

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

AGENDA

Tuesday, January 16, 2018
3:30 p.m.

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

EXECUTIVE SESSION:

- A. Election of Officers
- B. Appointment of Plat Committee
- C. Appointment of Executive Committee

PUBLIC HEARINGS:

1. Rezoning:

None for consideration at this time.

2. Text Amendments:

- A. An ordinance of the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial / Mixed Use Districts to revise Permitted Uses and Development Standards – APC #2855-17

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 12743 Heather Park Drive and 12748 Sandy Drive, St. Joseph County – APC #2849-17

2. Executive Director's Report:

3. Minutes and Expenditures:

4. Adjournment:

Staff Report

1/5/2018

APC # 2855-17
Owner: The Honorable Common Council
Location: TEXT AMENDMENT
Jurisdiction: City of South Bend
Public Hearing Date: 1/16/2018

Requested Action:

The petitioner is requesting a text amendment to repeal and replace Section 21-03.02 MU Mixed Use District.

Staff Comments:

Since its adoption in 2004, experience has shown that development in the MU Mixed Use district frequently requires the use of variances and special exception use approvals, even to complete projects consistent with the neighborhood context. This ordinance revises uses and development standards to better support the development of the mixed-use urban neighborhood centers and traditional pedestrian-oriented design. Because the changes involve so many subsections within the chapter, the staff suggesting a replacement chapter. Some of the changes include allowing private clubs and lodges as permitted uses, changing to a minimum project frontage instead of lot frontage in order to allow for integrated developments, reducing setbacks, eliminating plaza requirements, decreasing the minimum height, and updating the architectural standards to better reflect the desired urban design appropriate for the district.

Recommendation:

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

Analysis:

Updating the MU Mixed Use District to better reflect the intent and application of the pedestrian-oriented district within the urban context will simplify development and strengthen the mixed-use neighborhood centers.

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE,
ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS
TO REVISE PERMITTED USES AND DEVELOPMENT STANDARDS

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Experience in using the Ordinance's provisions for the MU Mixed Use District has shown that development in this district frequently requires the use of variances even to complete projects consistent with the neighborhood context. This ordinance revises uses and development standards to better support the development of mixed-use urban neighborhood centers and traditional pedestrian-oriented design.

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 3 Commercial / Mixed Use Districts, Section 21-03.02 MU Mixed Use District, is hereby deleted and replaced with a new Section 21-03.02 as follows:

Section 21-03.02 MU Mixed Use District.

Intent - The MU Mixed Use *District* is established to promote the development of a dense urban neighborhood center environment. The regulations are intended to encourage all the elements of a traditional neighborhood center, including: storefront retail; professional offices; and *dwelling units* located either in townhouse developments or in the upper stories or rear 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*.

(a) Permitted Uses.

(1) *Primary Uses.*

- (A) Clothing Service: Including but not limited to: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental.
- (B) Educational Uses: Including but not limited to: *Child Care Center*; *Child Care Ministry*; *Cottage School*; Public Library; School – Commercial, Trade or Business.

- (C) Food Sales and Service: Including but not limited to: Bakery – Retail; *Cabaret – Family*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; *Manufacturing Retailers*; *Restaurant – Fast Food* (without drive-in or drive-through); *Restaurant – Family*; *Restaurant – Family, with Lounge*; Yogurt Store – Retail.
- (D) Governmental Use: Including but not limited to: Governmental Offices; Post Office – without outside parking of delivery vehicles.
- (E) Miscellaneous: Including but not limited to: *Bed & Breakfast*; Bus Station; Clinic (medical, dental or optometrists); *Cottage Business / Residential*; Electrical / Electronics Repair.
- (F) Office / Professional Services: Including but not limited to: Architect; Artist; Bank Machines - Walk-up; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate Office; Travel Agency.
- (G) Personal Service: Including but not limited to: Barber Shop; Beauty Shop.
- (H) Public Facilities: Including but not limited to: Community Center; Funeral Home; Mortuary; *Neighborhood Recycling Collection Point*; Public or Private *Park – Active or Passive*; *Religious Use*. (Ord. No. 9653-06)
- (I) Recreation: Including but not limited to: Aerobics Studio; Banquet Hall; Dance Studio; Fraternal Organization; Gymnastics Studio; Lodge; Private Club; Social Club; Theater – Indoor. (Ord. No. 9760-07)
- (J) Residential: Including but not limited to: *Dwelling Unit* – upper level; *Dwelling Unit* – first floor with business; *Multifamily Dwelling*; *Two Family Dwelling* (see Section 21-03.02 (b) (13) for applicable *development standards*).
- (K) Retail: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Drug Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Music Store; Newsdealer; Shoe Store; Stationery and Book Store; Video Store.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

(2) *Special Exception Uses.*

- (A) Food Sales and Service: Including but not limited to: *Bar **; *Cabaret – 21 and Over **; *Nightclub **; *Restaurant – Drive In*; *Restaurant – Drive Through*; *Tavern **.
- (B) Government Use: Including but not limited to: Fire Station; Municipal / State Road Maintenance Facility; Police Station; Post Office – with outside parking of delivery vehicles.
- (C) Miscellaneous: Including but not limited to: *Artificial Lake*; Conference Center; *Hotel, Motel*.
- (D) Public Facilities: Including but not limited to: Cemetery – with or without Crematory, Funeral Home, Mausoleum or Mortuary; *Parking Garage*; Parking Lot – Commercial. (Ord. No. 9653-06)
- (E) Recreation: Including but not limited to: *Amusement Arcade **; Billiard Hall *; *Country Club*; Fairgrounds; *Golf Course*; Golf Driving Range; Swimming Pool - private or public. (Ord. No. 9760-07)
- (F) Residential: Including but not limited to: *Group Residences*; *One (1) Single Family Dwelling*. (Ord. No. 10451-16)
- (G) Retail: Including but not limited to: Liquor Store; Tobacco Store.
- (H) Utilities: Including but not limited to: Electricity Relay Station; Public Utility Substation; Pumping Stations; Water Towers.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

(3) *Accessory Uses* – See Section 21-03.11 (a) – Accessory Uses, Buildings and Structures.

(4) *Temporary Uses* – See Section 21-03.11 (b) – Temporary Uses, Buildings and Structures.

(5) *Home Occupations* – See Section 21-03.11 (c) – Home Occupations.

(b) *Development Standards.*

- (1) *Minimum Project Width and Frontage* - each *project* shall have a minimum *lot width* and *frontage* on a *public street* of 25 feet.

(2) *Yards and Building Setbacks.*

- (A) Front - a *front yard* and *building setback* measured from the greater of the *proposed right-of-way* or existing *right-of-way* shall be provided as follows:

	<u>Minimum</u>	<u>Maximum</u>
<i>Limited Access Highway:</i>	50'	NA
All other <i>Streets:</i>	5'	12'

Provided, however, on all *streets* except *limited access highways*, *building* placement shall be in compliance with the following regulations:

- i. For sites containing one *building* – in elevation view from the *street frontage*, at least fifty (50) percent of the length of the *façade* of the *building* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*;
 - ii. For sites containing multiple *buildings* – in elevation view from the *street frontage*, at least fifty (50) percent of the visible *façades* of the *buildings* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*; and,
 - iii. *Parking areas* and *interior access drives* shall not be located in front of a line five (5) feet behind the *front building line*. If the *lot* does not have a *building*, *parking areas* and *interior access drives* shall have a *minimum front setback* of twelve (12) feet. If a *parking area* or *interior access drive* is located less than seventeen (17) feet from the *front lot line*, it shall be screened by a compact row of shrubs/hedge plants planted three feet on-center (3' o.c.) immediately behind the *front building line*. Shrubs shall be at least twenty-four inches (24") at time of planting and shall be maintained at a maximum height of thirty-six inches (36").
- (B) *Minimum Side Yard and Setback* – The *minimum side yard* and *setback* shall be as follows:
- i. *Minimum Side Yard* – zero (0) feet, provided, however, if a *side yard* is provided along a *side lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
 - ii. *Minimum Side Residential Bufferyard* – five (5) feet.

(C) *Minimum Rear Yard and Setback* – The *minimum rear yard and setback* shall be as follows:

- i. *Minimum Rear Yard* – five (5) feet.
- ii. *Minimum Rear Residential Bufferyard* – fifteen (15) feet when not separated from a *residential use* by a *public alley*. If separated from a *residential use* by a *public alley*, no *rear residential bufferyard* is required, but the *minimum rear yard* requirement shall apply.

(3) Use of *Minimum Yards and Residential Bufferyards*.

All *minimum yards* and *residential bufferyards* shall be landscaped in compliance with the requirements for perimeter *yard* landscaping as set forth in Section 21-07.01 – Landscape Regulations of this Ordinance and shall remain free from *structures* except where expressly permitted below:

(A) *Minimum Front Yards* –

- i. along *limited access highways* – may include: *parking areas, loading areas, interior access drives, or interior access driveways*, provided that no portion of such area may be located closer to the *right-of-way* than fifteen (15) feet; or *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*.
- ii. along all other *streets* – may include: *driveways* or *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*.

(B) *Minimum Side and Rear Yards* – may include *driveways, interior access driveways, parking areas, loading areas, walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall be maintained as *open space* free from *buildings* or *structures*.

(C) *Minimum Side and Rear Residential Bufferyards* – may include *driveway* connections to adjoining *lots*, or *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*.

- (4) *Building Height.*
 - (A) *Minimum Front Façade Height* – in the elevation view from the *street frontage*, eighteen (18) feet.
 - (B) *Maximum Building Height* – Forty (40) feet; not to exceed three (3) stories.
- (5) Landscaping – See Section 21-07.01 – Landscape Regulations.
- (6) Lighting – See Section 21-07.02 – Lighting Regulations.
- (7) *Signs* – See Section 21-07.03 – Sign Regulations.
- (8) Parking – See Section 21-07.04 – Off-Street Parking Regulations.
- (9) Loading – See Section 21-07.05 – Off-Street Loading Regulations.
- (10) *Greenway Connection Required* – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (11) *Outdoor Operations* – All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
 - (A) *Outdoor seating for restaurants*, provided that such outdoor seating:
 - i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works; and,
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards.
 - (B) *Outdoor display* or sales of merchandise:
 - i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works;
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards;
 - iii. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;

- iv. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,
 - v. shall be merchandise normally found within the on-premise business. (Ord. No. 9653-06)
- (C) Walk-up customer service windows or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the *façade* of the *building*.
- (D) Vending machines, provided that vending machines:
- i. shall abut the exterior wall of the *building*; and,
 - ii. shall not be located in a required *yard* or required *residential bufferyard*.
- (12) Building Design and Orientation.
- (A) Orientation.
- i. Primary *façades* shall be oriented to the *front lot line*. When on a *corner lot*, the primary *façade* shall be oriented to the primary *street* and the design of the primary *façade* shall extend a minimum of ten (10) feet along the secondary *street*.
 - ii. The primary *building* entrance shall be located on the *front façade*.
- (B) Articulation and Activation.
- i. *Front façades* at least one hundred twenty (120) feet in length should be designed to look like more than one *building*. For *buildings* that are one hundred twenty (120) feet or longer, no section of the *front façade* longer than sixty (60) feet may look like one *building*.
 - ii. For commercial and mixed-use *buildings*, the minimum *front façade* surface that shall be glazed (window and door surface area) is as follows:
 - a. Ground floor *front façade* surface along a primary *street* – seventy (70) percent;
 - b. Ground floor *front façade* surface along a secondary *street* – twelve and one-half (12.5) percent;

- c. Upper floor *front façade* surface – twelve and one-half (12.5) percent.

The ground floor *front façade* glazing is calculated based on the total *façade* area between two (2) and eight (8) feet above *grade*. The upper floor *front façade* surface area is calculated based on the total surface area located between the elevation of any floor to the elevation of the floor above it or the elevation of the roof. Windows and doors shall have clear (untinted) glass and shall be open to the interior (not faux).

- iii. A *walkway* shall connect from the *sidewalk* to the primary entrance.

(C) *Building Materials.*

- i. Additions to Existing *Buildings*: All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing *building*.
- ii. Exterior Renovations, Major Additions and *Accessory Buildings*: Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (iii), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (i), above, for additions to existing *buildings*.
- iii. New Construction: In order to create variation and interest in the built environment, all new primary *buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each *front façade*:
 - a. All brick or stone (limestone, granite, etc.), excluding window, display window, door, roofing, fascia and soffit materials, provided that the brick or stone used on each applicable *façade* shall include at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
 - b. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:

1. *Primary Building Material:* The primary *building material* shall be either: brick; stone (limestone, granite, etc.); synthetic equivalents of brick or stone; architectural pre-cast concrete, if the surface looks like brick or stone; traditional stucco; or fiber cement, and shall constitute a minimum of sixty-six (66) percent of each applicable *façade* excluding glazed surfaces. Exterior insulation and finish system (E.I.F.S.) or equivalent; vinyl; or standard, fluted, or split face concrete masonry units (CMUs) are prohibited as a primary *building material*.
 2. *Secondary Building Material:* The secondary *building material* shall constitute a minimum of ten (10) percent of the *façade* excluding glazed surfaces. Glass curtain wall may qualify as a secondary *building material*.
 3. *Architectural Features:* In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each *front façade*.
- iv. *Building materials* used on the *front façade* shall extend a minimum depth of sixteen (16) inches along the *side façade* as measured from the face of the *front façade*.
- (D) *Mechanical Equipment* – HVAC equipment shall not be placed in the *front yard* or on the *front façade*.

SECTION II. 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 _____, 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

Zoning Quick Fixes

Reform to MU Mixed Use District Standards

Last updated January 4, 2018

Ordinance Section (all in Section 21-03.02)	Item	Current Standard	Proposed Standard	Notes
(a)(1), (a)(2)	Primary Uses	Manufacturing Retailers, Banquet Hall, Fraternal Organization, Lodge, Private Club, Social Club are special exception uses	Manufacturing Retailers, Banquet Hall, Fraternal Organization, Lodge, Private Club, Social Club are primary uses	Allows common and desired uses without requiring special exception
(a)(2)	Special Exception Uses	Hotels permitted by special exception by interpretation	Hotels permitted by special exception	Makes hotel an explicit special exception use
(b)(1)	Minimum Lot Width	30'	25'	Reduces minimum lot width to promote urban character and small-scale development
(b)(2)(A)	Maximum Front Setback	20'	12'	Reduces maximum setback to promote urban character
(b)(2)(A)(iii)	Parking Area Placement	Parking areas shall not be located in front of maximum setback (20')	Parking areas shall be located at least 5' behind front building line (12' minimum setback if no primary structure) and shall be screened by a shrub row	Reduces visual impact of parking areas while allowing fuller use of site
(b)(2)(B)(ii)	Minimum Side Residential Bufferyard	15'	5'	Allows fuller use of site consistent with traditional urban development
(b)(2)(C)(i)	Minimum Rear Yard	10'	5'	Allows fuller use of site consistent with traditional urban development
(b)(2)(C)(ii)	Minimum Rear Residential Bufferyard	15'	15' when not separated from residential uses by an alley; no bufferyard when separated from residential uses by an alley (minimum rear yard applies)	Allows fuller use of site consistent with traditional urban development
(b)(2)(D)	Minimum Yards for Out Lots	Provides standards for out lots	None (subsection eliminated)	Use of out lots is inconsistent with intent for MU District
(b)(3)(A)(ii)	Plaza Requirements	Requires plaza development in front yards not used for structures	None (plaza requirement eliminated)	Language ineffective in practice and largely redundant to existing landscaping standards
(b)(3)(B)	Minimum Front Residential Bufferyards	Provides standards for minimum front residential bufferyards	None (subsection eliminated)	Ordinance has no provision that creates minimum front residential bufferyard
(b)(3)(D)	Minimum Side and Rear Residential Bufferyards	Does not allow driveways	Allow driveways that connect to neighboring properties	Allows for private connection to neighboring residential lots
(b)(4)(A)	Minimum Front Façade Building Height	22'	18'	Allows for tall one-story buildings (two-story buildings or one-story buildings with excessive extensions no longer required)
(b)(5)	Maximum Gross Floor Area	Sets maximum floor area for particular uses	None (subsection eliminated)	Common variance request granted. Allows for larger developments in MU District
(b)(9)	Off-Street Parking	Allows on-street parking to be counted toward minimum parking requirement	Eliminates provision that allows on-street parking to be counted toward minimum parking requirement	Provision unnecessary as MU District has no minimum parking requirement
(b)(12)(A)(i), (ii)	Outdoor Seating Location	Outdoor seating shall not be located in any street right-of-way and shall only be along the storefront façade	Outdoor seating may be permitted in street right-of-way with permission of Board of Public Works	Clarifies provision to match intent for location of outdoor seating
(b)(12)(B)	Outdoor Display or Sales of Merchandise	Outdoor display or sales of merchandise shall not be located in any street right-of-way and shall only be along the storefront façade	Outdoor display or sales of merchandise may be permitted in street right-of-way with permission of Board of Public Works	Clarifies provision to match intent for location of outdoor display or sales of merchandise
(b)(13)(C)	Building Material Regulations	Applies to each façade visible from a public street	Applies to each front façade	Clarifies provision to match intent

Ordinance Section (all in Section 21-03.02)				
	Item	Current Standard	Proposed Standard	Notes
(b)(13)(C)(ii)	Building Materials	Building must be all brick <i>or</i> have two or more materials, including brick, stone, concrete looking like brick or stone, or EIFS	Building must be all brick or stone <i>or</i> have two or more materials, including brick, stone, concrete or synthetic materials looking like brick or stone, stucco, or fiber cement	Provides more flexibility with higher quality building materials
New	Building Materials	None	Building materials used on front façade shall extend a minimum of 16" along side facades	Provides higher level of building quality
New	Building Orientation	None	Primary facades shall be oriented to the front lot line. When on a corner lot, the primary façade shall be oriented to the primary street and the primary façade treatment shall extend a minimum of 10' along the secondary street	Provides for safer and more attractive street environment
New	Building Entry Location	None	The primary entrance shall be located on the front façade	Provides for safer and more attractive street environment
New	Building Articulation	None	Façades longer than 120' should be designed to look like more than one building. For buildings that are 120' or longer, no section of building longer than 60' may look like one building	Provides for more attractive street environment
New	Mechanical Equipment Location	None	HVAC equipment shall not be placed in the front yard or on the front façade	Provides for more attractive street environment
New	Glazing / Windows	None	For commercial and mixed use buildings, a minimum of 70% of the ground floor front façade surface along a primary street shall be glazed (window and door surface area). A minimum of 12.5% of upper floor front facade surface and ground floor front facade surface along a secondary street shall be glazed (window and door surface area). The ground floor front façade glazing is calculated based on the total facade area between two and eight feet above grade. The upper floor front facade surface area is calculated based on the total surface area located between the elevation of any floor to the elevation of the floor above it or the roof. Windows and doors shall have clear glass and shall open to the interior (not be faux)	Provides for safer and more attractive street environment
New	Sidewalk Connection	None	A sidewalk shall connect from the public sidewalk to the primary entrance	Provides for safer and more attractive street environment

FINDINGS OF FACT

APC# 2849-17
Merrill Realty LLC
St. Joseph County

On Tuesday, December 19, 2017, the Area Plan Commission approved the following variances from the Development Standards of the St. Joseph County Zoning Ordinance:

- 1) from the required minimum 15' parking setback to 10' on Heather Park Drive
 - 2) from the required foundation landscaping to none
 - 3) from the required interior off-street parking area landscaping to none;
 - 4) from the required off-street parking area screening to none
- (1) The approval will not be injurious to the public health, safety, morals and general welfare of the community
Because the property is an existing development, approval of the variances should have no impact on the public health, safety, or 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 site is located in a business park with a mixture of commercial and industrial uses with similar setbacks and landscaping. The use and value of adjacent properties should not be impacted.
- (3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property
With the exception of the parking area screening, the strict application of the ordinance would require the petitioner to remove existing walkways and parking areas in order to install the appropriate landscaping.

The Minutes of the December 19, 2017 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, on this 16th day of January, 2018 .

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

ATTEST:

Lawrence P. Magliozzi, Secretary