

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

**AGENDA**

Tuesday, May 17, 2016  
3:30 p.m.

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

**PUBLIC HEARINGS:**

**Rezoning:**

- A. A combined public hearing on a proposed ordinance of Janice Kimbrough to zone from SF2 Single Family & Two Family District to MU Mixed Use District, and seeking the following variance(s): 1) from the required landscaping of required perimeter yards to none; 2) from the required off-street parking area screening to none; and 3) from the required hard surface paving to gravel, property located at 2724 Lincolnway West, City of South Bend - [APC #2777-16](#).
- B. A proposed ordinance initiated by the Town of North Liberty, Indiana to zone from R: Single Family District (County) and from R-8 Low Density Residential District (Town of North Liberty) to LI Limited Industrial District (Town of North Liberty), property located at 29383 State Road 4, Town of North Liberty - [APC #2778-16](#).
- C. A combined public hearing on a proposed ordinance of Acquisition Group, LLC to zone from LI Light Industrial District to CB Community Business District, and seeking a Special Exception Use for recreation uses, and seeking the following variance(s): 1) from the maximum allowable 50' building height to 80'; and 2) from the required interior off-street parking area landscaping to none, property located at 6100 Nimtz Parkway, City of South Bend - [APC #2779-16](#).
- D. A combined public hearing on a proposed ordinance of Tom E. Kelsey and to zone from A: Agricultural District to C: Commercial District, and seeking the following variance(s): 1) from the required landscaping of required side and rear yards to none; 2) from the required foundation landscaping to none; and 3) from the minimum 28 required off-street parking of spaces to 3 spaces, property located at 13988 Cleveland Road, St. Joseph County - APC #2780-16. – REQUEST TO TABLE.
- E. A combined public hearing on a proposed ordinance of Historic Landmarks Foundation of Indiana, Inc. to zone from MF1 Urban Corridor Multifamily District to MU Mixed Use District, and seeking the following variance(s): 1) from the required minimum 30 parking spaces to 13; 2) from the required minimum parking stall depth of 20' to 18'; 3) from the required minimum drive aisle width of 24' to 22'; 4) from the maximum allowable 40' building height to 46'; and 5) from the required landscaping of required perimeter yards to none, property located at 803 W. Washington Street, City of South Bend - [APC #2781-16](#).

**ITEMS NOT REQUIRING A PUBLIC HEARING**

- 1. Miscellaneous:
  - A. Findings of Fact for granting Variances for property located at 424, 426 430 Cushing Street and 726, 736 Lincolnway West, City of South Bend – [APC #2776-16](#)
- 2. Executive Director's Report:
- 3. Minutes and Expenditures:
- 4. Adjournment:

**Staff Report**

5/5/2016

APC # 2777-16  
Owner: Janice Kimbrough  
Location: 2724 Lincolnway West  
Jurisdiction: City of South Bend  
Public Hearing Date: 5/17/2016

**Requested Action:**

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to MU Mixed Use District and seeking 3 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a single family home and detached garage.
- North: To the north across Lincolnway West are single family homes zoned SF2 Single Family & Two Family District and vacant lots zoned CB Community Business District.
- East: To the east is a funeral home zoned LB Local Business District.
- South: To the south is a single family home 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 MU Mixed Use District is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district.

**Site Plan Description:**

The site plan shows the existing home being used as the main commercial building with the existing garage being used for parking or storage. Paving is proposed in the front yard between the house and the sidewalk. The existing driveway would be extended to the rear of the property, where 9 parking spaces are provided. No landscaping is proposed on site.

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

This property has been zoned residential since prior to the current zoning ordinance. There have been no rezonings within 1000' of this property since 1978.

**Traffic and Transportation Considerations:**

Lincolnway West has two lanes and a center turn lane and on street parking.

**Utilities:**

This site is served by municipal sewer and water.

**Agency Comments:**

County Surveyor finds no issues. The Department of Community Investment and City Engineer recommend denial.

**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 not consistent with the West Side Main Streets Plan (2015) "It is equally important to ensure that development does not creep into the zones that are, and should be, predominately residential between the nodes. Where current uses are consistent with policy, the existing zoning should be enforced and changes of zoning to individual parcels should not be permitted."

**Land Use Plan:**

The future land use map identifies this area as residential.

**Plan Implementation/Other Plans:**

No other plans exist for this area.

**2. Current Conditions and Character:**

Lincolnway West between Goodland Avenue and Fremont Street is predominantly residential, with the presence of a few existing, long-standing businesses. Many of the single family homes along this street have maintained their original historic appearance.

**3. Most Desirable Use:**

The most desirable use for this property is residential.

**4. Conservation of Property Values:**

Surrounding residential property values may be impacted by commercial activity at this site.

**5. Responsible Development And Growth:**

It is not responsible development and growth to allow this property to be converted to a commercial site.

**Combined Public Hearing:**

The petitioner is requesting the following variances:

- 1) from the required landscaping of required perimeter landscaping yards to none;
- 2) from the required off-street parking area screening to none; and
- 3) from the required hard surface paving to gravel.

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.

Hard surface paving prevents soil erosion and surface contaminant runoff issues. The use of gravel on this site may negatively impact surrounding soil conditions and create dust and debris that could create a negative impact on the general welfare of 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 lack of landscaping on this site will be burdensome for adjacent property owners, and negatively affect property values.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

No practical difficulties exist to warrant variances on this site.

**Staff Comments:**

This is a combined public hearing procedure, which includes a rezoning and 3 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.

**Recommendation:**

Based on information available prior to the public hearing the staff recommends that this rezoning petition be sent to the Common Council with an unfavorable recommendation. The staff recommends denial of the variances.

**Analysis:**

This site is not suitable for commercial development. The comprehensive plan strongly discourages commercial activity outside of the designated nodes along Lincolnway West. Due to its location, small lot size, and the fact that there are multiple residential properties abutting it, this site should remain residential.

REZONING  
#2777-16

Elliott

Humboldt

Kalray

Lincolnway West

SOUTH BEND

Eclipse

Elliott

Bord's

Bord's

Hartzer

Bord's

1 inch = 150 feet  
PORTAGE TOWNSHIP

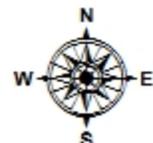




**Rezoning from: CITY OF SOUTH BEND  
"SF2" SINGLE FAMILY & TWO FAMILY DISTRICT to "MU" MIXED USE DISTRICT**

**MASTER ZONING KEY**

- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT



1 inch = 150 feet

**APC # 2777-16**

**Staff Report**

5/6/2016

APC # 2778-16  
Owner: Town of North Liberty  
Location: 29383 State Road 4  
Jurisdiction: Town of North Liberty  
Public Hearing Date: 5/17/2016

**Requested Action:**

The petitioner is requesting a zone change from R: Single Family District and R-8 Low Density Residential District to LI Limited Industrial District

**Land Uses and Zoning:**

- On site: On site is a wastewater treatment facility zoned R-8 Low Density Residential District (North Liberty) and vacant land zoned R: Single Family District (County).
- North: To the north is vacant land zoned R: Single Family District (County).
- East: To the east is vacant land zoned R: Single Family District (County).
- South: To the south is a condominium complex zoned R-12 Medium Density Residential District (North Liberty).
- West: To the west is a single family residence zoned R: Single Family District (County).

**District Uses and Development Standards:**

The LI - Limited Industrial District is established to provide certain automobile related uses, building materials, business services, light manufacturing, warehousing and wholesaling, and accessory uses. It is the intent that the uses permitted in this district could be safely and suitably located in proximity to residential and commercial zoning

**Site Plan Description:**

No site plan is required for petitions initiated by the Town Council. The site will need to meet the development standards of the LI Limited Industrial District.

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

The condominium complex to the south was rezoned to Medium Density Residential in 1978.

**Traffic and Transportation Considerations:**

State Road 4 has two lanes.

**Utilities:**

The property is served by municipal water and sewer.

**Agency Comments:**

There are no agency comments.

**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 the Town of North Liberty Comprehensive plan (November, 2014); Policy 5.3(E): Maintain or improve the Town's services to its residents and businesses.

**Land Use Plan:**

The future land use map identifies this area as institutional and parks.

**Plan Implementation/Other Plans:**

There are no other plans in effect for this area.

**2. Current Conditions and Character:**

Center Street (State Road 4), has developed as Low Density Residential and Medium Density residential.

**3. Most Desirable Use:**

The most desirable use of land is one that can provide services to the Town of North Liberty.

**4. Conservation of Property Values:**

Since this site is already the wastewater treatment facility, surrounding properties should not be adversely impacted by the zoning change.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow this property to develop for a use that will serve the residents of the town.

**Staff Comments:**

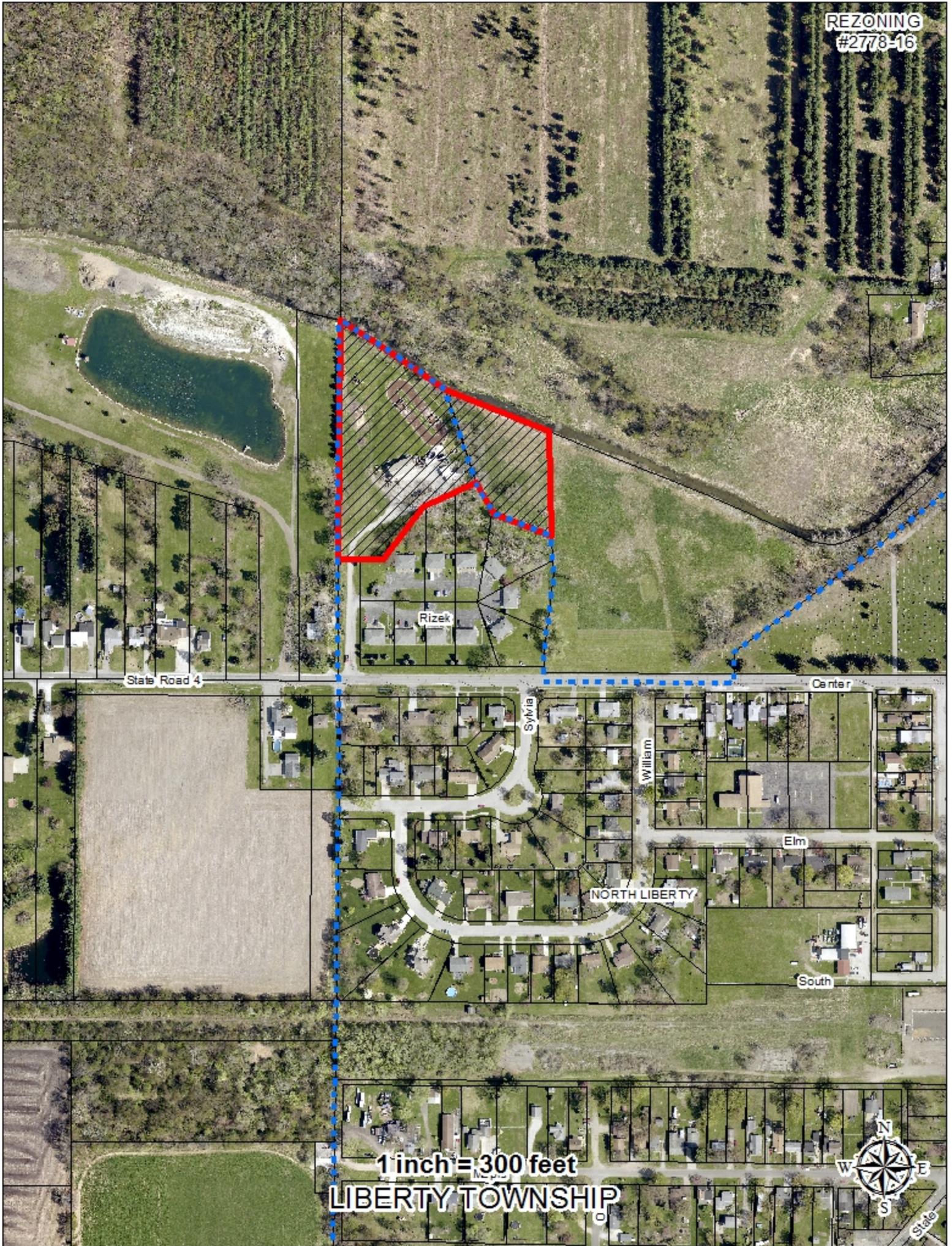
The anticipated effective date of the annexation is July 9, 2016.

**Recommendation:**

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

**Analysis:**

Rezoning this property will allow for the expansion of municipal services to the Town of North Liberty residents and businesses.



State Road 4

Rizek

Sylvia

William

Center

Elm

NORTH LIBERTY

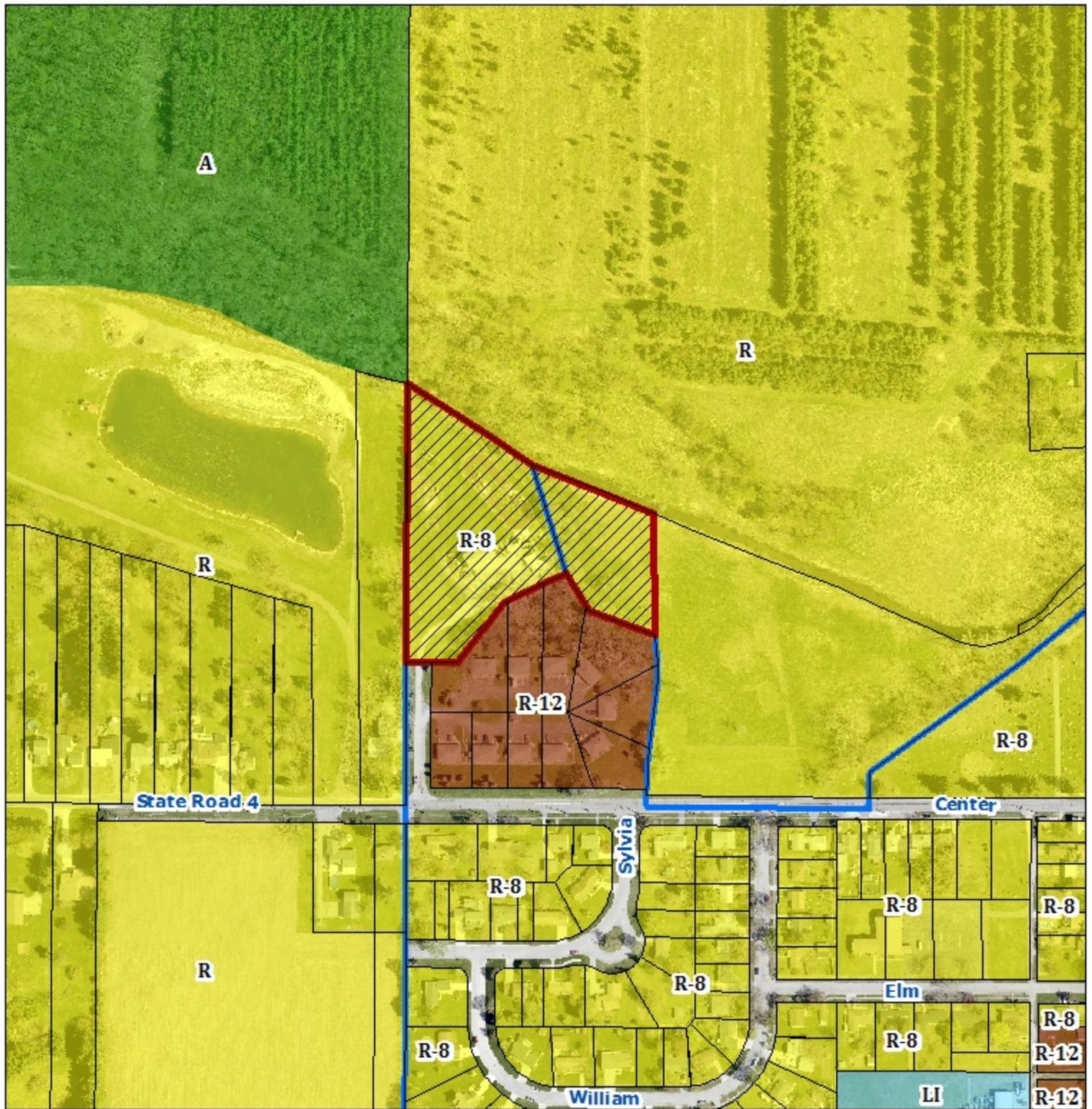
South

1 inch = 300 feet

LIBERTY TOWNSHIP



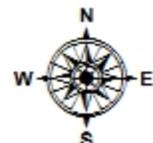
State



**Rezoning from: ST. JOSEPH COUNTY & TOWN OF NORTH LIBERTY  
 "R" SINGLE FAMILY DISTRICT & "R-8" LOW DENSITY RESIDENTIAL DISTRICT  
 to "LI" LIMITED INDUSTRIAL DISTRICT**

**MASTER ZONING KEY**

- COUNTY "A" AGRICULTURAL DISTRICT
- COUNTY "R" SINGLE FAMILY DISTRICT
- NORTH LIBERTY "R-8" LOW DENSITY RESIDENTIAL
- NORTH LIBERTY "R-12" MEDIUM DENSITY RESIDENTIAL
- NORTH LIBERTY "LI" LIMITED INDUSTRIAL



1 inch = 300 feet

**APC # 2778-16**

**Staff Report**

5/5/2016

APC # 2779-16  
Owner: Acquisition Group, LLC  
Location: 6100 Nimtz Parkway  
Jurisdiction: City of South Bend  
Public Hearing Date: 5/17/2016

**Requested Action:**

The petitioner is requesting a zone change from LI Light Industrial District to CB Community Business District.

**Land Uses and Zoning:**

- On site: On site is a golf course zoned LI Light Industrial District.
- North: To the north across F.J. Nimtz Parkway are two vacant lots and an office building zoned O Office District.
- East: To the east is the Blackthorn Golf Course Clubhouse zoned O Office District.
- South: To the south is the airport zoned LI Light Industrial.
- West: To the west across the U.S. 31 bypass is farmland zoned LI Light

**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 site consists of two proposed lots, totaling 10.65 acres. A 74,575 square foot hotel is proposed for one of the lots. The second lot will continue to be used as a golf course. The proposed parking lot will consist of 126 spaces with no landscape islands shown. The site plan proposes an 80', 6 story hotel with 120 guest rooms.

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

This property has been zoned industrial since 1980.

**Traffic and Transportation Considerations:**

Nimtz Parkway has four lanes.

**Utilities:**

This site will be served by municipal sewer and water.

**Agency Comments:**

The County Surveyor and the Department of Community Investment recommend approval. The City Engineer recommends approval and commented that the access drive and its approach on Nimtz Parkway are on INDOT right-of-way. It is recommended that the applicant work to resolve any potential issues that might arise from INDOT's perspective.

**Commitments:**

The staff is requesting written commitments that the following uses, as specified in the Declaration of Protective Covenants & Restrictions of the Blackthorn Corporate Park, shall be prohibited: 1) noxious, toxic or corrosive fumes, gases, or discharges; 2) smoke or offensive odors; 3) ground conditions which will produce dust; 4) noise and/or vibration;

5)intense glare or heat; 6) outdoor storage of any type; 7) drive-up facilities of any type; 8) convenience stores and gas stations, or any type of automotive service; 9) adult uses, as defined by the South Bend Municipal Code; and 10) outdoor advertising signs, commonly referred to as billboards.

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

**1. Comprehensive Plan:**

**Policy Plan:**

This petition is consistent with City Plan, South Bend Comprehensive Plan (November, 2006); Policy F 9.9: Increase the amount of revenue generated from tourism.

**Land Use Plan:**

The future land use map identifies this area as parks & open spaces.

**Plan Implementation/Other Plans:**

There are no other plans in effect for this area.

**2. Current Conditions and Character:**

Currently, the Blackthorn Industrial Park has a mix of office and industrial uses, as well as a golf course.

**3. Most Desirable Use:**

The most desirable use for this property is one that promotes economic sustainability for the area and can fully utilize the nearby interstate access.

**4. Conservation of Property Values:**

Based on the existing office and industrial nature of the area, surrounding property values should not be adversely affected by any uses permitted within the CB Commercial Business zoning district provided the development is consistent with the character established by the Blackthorn Corporate Office Park.

**5. Responsible Development And Growth:**

Constructing a hotel in an area that has a mixture of office and industrial uses is responsible growth.

**Combined Public Hearing:**

The Petitioner is seeking a Special Exception Use to allow for a:

Golf course

A Special Exception Use may only be granted upon making a written determination, based upon the evidence presented at a public hearing,

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

Continuing to use this site as a golf course will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.

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

The site is currently used as a golf course. There will be no adverse affect on surrounding property values

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

The character of the district will not change as the site is currently used as a golf course.

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

The proposed use is compatible with the Comprehensive Plan to encourage the retention of open spaces for recreational purposes.

The petitioner is requesting the following variances:

- 1) From the maximum allowable 50' building height to 80'
- 2) From the required 9 interior parking area landscape islands 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.

Because the proposed hotel is located in a low lying area and properly screened by trees there should be no adverse effects to the public health, safety, morals and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The height of the building will be adequately screened from adjacent properties with the existing vegetation surrounding the perimeter of the property. The use and value of adjacent properties should not be adversely impacted.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Strict application of the Landscape Ordinance would not result in practical difficulties. There is adequate spacing for the required parking islands by either adding trees to the shown greenspace in the parking lot or utilizing the excess parking spaces for parking islands.

**Staff Comments:**

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

**Recommendation:**

Based on information available prior to the public hearing, staff recommends this rezoning and special exception use petition be sent to the Common Council with a favorable recommendation subject to the written commitments. Staff recommends the variance for building height be approved, but recommends denial of the variance request for the parking area landscape islands.

**Analysis:**

This rezoning will allow for the need to provide commercial development that supports the uses within the Blackthorn Corporate Office Park to be fulfilled. Adequate screening and low lying topography will reduce the impact on the surrounding properties, limiting the effect of the hotel's height.



Cleveland

Cleveland

F J Nimitz

F J Nimitz

Black thorn

St. Joseph Valley

St. Joseph Valley

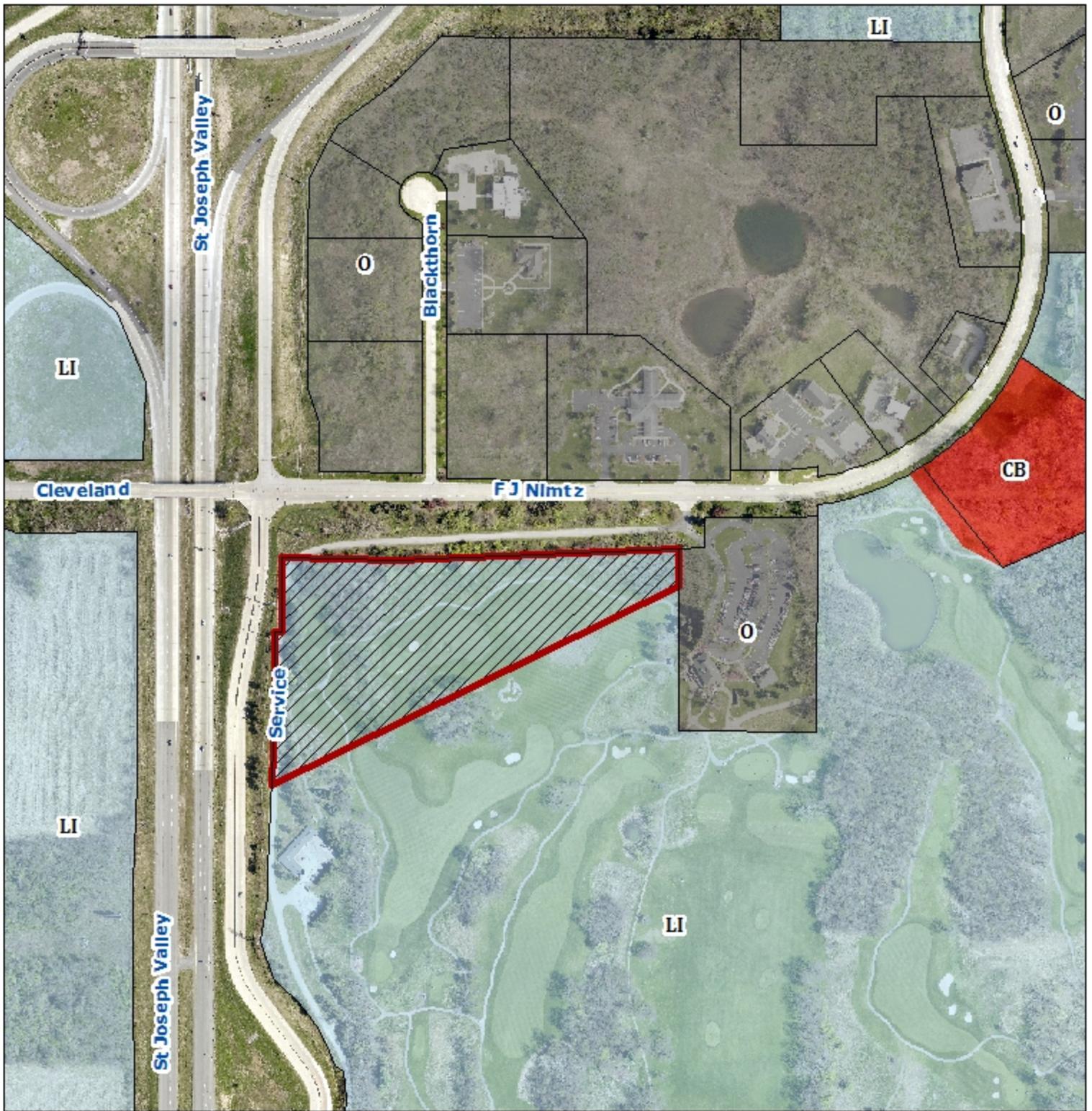
Service

SOUTH BEND

St. Joseph Valley

1 inch = 400 feet  
GERMAN TOWNSHIP

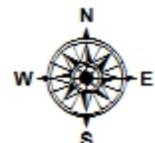




**Rezoning from: CITY OF SOUTH BEND  
"LI" LIGHT INDUSTRIAL DISTRICT to "CB" COMMUNITY BUSINESS DISTRICT**

**MASTER ZONING KEY**

-  SOUTH BEND "O" OFFICE DISTRICT
-  SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 400 feet

**APC # 2779-16**

**Staff Report**

5/5/2016

APC # 2781-16  
Owner: Historic Landmarks Foundation of Indiana, Inc.  
Location: 803 W. Washington Street  
Jurisdiction: City of South Bend  
Public Hearing Date: 5/17/2016

**Requested Action:**

The petitioner is requesting a zone change from MF1 Urban Corridor Multifamily District to MU Mixed Use District and seeking 5 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a home and detached carriage house.
- North: To the north are single family homes zoned SF2 Single Family & Two Family District.
- East: To the east across Dr. Martin Luther King, Jr. Street are single family homes zoned SF2 Single Family & Two Family District.
- South: To the south across Washington Street is the Oliver Mansion and the Center for History zoned O Office District.
- West: To the west is an insurance office zoned OB Office Buffer District.

**District Uses and Development Standards:**

The MU Mixed Use District is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district.

**Site Plan Description:**

The site plan shows a parking lot on the north side of the house with a new access from Dr. Martin Luther King, Jr. Street. The existing access and paving along Washington Street would be removed and replaced with green space. The existing house and detached carriage house are undergoing renovation, with plans to convert the space for a mixture of uses including residential, office, and meeting or gallery space.

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

The West Washington-Chapin Neighborhood has developed primarily as a residential area. Many of the historic homes have been renovated and are single family owner-occupied. Several business offices can be found throughout the area and have developed in a manner that has relatively low impact on the surrounding residential uses.

**Traffic and Transportation Considerations:**

Washington Street and Dr. Martin Luther King, Jr. Street have two lanes.

**Utilities:**

This site is served by municipal sewer and water.

**Agency Comments:**

The County Surveyor recommends approval. The Department of Community Investment recommends approval and recommends that the petitioner install a bike rack and limit the number of residential units on site. City Engineering is requesting a traffic study be done for the new curb cut along Dr. Martin Luther King, Jr. Street. The Historic Preservation Commission recommends approval.

**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 petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006). Objective UD 2.1: Provide incentives to preserve historic buildings in the city; and H 2.1: Provide incentives to renovate and repair older and historic homes.

**Land Use Plan:**

The future land use map identifies this area as residential and mixed-use.

**Plan Implementation/Other Plans:**

No other plans exist for this area.

**2. Current Conditions and Character:**

This area has developed as residential, with some low-impact commercial uses.

**3. Most Desirable Use:**

The most desirable use is one that will best preserve and maintain the residential character of the building and of the neighborhood.

**4. Conservation of Property Values:**

Surrounding property values should not be adversely affected by the conversion of this site allow for limited commercial and residential uses.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow this historic site to be rehabilitated and developed as a multi-family and office building.

**Combined Public Hearing:**

The petitioner is requesting the following variances:

- 1) from the required minimum 30 parking spaces to 13;
- 2) from the required minimum parking stall depth of 20' to 18';
- 3) from the required minimum drive aisle width of 24' to 22';
- 4) from the maximum allowable 40' building height to 46'; and
- 5) from the required landscaping of required perimeter yards 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 approval of the parking lot configuration is contingent upon a traffic study being completed, which will ensure public safety.

(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 commercial property should not be adversely affected since no landscaping currently exists along the west property line.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

The layout of the site prevents installation of all required landscaping and parking dimensions without making major site and structural modifications. The height of the existing building cannot be practically modified.

**Staff Comments:**

This is a combined public hearing procedure, which includes a rezoning and 5 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.

**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. Staff recommends approval of the variances, subject to providing perimeter landscaping along the east and south lot lines.

**Analysis:**

Rezoning to the MU Mixed Use District will allow for the adaptive reuse of this former single family mansion while maintaining the historic character of the structure.

REZONING  
#2781-16



Co fax

SOUTH BEND

LaPorte

Dr. Martin Luther King Jr

Washington

Chapin

Garfield

1 inch = 100 feet  
PORTAGE TOWNSHIP

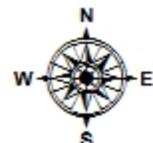




**Rezoning from: CITY OF SOUTH BEND  
"MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT  
to "MU" MIXED USE DISTRICT**

**MASTER ZONING KEY**

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "O" OFFICE DISTRICT



1 inch = 100 feet

**APC # 2781-16**

## FINDINGS OF FACT

**APC# 2776-16**

**Wadad El-Ammori**

**424, 426, 430 Cushing St. and 726, 736 Lincolnway West**

**City of South Bend**

On Tuesday, April 19, 2016, the Area Plan Commission **approved** the following variances from the Development Standards of the South Bend Zoning Ordinance:

- 1) From the required minimum 50% of a building's front facade to be located within the minimum and maximum setback to 39% along Lincolnway West;
- 2) From the required minimum 20' parking setback along Lincolnway West to 15'; and
- 3) From the maximum allowable 8,000 square feet for a single retail use to 8,225 square feet

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

*Only a small portion of two parking spaces will be encroaching into the 20' setback. The proposed structure is 3% larger than what is allowed. The relatively small variations requested are consistent with the character of the area and will not be injurious to the*

(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 use of off-street parking area screening landscaping will minimize the impact of the parking being located closer to the right of way. The slight increase in building size will not adversely affect surrounding property values.*

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

*The irregular shape of the parcel creates a practical difficulty in meeting the strict application of the maximum building setback and parking setback. The proposed retail building is based on a pre-designed square footage calculation that has been optimized for the store's success. The strict application of the ordinance would force the developer to alter their proven layout model.*

The Minutes of the April 16, 2016 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 17<sup>th</sup> day of May, 2016.

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

ATTEST:

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Lawrence P. Magliozzi, Secretary