a vertical surface.
- (35) Mullion - A vertical member separating, and often supporting, windows, doors or panels set in a series.
- (36) Parapet - A low, solid, protective wall or railing along the edge of a roof or balcony.
- (37) Pavers - Preformed paving blocks that are installed on the ground to form patterns while at the same time facilitate pedestrian and vehicular travel.
- (38) Plaza - An open space that may be improved and landscaped, usually surrounded by streets and buildings.
- (39) Porch – Roofed structure attached to the front, side or back exterior of the building, used to shelter at a building entrance and occupy (e.g. Seasonal living space), as referenced by the accompanying graphic.



- (40) Portico - Roofed porch-like structure, often open along the front side, but may be enclosed and connected to the Primary Building Frontage at the primary building entrance, often supported by columns; used to shelter at an entrance and is not occupied (e.g. Covered passage), as referenced by the accompanying graphic.

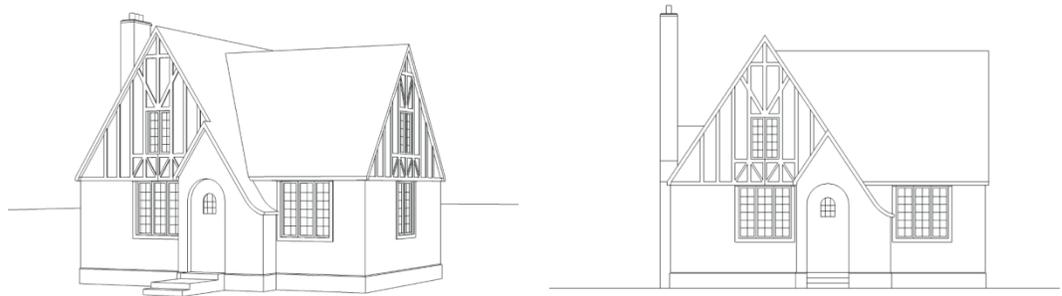


- (41) Primary Building Frontage – The side of a building facing the primary street located on side-by-side lots, corner lots and double frontage lots, which contains the primary building entrance.
- (42) Prairie Style – An American house style of the late 19th and early 20th century that is usually marked by horizontal lines, hipped roofs with widely overhanging eaves, windows grouped in horizontal band, with design aesthetics of the British Arts and Crafts movement (e.g. Architect Frank Lloyd Wright, a proponent of the style, emphasized the horizontal lines responding to the flatness of the Midwestern prairie), as referenced by the accompanying graphic.



- (43) Primary House Form - The largest mass of a house (e.g. Secondary House Form is a smaller mass and subordinate to it). See “Building Mass” definition.
- (44) Secondary House Form - The smaller mass of a house that is subordinate to the Primary House Form (e.g. largest mass). See “Building Mass” definition.
- (45) Secondary Building Frontage – The side of a building on a corner lot facing the secondary street, which does not contain the primary building entrance.
- (46) Setback - The horizontal distance measured between a building wall and its property lot lines (e.g. Front yard, rear yard and side yard).
- (47) Sill - The lowest horizontal member at the inner structure of a wood-framed wall, normally resting on and anchored to a foundation wall.

- (48) Spindle - A turned wooden element, often used in screens, stair railings and porch trim.
- (49) Steeply-sloped - Having a pitch of 10/12 or greater for a minimum horizontal distance of thirty-six inches (36”).
- (50) Street: Primary – The street on which the parcel’s front lot line abuts and address is platted.
- (51) Street: Secondary – The street that intersects with the Primary Street on which the parcel’s side lot line abuts (e.g. Corner lot).
- (52) Streetwall - The continuation of building façades along a Primary Street.
- (53) Step back - An architectural element in which the upper stories of a tall building are stepped back from the lower stories.
- (54) Transom - A crosspiece separating a doorway from a window or fanlight above it.
- (55) Tudor Style - A transitional style of English architecture that was prominent from 1890 to 1940 in America. Homes were built using late Medieval and early Renaissance styles characterized by steep cross-gabled roofs, often punctuated by small dormers, tall, narrow, casement windows in multiple groups, half-timbering, and massive decorative chimneys, as referenced by the accompanying graphic.



- (56) Turret - A small, slender tower usually at the corner of a building, often containing a circular stair.
- (57) Uplight - A decorative light fixture used to accent architectural elements or landscaping.
- (58) Vault - An arched ceiling of masonry.
- (59) Veranda - A roofed open gallery or porch.

(d) Single Family and Two-Family Residential

All new single family and two-family residential construction shall comply with the following regulations:

- (1) Single Family and Two-Family Residential Building Massing
 - (A) Angular or curved building massing is prohibited.
 - (B) Building heights shall not be less than one (1) story or fifteen feet (15') and shall not exceed two-and-a-half (2 ½) stories or thirty-five feet (35').
 - (C) Front entry door(s) shall be located on the Primary Building Frontage and shall face the Primary Street.
 - (D) A Front Porch or Portico is required and shall be attached to the Primary Building Frontage. A Porch shall have a minimum depth of six feet (6') and cover a minimum of fifty percent (50%) of the Primary House Form. A Portico shall have a minimum depth of four feet (4') and cover a minimum of thirty percent (30%) of the Primary House Form, as referenced in the accompanying graphic.



- (2) Single Family and Two-Family Residential Roof Shapes
 - (A) Hipped and gabled roofs are acceptable roof types.
 - (B) Mansard, mock mansard, flat and barrel roofs are prohibited. Flat roof forms may only be used on the house's Entry Form (e.g. Porch or Portico) and Secondary Additive Form.
 - (C) Eaves shall have a maximum overhang of three feet (3').
- (3) Single Family and Two-Family Residential Building Design and Materials

(A) Façades

- (i) Buildings shall have identifiable architectural styles that incorporate elements and details that remain consistent with that style.
- (ii) Unarticulated, Modern Style building façades are prohibited.
- (iii) Building designs that create blank wall conditions facing primary or secondary streets are prohibited.
- (iv) Building designs that orient front doors so that they are not visible from the primary street are prohibited.
- (v) The Primary Building Form's front façade's porch/portico, entry door, windows, roof shape and building massing, shall be the dominant character defining elements of the architectural style.

(B) Fenestration

- (x) Buildings shall provide fenestration on façades facing primary and secondary streets. Exposed, blank walls are prohibited.
- (xi) Door and window shapes shall be primarily rectangular (oriented vertically), or square. Horizontally oriented windows with vertical divisions may be used when consistent with the house's architectural style and character.
- (xii) Round, hexagon, and octagonal shaped windows shall only be allowed as accents.
- (xiii) The front door entrance on the front façade of the house shall define, and remain consistent with, the building's architectural style and character.
- (xiv) Doors and windows shall be made of painted metal, wood, fiberglass or vinyl. Dark or reflective glass is prohibited.
- (xv) Mill finish (non-colored) aluminum door and window frames are prohibited.
- (xvi) If a building has window shutters, the window shutters shall be sized and shaped to match the associated opening, and shall be mounted against the outside edge of the window. Window shutters shall be either louvered or paneled, and made of painted wood, metal, fiberglass or vinyl.

(xvii) Solid metal security gates, metal roll-down windows, and link/grill security devices are prohibited in all residential windows and doorways.

(C) Materials

- (i) "Jumbo," or other commercial-grade/scale products such as bricks, cinder/concrete block, unfinished metal, plywood, unfinished pre-cast or poured-in-place concrete are prohibited on any residential building façades.
- (ii) Roofs, if sloped, shall be clad in cedar wood shake, fiberglass, asphalt shingles, prefinished metal shingles, prefinished metal standing seam, or slate. Prefinished metal standing seam roofing shall only be permitted for accent roofing above window projections and open-air porches/porticos.
- (iii) When used, asphalt or fiberglass shingles with a "shadow line" effect are encouraged, as long as they meet or exceed local building codes.

(D) Colors

- (i) Bright colors are prohibited as primary house colors but may be used for subtle trim accents in amounts not to exceed 10% of the façade area. All colors shall complement the architectural style and character of the house and the surrounding neighborhood.

(E) Projections

- (i) Residential entrances shall be visible from the primary street, easily accessible, and well-lit. Architectural elements such as porches, porticos, and canopies are required to identify residential entrances and maintain the existing neighborhood's architectural character.
- (ii) The floors of front porches shall be raised between twenty-four and forty-eight inches (24"-48") above finished grade and be designed so as to allow access to the public sidewalk at the front lot line.
- (iii) A front entry porch shall have a minimum depth of six feet (6'); A front entry portico shall have a minimum depth of four feet (4').
- (iv) Porch/Portico handrails and guardrails of perforated metal, stainless steel cables, or unfinished metal mesh are prohibited.
- (v) Open porch/portico bases are prohibited. Porch/portico bases shall

be continuously skirted with a painted wood lattice panel, masonry, or similar material to the primary building.

(F) Lighting

- (i) Floodlights and uplights with bulbs greater than 100 watts on residential building façades are prohibited. Motion-sensored flood lights and security lights shall be limited to rear door entries, side door entries or garages only.
- (ii) Building and landscape lighting shall be a natural white color consistent with incandescent, fluorescent, LED or metal halide lighting. Colored lights are prohibited unless for appropriate seasonal decoration or interest.

(G) Mechanical Equipment and Utilities

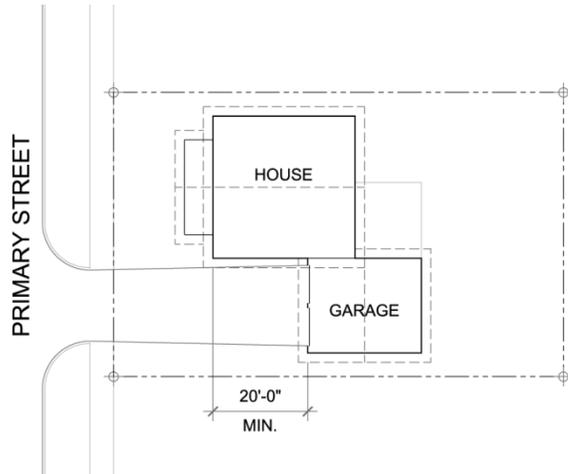
- (i) Exposed mechanical equipment along primary and secondary street frontages is prohibited.
- (ii) Window-mounted air conditioning units placed facing primary or secondary street frontages are prohibited.
- (iii) Satellite television dishes shall be located according to the provisions of the SBZO, unless documentation is provided to demonstrate a lack of reception, shall not be visible from the primary street frontage. If such documentation is provided, the satellite television dish shall be located as discretely as possible.

(5) Single Family and Two-Family Residential Landscaping

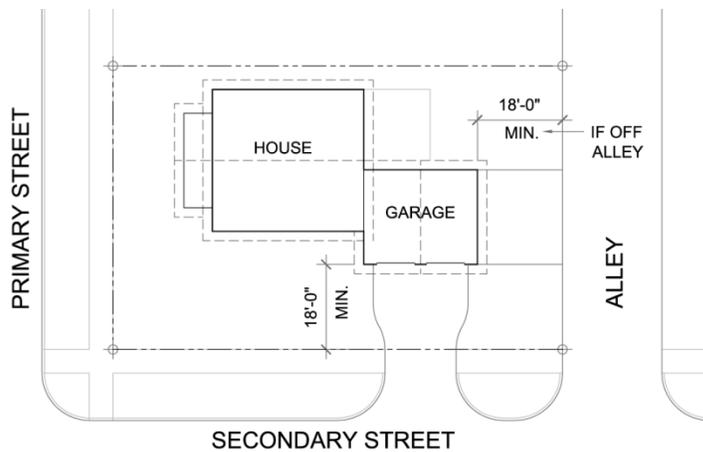
- (A) Steeply-sloped yards in excess of a slope of 2 to 1 (two foot horizontal for one foot vertical) shall incorporate a slope retention element of either a small retaining wall with steps as a transition to the sidewalk or ground cover/low shrub planting schemes.
- (B) Decorative walls, decorative fences, or hedges shall not exceed three feet (3') in height along the front and side property lines that face the primary or secondary streets and shall be consistent with the house's architectural style and character.
- (C) Decorative walls, decorative fences, and hedges shall be no greater than five feet (5') in height along the rear and side property lines that do not face the streets.

(6) Single Family and Two-Family Residential Parking and Service Areas

- (A) Off-street parking shall be provided by an enclosed garage located to the rear of the primary building frontage.
- (B) Garages that gain access from an alley or secondary street are preferred.
- (C) If the garage door on an attached garage must face a primary street, the garage door must be set back a minimum of 20 feet (20') from the primary building frontage, as referenced in the accompanying graphic.



- (D) Garages oriented with garage doors facing an alley or Secondary Street shall have a setback (apron) of not less than eighteen feet (18') from the alley and from the right-of-way at the Secondary Street, sufficient to accommodate the parking of an automobile provided that the minimum required setbacks are met for corner lots per the zoning ordinance, as referenced in the accompanying graphic.



- (E) Garage setbacks shall include paved and screened locations for trash cans if trash cans are not stored in the garage.
 - (F) No more than one (1) double or two (2) single garage doors are permitted to face any primary or secondary street.
 - (G) Garages shall incorporate roof types that match the roof type of Primary House Form. Hipped and gabled roofs are acceptable roof types.
 - (H) Three-car garages are prohibited.
 - (I) Driveways fifteen feet (15') or greater at the curb or circular designed driveways within the front yard setback are prohibited.
- (7) Single Family and Two-Family Residential Building Addresses
- (A) Address numbers should be a minimum of three inches (3") in height. Vinyl-applied numbers are prohibited.

(e) Multi-Family Residential

All new multi-family residential construction shall comply with the following regulations:

- (1) Multi-Family Residential Building Massing
 - (A) In the event of mixed residential building types on abutting lots located within the same block face, the height and massing of new multi-family buildings shall be no more than twice the height and massing of the immediately abutting building, including buildings on the same lot.
 - (B) Angular or curved building massing is prohibited.
 - (C) Buildings shall not exceed three (3) stories or forty feet (40') in height.
- (2) Multi-Family Residential Roof Shapes
 - (A) Hipped and gabled roofs are acceptable roof types.
 - (B) Mansard, mock mansard, flat and barrel roofs are prohibited. Flat roof forms may only be used on the building's Entry Form (e.g. Porch or Portico).
 - (C) Eaves shall have a maximum overhang of three feet (3').

- (3) Multi-Family Residential Building Setbacks
 - (A) Building setbacks shall not exceed ten feet (10') from the right of way line of the street on which the parcel's address is platted.
- (4) Multi-Family Residential Building Design
 - (A) Façades
 - (i) All residential buildings shall include design elements, including but not limited to, front doors/entries, front porches/porticos/overhangs, articulated rooflines, and balanced/symmetrical fenestration on all façades.
 - (ii) Residential buildings shall have identifiable architectural styles that incorporate elements and details that remain consistent with that style.
 - (iii) Unarticulated, Modern Style building façades are prohibited.
 - (iv) Front building façades shall be oriented toward, and parallel to, all primary street frontages including corner lots.
 - (v) Building designs that create blank wall conditions facing primary or secondary streets are prohibited.
 - (vi) The front door entrance(s) shall define, and remain consistent with, the building's architectural style and character and shall face the Primary Street frontage.
 - (vii) Building designs that orient front doors so that they are not visible from the Primary Street are prohibited.
 - (viii) Front façade entry doors, windows, roof shapes and building massing shall be the dominant character defining elements of the architectural style.
 - (ix) Garage doors shall face alleys or be oriented so as to not face the primary street frontage.
 - (x) Front façade entry doors and mailboxes shall face the primary street frontage.

(B) Multi-Family Residential Fenestration

- (i) Buildings shall provide fenestration on façades facing primary and secondary streets. Exposed, blank walls are prohibited.
- (ii) Door and window shapes shall be primarily rectangular (oriented vertically), or square. Horizontally oriented windows with vertical divisions may be used when consistent with the building's architectural style and character.
- (iii) Round, hexagon, and octagonal shapes shall only be allowed as accents.
- (iv) Doors and windows shall be made of painted metal, wood, vinyl or fiberglass.
- (v) Opaque or reflective glass is prohibited.
- (vi) Mill finish (non-colored) aluminum door and window frames are prohibited.
- (vii) If a building has window shutters, the window shutters shall be sized and shaped to match the associated opening, and shall be mounted against the outside edge of the window. Window shutters shall be either louvered or paneled, and made of painted wood, metal, vinyl, or fiberglass.
- (viii) Solid metal security gates, metal rolldown windows, and link/grill security devices are prohibited in all windows and doorways.

(C) Multi-Family Residential Materials

- (i) Cinder/concrete block, metal, plywood, unfinished pre-cast or poured-in-place concrete are prohibited on any residential building façades except for basement foundation walls between the first floor sill plate and grade, where concrete, concrete masonry, brick, stone or stucco is permitted.
- (ii) Roofs, shall be clad in cedar wood shake, fiberglass shingles, asphalt shingles, slate shingles, clay tile, prefinished pre-stamped metal shingles, prefinished metal standing seam or other recognized residential roofing material. Prefinished metal standing seam roofing shall only be permitted for accent roofing above window projections and open-air porches/porticos/overhangs. Sheet or roll-type roofing is prohibited on sloped roofing.

(D) Multi-Family Residential Colors

- (i) Bright colors are prohibited as primary house colors but may be used for subtle trim accents in amounts not to exceed 10% of the façade area. All colors shall complement the architectural style and character of the building and the surrounding neighborhood.

(E) Multi-Family Residential Projections

- (i) Attached dwelling units shall have street-facing, individual front entries with a covered entrance feature such as a porch, portico or overhang along the primary street frontage. Decks and garages shall be located and oriented to the rear of the structure.
- (ii) Front doors shall be a prominent feature on the primary street façade of the unit.
- (iii) Porch/Portico handrails and guardrails (including balconies) of perforated metal, stainless steel cables, and unfinished metal mesh are prohibited.
- (iv) Open porch bases are prohibited. Porch bases shall be continuously skirted with a painted wood lattice panel, masonry, concrete or similar material to the primary building.

(F) Multi-Family Residential Lighting

- (i) Floodlights and uplights with bulbs greater than one hundred (100) watts on residential building façades are prohibited. Motion-sensored flood lights and security lights shall be limited to rear door entries, side door entries or garages only.
- (ii) Building and landscape lighting shall be a natural white color consistent with incandescent, fluorescent, LED or metal halide lighting. Colored lights are prohibited unless for appropriate seasonal decoration or interest.

(G) Multi-Family Residential Mechanical Equipment and Utilities

- (i) Mechanical equipment shall not be located along primary and secondary street frontages.
- (ii) Rooftop mechanical equipment shall be located in the center or rear corner of a building, away from the primary street elevation.

- (iii) Roof top mechanical equipment shall be screened by the roof form. When the roof form cannot hide such equipment, a solid screen shall be constructed of materials similar to those of the primary façade.
 - (iv) Satellite television dishes shall be located so that they are not visible from the primary street.
- (5) Multi-Family Residential Landscaping
 - (A) Steeply-sloped yards in excess of a slope of 2 to 1 (two foot horizontal for one foot vertical) shall incorporate a slope retention element of either a small retaining wall with steps as a transition to the sidewalk or ground cover/low shrub planting schemes.
 - (B) When utilized, decorative walls, fences, or hedges shall not exceed three feet (3') in height along the front and side property lines that face the Primary and Secondary Streets and shall be consistent with the architectural style and character of the building.
 - (C) Decorative fences and hedges shall be no greater than five feet (5') in height along the rear and side property lines that do not face the streets.
 - (D) For urban townhome development, if front yard fencing is provided, said fencing shall be of a single, unified fence design for all units within a project. Individual fencing of individual urban townhome front yards is prohibited.
- (6) Multi-Family Residential Parking and Service Areas
 - (A) Urban Townhome/Rowhome Residential
 - (i) Off-street parking for all new urban townhome/rowhomes, shall be in the form of an enclosed garage located at the rear of the primary structure.
 - (ii) Garages oriented with garage doors facing an alley shall have a setback (apron) of not less than eighteen feet (18') from the alley, sufficient to accommodate the parking of an automobile.
 - (iii) Side-loaded garages accessible from primary or secondary street frontages are permitted only when legal alley access to garages is not available.
 - (iv) Garages that have ingress or egress from the front of the property or the primary street are prohibited.

- (v) Garage setbacks shall include paved and screened locations for trash cans if trash cans cannot be stored in the garage.
 - (vi) Garages that have ingress or egress from rear alleys may incorporate double-car doors.
 - (vii) No more than one (1) double or two (2) single garage doors are permitted to face any street.
 - (viii) Garages shall incorporate hipped or gabled roof types that complement the roof type of the primary building. Where appropriate to the design, dormers may be included.
 - (ix) Three-car garages are prohibited.
 - (x) Driveways shall be no more than twelve feet (12') wide at front property line.
 - (xi) Circular driveways within the front yard setback are prohibited.
 - (xii) Driveways on corner lots shall be located to maximize the distance from intersections.
 - (xiii) Driveway curb-cuts shall be placed to maximize the number of on-street parking spaces.
- (B) All Other Multifamily Designs (i.e., non-Urban Townhome / Rowhome Design)
- (i) Off-street parking areas shall be located behind buildings with access off a secondary street or alley. Visitor parking shall also be located behind the buildings or at on-street parking locations.
 - (ii) Off-street parking areas shall be located at least fifteen feet (15') from any building façade.
 - (iii) Off-street parking areas shall be adequately lit and shall minimize glare on surrounding properties.
- (7) Multi-Family Residential Building Addresses
- (A) All buildings shall clearly display their address numbers along the primary street elevation in a conspicuous place on the side of or above the front door of the building. Address numbers shall be at least three inches (3") in height.

- (B) Address numbers should be a minimum of three inches (3") in height. Vinyl-applied numbers are prohibited.

(f) Commercial / Mixed Use Buildings

All new commercial or mixed-use building construction shall comply with the following regulations:

- (1) Commercial/Mixed Use Buildings Located in the MU-District
 - (A) All buildings on properties zoned "MU" (Mixed-Use District of the SBZO) shall include active first-floor commercial space.
- (2) Commercial/Mixed Use Building Massing
 - (A) In areas with buildings developed on abutting lots (including across the street) the maximum building height shall not be more than fifteen feet (15') greater than the average of the maximum height on abutting lots, provided that the maximum building height for a portion of the building may increase one foot (1') for each additional one foot (1') of setback for that portion of the building.
 - (B) Buildings shall be oriented towards the street with main entrances or windows facing the primary or secondary street frontages.
 - (C) Buildings sited at irregular or random angles to the street are prohibited.
 - (D) Multiple or attached building complexes shall maintain a consistent street orientation and shall also maintain a parallel or perpendicular orientation to each other.
 - (E) Multi-story commercial/mixed-use buildings shall maintain a minimum commercial façade height for the first floor retail of fifteen feet (15').
 - (F) Gaps between buildings that interrupt the streetwall are prohibited except for pedestrian pathways and service alleys within long blocks. Such pedestrian pathways and service alleys should link the primary streets to parking areas and public spaces located behind buildings, and be no greater than fifteen feet (15') wide.
 - (G) The façade of any single-story commercial/mixed-use building shall be at least twenty-two feet (22') in height.

- (H) All sides of any free-standing single-user "outlot" retail buildings shall include four-sided design (i.e., be designed and detailed with each façade having the same level with similar materials and details).
 - (I) Multi-story mixed-use buildings shall not have a continuous uninterrupted façade greater than sixty feet (60') in height or length.
 - (J) Upper floor residential/office uses are required to provide façade or roof form articulation along with building fenestration changes to accentuate the mixed-use character of the building.
 - (K) Terraces and balconies, if incorporated, shall be designed so as not to protrude beyond the primary building façade.
- (3) Commercial/Mixed Use Building Shapes
- (A) Roofs shall be hipped, gabled, or flat with a parapet. Parapets shall range between three and five feet (3'-5') in height.
 - (B) Mansard, mock mansard, and barrel roofs as the main roof style are prohibited.
 - (C) Eaves shall have a maximum overhang of three feet (3').
- (4) Commercial/Mixed Use Building Setbacks
- (A) Off-street parking areas located between the building and street are prohibited.
 - (B) The maximum front building setback shall be five feet (5') to maintain the streetwall.
 - (C) Corner buildings shall have a maximum setback of five feet (5') from the primary and secondary street property line to hold or frame site corners along both street frontages.
 - (D) Buildings shall have a zero foot (0') side setback from the interior side property line, except for pedestrian access through the site.
 - (E) Pedestrian access areas shall not exceed a maximum of fifteen feet (15') wide.
 - (F) Pedestrian areas between buildings are prohibited unless necessary for access to/from off-street parking areas to store entrances.

(5) Commercial/Mixed Use Building Design

- (A) Multiple building developments using one overall architectural theme shall include varied roof forms, façade treatments, sign bands, and details to create the effect of a traditional neighborhood retail street which developed over many years.
- (B) Building façades shall include design elements (i.e. height of a wall or cornice or parapet line, window lines, belt courses or other horizontal design elements) that substantially replicate the pattern of abutting buildings or sections of the same building.
- (C) Mixed-use buildings shall express a clear defined retail base, middle, and top.
- (D) Building architectural details and features include but are not limited to cornices, belt courses, window bays, variations in wall plane, and roof features.
- (E) Blank or windowless elevations that face primary or secondary streets are prohibited. Walls which do not include window glazing or storefront entrances shall be articulated by the provision of: faux windows trimmed with frames, sills, lintels, awnings; murals; or similar elements.
- (F) Street-facing façades of buildings with fifty feet (50') or more of horizontal length shall include the use of vertical bays between twenty-five to thirty feet (25'-30') in width to give the appearance of small, individual storefronts. Techniques for implementation include changes in articulation of plane of the building façade such as vertical bays, columns and reveals. Columns or reveals, if used, shall not be less than eighteen inches (18") in width.
- (G) First-floor retail on a street facing façade shall have a minimum window surface of sixty percent (60%) and maximum of seventy-five percent (75%). Upper-floor residential or office shall have a minimum window surface of twenty-five percent (25%) and maximum of forty percent (40%).
- (H) Unarticulated, flat front, all glass or metal, Modern Style buildings are prohibited.

(6) Commercial/Mixed Use Building Fenestration

- (A) Window shapes shall be vertically-oriented rectangular, square, or Palladian.

- (B) Round, hexagon, and octagonal shapes shall only be used as accents.
 - (C) Solid windowless walls are prohibited unless necessary to the function of the building. If such walls are necessary to the function of the building, they shall incorporate arches, piers, columns, murals, tasteful graphics, planters and/or other elements that reduce building scale and add visual interest.
 - (D) Commercial or mixed-use buildings with ground-level retail or office space shall include clear glass windows to allow views into building interiors. Opaque or reflective glass is prohibited.
 - (E) Storefront windows shall be constructed of painted or clad wood or metal and clear glass.
 - (F) Solid metal security gates, metal roll-down windows, and link or grill security devices are prohibited.
- (7) Commercial/Mixed Use Building Materials
- (A) Unarticulated or finished concrete block and plywood are prohibited on commercial mixed-use building facades or on walls that are visible from streets, sidewalks and parking areas.
 - (B) Stucco, metal, exterior insulation systems (EIFS), unfinished pre-cast concrete panels and cast-in-place concrete are prohibited as the primary material used on commercial mixed-use building facades or walls visible from streets, sidewalks and parking areas. Up to ten-percent (10%) of facades facing streets, sidewalks or parking areas can be comprised of one or a combination of these materials.
 - (C) Decorative block, “renaissance stone,” smooth/textured synthetic plaster and wood trim may be used only for decorative accent purposes and shall be limited to ten-percent (10%) of facades facing streets, sidewalks or parking areas.
 - (D) Roofs, if sloped, shall be clad in cedar shake wood, fiberglass, asphalt shingles, tile or real/synthetic slate and shall meet all standards required by the City building code. Standing seam finished metal roofing should be used for accent purposes only and shall be limited to fifteen-percent (15%) of the roof surface area.
 - (E) Windows and doors shall be constructed of colored clad wood or painted metal and clear glass. Mill finish (non-colored) aluminum door and window frames are prohibited. Anodic coatings, copper, and brass finishes are acceptable alternates.

- (8) Commercial/Mixed Use Building Color
 - (A) Bright colors are prohibited as primary building colors but may be used for subtle trim accents in amounts not to exceed ten-percent (10%) of the façade area.

- (9) Commercial/Mixed Use Building Projections
 - (A) Building entrances shall be visible from the street. Architectural elements, canopies, and lighting shall help to identify entrances.
 - (B) Pedestrian pass-throughs, arcades or paseos, and other like permanent architectural features shall be finished on all their surfaces with the same quality and types of materials as a building exterior in compliance with these guidelines.
 - (C) Retractable and internally lit awnings are prohibited.
 - (D) A standard clear awning height shall be eight and a half feet (8' 6") above the sidewalk.

- (10) Commercial/Mixed Use Mechanical Equipment and Utilities
 - (A) Mechanical equipment and utilities shall be hidden from view along all primary and secondary street frontages.
 - (B) Rooftop mechanical equipment shall be located in the center or rear corner of a building, away from the primary street elevation.
 - (C) Rooftop mechanical equipment shall be screened by the roof form or a solid screen constructed of materials similar to those of the primary façade. Perforated or louvered screens may be used.
 - (D) Vents, gutters, downspouts, flashings, electrical conduits, and other appurtenances shall be painted to match the adjacent surface unless being used expressly as an accent material.
 - (E) Window-mounted air conditioners are prohibited. Wall or in-wall mounted air conditioning condensing equipment is prohibited facing streets or pedestrian ways.

(11) Commercial/Mixed Use Decorative Fencing

- (A) Wood, chain-link, and barbed-wire fencing is prohibited.
- (B) Decorative three foot (3') height masonry walls may be used in conjunction with landscaping to provide screening. Decorative masonry walls shall incorporate the same or complementary materials and detailing as adjacent buildings and streetscape.



Existing seat wall and landscape planter in along Michigan Street in South Bend.

(12) Commercial/Mixed Use Outdoor Cafes and Seating Areas

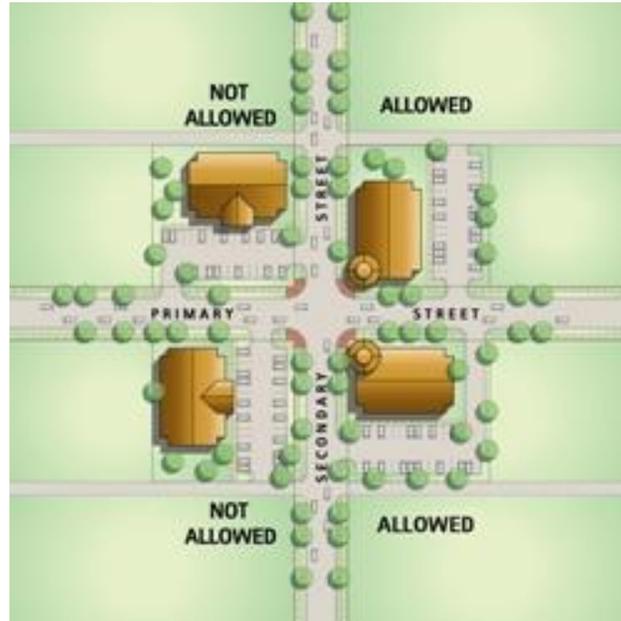
- (A) Outdoor cafes and seating areas shall so be located as to maintain a minimum useable sidewalk width of not less than six feet (6').
- (B) Sidewalk cafes shall obtain a seasonal permit from the City of South Bend.

(13) Commercial/Mixed Use Landscape Guidelines

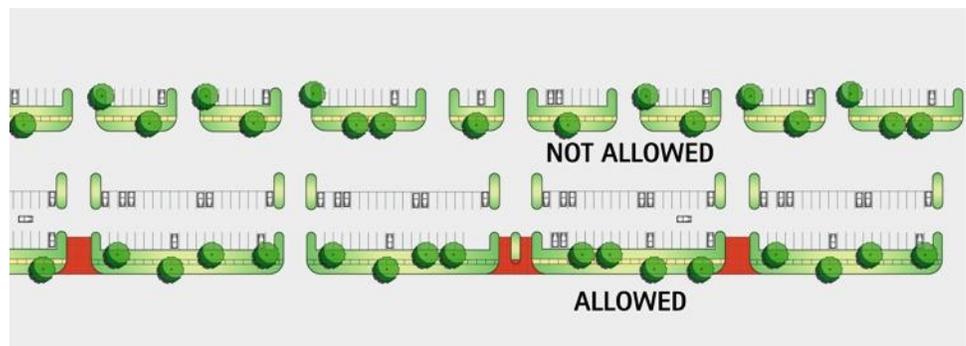
- (A) Parkway Tree Lawn Plantings – All plantings within the parkway tree lawn shall obtain approval of the South Bend Board of Public Works.

(14) Commercial/Mixed Use Off-street Parking and Service Areas

- (A) Parking and service areas shall be located at the rear of the building. With the exception of on-street parking, parking and service areas that front primary and secondary streets are prohibited.



- (B) Dedicated off-street parking for individual businesses is prohibited, with the exception of drop-off/pick-up type service businesses, which may provide one dedicated space per business, during business hours. Multi-use buildings shall provide shared off-street parking.
- (C) Off-street parking areas for commercial/mixed-use buildings shall be located at least fifteen feet (15') from all building façades.
- (D) Where alleys are used in a commercial/mixed-use area as a means for access to and from off-street parking areas, the width of such alleys shall be at least eighteen feet (18') wide.



- (E) Where applicable, curb-cuts should be placed to maximize the number of on-street (curb) parking spaces.

(g) Signs

Any new sign shall comply with the following regulations:

(1) Single Family Residential

Single Family Residential uses shall be permitted signs in compliance with the provisions of Section 21-07.03 (c) On-Premise Signs: SF1, SF2, MF1 and MF2 Districts of the SBZO applicable to the single family dwellings or single family platted subdivisions.

(2) Multi-Family Residential

Multi-family residential uses shall be permitted freestanding identification signs in compliance with the provisions of Section 21-07.03 (c) On-Premise Signs: SF1, SF2, MF1 and MF2 Districts of the SBZO applicable to the multifamily dwelling uses provided that:

- (A) the maximum height of a freestanding identification sign may be up to eight feet (8') feet above grade; and
- (B) there shall be no minimum setback for such freestanding identification sign provided such signs shall not encroach into any public right-of-way or clear sign area regulated by Section 21-01.01 (t) – Clear Sight Area Requirements of the SBZO.

(3) Commercial / Mixed-Use

Commercial / Mixed-Use buildings shall be permitted signs in compliance with the provisions of Section 21-07.03 (e) On-Premise Signs: MU & CBD Districts of the SBZO applicable to the MU District provided that:

- (A) Building identification signs shall be limited to one (1) sign per building being either: a parapet mounted wall sign not to exceed forty (40) square feet in area; or, a grand projecting sign not to exceed eighty (80) square feet in area.
- (B) In addition, each tenant/use within a building shall be allowed one (1) business identification sign per frontage of the tenant/use limited to either: a fascia mounted lower level wall sign not to exceed twelve (12) square

feet in area per sign; or, a blade sign not to exceed twelve (12) square feet in area per sign.

Section II. Chapter 21 of the City of South Bend Municipal Code, as amended, is further amended and supplemented by applying the NNZO Overlay District to the following described property:

Beginning at the intersection of the centerlines of Hill Street and LaSalle Avenue; thence East along said centerline of LaSalle Avenue to the West right-of-way line of Frances Street; thence South along said West right-of-way line to the North right-of-way line of the first East-West alley, also known as Luther Court, South of LaSalle Street; thence West along said North right-of-way line to the West right-of-way line, extended, of the first North-South alley, also known as Edmund Court, West of Frances Street; thence South along said right-of-way line to the centerline of Colfax Avenue; thence East along said centerline to the centerline of Eddy Street; thence North along said centerline to the centerline of LaSalle Avenue; thence East along said centerline to the centerline of Sunnyside Avenue; thence North along said centerline to the centerline of Rockne Drive; thence Northeasterly along said centerline to the East right-of-way line of Twyckenham Drive; thence North along said East right-of-way line to the Southwest corner of Lot 38 in Wooded Estates; thence Northeasterly along the Southeasterly lines of Lots 38, 37 and 36 to the Southwesterly right-of-way line of White Oak Drive, also being the Southeast corner of Lot 36 of Wooded Estates; thence Northeasterly to the Southwesterly corner of Lot 35 in Wooded Estates; thence Northeasterly along the Southeasterly lines of Lots 35, 34, 33, 32, 31 and 30 in said Wooded Estates to the Westerly right-of-way line of Black Oak Drive, also being the Southeast corner of Lot 30 of said Wooded Estates; thence Northeasterly to the Northwest corner of Lot 48 in said Wooded Estates; thence east along the North line of Lots 48, 51, 52, 53 and 54 to the centerline of Oak Ridge Drive; thence Northerly along said centerline to the centerline of Edison Road; thence West to the East line of Lot 5 of Vacval and Davidson Subdivision projected South; thence North along said East line and its projection to the Northeast corner of said Lot 5; thence West along the North lines of Lots 5, 4, 3, 2 and 1 of said Subdivision; thence West along the North line of said Subdivision projected to the East property line projected of a parcel of land owned by the Patrick Simeri Revocable Trust (Tax key #024-1008-0618); thence North along said East line to the Northeast corner of said Simeri parcel; thence West along the North line of said Simeri parcel to the Northwest corner of said Simeri parcel also being the east line of the Jamison Residential Condominium; thence South along the West line of said Simeri parcel also being the East line of said Condominium to the Southeast corner of said Condominium; thence West along the South line of said Condominium to the Southwest corner of said Condominium; thence North along the West line of said Condominium to the South line of Lot 5 of Schroederville (Original Town); thence West along the South Line of said Lot to the centerline of Ivy Road; thence South along said centerline projected to the South right-of-way line of Edison Road; thence West along said right-of-way line 30' more or less to the Northwest corner of a parcel of land owned by Judith Oliva and Joseph & Phyllis Cantanzarite (Tax Key #018-5151-5672); thence South along the West line of said parcel to the North right-of-way line of State Road #23 (South Bend Avenue); thence Southwesterly along said North line to the East right-of-way line of Napoleon Boulevard; thence Northwesterly along said line to the East line of Lot 4 of Eddy Street Commons Major Subdivision (Section One);

thence Northwesterly along said Lot line to the Southeast corner of Lot B of Eddy Street Commons First Minor, First Replat; thence Northwesterly along said Lot line to the Southeast corner of Lot 10F of Eddy Street Commons Third Minor Subdivision; thence Northwesterly along said lot line to the center line of Angela Boulevard; thence West along said centerline to the West line of Lot 95 University Heights projected North; thence South along the West lines of Lots 95, 94, 93, 92, 33 and 32 to the Southwest corner of said Lot 32; thence West along the North lines of Lots 29 thru 6 in University Heights to the centerline of Lawrence Street; thence South along said centerline to the centerline of Napoleon Street; thence West along said centerline to the centerline of Niles Avenue; thence Southeasterly along said centerline to the centerline of Corby Street; thence East along said centerline to the west line of the first North-South alley West of Hill Street projected North; thence South along said West line to the Northwest corner of Lot 10 of Cedar Heights Addition; thence South along the West Lot lines of Lot 10, 11, 12 and 13, extended, to the centerline of Crescent Avenue; thence Northeasterly along said centerline to the centerline of Hill Street; thence South along said centerline to the place of beginning.

Section III. 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 _____, 2015, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2015, at _____ o'clock _____. m.

Mayor of the City of South Bend, Indiana

FINDINGS OF FACT

APC# 2750-15

**John & Wendy Bognar
2906 & 2910 Mishawka Ave.
South Bend**

On Tuesday, September 15, 2015 the Area Plan Commission **approved** the following variances from the Development Standards of the South Bend Zoning Ordinance:

1. From the required minimum 39 off-street parking spaces to 0; and
2. 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.

The site is an existing commercial development. The site will be served by off-site off-street parking from the lot east of the alley. The absence of foundation landscaping will be consistent with the rest of the businesses along Mishawaka Avenue.

(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 requested variances requested will not impact surrounding properties. There is a parking lot adjacent to the property which will service the use of this site.

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

The entire length of both facades contain hard surface improvements up to the foundation. Strict application of the ordinance would require those to be removed, which would interfere with pedestrian and vehicular traffic.

The Minutes of the September 15, 2015 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 20th day of October, 2015.

Karl King, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary

FINDINGS OF FACT

APC# 2751-15
Five Corners, LLC
706 Eddy St. & 1111 Bissell St.
South Bend

On Tuesday, September 15, 2015 the Area Plan Commission **approved** the following variances from the Development Standards of the South Bend Zoning Ordinance:

1. From the required landscaping of required perimeter yards to 2 evergreen trees and 1 deciduous shade tree on the north property line and 3 deciduous shade trees on the south property line; and
2. From the required off-street parking area screening on the north, east, and west property lines to the existing 6' privacy fence.

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

The site is an existing commercial development. The site will be served by off-site off-street parking from the lot east of the alley. The absence of foundation landscaping will be consistent with the rest of the businesses along Mishawaka Avenue.

(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 requested variances requested will not impact surrounding properties. There is a parking lot adjacent to the property which will service the use of this site.

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

The entire length of both facades contain hard surface improvements up to the foundation. Strict application of the ordinance would require those to be removed, which would interfere with pedestrian and vehicular traffic.

The Minutes of the September 15, 2015 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 20th day of October, 2015.

Karl King, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary