



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

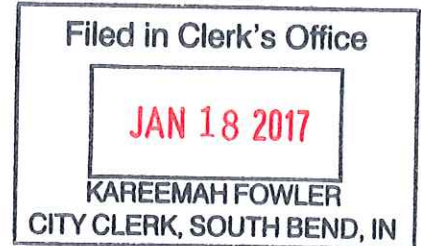
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, January 18, 2017

The Honorable Council of the City of South Bend  
4th Floor, County-City Building  
South Bend, IN 46601



RE: A public hearing on a proposed ordinance of Geno L. & Josephine A. Benassi to zone from SF1 Single Family & Two Family District to MU Mixed Use District, property located at 3720 Lincolnway West, City of South Bend - APC# 2806-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Geno L. & Josephine A. Benassi was legally advertised on January 5, 2017 and that the Area Plan Commission at its public hearing on January 17, 2017 took the following action:

Upon a motion by Adam DeVon, being seconded by Phil Sutton and carried, a proposed ordinance of Geno L. & Josephine A. Benassi to zone from SF1 Single Family & Two Family District to MU Mixed Use District, property located at 3720 Lincolnway West, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property MU Mixed Use will allow for infill development that compliments the transition from the more intense commercial uses west of the site to the single family residential to the east.

PLEASE NOTE that the Ordinance has been amended by the petitioner and is different than that used for the Common Council's first reading. The amended Ordinance was legally advertised and heard by the Area Plan Commission.

The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: Geno L. & Josephine A. Benassi  
A & R Engineering, LLC Attn: Whitney L. Briggs  
Zaremba Group, LLC Attn: John Wojtila, P.E.





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

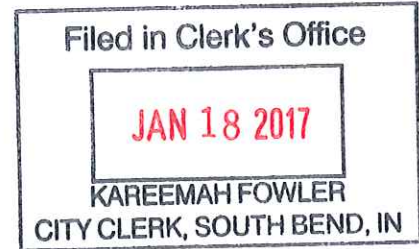
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
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227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

January 18, 2017

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



RE: Bill # 77-16  
Rezoning: APC#2806-16 – 3720 Lincolnway West

Dear Council Members:

The Area Plan Commission held a public hearing on January 18, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 23, 2017.

**Ordinance & Petition Amendments:**

Changes to the ordinance were provided in our previous letter dated: January 4, 2017

**Public Hearing Summary:**

There were 2 people that spoke in opposition to the petition. Their concerns included whether there was a need for the use, the “block building” design, drainage, property maintenance/trash, whether sidewalks would be included where no others exist in this area, and how the size and location of the building on the lot would impact the restaurant to the east.

If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

Angela M. Smith  
Deputy Director

CC: Adriana Rodriguez





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

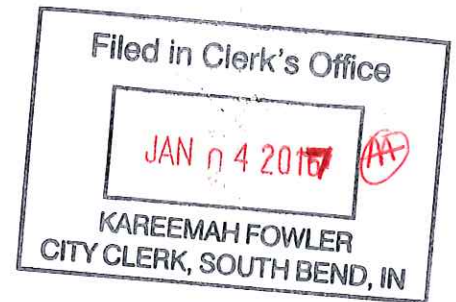
Angela M. Smith  
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

January 4, 2017

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601

RE: Bill #77-16  
Rezoning: APC#2806-16  
3720 Lincolnway West



Dear Council Members:

The Area Plan Commission will hold a public hearing on January 17, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 23, 2017.

**Ordinance:**

The following changes have been made to the above referenced petition:

Ordinance:

- 1.) Legal Description was updated to more accurately reflect the property location.

A Copy of the revised Ordinance is attached.

A summary of public comment be provided after the Area Plan Commission Meeting.

If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

Angela M. Smith  
Deputy Director

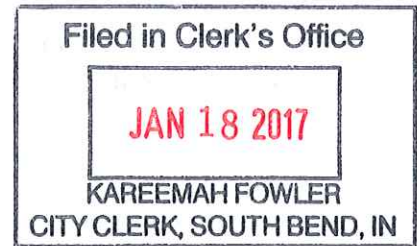
CC: Adriana Rodriguez



**Staff Report**

1/5/2017

APC # 2806-16  
Owner: Geno L. & Josephine A. Benassi  
Location: 3720 Lincolnway West  
Jurisdiction: City of South Bend  
Public Hearing Date: 1/17/2017



**Requested Action:**

The petitioner is requesting a zone change from SF1 Single Family & Two Family District to MU Mixed Use District and seeking 2 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a single family home.
- North: To the north across Lincolnway are single family homes zoned SF2 Single Family & Two Family and businesses zoned LB Local Business.
- East: To the east is a restaurant zoned LB Local Business District.
- South: To the south are single family homes zoned SF1 Single Family & Two Family District.
- West: To the west is a business zoned GB General Business.

**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 development of the 2 acre site will include of a 9,100 square foot retail store located in such a manner that the corner entrance and at least 50% of the building façade is located within the maximum setback allowed for the Mixed Use District. The proposed parking includes 32 spaces located adjacent to the retail store. Although not shown on the current site plan, the site will comply with the current landscape standards established in the South Bend Zoning Ordinance.

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

The property to the west was rezoned to General Business in 1995. The remainder of the parcels located at the intersection of Sheridan and Lincolnway were rezoned in the early to mid 1990's, creating a commercial node.

**Traffic and Transportation Considerations:**

Lincolnway West has two travel lanes with a center turn lane, on-street parking, and a bike lane.

**Utilities:**

The site will be served by municipal water and sewer.

**Agency Comments:**

The City Engineer commented that prior to final site approval, the following would be required: utility verification; approval of sidewalk, curb cut, lighting, and overall site improvement plans; approval of a drainage plan; and any verifications if required. Also noted was that the maximum allowed throat width of a commercial property curb cut is 24 feet.

The Department of Community Investment commented that the rezoning falls at the east edge, and is consistent with, the mixed-use node at Lincolnway West and Sheridan, as defined by the West Side Main Streets Plan. The plan calls for this area to transition to a more urban character with buildings along the street and parking located in less visible locations. Given that and the street's design guidelines, the building should be designed to create a more active street frontage. Community Investment supports the variance from the minimum façade height, but suggests that a taller building entry element be used. They also offer a favorable recommendation on the variance from the maximum square foot area to 9,100 square feet to meet the business model standards of a national retailer.

**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 West Side Main Streets Plan (2014). The property is adjacent to the Sheridan Node which states development should transition to a more urban character where building fronts line the street and parking is located to the rear where it is not visible from the street.

**Land Use Plan:**

The Land Use Plan of the West Side Main Streets Plan identifies this area as part of the Lincolnway & Sheridan Mixed-Use Node.

**Plan Implementation/Other Plans:**

City Plan, South Bend Comprehensive Plan (November 2006) Policy LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

**2. Current Conditions and Character:**

This single family property is one of a few isolated residential uses among an otherwise commercial section of the Lincolnway corridor.

**3. Most Desirable Use:**

The most desirable use for the land is one which is compatible with the mixed use commercial located along the corridor.

**4. Conservation of Property Values:**

With proper landscaping, the residential properties to the south should not be affected.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow for this property to be developed in a



commercial nature consistent with the character of the area and the comprehensive plan.

**Combined Public Hearing**

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 Council with or without a recommendation and either approve or deny the variances.

**The petitioner is seeking the following variance(s):**

- 1) from the required minimum front façade height of 22' to 18';
- 2) from the required maximum gross floor area of 8,000 sq.ft. for a retail use to 9,100 sq.ft.

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

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

The modest variation in building height and size should not impact the public health, safety 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;**

With proper screening, the use and value of the single family properties to the south should not be adversely affected. The properties to the east and west are existing commercial uses.

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

The proposed building size is based on a pre-designed square footage calculation that has been optimized for the store's success. The strict application would force the developer to alter their proven layout model.

**Staff Comments:**

Staff has no additional comments.

**Recommendation:**

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

**Analysis:**

Rezoning this property MU Mixed Use will allow for infill development that compliments the transition from the more intense commercial uses west of the site to the single family residential to the east.

REZONING  
#2806-16

Filed in Clerk's Office

JAN 18 2017

KAREEMAH FOWLER  
CITY CLERK SOUTH BEND, IN

Chicago

Illinois

Elwood

Sheridan

Lincoln

1 inch = 100 feet  
PORTAGE TOWNSHIP








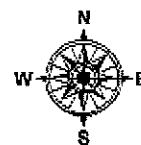
St John



**Rezoning from: CITY OF SOUTH BEND  
"SF1" SINGLE FAMILY & TWO FAMILY DISTRICT  
to "MU" MIXED USE DISTRICT**

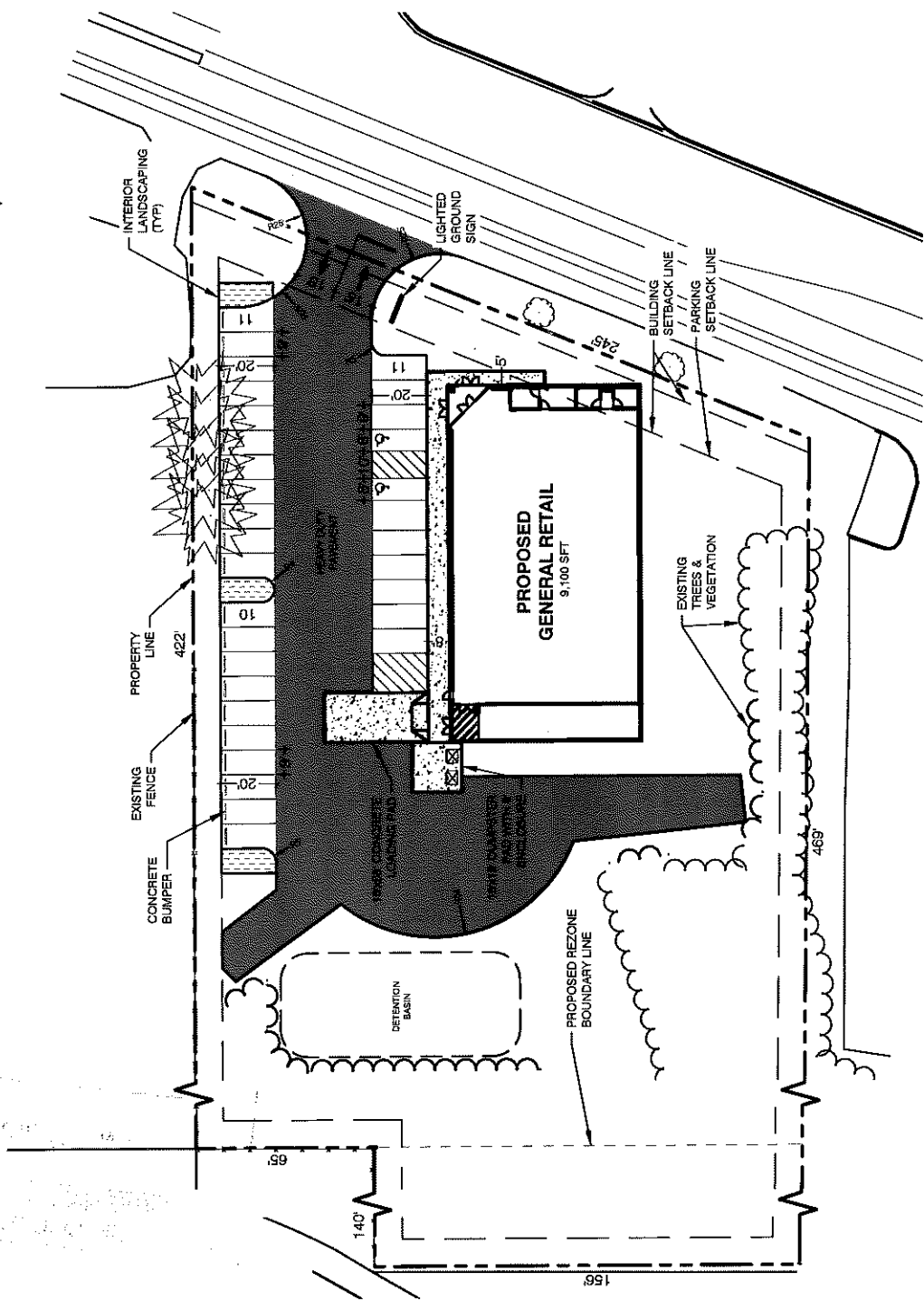
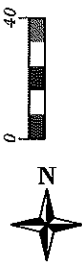
**MASTER ZONING KEY**

-  SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
-  SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
-  SOUTH BEND "GB" GENERAL BUSINESS DISTRICT



1 inch = 100 feet

**APC # 2806-16**



CONCEPTUAL SITE PLAN  
12.23.16

**SITE DATA**

- PROPERTY INFORMATION:**  
 PARCEL #: 018-2183-7240 & 018-2183-72901  
 SITE AREA: 106,222 SF (2.44 ACRES)  
 REZONE AREA: 84,294 SF (1.94 ACRES)  
 OWNER: BENASSI, GENO L AND JOSEPHINE A  
 2512 MARSHALL DR  
 MISHAWAKA, IN 46544  
 DEVELOPER: ZAREMBA GROUP, LLC  
 14600 DETROIT AVENUE  
 CLEVELAND, OH 44107  
 PHONE: (216) 221-6600
- ZONING:** SF1, SINGLE FAMILY AND TWO FAMILY RESIDENTIAL\*  
 \*RE-ZONE REQUIRED (MU)  
 ADJUTING PROPERTY CURRENTLY ZONED:  
 NORTH: SF2, SINGLE AND TWO FAMILY RESIDENTIAL  
 SOUTH: SFT, SINGLE AND TWO FAMILY RESIDENTIAL  
 EAST: GB, GENERAL BUSINESS  
 WEST: LB, LOCAL BUSINESS  
 PROPOSED LAND USE = RETAIL STORE
- SETBACKS**  
 FRONT = 5' / 20' (MIN / MAX)  
 SIDES = 5'  
 REAR = 10'  
 PARKING = 20' (FRONT ONLY)
- PARKING:**  
 REQUIRED = (8.5) PARKING SPACES PER (1000) SF GFA.  
 (3.5 x 9,100 SF / 1000 SF) = 32  
 PROVIDED = STANDARD 9'x20' SPACES = 30  
 BARRIER FREE SPACES = 2  
 TOTAL PROVIDED = 32
- BUILDING:**  
 PROPOSED BUILDING HEIGHT: 18' (SINGLE-STORY)  
 MAXIMUM HEIGHT PERMITTED: 40'  
 MINIMUM FRONT FACADE HEIGHT: 22'\*  
 PROPOSED BUILDING FOOTPRINT: 9,100 SFT  
 MAXIMUM GROSS FLOOR AREA PERMITTED: 8,000 SFT\*  
 PROPOSED TOTAL BLDG COVERAGE: 8.6%  
 PROPOSED REZONE BLDG COVERAGE: 10.8%  
 \*VARIANCES REQUIRED
- LANDSCAPING:**  
 COMPLY WITH CURRENT STANDARDS OF SECTION 21-07.01 OF THE  
 CITY OF SOUTH BEND ZONING ORDINANCE
- STORM WATER DETENTION:**  
 COMPLY WITH CITY OF SOUTH BEND REQUIREMENTS.



**DOLLAR GENERAL**

REV	DATE	DESCRIPTION

**DOLLAR GENERAL**  
LINCOLN WAY  
SOUTH BEND, IN

PROJECT NO.	2017034.01
DATE	JAN 18 2017
CONTRACTOR	KAREEMAH FOWLER
RECORD	CITY CLERK SOUTH BEND, IN
MARK	
COL	



**KEYED NOTES**

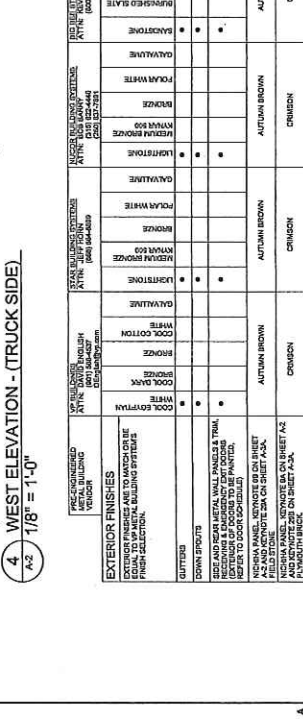
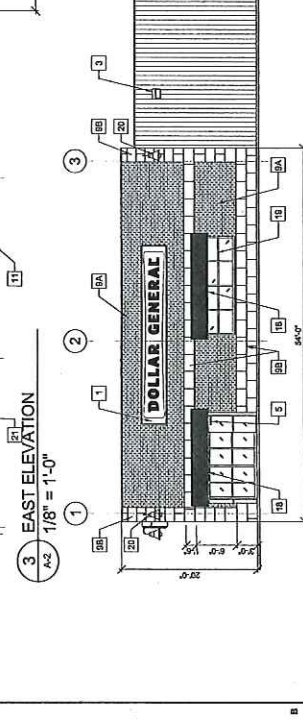
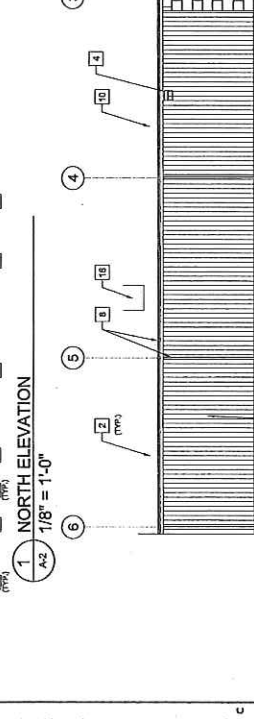
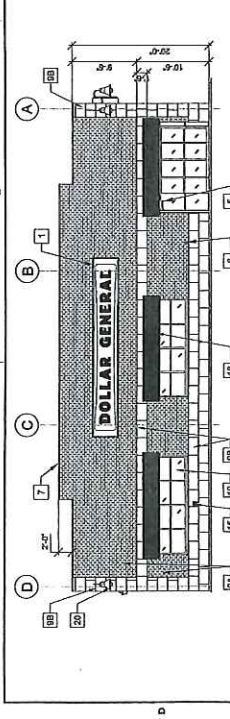
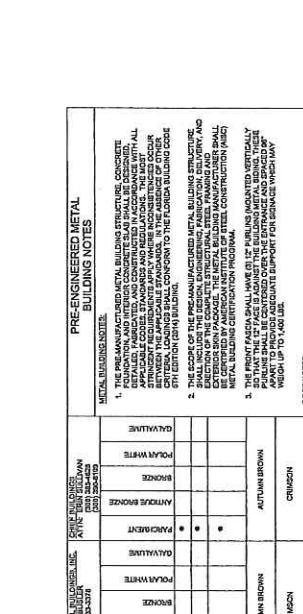
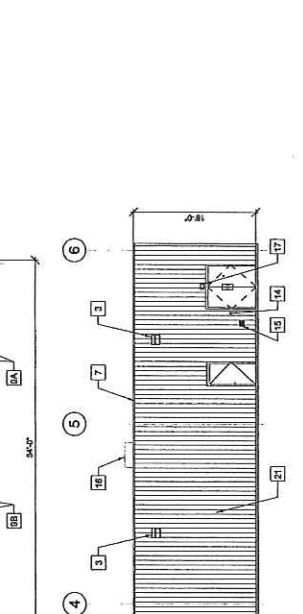
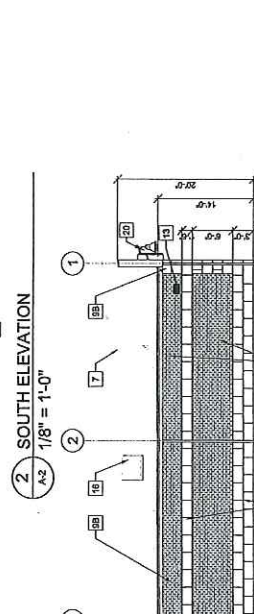
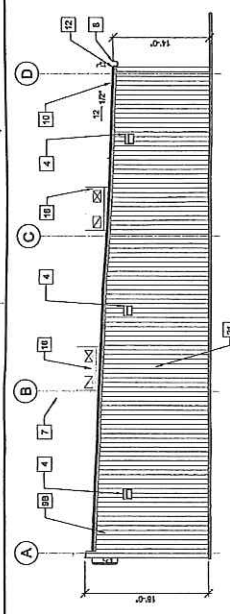
1. SIGN FINISHED AND INSTALLED BY DOLLAR GENERAL. CASP. CENTERED ON FRONT OF BUILDING. CONTRACTOR IS TO PROVIDE ADEQUATE BLOCKING AS REQUIRED BY SIGN MANUFACTURER. EXTERIOR CANOPY SIGN SHALL BE SUPPORTED BY THE FACE OF THE CANOPY. COORDINATE THE PROPER SIGNAGE TO BE USED WITH DOLLAR GENERAL.
2. PRE-ENGINEERED METAL BUILDING ICE GUARD FULL LENGTH.
3. WALL PACK 16'-0" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
4. WALL PACK 12'-0" A.F.F. TO TOP OF WALL PACK. (REQUIRED) REFER TO ELECTRICAL DRAWING E-2 FOR ADDITIONAL INFORMATION.
5. ADDRESS NUMBER ABOVE DOOR. MINIMUM HEIGHT FOR ADDRESS NUMBERS TO BE 6".
6. RECEPTACLE REFER TO ELECTRICAL DRAWING ET FOR ADDITIONAL INFORMATION.
7. TRIM - SEE SHEET E-3 FOR COLOR.
8. GUTTER AND DOWNSPOUT - SEE SHEET E-3 FOR COLOR. SEE ELECTRICAL DRAWING E-2 FOR ADDITIONAL INFORMATION. GUTTER SPUR BLOCKS WHERE NO SIDEWALK IS PROPOSED.
9. NICHHA - FLYING SOUTH BRICK COLOR: CRIMSON.
10. NICHHA - SANDSTONE II. COLOR: AUTUMN BROWN.
11. STANDING SEAM METAL ROOF: GALVALUME FINISH.
12. FINISH GRADE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 8" BELOW FINISHED FLOOR AT ALL NON PAVED AREAS.
13. MINIMUM EAVE HEIGHT IS 14'-0" A.F.F.
14. VENT FOR BATHROOM EXHAUST. REFER TO MECHANICAL DRAWING M-1 FOR ADDITIONAL INFORMATION.
15. REFER TO ELECTRICAL DRAWING E-1 FOR ADDITIONAL INFORMATION.
16. WALL HYDRANT. REFER TO PLUMBING DRAWING P-1 FOR ADDITIONAL INFORMATION.
17. ROOFTOP HVAC UNITS. FOUR REQUIRED. SEE MECHANICAL SHEET M-1 FOR MORE INFORMATION.
18. OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIVING DOORS @ 8'-0" A.F.F.
19. METAL AWNING BY GENERAL CONTRACTOR. COLOR: BROWN.
20. 14'-0" W x 6'-0" T FOWIN BRAND FAIR GLAZING WINDOWS. FRAME COLOR: DARK BRONZE.
21. DECORATIVE GOOSENECK LIGHTS @ 14'-0" A.F.F. TO BOTTOM. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
22. FINISH PRESSED METAL WALL PANELS BY PERMS. COLOR: LIGHT STONE.

**GENERAL NOTES**

1. G.C. TO CAULK AND SEAL ALL PENETRATIONS.
2. G.C. TO CAULK ALL DISSIMILAR ITEMS AND GAPS.
3. ADDRESS NUMBERS TO BE SHOWN ABOVE MAIN DOOR.
4. G.C. TO INSTALL WALK BOX PER LOCAL JURISDICTIONAL REQUIREMENTS. SURFACE OR FLUSH MOUNT.

**FILED IN CLERK'S OFFICE**  
JAN 18 2017  
KAREEMAH FOWLER  
CITY CLERK SOUTH BEND, IN

AR# 2806-16  
1-17-17 APN



EXTERIOR FINISHES	PRE-ENGINEERED METAL BUILDING SYSTEM		STATE BUILDING SYSTEMS		PRE-ENGINEERED METAL BUILDING SYSTEMS		PRE-ENGINEERED METAL BUILDING SYSTEMS	
	AT THE BUILDING	AT THE BUILDING	AT THE BUILDING	AT THE BUILDING	AT THE BUILDING	AT THE BUILDING	AT THE BUILDING	
DOWN SPOUTS	•	•	•	•	•	•	•	
EDGE AND SEAM METAL WALL PANELS & TRIM (OPTIONAL) TO BE PAINTED.	•	•	•	•	•	•	•	
EXTERIOR WALLS TO BE PAINTED.	•	•	•	•	•	•	•	
NICHHA PANELS. MONOTECH IS SHEET A2 AND ACTIVATED ON SHEET A3A. PANELS TO BE ON SHEET A3A.	•	•	•	•	•	•	•	
PLATE METAL DOOR AT STOREFRONT	•	•	•	•	•	•	•	
VERTICAL AREA	•	•	•	•	•	•	•	
BOLLING PAPER WALL AND CANOPY	•	•	•	•	•	•	•	
STANDING SEAM METAL ROOF PANELS	•	•	•	•	•	•	•	
ICE GUARD	•	•	•	•	•	•	•	

**NOTE:**  
1. REFER TO SHEET F-1 FOR ADDITIONAL INFORMATION ON RECOMMENDED NATIONAL ACCOUNT.  
2. NATIONAL ACCOUNT AND CONTACT INFORMATION SUBJECT TO CHANGE.

**PRE-ENGINEERED METAL BUILDING NOTES**

1. THE PREMANUFACTURED METAL BUILDING STRUCTURE, CONCRETE FOUNDATION, ROOFING, AND INTERIORS SHALL BE PROVIDED BY ALL OTHERS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT ALL TIMES. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT ALL TIMES. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT ALL TIMES.
2. THE OWNER SHALL VERIFY THE METAL BUILDING MANUFACTURER SHALL PROVIDE THE METAL BUILDING CERTIFICATION PROGRAM. THE METAL BUILDING CERTIFICATION PROGRAM SHALL INCLUDE THE METAL BUILDING MANUFACTURER SHALL PROVIDE THE METAL BUILDING CERTIFICATION PROGRAM. THE METAL BUILDING CERTIFICATION PROGRAM SHALL INCLUDE THE METAL BUILDING MANUFACTURER SHALL PROVIDE THE METAL BUILDING CERTIFICATION PROGRAM.
3. THE PROJECT SHALL BE A STRUCTURAL STEEL FRAMEWORK WITH METAL WALL PANELS. THE METAL WALL PANELS SHALL BE PROVIDED BY THE CONTRACTOR. THE METAL WALL PANELS SHALL BE PROVIDED BY THE CONTRACTOR. THE METAL WALL PANELS SHALL BE PROVIDED BY THE CONTRACTOR.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT ALL TIMES.

**DOOR SIZES:**

1. METAL WALL PANELS SHALL BE A MINIMUM 14 GAUGE.
2. METAL WALL PANELS SHALL BE A MINIMUM 14 GAUGE.
3. METAL WALL PANELS SHALL BE A MINIMUM 14 GAUGE.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT ALL TIMES.



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

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY  
LOCATED AT 3720 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE  
CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Construct a retail store.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of  
South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly  
known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same  
hereby is amended in order that the zoning classification of the following described real  
estate in the City of South Bend, St. Joseph County, State of Indiana:

PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWN 37 NORTH, RANGE 2 EAST, ST.  
JOSEPH COUNTY, INDIANA, DESCRIBED AS: BEGINNING AT THE FOUND RIGHT-OF-  
WAY MONUMENT AND THE NORTHEAST CORNER OF LOT 4 OF ROCKSTROH'S  
SURVEY, ST. JOSEPH COUNTY RECORDS, INDIANA; THENCE S 00°20'40" W A  
DISTANCE OF 328.69 FEET TO A POINT; THENCE S 89°37'05" W A DISTANCE OF 222.30  
FEET TO AN IRON FOUND WITH '910004' CAP; THENCE N 00°21'06" W A DISTANCE OF  
422.14 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF LINCOLNWAY WEST; THENCE S  
67°55'57" E A DISTANCE OF 244.80 FEET TO THE NORTHEAST CORNER OF LOT 4 OF  
ROCKSTROH'S SURVEY, ST. JOESPH COUNTY RECORDS, INDIANA AND TO THE  
POINT OF BEGINNING. CONTAINS 84,291.2 SQUARE FEET OR 1.935 ACRES.

be and the same is hereby established as MU Mixed Use.

SECTION II.

This ordinance is and shall be subject to commitments as provided by Chapter 21-  
09.02(d) Commitments, if applicable.

SECTION III. This ordinance shall be in full force and effect from and after its passage  
by the Common Council, approval by the Mayor, legal publication, and full execution of  
any conditions or Commitments placed upon the approval.

\_\_\_\_\_  
Member of the Common Council





Attest:

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

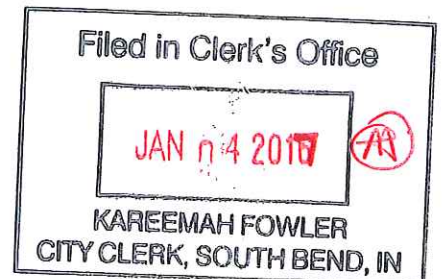
Presented by me to the Mayor of the City of South Bend, Indiana on the  
\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ . m.

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

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

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

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED

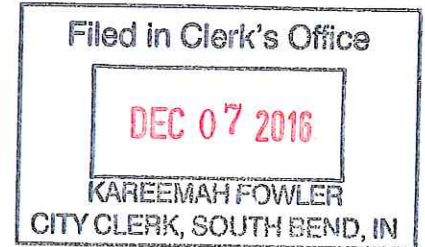




PETITION FOR ZONE MAP AMENDMENT  
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

- 1) The property sought to be rezoned is located at:  
*3720 Lincoln Way West  
South Bend, IN 46628*
- 2) The property Tax Key Number(s) is/are: *71-08-04-201-003.000-026 & 71-08-04-201.002.000-026*
- 3) Legal Descriptions: *See Attached*
- 4) Total Site Area: *1.9 acres*
- 5) Name and address of property owner(s) of the petition site:  
*Geno L and Josephine A Benassi  
2512 Marshall Drive  
Mishawaka, IN 46544*



Name and address of additional property owners, if applicable: N/A

- 6) Name and address of contingent purchaser(s), if applicable:  
*Zaremba Group, LLC  
14600 Detroit Avenue  
Cleveland, OH 44107  
216-221-6600  
JWojtila@zarembagroup.com*

Name and address of additional property owners, if applicable: N/A

- 7) It is desired and requested that this property be rezoned:

From: *SF-1, Single Family Two Family District*

To: *MU Mixed Use District*

- 8) This rezoning is requested to allow the following use(s): *General retail store*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) *(1) Reduction of the minimum front façade height from 22-ft to 18-ft, and (2) an increase in maximum gross floor area from 8,000 SF to 9,100 SF. (Section 21-03.02 MU Mixed Use District, (4), Building Height (A) and (B), page 6)*

- 2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *The front façade height and maximum gross floor area requirements are irrelevant in regards to public safety and general welfare, therefore the reduction of the façade height and increase in maximum floor area requirement poses no threat to these aspects of the community. Furthermore, granting the two variances will benefit the public by providing public goods and employment opportunities to the local community.*



- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The adjacent properties to the west and east are commercial uses, and to the north are commercial and residential uses, therefore, the proposed general retail business conforms to this area of mixed uses and will not affect the adjacent uses and values in a negative manner.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *The proposed general retail building are standard prototypes that allow the store to operate as intended and would create hardship on the owner and the customer if the variances were not granted.*

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *N/A*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
  - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *N/A*
  - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *N/A*
  - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *N/A*
  - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *N/A*

\* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

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Whitney@ARengineeringllc.com*

*Zaremba Group, LLC - John Wojtila, P.E.  
14600 Detroit Ave., Suite 1500  
Cleveland, OH 44107  
216-226-5160  
JWojtila@zarembagroup.com*

**BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.**

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

*Richard C Benassi PR*  
*OF ESTATE OF GENO Benassi*  
*FOR GENO & JOAN Benassi*  
*DECEASED 8-2-1990*

