



# BILL NO. 27-23

## City of South Bend PLAN COMMISSION

County-City Building  
227 W. Jefferson Blvd. 1400S  
South Bend, IN 46601  
(574) 235-7627  
[www.southbendin.gov/zoning](http://www.southbendin.gov/zoning)



May 16, 2023

Honorable Lori Hamann  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601

RE: 1319, 1323, and 1333 Lincoln Way West  
PC# 0152-23

Dear Ms. Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment and Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your May 22nd, 2023 Council meeting, and set it for public hearing at your June 26<sup>th</sup>, 2023 Council meeting. The petition is tentatively scheduled for public hearing at the May 20<sup>th</sup>, 2023 South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Petitioners desire to rezone the property from U3 Urban Neighborhood 3 to NC Neighborhood Center District and seeking a Special Exception Use for Major Vehicle Repair.

If you have any questions, please feel free to contact our office.

Sincerely,

Angela Smith  
Zoning Administrator

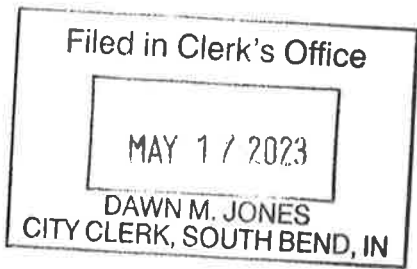
CC: Bob Palmer

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Tim Corcoran  
Planning Director

Angela Smith  
Zoning Administrator

Scott Ford  
Commission President



**BILL NO. 27-23**

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

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION USE FOR PROPERTY LOCATED 1319, 1323, AND 1333 LINCOLN WAY WEST AND , COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA**

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**STATEMENT OF PURPOSE AND INTENT**

Petitioners desire to rezone the property from U3 Urban Neighborhood 3 to NC Neighborhood Center District and seeking a Special Exception Use for Major Vehicle Repair.

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

**SECTION I.** Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby 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:

LOT 31 AND 32, EXCLUDING THE 33' OF THE NORTH END OF SAID LOTS, OF CUSHING'S ADDITION TO THE CITY OF SOUTH BEND, INDIANA COMMONLY KNOWN AS 1333 LINOLN WAY WEST, SOUTH BEND, INDIANA

be and the same is herby established as NC Neighborhood Center District

**SECTION II.** That a Special Exception Use for Major Vehicle Repair is herby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, by the Advisory Plan Commission.

**SECTION III.** The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use 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 adjacent area of property values therein;

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

**SECTION IV.** This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

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

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Sharon McBride, Council President  
South Bend Common Council

Attest:

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Dawn M. Jones, City Clerk  
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

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Dawn M. Jones, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ .m.

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James Mueller, Mayor  
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: \_\_\_\_\_

Address: 1333 Lincoln Way West

Owner: \_\_\_\_\_

Legal Description:

*Repair shop on the ~~the~~ northeast corner  
of Laundale & Lincoln Way West  
\* See Attached*

Project Summary

Filed in Clerk's Office  
MAY 17 2023  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

Requested Action

Application includes (check all that apply)

Rezoning

*UB to NC*

Current District: Choose the current district

Additional Districts, if applicable

Proposed District Choose the proposed district

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) The comprehensive Plan;
- (2) Current conditions and the character of the current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the jurisdiction; and
- (5) Responsible development and growth.

Subdivision - complete and attach subdivision application

Special Exception - complete and attach Criteria for Decision Making

Use requested: Major Auto Repair

Variance(s) - List variances below, complete and attach Criteria for Decision Making

Variance(s) requested:

- 1.) Parking in the established front yard
- 2.) From the required transparency to ~~none~~ existing none.

Required Documents

Completed Application (including Contact Information)

Site Plan drawn to scale

Filing Fee - \$400 + 625

Additional documents as noted above

*RZ = \$1675  
SE = \$300  
2 Var = \$100*

*should have  
been  
\$1075*

PAID

MAY 15 2023

Per KBI/AS

\$1150.00  
over paid \$75

## Criteria for Decision Making

### Special Exception - if applicable

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

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

It's been in operation for 20 years and it's continued use as a major repair is an amenity utilized for the convenience and general welfare of neighborhood car owners.

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

Currently, there are only residential properties to the west and north of the property. The use has not been sighted as an injury or adversity to the residents or commercial tenants surrounding the repair shop.

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

As a major city corridor, this shop represents one of only 3 repair shops between the airport and downtown area.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

Keeping and recruiting businesses to South Beach.

## Criteria for Decision Making

### Variance(s) - if applicable

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

*Parking -*  
*Transparency -*

(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, because:

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

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

**Contact information**

**Property owner(s) of the petition site:**

Signature  
↑

Name: Aurora Yaw

Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

**Contact Person:**

Name: Keith Giden Sr.

Address: 1121 Goodland Ave  
South Bend, IN 46628

Phone Number: (574) 383 8655

E-mail: \_\_\_\_\_

**By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.**

**The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.**

**Property Owner (s) Signatures:**

(see above) \_\_\_\_\_  
\_\_\_\_\_