

EAST BANK SOUTH BEND DEVELOPMENT LLC

The petition of East Bank South Bend Development LLC seeking a variance from the maximum allowable 60' height to 70' for the parapet and to 78' for the service room, on property located at 215 Sycamore Street, Portage Township. Zoned "CBD". This was tabled from the August ABZA meeting.

Staff recommends approval of the requested height variances. The requested variance is consistent with the intent of the East Bank Village Master Plan and the City of South Bend Zoning Ordinance, both of which allow 5 story developments. The additional height requested in the petition will allow accommodation of the mechanical equipment needed to operate the 5 story mixed use development.

MS. VELVET CANADA: 121 S. Niles, South Bend, Indiana. I am the designer for the project and Mathews, LLC. We are looking at the property that's located on Sycamore Street between LaSalle and Colfax Avenue. This is a plan for five story mixed use building with commercial on the bottom floor and residential on above. We're seeking a variance from the maximum allowable height of 60' to 70' and to 78' for the service room. If you will direct your attention to the handout page I just gave you, this is a comparison of 60', if we did the building at 60' versus if we did it at 70'. And the first thing I'd like to look at, if you look to the right the shorter building and if you look at the commercial building, within that you have from the floor to the bottom of the concrete floor it's going to be 9'2" and then if we have our HVAC system that's going to bring down the ceiling approximately about 2' so this puts the ceiling of our commercial space on this 60' building at 7'2", which is not really desirable for commercial space. If you look at the 70' building, our floor to the bottom of the ceiling would then be 15' and then we drop it down the 2'. Then we have a 13' commercial space which is much more desirable and would give us the opportunity for businesses and various businesses with mixed uses to come in and utilize that space. The second thing I'd like to point out is on the parapet so the top portion of the building, on the 60' we would do a railing so that you could still have access up there put you could see through the railing, so any preinitiations that are there you might be able to see versus if we do the parapet with the brick which is the other portion that we're asking for and the extra 10'. Then that allows that to be hidden and also esthetically from an architectural standpoint it's nice to have a crown or something solid on the top. The third thing that would help out is the extra feet adds rooftop access. So this then allows us to take the space on the roof and utilize it for the residents giving them a community area and allowing for the elevator and the stairs to have and access to the building. So on top of that, as well, we've talked to the homeowners of the East Band Townhomes, they would also have access to that and so it gives a community area for this subdivision and allows for a great place to view our city, which is awesome. Other than that, we have talked, like I said, we have talked to the residents, we do have a written memorandum, an agreement, and they are in favor of the height. If you have any questions for me, I'd be happy to answer them.

MR. HAWLEY: The number of units doesn't change?

MS. CANADA: Number of units is twelve, yes.

MS. SCHUTH: I guess I'd like to you to comment a little bit, I'm in favor of the variance, I think the building is a much better building at the 70', but I think it's a little misleading to say that you'd have to take the height fully out of the commercial space when you're giving a 10' ceiling height in the residential areas as well. Could you speak at all as to why you would want to maintain the 10' in that residential units?

MS. CANADA: Sure. In our market research and what we've done with our homes, the clientele that we have really do prefer to have 10' ceilings. Also it gives us the ability to go in and do fancy coffered ceilings as for beams. Architecturally it gives us some space too so if somebody wants to do something different in the units they can but more so market research the 10' is desirable and the developer would like to eventually condo these, to sell them. Right now the markets not there so in selling those condo's the 10' would be preferred.

MR. PHIPPS: What is the floor area of these units?

MS. CANADA: The total area of each floor is around 3800 square feet.

MR. PHIPPS: That's the area of each floor or each unit?

MS. CANADA: Each floor.

MR. PHIPPS: And there are two units each floor?

MS. CANADA: There are three units per floor.

MR. PHIPPS: So even in units of that size the demand is for 10' ceilings? I could understand that in a large condo but for a relatively small apartment, high ceilings would be that important.

MS. CANADA: And please also understand that when we're building and we so have HVAC so some of the areas we will have to drop down to 9' as well.

IN FAVOR

MR. DAVID MATTHEWS: 121 S. Niles Ave., and I'm also president of the complex. I have a signed letter from, random understanding from the neighbors. All six of us voted, voted in favor to endorse the extra height for the apartment complex in exchange for having access to the rooftop. If I can just follow up on the question on the height of the residential. The project even though its mixed use with commercial on the first floor, the residential is what's making the project take place. So we have 10' ceilings and 8' doors. With smaller units having the extra volume makes it more comfortable and allows us to do a more tradition 8' door that lets light from the windows to get further into the home and makes it feel more spacious. We switched 10' with River Race Townhomes across from the Emporium, those are all sold except for the model and the 10' ceilings were very well received even on the smaller units that we built. Thank you.

MR. HAWLEY: Dave, I just wanted to thank you for this. I think this gives us a better perspective on the units. Thank you.

MR. MATTHEWS: Thank you and one more thing, I know that the variance requirement is that we have to have a hardship, to me with, if the lot were more steep from the front to the back or if it were completely flat, we would have less of an issue with this height and building design since we could count some of that slope for the building height more than we can now. So I see that as kind of a hardship and then the 10' or the 7' finished ceiling height on the first floor. We can do it as commercial space, it doesn't keep us from building, we'll build the building anyway but it definitely makes it harder to lease that out if we have it that short on the first floor. And personal I'm a fan of having the arched windows that the height variance gives us on the first floor which mimics the Commerce Center across the street.

MR. JITIN KANE: With the City of South Bend, offices on the 14th floor of this building. I'd like to express the City of South Bend support for this project. We own a lot, we used to own a lot which is shown on the east side of Sycamore that was sold to Mr. Matthews in order for him to complete this project. We're also aware of the fact the developer has agreed to provide for public art as well as landscaping in the right of way which is sometimes a requirement of the City or something expected of the City. In this case the developer is providing those and in the past for projects the developer has asked for additional height, our position has been that if they provide a public benefit then the City would certainly support new development in an area where new development is needed. This is the kind of development we expect to see in the Central Business District, which is for mixed use urban development. We have a market study that shows a high demand for market rentals and this project meets that demand and so again given what the developer is providing in terms of public art and landscaping of the right of way, we support the project as presented. Thank you.

REMONSTRANCE

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

A motion for approval was made Mr. Crumlish and seconded by Mr. Hawley. The motion carried unanimously.

After hearing the evidence on the petition, the Area Board of Zoning Appeals find that you did satisfy the Standards as set forth in I.C. 36-7-4-918.5; therefore the petition was granted.

Based on the testimony presented, the Area Board of Zoning Appeals, after careful consideration, finds this variance granted and will issue written Finding of Facts.

PETITION GRANTED