



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

September 8, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: 736 California And 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, And 910
Portage Avenue

Dear Council Members:

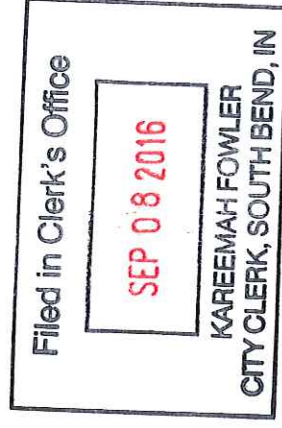
Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your September 12, 2016 Council meeting, and set it for public hearing at your October 24, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the October 18, 2016 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

A handwritten signature in black ink that reads "Angela M. Smith".

Angela M. Smith
Deputy Director



CC: Kathy Cekanski-Farrand

DHIA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers
Landscape Architects ■ Land Planners
Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009
1643 Commerce Drive ■ South Bend, IN 46628

Honorable Members of the City of
South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

September 5, 2016

RE: Rezoning & Special exception Petition for 736 California Avenue and
808, 812, 824,826, 828, 830, 832, 834, 836,838, 906, 908, 910 Portage Avenue,
South Bend, Indiana 46616.

Dear Council Members:

Our clients are requesting the approval of a Rezoning Petition for the properties located at 736 California Avenue and 808, 812, 824,826, 828, 830, 832, 834, 836,838, 906, 908, 910 , South Bend, Indiana 46616.

This requested Rezoning would allow for the approval of a multi-family residential development to be built and approval of Special Exceptions to allow for off-site parking areas as shown on the attached site plan. The proposed site improvements would include the renovation of the existing structure along with the addition of new off-site parking and the installation of new landscaping.

Our clients believe the improvements proposed for the properties would be a compatible use in the surrounding mixed use neighborhood along this portion of the Portage Avenue corridor.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,



Michael J. Danch
President
Danch, Harner & Associates, Inc.

Filed in Clerk's Office

SEP 07 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

File No. 160215 "C" Md

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTIES LOCATED AT 736 CALIFORNIA AND 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, AND 910 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

To rezone for a commercial and residential mixed used project.

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:

For rezoning:

That part of the Northeast Quarter of Section 2, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots # 113, # 114, # 115 and Lot # 112 of the Plat of "Shetterley Place 3rd Plat" now a part of the City of South Bend as recorded in Plat Book # 5, on Page # 60 in the records of the St. Joseph County, Indiana Recorder's office, excepting the East 35 feet of said Lot # 112, Lot "A", and also including Lot # 33 of the Plat of "Shetterley Place 2nd Plat" to the City of South Bend as recorded in Plat Book # 5 on Page # 44 in the records of said Recorder's office.
Containing 0.96 acres more or less.

Subject to all legal highways, easements and restrictions of record.
Also that Part of the Northeast and Southeast Quarters of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana, being Lots # 34-37 of the recorded Plat of "Shetterley Place 2nd Plat", to the City of South Bend, Indiana as recorded in Plat Book # 5, Page # 44 in the office of the Recorder of St. Joseph County, Indiana, also Lot # 7 of the recorded Plat of "C.E. Smith's Subdivision of Lots numbered 38, 39, 40 & 41 of Shetterley Place, 2nd Plat", to the City of South Bend, recorded May 3, 1916 in the office of the Recorder of St. Joseph County, Indiana in Plat Book # 10, Page # 10, and being more particularly described as beginning at the Northeasterly corner of said Lot # 34; thence South 43°09'35" East along the West line of a 14 foot wide Public Alley, 174.03 feet (Rec. 174.10 feet) to the Northeast corner of said Lot # 34; thence South 46°32'49" West, 35.14 feet (Rec. 35.00 feet) to the Northwest corner of said Lot # 7; thence South 43°11'52" East along the Northerly line of said Lot # 7, 32.56 feet (Rec. 32.66 feet)

to the Northeastly corner of said Lot # 7; thence South 46°32'49" West along the Southerly line of said Lot # 7, 97.39 feet (rec. 97.00 feet) to the Northerly right-of-way of Portage Avenue; thence North 43°12'56" West along the Northerly right-of-way line of Portage Avenue, 316.67 feet (Rec. 315.46 feet); thence North 22°54'31" East, 8.91 feet to the South right-of-way line of Rex Street; thence North 89°01'58" East along said south right-of-way line, 168.27 (Rec. 168.00 feet) to the point of beginning.

Containing 0.79 acres more or less.

Subject to all legal right-of-ways, easements and restrictions of record.

For special exceptions:

That part of the Northeast Quarter of Section 2, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots # 112 of the Plat of "Shetterley Place 3rd Plat" now a part of the City of South Bend as recorded in Plat Book # 5, on Page # 60 in the records of the St. Joseph County, Indiana Recorder's office, excepting the East 35 feet of said Lot # 112.

Containing 0.07 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Also that Part of the Northeast and Southeast Quarters of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana, being Lots # 34-37 of the recorded Plat of "Shetterley Place 2nd Plat", to the City of South Bend, Indiana as recorded in Plat Book # 5, Page # 44 in the office of the Recorder of St. Joseph County, Indiana, also Lot # 7 of the recorded Plat of "C.E. Smith's Subdivision of Lots numbered 38, 39, 40 & 41 of Shetterley Place, 2nd Plat", to the City of South Bend, recorded May 3, 1916 in the office of the Recorder of St. Joseph County, Indiana in Plat Book # 10, Page # 10, and being more particularly described as beginning at the Northeastly corner of said Lot # 34; thence South 43°09'35" East along the West line of a 14 foot wide Public Alley, 174.03 feet (Rec. 174.10 feet) to the Northeast corner of said Lot # 34; thence South 46°32'49" West, 35.14 feet (Rec. 35.00 feet) to the Northwest corner of said Lot # 7; thence South 43°11'52" East along the Northerly line of said Lot # 7, 32.56 feet (Rec. 32.66 feet) to the Northeastly corner of said Lot # 7; thence South 46°32'49" West along the Southerly line of said Lot # 7, 97.39 feet (rec. 97.00 feet) to the Northerly right-of-way of Portage Avenue; thence North 43°12'56" West along the Northerly right-of-way line of Portage Avenue, 316.67 feet (Rec. 315.46 feet); thence North 22°54'31" East, 8.91 feet to the South right-of-way line of Rex Street; thence North 89°01'58" East along said south right-of-way line, 168.27 (Rec. 168.00 feet) to the point of beginning.

Containing 0.79 acres more or less.

Subject to all legal right-of-ways, easements and restrictions of record.

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

SECTION II. That a Special Exception Use for *off-site* in the *MU Mixed Use District* is hereby 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, of approval.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

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

Filed in Clerk's Office
SEP 08 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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:
Address(es) - 736 California Avenue and 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, 910 Portage Avenue, South Bend, Indiana 46616.
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s): 018-1062-2658, 018-1060-2535, 018-1060-2536, 018-1059-2488, 018-1059-2489, 018-1059-2490, 018-1059-2491, 018-1059-2492, 018-1059-2505.*

3) Legal Descriptions: *Enter full legal description. See attached.*

4) Total Site Area: *Enter total acres to be rezoned: 1.75 Acres.*

5) Name and address of property owner(s) of the petition site:

*Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address*

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:
*Civil City of South Bend
Richard & Linda Ford
908 Portage Avenue
227 West Lafayette Blvd., Suite 1400
South Bend, Indiana 46601
Ph. No. 317-848-5111
E-Mail Address N/A*

Name and address of additional property owners, if applicable:

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

From: SF2 Single Family Two Family District PUD Planned Unit Development District
& MU Mixed Use District
To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): *Insert intended use(s): Commercial and Residential Uses.*

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

- 1) *List each variance being requested. See attached.*
- 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: *See Attached*



- (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: *See Attached*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *See Attached*

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: *See Attached*
- 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: *See Attached*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *See Attached*
 - (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: *See Attached*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *See Attached*

* 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:


*Name: Danch, Harner & Associates, Inc.
Address: 1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003 mdanch@danchharner.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):

See attached,

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



Richard Ford
908 Portage Avenue
South Bend, Indiana 46616
E-Mail Address N/A
Ph. No. 305 394 1706



Linda Ford
908 Portage Avenue
South Bend, Indiana 46616
E-Mail Address N/A
Ph. No. 305-395-0430

PETITION PREPARED BY & CONTACT PERSON:

Name: *Danch, Harner & Associates, Inc.*
Address: *1643 Commerce Drive*
South Bend, Indiana 46628
574-234-4003 mdanch@danchharnner.com