



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, December 12, 2016

7:00 P.M.

1. **INVOCATION- REVEREND RICK JACKSON, OLIVET AFRICAN METHODIST EPISCOPAL CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

[16-92](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY CONGRATULATING AND APPLAUDING ACTOR AND PERFORMER RJ WALKER FOR HIS ACCOMPLISHMENTS IN THE ACTING INDUSTRY

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

[73-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH VARIOUS NEW FUNDS: LOCAL ROAD AND BRIDGE MATCHING GRANT FUND (265), EQUIPMENT/VEHICLE LEASING FUND (750), PARKS BOND CAPITAL FUND (751), SOUTH BEND REDEVELOPMENT AUTHORITY FUND (752), SMART STREETS BOND CAPITAL FUND (753), INDUSTRIAL REVOLVING FUND (754), SOUTH BEND BUILDING CORPORATION FUND (755), SMART STREETS DEBT SERVICE FUND (756), PARKS BOND DEBT SERVICE FUND (757), THE ERSKINE VILLAGE DEBT SERVICE FUND (758), AND CHANGING THE NAME OF FUND 279 TO THE IT/INNOVATION/311 CALL CENTER FUND.

[74-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING

ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF \$220,000 FROM CONSOLIDATED BUILDING FUND (#600), \$120,000 FROM SOLID WASTE FUND (#610), \$5,000 FROM WATER WORKS CUSTOMER DEPOSIT FUND (#624), \$4,000 FROM WATER WORKS SINKING FUND (#625), \$5,000 FROM WATER WORKS BOND RESERVE FUND (#626), \$11,000 FROM WATER WORKS DEBT RESERVE O&M FUND (#629), \$45,000 FROM SEWER INSURANCE FUND (#640), \$22,000 FROM SEWAGE WORKS O&M RESERVE FUND (#643), \$5 FROM 2015 SEWER BOND ISSUANCE FUND (#666), AND \$346,506 FROM CENTURY CENTER FUND (#670).

[75-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2016

[76-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$364,100 FROM GENERAL FUND (#101), \$25,000 FROM UNSAFE BUILDING FUND (#219), \$25,000 FROM LOCAL ROADS & STREETS FUND (#251), \$150,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$10,000 FROM INDIANA RIVER RESCUE FUND (#291), \$212,542 FROM COPS MORE GRANT FUND (#295), \$150,000 FROM COUNTY OPTION INCOME TAX FUND (#404) AND \$100,000 FROM PARKS NONREVERTING CAPITAL FUND (#405).

CONTINUED IN COUNCIL PORTION ONLY

[41-16](#) AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 401 EAST COLFAX AVENUE, 228 & 230 SYCAMORE STREET, & 312 LASALLE AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

BILLS ON THIRD READING

TIME: _____

BILL NO.

[41-16](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 401 EAST COLFAX AVENUE, 228 & 230 SYCAMORE STREET, & 312 LASALLE AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[66-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS

SECTIONS OF THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLES 4 AND 6 TO ADDRESS NEW WATER RATES AND CHARGES

[73-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH VARIOUS NEW FUNDS: LOCAL ROAD AND BRIDGE MATCHING GRANT FUND (265), EQUIPMENT/VEHICLE LEASING FUND (750), PARKS BOND CAPITAL FUND (751), SOUTH BEND REDEVELOPMENT AUTHORITY FUND (752), SMART STREETS BOND CAPITAL FUND (753), INDUSTRIAL REVOLVING FUND (754), SOUTH BEND BUILDING CORPORATION FUND (755), SMART STREETS DEBT SERVICE FUND (756), PARKS BOND DEBT SERVICE FUND (757), THE ERSKINE VILLAGE DEBT SERVICE FUND (758), AND CHANGING THE NAME OF FUND 279 TO THE IT/INNOVATION/311 CALL CENTER FUND

[74-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF \$220,000 FROM CONSOLIDATED BUILDING FUND (#600), \$120,000 FROM SOLID WASTE FUND (#610), \$5,000 FROM WATER WORKS CUSTOMER DEPOSIT FUND (#624), \$4,000 FROM WATER WORKS SINKING FUND (#625), \$5,000 FROM WATER WORKS BOND RESERVE FUND (#626), \$11,000 FROM WATER WORKS DEBT RESERVE O&M FUND (#629), \$45,000 FROM SEWER INSURANCE FUND (#640), \$22,000 FROM SEWAGE WORKS O&M RESERVE FUND (#643), \$5 FROM 2015 SEWER BOND ISSUANCE FUND (#666), AND \$346,506 FROM CENTURY CENTER FUND (#670).

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[76-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$364,100 FROM GENERAL FUND (#101), \$25,000 FROM UNSAFE BUILDING FUND (#219), \$25,000 FROM LOCAL ROADS & STREETS FUND (#251), \$150,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$10,000 FROM INDIANA RIVER RESCUE FUND (#291), \$212,542 FROM COPS MORE GRANT FUND (#295), \$150,000 FROM COUNTY OPTION INCOME TAX FUND

(#404) AND \$100,000 FROM PARKS NONREVERTING CAPITAL FUND (#405).

8. RESOLUTIONS

BILL NO.

[16-85](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 23464 ADAMS ROAD, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (9) NINE-YEAR REAL PROPERTY TAX ABATEMENT FOR GLC PORTAGE PRAIRIE, LLC

[16-89](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT LOTS 2 AND 3 COVELESKI PARK MINOR SUBDIVISION SOUTH BEND, INDIANA 46601

[16-90](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, REQUESTING PROGRESS REPORTS TO BE GIVEN ANNUALLY TO THE ZONING AND ANNEXATION COMMITTEE ON EACH NEIGHBORHOOD AND DEVELOPMENT PLAN

6. BILLS ON FIRST READING

BILL NO.

[77-16](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3720 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[78-16](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT A 119.89 ACRE TRACT OF LAND NEAR THE CORNER OF MAYFLOWER ROAD AND ADAMS ROAD ABUTTING THE ST. JOSEPH VALLEY PARKWAY, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

7. UNFINISHED BUSINESS

BILL NO.

[APPEAL OF A CERTIFICATE OF APPROPRIATENESS FOR 1240 W. THOMAS STREET- BOYD VS. HISTORIC PRESERVATION COMMISSION](#)

8. NEW BUSINESS

9. PRIVILEGE OF THE FLOOR

10. ADJOURNMENT

TIME: _____

Notice for Hearing and Sight Impaired Persons

**Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.**

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: DECEMBER 8, 2016
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, DECEMBER 12, 2016** at:

Council Informal Meeting Room
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

- 3:30 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
1. [Bill No. 73-16](#)- Establishing New Funds
 2. [Bill No. 74-16](#)- December Enterprise Funds
 3. *Substitute* [Bill No. 75-16](#)- December Transfer Ordinance
 4. [Bill No. 76-16](#)- December Civil City Funds
- 3:45 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No. 16-85](#)- Declaratory (9) nine-year property tax abatement for GLC Portage Prairie, LLC
 2. [Bill No. 16-89](#)- Coveleski Special Exception
- 3:50 P.M.** **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**
1. [Bill No. 16-90](#)- Requesting annual progress reports on each neighborhood and development plan
 2. *Substitute* [Bill No. 41-16](#)-Commerce Center PUD Rezoning petition at 401 E. Colfax

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Utilities Committee.

- INFORMAL MEETING OF THE COMMON COUNCIL** **TIM SCOTT, COUNCIL PRESIDENT**
1. Discussion of Council Agenda
 2. Update and Announcements
 3. Adjournment

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY
CHIEF OF STAFF

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real & personal tax abatement requests.

Gavin Ferlic, Chairperson	Oliver Davis, Member
Regina Williams-Preston, Vice-Chairperson	Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Office of Community Affairs and is charged with facilitating partnerships & ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson	Gavin Ferlic, Member
Randy Kelly, Vice-Chairperson	Karen White, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member	Dr. David Varner, Member
Jo Broden, Member	Karen White

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

John Voorde, Chairperson	Oliver Davis, Member
Karen L. White, Vice-Chairperson	Jo Broden, Member

INFORMATION AND TECHNOLOGY COMMITTEE

Oversees the various activities of the City's Division of Information Technologies in the Department of Administration & Finance so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability & access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson	Dave Varner, Member
Gavin Ferlic, Vice-Chairperson	Karen White, Member

PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Coveleski Regional Stadium, Morris Performing Arts Center, Stuebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson	Oliver Davis, Member
Dr. Dave Varner, Vice-Chairperson	John Voorde, Member



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations & other fiscal matters, as well as personnel policies, health benefits & related matters.

Karen L. White, Chairperson
Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works & related public works & property vacation issues.

Jo Broden, Chairperson
John Voorde, Vice-Chairperson

Randy Kelly, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities & issues related to neighborhood development & enhancement.

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Dr. David Varner, Chairperson
Oliver Davis, Vice-Chairperson

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott
Dr. David Varner



2016 COMMON COUNCIL STANDING COMMITTEES (Rev.01-6-16)

TIM SCOTT, 1ST District Council Member

PRESIDENT

Information and Technology, Chairperson

Council Rules Committee, Member
Sub-Committee on Minutes, Member

REGINA WILLIAMS-PRESTON 2nd District Council Member

Community Relations Committee, Chairperson
Community Investment Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
Personnel & Finance Committee, Member
Utilities Committee, Member

RANDY KELLY, 3rd District Council Member

PARC Committee, Chairperson

Community Relations Committee, Vice Chairperson

Community Investment Committee, Member
Public Works & Property Vacation, Member
Utilities Committee, Member

JO BRODEN, 4TH District Council Member

Public Works & Property Vacation, Chairperson

Residential Neighborhood Committee, Vice-Chairperson

Council Rules Committee, Member
Health & Public Safety Committee, Member
Zoning & Annexation Committee, Member

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson

PARC Committee, Vice-Chairperson

Information & Technology Committee, Member
Council Rules Committee, Member
Sub-Committee on Minutes, Member

OLIVER DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson

Utilities Committee, Vice-Chairperson

Community Investment Committee, Member
Health & Public Safety Committee, Member
PARC Committee, Member

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson

Information & Technology Committee, Vice-Chairperson
Personnel & Finance Committee, Vice-Chairperson

Community Relations Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson

Personnel & Finance Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Community Relations Committee, Member
Information & Technology Committee, Member
Council Rules Committee, Member

JOHN VOORDE, AT LARGE Council Member

Health & Public Safety Committee, Chairperson

Public Works & Property Vacation, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
PARC Committee, Member
Personnel & Finance Committee, Member



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY CONGRATULATING AND APPLAUDING ACTOR AND PERFORMER RJ WALKER FOR HIS ACCOMPLISHMENTS IN THE ACTING INDUSTRY

Whereas, the South Bend Common Council notes that RJ Walker, a South Bend native, is an inspiring actor and performer building an impressive catalogue of work. Since being signed in 2012, he has booked over 20 commercials, 5 Guest Star/Co-Star roles in television, and scored a leading role in the SyFy film "2Lava 2Lantula" with Steve Guttenberg and Michael Winslow. RJ is a star on the rise.

Whereas, RJ was born to Randall Walker, Sr. and Joann Walker on November 30, 1989 in South Bend, Indiana. An active and animated child, he was a natural performer, always dancing and prancing around the house. His interest in theater was piqued early-on in the Riley High School production of "Little Women" where he played the role of the quintessential father figure, Father March. During his time at Bethel College, RJ tested his range by playing the hard living, tough guy, Chandler Marlowe in the production of "The Butler Did It" and performing with Bethel College's Traveling Acting Troupe "The Genesians" He continued his education in the arts as a student at Indiana University South Bend; and

Whereas, in 2011, he ventured to the west coast on his first visit to Los Angeles, nothing went as planned. With every intention of returning to school, RJ found himself low on cash - not even enough to get a bus ticket home. Sleeping on his friends couch, he played the role of "starving artist" searching Craigslist for odd jobs as he worked in the background of the industry as a transcriber for the hit show "Dancing with the Stars". Then, at a party for cast and crew, a talent agent from Osbrink noticed his incredible dancing abilities and signed him to the agency; and

Whereas, since then, RJ has appeared alongside celebrities and guest appeared on popular television shows. Notable accomplishments include hit shows like ABC's "Castle", TNT's "Major Crimes", Amazon's "Hand of God" with Ron Perlman, and FX's "Baskets" opposite Zach Galifinakis; and

Whereas, RJ often returns home to South Bend for the holidays and finds inspiration from family, friends, and peers who recognize all his hard work and dedication. RJ's family has been an immense support system especially his parents, who are extremely proud of everything he has accomplished and happy he is pursuing his dream.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The South Bend Common Council proudly recognizes **RJ Walker** for his notable accomplishments and wishes him all the best as he continues to pursue and achieve his goals and dreams in the acting industry.

Section II. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, 1st District Council Member

Oliver J. Davis, 6th District Council Member

Regina Williams Preston, 2nd District

John Voorde, At Large Council Member

Randy Kelly, 3rd District Council Member

Gavin Ferlic, At Large Council Member

Jo Broden, 4th District Council Member

Karen L. White, At Large Council Member

Dr. David Varner, 5th District Council Member

Council Attorney

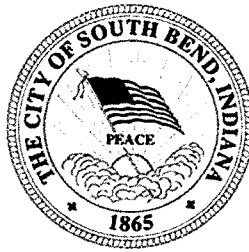
Attest:

Approved this ____ day of December, 2016.

Kareemah Fowler, City Clerk

Pete Buttigieg, Mayor of South Bend, Indiana

1200N COUNTY-CITY BUILDING
227 W. JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601-1830



Bill No. 73-16
PHONE 574/ 235-7678
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

November 22, 2016

Mr. Tim Scott
President, South Bend Common Council
4th Floor, County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

Re: Ordinance Establishing New Funds for the City of South Bend

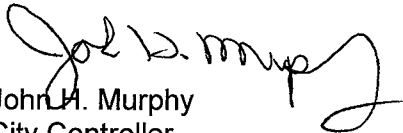
Dear Council President Scott:

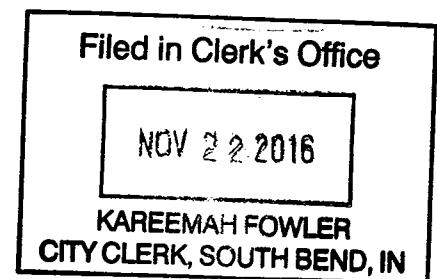
During the preparation and adoption of the 2017 City budget, the need has arisen to add or amend eleven (11) funds to properly account for revenue and expenditures of the City of South Bend. Nine of the new funds relate to the incorporation of trustee accounting activity into the City's regular accounting system, one new fund is required by the State of Indiana to account for the INDOT Community Crossings grant program and the name of Fund 279 is being changed from the 311 Call Center Fund to the IT/Innovation/311 Call Center Fund to reflect the new purpose of the fund.

This bill is respectively submitted for 1st reading with the Common Council for the council meeting scheduled for November 28, 2016 and 2nd reading, public hearing, and 3rd reading at the council meeting on December 12, 2016.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

Respectfully submitted,


John M. Murphy
City Controller



ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH VARIOUS NEW FUNDS: LOCAL ROAD AND BRIDGE MATCHING GRANT FUND (265), EQUIPMENT/VEHICLE LEASING FUND (750), PARKS BOND CAPITAL FUND (751), SOUTH BEND REDEVELOPMENT AUTHORITY FUND (752), SMART STREETS BOND CAPITAL FUND (753), INDUSTRIAL REVOLVING FUND (754), SOUTH BEND BUILDING CORPORATION FUND (755), SMART STREETS DEBT SERVICE FUND (756), PARKS BOND DEBT SERVICE FUND (757), THE ERSKINE VILLAGE DEBT SERVICE FUND (758), AND CHANGING THE NAME OF FUND 279 TO THE IT/INNOVATION/311 CALL CENTER FUND

STATEMENT OF PURPOSE AND INTENT

During the preparation and adoption of the 2017 City Budget, the need has arisen to add or amend eleven (11) Funds to properly account for revenue and expenditures of the City of South Bend. Nine (9) new Funds are being added to account for trustee transactions that will be incorporated into the City's formal accounting software and budgeting process for greater efficiency and transparency. In prior years, these trustee accounts were maintained on Excel spreadsheets separate from the City's formal accounting system but have been subject to audit and have been included in the City's Comprehensive Annual Financial Report (CAFR). These Funds consists of Fund Numbers 750 to 758 and will be effective January 1, 2017.

In addition, the State Board of Accounts has directed that grant monies in connection with the Communication Crossings Matching Grant should be accounted for in a separate Fund No. 265 – Local Road and Bridge Matching Grant Fund. This new Fund will be effective December 12, 2016.

Finally, in connection with the recent reorganization and addition of the Innovation and Technology Department to the list of City Executive Departments (Ordinance No. 10477-16, adopted October 10, 2016), the City has expanded the scope of Fund 279 – 311 Call Center Fund. Therefore, the name of the fund will be changed to Fund 279 - IT/Innovation/311 Call Center Fund effective January 1, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. Effective January 1, 2017, the following funds are established, and Chapter 2, Article 14, of the South Bend Municipal Code is hereby amended to add new sections which shall read in their entirety as follows:

Section 2-170.17. Equipment/Vehicle Leasing Fund.

The Equipment/Vehicle Leasing Fund (No. 750) is established to account for the issuance of capital lease debt obligations and the lease purchase of computers, vehicles and other equipment.

Section 2-170.18. Parks Bond Capital Fund.

The Parks Bond and Capital Fund (No. 751) is established to account for the issuance of bonds proceeds to be used for park repairs and improvements.

Section 2-170.19. South Bend Redevelopment Authority Fund.

The South Bend Redevelopment Authority Fund (No. 752) is established to account for lease rental payments from the City and the payment of debt service to bondholders through trust agreements and financial institutions.

Section 2-170.20. Smart Streets Bond Capital Fund.

The Smart Streets Bond Capital Fund (No. 753) is established to account for capital expenditures in connection with the conversion of one-way streets to two-way streets in the downtown area. Funding is provided by proceeds from a Redevelopment Authority bond.

Section 2-170.21. Industrial Revolving Fund.

The Industrial Revolving Fund (No. 754) is established to account for revenue and expenditures in providing loans to qualifying local companies. Financing was originally provided by an Economic Adjustment Assistance Grant from the U.S. Department of Commerce.

Section 2-170.22. South Bend Building Corporation Fund.

The South Bend Building Corporation (Fund No.755) is established to account for debt retirement of the Building Corporation's mortgage Bonds. Funding is provided by transfers from City funds.

Section 2-170.23. Smart Streets Debt Service Fund.

The Smart Streets Debt Service Fund (No. 756) is established to account for debt retirement of the 2015 Redevelopment Authority bonds for conversion of one-way streets to two-way streets in the downtown area. Funding is provided by transfers from the River West Tax Increment Financing Fund.

Section 2-170.24. Parks Bond Debt Service Fund.

The Parks Bond Debt Service Fund (No. 757) is established to account for debt retirement of the 2015 Building Corporation/EDIT bond for parks improvements. Funding is provided by transfers from other City funds.

Section 2-170.25 Erskine Village Debt Service Fund.

The Erskine Village Debt Service Fund (No. 758) is established to account for Erskine Village project debt retirement of the South Side Tax Increment Financing (TIF) District. Funding is provided by transfers from the TIF South Side Development Fund.

SECTION II. Chapter 2, Article 14 of the South Bend Municipal Code shall be amended to add a new section which shall take effect December 12, 2016, and which shall read in its entirety as follows:

Section 2-170.26. Local Road and Bridge Matching Grant Fund No 265.

The Local Road and Bridge Matching Grant Fund (No 265) is established to account for receipt of Community Crossing state grant and matching revenue and for the payment of expenditures on eligible projects.

SECTION III. Chapter 2, Article 14, Section 2-170.16 of the South Bend Municipal Code shall be amended to change the Fund name and which shall read in its entirety as follows:

2-170.16. T/Innovation/ 311Call Center Fund.

Effective January 1, 2016 †The T/Innovation/ 311 Call Center Fund (No.279) is established to receive allocations and fees from various City departments to be used to defray the expenses of the City of South Bend Innovation and Technology Department. pro-rata fees from various City departments to be used to defray the expenses of the City of South Bend 311 Call Center.

SECTION IV. Except for Section II, which shall be retroactive to December 12, 2016, this ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member, South Bend Common Council

Attest:

City Clerk

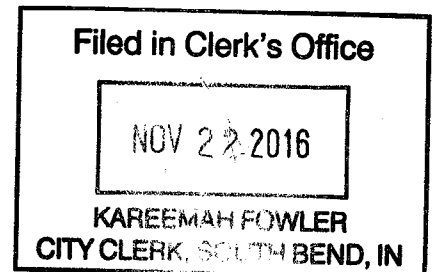
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2____, at _____ o'clock _____.m.

City Clerk

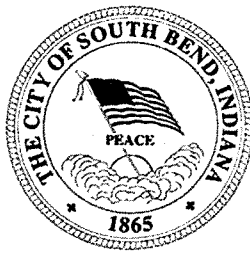
Approved and signed by me on the _____ day of _____, 2_____,
at _____ o'clock, _____.m.

Mayor, City of South Bend, Indiana

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



1200N COUNTY-CITY BUILDING
227 W. JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601-1830



Bill No.74-16

PHONE 574/ 235-7678
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

November 22, 2016

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: December 2016 Appropriation Ordinance – Enterprise Funds

Dear President Scott,

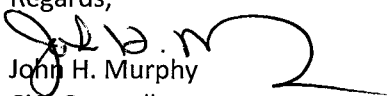
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

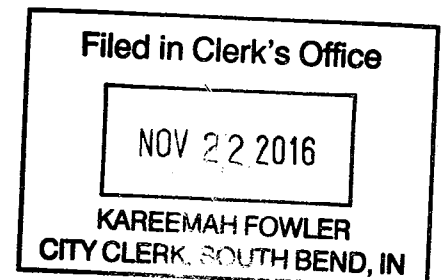
Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on November 28, 2016 with 2nd reading, public hearing and 3rd reading scheduled for December 12, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,


John H. Murphy
City Controller



OK
[Signature]

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF \$220,000 FROM CONSOLIDATED BUILDING FUND (#600), \$120,000 FROM SOLID WASTE FUND (#610), \$5,000 FROM WATER WORKS CUSTOMER DEPOSIT FUND (#624), \$4,000 FROM WATER WORKS SINKING FUND (#625), \$5,000 FROM WATER WORKS BOND RESERVE FUND (#626), \$11,000 FROM WATER WORKS DEBT RESERVE O&M FUND (#629), \$45,000 FROM SEWER INSURANCE FUND (#640), \$22,000 FROM SEWAGE WORKS O&M RESERVE FUND (#643), \$5 FROM 2015 SEWER BOND ISSUANCE FUND (#666), AND \$346,506 FROM CENTURY CENTER FUND (#670).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2016 operating and capital budgets in 2015 (Ordinances #10389-15 passed on October 12, 2015), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2016 and set apart within the following designated funds for operational expenses as follows:

<u>Fund</u>	<u>Amount</u>
Consolidated Building Fund (#600)	\$ 220,000
Solid Waste Fund (#610)	120,000
Water Works Customer Deposit Fund (#624)	5,000
Water Works Sinking Fund (#625)	4,000
Water Works Bond Reserve Fund (#626)	5,000
Water Works Debt Reserve O&M Fund (#629)	11,000
Sewer Insurance Fund (#640)	45,000
Sewage Works O&M Reserve Fund (#643)	22,000
2015 Sewer Bond Issuance Fund (#666)	5
Century Center Fund (#670)	<u>346,506</u>
TOTAL	<u>\$ 778,511</u>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of 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 _____, 2016, at _____ o'clock __ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2016, at
_____ o'clock __ . m.

Mayor, City of South Bend, Indiana

Filed in Clerk's Office
NOV 22 2016
KAREEMAH FOWLER
CITY CLERK SOUTH BEND, IN

City of South Bend, Indiana
December 2016 Additional Appropriation Requests - Enterprise Funds
(Increase or decrease in total fund expenditures)
November 22, 2016

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Consolidated Building Dept.	Code Enforcement	Misc Charges & Services	Cecil Eastman	600-1201-415.39-89	--	150,000	Add funds needed for emergency demolitions, funds to be reimbursed by DCI through a CDBG grant
Consolidated Building Dept.	Code Enforcement	Misc Charges & Services	Cecil Eastman	600-1201-415.39-89	--	70,000	Emergency demolitions executed in October 2016 (502 Carlisle, 1401 Elwood)
						220,000	
Solid Waste	Solid Waste	311 Call Center Allocation	Carol Kurzhall	610-0610-791.31-75	--	120,000	Allocation based on call volume, higher 311 call volume than anticipated
						120,000	
Water Works Customer Deposit	Water Works	Inter-fund Transfer	Roxanne Lawson	624-0640-658.50-02	--	5,000	Interest earnings higher than expected, earnings transferred to Fund 620
						5,000	
Water Works Sinking Fund	Water Works	Inter-fund Transfer	Roxanne Lawson	625-0640-658.50-02	--	4,000	Interest earnings higher than expected, earnings transferred to Fund 620
						4,000	
Water Works Bond Reserve	Water Works	Inter-fund Transfer	Roxanne Lawson	626-0640-658.50-02	--	5,000	Interest earnings higher than expected, earnings transferred to Fund 620
						5,000	
Water Works Debt Reserve O&M	Water Works	Inter-fund Transfer	Roxanne Lawson	629-0640-658.50-02	--	11,000	Interest earnings higher than expected, earnings transferred to Fund 620
						11,000	
Sewer Insurance	Sewer Operations	Sewer Repair	Terri Swift	640-0620-811.36-09	--	45,000	Current balance in the account is insufficient to cover Sewer insurance expenses through year end, several invoices outstanding and several repair projects in the works. Second opinions have increased and the number of "digs" to sewer lines has increased.
						45,000	
Sewage Works O&M Reserve	Wastewater	Inter-fund Operating Transfer	Carol Kurzhall	643-0630-415.50-02	--	22,000	Higher interest earnings due to larger required cash balance, earnings transferred to Fund 641
						22,000	
2015 Sewer Bond Issuance	Wastewater	Operating Transfer	Carol Kurzhall	666-0630-793.50-02	--	5	Final interest transfer to Fund 641 was higher than budgeted, Fund 666 is now fully closed
						5	
Century Center	Century Center	Commission Payments	Brandon Gerlach	670-0406-645-31-21	--	120,064	Due to the increased business Century Center has enjoyed this year.
Century Center	Century Center	Electricity	Brandon Gerlach	670-0406-645-35-01	--	61,564	Due to the increased business Century Center has enjoyed this year.
Century Center	Century Center	Cost of Goods	Brandon Gerlach	670-0420-645-22-29	--	161,716	Due to the increased business Century Center has enjoyed this year.
Century Center	Century Center	Linen and Décor	Brandon Gerlach	670-0420-645-22-72	--	3,162	Due to the increased business Century Center has enjoyed this year.
						346,506	
Grand Total						778,511	

Filed in Clerk's Office
NOV 22 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

1200N COUNTY-CITY BUILDING
227 W. JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601-1830



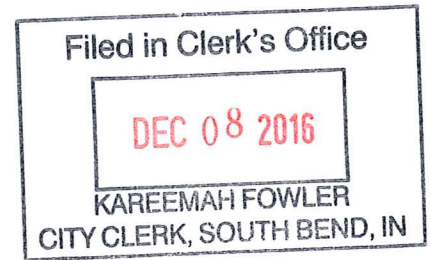
PHONE 574/ 235-7678
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

December 8, 2016

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601



RE: December 2016 Transfer Ordinance – Substitute Bill No. 75-16


Dear President Scott,

Attached please find substitute Bill No. 75-16 authorizing certain budget transfers for various departments within the City of South Bend for fiscal year 2016. The changes in this substitute bill are to reclassify \$22,000 in the Park Non-Reverting Capital Fund from a capital account to an operating account and to transfer \$50,000 in Police Department salary and benefit savings to cover Fire Department overtime in the Public Safety Local Option Income Tax Fund. This fund is shared by the Police and Fire Departments and may only be used for public safety expenditures.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on November 28, 2016 with 2nd reading, public hearing and 3rd reading scheduled for December 12, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,


John H. Murphy
City Controller

Substitute

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2016

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10388-15 and 10389-15 passed on October 12, 2015) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2016.

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

Section I. All accounts as set forth in the detailed attachment hereto which are incorporated herein shall be adjusted by increase or reduction of appropriation in the designated sums.

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:

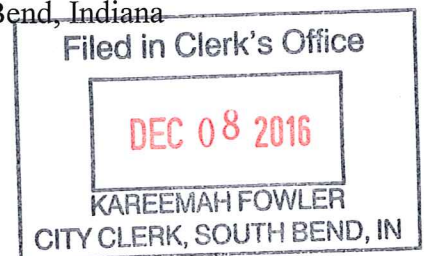
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2016, at _____ o'clock ____ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2016, at _____ o'clock ____ . m.

Mayor, City of South Bend, Indiana



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

City of South Bend, Indiana
December 2016 Budget Transfers
 (budget transfers between expenditure categories or departments within the same fund)
 December 8, 2016

Substitute Bill No. 75-16

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
General Fund	Administration & Finance	Other Professional Services	J. Hockenhuil / J. Murphy	101-0401-415.31-06	--	40,000	Umbaugh & Associates - Bond disclosure consulting services
General Fund	Administration & Finance	Regular Salaries	J. Hockenhuil / J. Murphy	101-0401-415.10-01	--	(40,000)	Account under budget due to vacancies during the year, HR Director, Diversity & Inclusion Officer, etc.
General Fund	Morris Performing Arts Center	Utilities - Electric	Marika Anderson	101-0404-453.35-01	--	17,000	Increased events (increased revenues and expenses)
General Fund	Morris Performing Arts Center	Utilities - Water	Marika Anderson	101-0404-453.35-04	--	2,500	Increased events (increased revenues and expenses)
General Fund	Morris Performing Arts Center	Repair & Maint Services / Building	Marika Anderson	101-0404-453.36-01	--	6,000	Increased events (increased revenues and expenses)
General Fund	Morris Performing Arts Center	Repair & Maint Svcs / Computer Equip	Marika Anderson	101-0404-453.36-04	--	900	Increased events (increased revenues and expenses)
General Fund	Morris Performing Arts Center	Regular Salaries	Marika Anderson	101-0404-453.10-01	--	(26,400)	Increased events (increased revenues and expenses)
General Fund	Palais Royale	Regular Salaries	Marika Anderson	101-0405-453.10-01	--	5,000	Part-time employee was approved to work full-time, thus increasing salaries and benefits expenses
General Fund	Palais Royale	Temporary Services	Marika Anderson	101-0405-453.10-05	--	1,500	Short-staffed, needed to hire extra help with set up and tear down for Palais Royale events
General Fund	Palais Royale	PERF	Marika Anderson	101-0405-453.11-04	--	2,800	Part-time employee was approved to work full-time, thus increasing salaries and benefits expenses
General Fund	Palais Royale	Group Insurance - Health	Marika Anderson	101-0405-453.11-08	--	1,000	Part-time employee was approved to work full-time, thus increasing salaries and benefits expenses
General Fund	Palais Royale	Group Insurance - Life	Marika Anderson	101-0405-453.11-09	--	150	Part-time employee was approved to work full-time, thus increasing salaries and benefits expenses
General Fund	Palais Royale	Supplies / Laundry, Cleaning, etc	Marika Anderson	101-0405-453.22-21	--	(1,000)	Account under budget, transfer savings to cover personnel costs
General Fund	Palais Royale	Supplies / Small Tools & Equipment	Marika Anderson	101-0405-453.23-20	--	(5,000)	Account under budget, transfer savings to cover personnel costs
General Fund	Palais Royale	Other Professional Services	Marika Anderson	101-0405-453.36-01	--	(4,450)	Account under budget, transfer savings to cover personnel costs
General Fund	Legal	Other Professional Services	Cristal Brisco	101-0501-415.31-06	--	36,500	Funds needed for office remodel
General Fund	Legal	Regular Salaries	Cristal Brisco	101-0501-415.10-01	--	(36,500)	Account under budget, actual salaries less than salary caps
General Fund	Engineering	Other Svcs / Refunds, Awards	Cecil Eastman	101-0602-431.39-01	--	8,300	Council approved fee moratorium retroactive to beginning of 2016. Reimburse contractor who paid fees in April 2016.
General Fund	Engineering	Group Insurance - Health	Cecil Eastman	101-0602-431.11-08	--	(8,300)	Health insurance account is under budget.
General Fund	Police	Other Operating Supplies	Ken Glowacki	101-0801-421.22-24	--	910,000	Replace in-car video cameras, approx 170 cams paid out of General Fund; a portion will be reimbursed by federal grants.
General Fund	Police	Regular Salaries	Ken Glowacki	101-0801-421.10-01	--	(450,000)	Transfer savings in officers' salaries and benefits to cover replacement of car video cameras.
General Fund	Police	Special Pays	Ken Glowacki	101-0801-421.10-06	--	(50,000)	Personnel expense accounts are under budget due to vacant police officer positions.
General Fund	Police	Permanent Part-Time	Ken Glowacki	101-0801-421.10-09	--	(20,000)	Personnel expense accounts are under budget due to vacant police officer positions.
General Fund	Police	FICA - Police	Ken Glowacki	101-0801-421.11-03	--	(20,000)	Personnel expense accounts are under budget due to vacant police officer positions.
General Fund	Police	PERF - Police	Ken Glowacki	101-0801-421.11-06	--	(170,000)	Personnel expense accounts are under budget due to vacant police officer positions.
General Fund	Police	Group Insurance - Health	Ken Glowacki	101-0801-421.11-08	--	(200,000)	Personnel expense accounts are under budget due to vacant police officer positions.
General Fund	Fire	Other Professional Services	T. Skwarcani D. Cocanower	101-0901-422.31-06	--	50,000	Physical exams cost was correctly reclassified to services account
General Fund	Fire	Central Services - Gasoline	T. Skwarcani D. Cocanower	101-0901-422.22-01	--	(50,000)	Account is under budget because Fire's fuel costs have been paid out of Fund 404.
Park Department	Administration	Regular Salaries	Ron O'Connor	201-1100-452.10-01	K60ADM	27,000	Additional labor expenses, severance payouts
Park Department	Administration	Contract Services/Charges	Ron O'Connor	201-1100-452.39-89	K60ADM	13,000	Additional expense for Edge Adventures
Park Department	Golf Courses	Plants Chem, Seed & Fert. Supplies	Ron O'Connor	201-1102-452.22-25	K60ADM	3,200	Transfer funds to cover anticipated operational expenses
Park Department	Golf Courses	Repair & Maint / Repair Parts	Ron O'Connor	201-1102-452.23-10	K60ADM	2,000	Transfer funds to cover anticipated operational expenses
Park Department	Golf Courses	Repair & Maint / Materials	Ron O'Connor	201-1102-452.23-99	K60ADM	800	Transfer funds to cover anticipated operational expenses
Park Department	Golf Courses	Admin Fee Allocation	Ron O'Connor	201-1102-452.31-70	K60ADM	3	Transfer funds to cover anticipated operational expenses
Park Department	Golf Courses	Other Communication/Transportation	Ron O'Connor	201-1102-452.32-05	K60ADM	987	Transfer funds to cover anticipated operational expenses
Park Department	Golf Courses	Bank Credit Card Charges	Ron O'Connor	201-1102-452.39-39	K60ADM	10,000	Transfer funds to cover anticipated operational expenses
Park Department	Golf Courses	Contract Services/Charges	Ron O'Connor	201-1102-452.39-89	K60ADM	20,000	Transfer funds to cover anticipated operational expenses
Park Department	Golf Courses	Permanent Part-Time	Ron O'Connor	201-1102-452.10-09	K60ADM	50,000	Realign funds to offset costs in part time labor
Park Department	Golf Courses	Group Insurance - Health	Ron O'Connor	201-1102-452.11-08	K60ADM	(7,000)	Transfer funds to cover anticipated operational expenses
Park Department	Golf Courses	Inter-fund Transfers	Ron O'Connor	201-1102-452.50-02	K60ADM	(120,000)	Transfer funds to cover anticipated operational expenses
Park Department	Park Maintenance	Utilities - Water	Ron O'Connor	201-1101-452.35-04	K60ADM	50,000	Realign funds to other line items to cover increased water usage
Park Department	Park Maintenance	Central Services - Gasoline	Ron O'Connor	201-1101-452.22-01	K60ADM	(50,000)	Realign funds to other line items to cover increased water usage
Park Department	Park Maintenance	Utilities - Trash Removal	Ron O'Connor	201-1101-452.35-03	K60ADM	1,500	Transfer funds to other line items to cover costs
Park Department	Park Maintenance	Repair & Maint / Automotive Equip	Ron O'Connor	201-1101-452.36-03	K60ADM	23,000	Transfer funds to other line items to cover costs
Park Department	Park Maintenance	Repair & Maint Svcs / Exterminating	Ron O'Connor	201-1101-452.36-10	K60ADM	1,000	Transfer funds to other line items to cover costs
Park Department	Park Maintenance	Capital Lease / Interest	Ron O'Connor	201-1101-452.37-11	K60ADM	3,300	Transfer funds to other line items to cover costs
Park Department	Park Maintenance	Capital Lease / Principal	Ron O'Connor	201-1101-452.37-12	K60ADM	400	Transfer funds to other line items to cover costs
Park Department	Park Maintenance	Subscriptions	Ron O'Connor	201-1101-452.39-10	K60ADM	60	Transfer funds to other line items to cover costs
Park Department	Park Maintenance	Contract Services/Charges	Ron O'Connor	201-1101-452.39-89	K60ADM	16,811	Transfer funds to other line items to cover costs
Park Department	Park Maintenance	Equipment Purch / Motor Equip	Ron O'Connor	201-1101-452.43-02	K60ADM	(22,688)	Transfer funds to other line items to cover costs
Park Department	Park Maintenance	Inter-fund Transfers	Ron O'Connor	201-1101-452.50-02	K60ADM	(23,373)	Transfer funds to other line items to cover costs

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

City of South Bend, Indiana
December 2016 Budget Transfers
(budget transfers between expenditure categories or departments within the same fund)
December 8, 2016

Substitute Bill No. 75-16

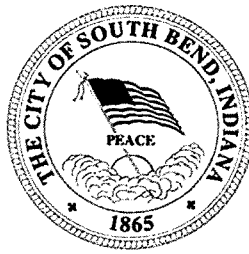
Fund Name	Department Name	Account Name	Fiscal Officer/Contact Name	Account Number	Project Number	Budget Increase/Decrease	Justification
Park Department	Potawatomi Zoo	Overtime	Ron O'Connor	201-1104-452.10-04	K60ADM	1,200	Transfer funds to cover overtime at the zoo
Park Department	Potawatomi Zoo	PERF	Ron O'Connor	201-1104-452.11-04	K60ADM	50	Transfer funds to cover PERF on additional labor expense
Park Department	Potawatomi Zoo	Group Insurance - Life	Ron O'Connor	201-1104-452.11-09	K60ADM	150	Transfer funds to cover life insurance expenses
Park Department	Potawatomi Zoo	Central Services - Gasoline	Ron O'Connor	201-1104-452.22-01	K60ADM	(1,000)	Transfer funds to other line items to cover costs
Park Department	Potawatomi Zoo	Other Professional Services	Ron O'Connor	201-1104-452.31-06	K60ADM	(300)	Transfer funds to other line items to cover costs
Park Department	Potawatomi Zoo	Other Svcs / Refunds, Awards	Ron O'Connor	201-1104-452.39-01	K60ADM	(100)	Transfer funds to other line items to cover costs
						0	
Park Department	Graffiti Removal	Supplies / Operation & Maintenance	Ron O'Connor	201-1108-452.22-24	K60ADM	500	Realign funds to cover costs in graffiti division
Park Department	Graffiti Removal	Communication / Telephone	Ron O'Connor	201-1108-452.32-04	K60ADM	100	Realign funds to cover costs in graffiti division
Park Department	Graffiti Removal	Group Insurance - Health	Ron O'Connor	201-1108-452.11-08	K60ADM	(600)	Realign funds to cover costs in graffiti division
						0	
Public Safety LOIT Fund	Fire Department	Overtime	T. Skwarcan/D. Cocanower	249-0805-422-10-04	--	50,000	Higher overtime incurred than budgeted
Public Safety LOIT Fund	Police Department	Overtime	Ken Glowacki	249-0805-421-10-04	--	(12,000)	Transfer savings in Police wages to cover Fire Department overtime
Public Safety LOIT Fund	Police Department	Critical Duty Days	Ken Glowacki	249-0805-421-10-12	--	(3,000)	Transfer savings in Police wages to cover Fire Department overtime
Public Safety LOIT Fund	Police Department	PERF Retirement	Ken Glowacki	249-0805-421-11-06	--	(10,000)	Transfer savings in Police PERF retirement to cover Fire Department overtime
Public Safety LOIT Fund	Police Department	Health Insurance	Ken Glowacki	249-0805-421-11-08	--	(15,000)	Transfer savings in Police health insurance to cover Fire Department overtime
Public Safety LOIT Fund	Police Department	Clothing Allowance	Ken Glowacki	249-0805-421-11-10	--	(10,000)	Transfer savings in Police clothing allowance to cover Fire Department overtime
						0	
Human Rights Grant Fund	Human Rights	Office Supplies / Furniture & Fixtures	Jen Hockenhuil	258-1040-415.21-09	--	5,200	Conference room table and chairs paid with a supplemental grant from HUD.
Human Rights Grant Fund	Human Rights	Other Professional Services	Jen Hockenhuil	258-1040-415.31-06	--	(5,200)	Transfer to cover conference room table and chairs paid with a supplemental grant from HUD.
						0	
EMS Capital	Fire	Other Professional Services	T. Skwarcan/D. Cocanower	287-0902-422.31-06	--	275,000	The original 2016 budget misclassified some services, putting them in the capital budget.
EMS Capital	Fire	Capital Improvements / Bldg	T. Skwarcan/D. Cocanower	287-0902-422.42-02	--	(275,000)	Transfer capital budget to cover services that were misclassified as capital.
						0	
COIT	Street	Other Professional Services	J. Hockenhuil / J. Murphy	404-0617-431.31-06	--	42,728	Metronet Zing - City of South Bend Wireless System
COIT	Street	Communication / Telephone	J. Hockenhuil / J. Murphy	404-0617-431.32-04	--	32,272	Telephone costs higher than budgeted
COIT	Fire	Central Services - Gasoline	J. Hockenhuil / J. Murphy	404-0901-422.22-01	--	(75,000)	Account under budget, gas is cheaper per gallon than budgeted
						0	
COIT	Administration & Finance	Capital Lease / Principal	J. Hockenhuil / J. Murphy	404-0401-415.37-11	--	70,000	Police vehicle capital lease payments higher than budgeted, actual amounts per amortization sched no. 97 & 144
COIT	Police	Central Services - Gasoline	J. Hockenhuil / J. Murphy	404-0801-421.22-01	--	(70,000)	Gas expenses under budget due to low gas prices.
						0	
COIT	Police	Repair & Maint Svcs / Computer Equip	Ken Glowacki	404-0801-421.36-04	--	100,000	Adtl expenditures for computer software maintenance
COIT	Police	Central Services - Gasoline	Ken Glowacki	404-0801-421.22-01	--	(100,000)	Gas expenses under budget due to low gas prices.
						0	
Park Non-Reverting Capital	Golf Courses	Supplies / Operating & Maint	Ron O'Connor	405-1102-452.22-24	K62ADM	20,000	Purchase items for golf course repair and maintenance.
Park Non-Reverting Capital	Golf Courses	Contract Services/Charges	Ron O'Connor	405-1102-452.39-89	K62ADM	20,000	Purchase services for golf course repair and maintenance.
Park Non-Reverting Capital	Golf Courses	Equipment Purch / Park Equip	Ron O'Connor	405-1102-452.43-07	K62ADM	(40,000)	Transfer to cover costs of golf course repair and maintenance.
						0	
Park Non-Reverting Capital	Potawatomi Zoo	Contract Services/Charges	Ron O'Connor	405-1104-452.39-89	K61ADM	4,000	AEP relocated 2 street light poles at Zoo/Potawatomi Park.
Park Non-Reverting Capital	Potawatomi Zoo	Equipment Purch / Park Equip	Ron O'Connor	405-1104-452.43-07	K61ADM	(4,000)	Transfer to cover cost of street light poles relocation.
						0	
Park Non-Reverting Capital	Park Maintenance	Contract Services/Charges	Ron O'Connor	405-1101-452.39-89	K61ADM	22,000	Transfer from a capital to an operating account - holiday decorations for three roundabouts
Park Non-Reverting Capital	Park Maintenance	Park Equipment	Ron O'Connor	405-1101-452.43-07	K61ADM	(22,000)	Transfer from a capital to an operating account - holiday decorations for three roundabouts
						0	
EDIT	Community Investment	Supplies / Salt - Ice Melt	Beth Leonard	408-1050-460.23-40	--	1,400	Funds needed to cover cost of salt for fountain at Jon Hunt Plaza.
EDIT	Parks	Equipment Purch / Park Equip	Beth Leonard	408-1106-452.43-07	--	70,000	Funds needed to cover cost of plow equipment for Parks Dept.
EDIT	Community Investment	Misc Charges & Services	Beth Leonard	408-1050-460.39-89	--	(71,400)	Funds available, transfer to cover other needs.
						0	
Consolidated Bldg Dept	Building Dept	Repair & Maint / Automotive Equip	Laura Althoff	600-1306-415.36-03	--	938	Small budget shortfall
Consolidated Bldg Dept	Building Dept	Central Services - Gasoline	Laura Althoff	600-1306-415.22-01	--	(938)	Account under budget, transfer to cover automotive equipment repair budget.
						0	
Consolidated Bldg Dept	Building Dept	Supplies / Small Office Equip	Laura Althoff	600-1306-415.21-05	--	5,200	Purchase of Microsoft Surface Pro's for inspectors.
Consolidated Bldg Dept	Building Dept	Misc Charges & Services	Laura Althoff	600-1306-415.39-89	--	(5,200)	Account under budget, transfer to cover purchase of Microsoft Surface Pro's for inspectors.
						0	

City of South Bend, Indiana
December 2016 Budget Transfers
(budget transfers between expenditure categories or departments within the same fund)
December 8, 2016

Substitute Bill No. 75-16

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Parking Garages	Parking Enforcement	Equip Purch / Comp Equip & Network	Ron O'Connor	601-0463-645.43-08	--	37,500	Cost of upgrading MIParc software for garages
Parking Garages	Main Street Garage	Repair & Maint / Building	Ron O'Connor	601-0460-645.36-01	--	(12,500)	Transfer to cover cost of upgrading MIParc software for garages
Parking Garages	Leighton Plaza Garage	Repair & Maint / Building	Ron O'Connor	601-0462-645.36-02	--	(12,500)	Transfer to cover cost of upgrading MIParc software for garages
Parking Garages	Wayne Street Garage	Repair & Maint / Building	Ron O'Connor	601-0464-645.36-03	--	0	Transfer to cover cost of upgrading MIParc software for garages
Solid Waste	Solid Waste	Repair & Maint / Automotive Equip	Carol Kurzhall	610-0610-791.36-03	--	128,500	Poor landfill conditions contributed to additional vehicle maintenance.
Solid Waste	Solid Waste	Other Services / Landfill	Carol Kurzhall	610-0610-791.39-85	--	100,000	Unforeseen storm/flood damage, costs to clean-up.
Solid Waste	Solid Waste	Central Services - Gasoline	Carol Kurzhall	610-0610-791.22-01	--	(70,000)	Account under budget because more vehicles are using CNG fuel instead of diesel.
Solid Waste	Solid Waste	Hourly Wages	Carol Kurzhall	610-0610-791.10-02	--	(40,000)	Account under budget because department has not been at full staffing levels all year.
Solid Waste	Solid Waste	Temporary Services	Carol Kurzhall	610-0610-791.10-05	--	(6,500)	Account under budget because temp services were not needed this year.
Solid Waste	Solid Waste	PERF	Carol Kurzhall	610-0610-791.11-04	--	(10,000)	Account under budget because lower payroll costs result in lower PERP expense.
Solid Waste	Solid Waste	Group Insurance - Health	Carol Kurzhall	610-0610-791.11-08	--	(102,000)	Actual costs have been lower than budget estimates.
Solid Waste	Solid Waste	Bad Debt Exp - Trash	Carol Kurzhall	610-0610-791.63-70	--	23,000	Expense account over budget, difficult to predict, no correlation from year to year.
Solid Waste	Recycling	Bad Debt Exp - Recycling	Carol Kurzhall	610-0615-791.63-70	--	4,000	Expense account over budget, difficult to predict, no correlation from year to year.
Solid Waste	Recycling	SWMD Recycling Fee	Carol Kurzhall	610-0615-791.31-08	--	(27,000)	Actual costs have been lower than budget estimates.
Solid Waste	Solid Waste	Other Operating Supplies	Carol Kurzhall	610-0610-791.22-24	--	5,000	Funds needed to purchase front-load dumpsters for trash pick-up at City entities.
Solid Waste	Solid Waste	Other Services / Licenses	Carol Kurzhall	610-0610-791.39-45	--	(5,000)	Anticipated fees related to new trucks, however, trucks were not received in 2016.
Water Works	Water Works Operations	Plumbing Contractors	Roxanne Lawson	620-0630-711.61-02	--	75,000	Increase in water service line repair work.
Water Works	Water Works Operations	Central Services - Gasoline	Roxanne Lawson	620-0640-606.22-01	--	(20,000)	Low gas prices attributed to savings.
Water Works	Water Works Operations	Contractual Services - Other	Roxanne Lawson	620-0640-606.31-51	--	(20,000)	Less street cut repair expense.
Water Works	Water Works Admin	Regular Salaries	Roxanne Lawson	620-0640-658.10-01	--	(10,000)	Less expense is cause of unfilled positions through out the year.
Water Works	Water Works Admin	Hourly Wages	Roxanne Lawson	620-0640-658.10-02	--	(20,000)	Less expense is cause of unfilled positions through out the year.
Water Works	Water Works Operations	Stop Box Repairs	Roxanne Lawson	620-0640-606.36-50	--	(5,000)	Less service work performed by outside contractor.
Water Works	Water Works Admin	Other Professional Services	Roxanne Lawson	620-0640-658.31-06	--	18,000	Meter-to-Cash PSA was amended to include a business case evaluation.
Water Works	Water Works Admin	Other Services / Dues	Roxanne Lawson	620-0640-658.39-11	--	4,990	Annual membership dues for National Association of Clean Water Agencies (NACWA).
Water Works	Water Works Admin	State Board of Accounts	Roxanne Lawson	620-0640-658.50-01	--	6,000	Used part of 2016's budget to pay for the 2014 annual audit.
Water Works	Water - Customer Accts	311 Call Center Cost Allocation	Roxanne Lawson	620-0640-657.31-75	--	(28,950)	Account under budget because other city departments are sharing the expense.
Water Works	Water - Customer Accts	Bad Debt Expense	Roxanne Lawson	620-0640-657.63-70	--	7,500	Cover increase in uncollectible utility customer accounts.
Water Works	Water - Customer Accts	Collection Agency Fees	Roxanne Lawson	620-0640-657.31-39	--	(7,500)	Transfer unused balance to cover uncollectible customer accounts written off.
Water Works	Water - Customer Accts	Utilities - Electric	Roxanne Lawson	620-0640-601.35-01	--	52,200	Water usage is greater year-to-date, increasing the electric used to pump the water.
Water Works	Water Works Admin	Group Insurance - Health	Roxanne Lawson	620-0640-658.11-08	--	(30,000)	Less expense is cause of unfilled positions through out the year.
Water Works	Water Works Admin	Hourly Wages	Roxanne Lawson	620-0640-658.10-02	--	(22,200)	Less expense is cause of unfilled positions through out the year.
Water Works Capital	Water Works	Construction / Engineering	Roxanne Lawson	622-0640-661.31-02	16W001	70,000	Establish budget for engineering design services necessary for the North Station Well No 1 Replacement Project.
Water Works Capital	Water Works	Equipment Purch / Motor Equip	Roxanne Lawson	622-0640-415.43-02	--	(70,000)	Transfer unused balance to assist with the engineering cost portion of the North Station Well No 1 Replac. Proj.
Sewage Works Operating	Wastewater	Bad Debt Expense - Clay Utilities	Carol Kurzhall	641-0650-951.74-01	--	5,000	Bad debt write-offs fluctuate year to year, difficult to predict the budget needed
Sewage Works Operating	Wastewater	Contractual Services - Other	Carol Kurzhall	641-0630-793-63-35	--	(5,000)	Budget underspent
Employee Benefits	Workplace Clinic/Wellness	Other Operating Supplies	J. Hockenhill / J. Murphy	711-0425-671.22-24	--	62,000	Cost of medication at Wellness Clinic
Employee Benefits	Workplace Clinic/Wellness	Other Professional Services	J. Hockenhill / J. Murphy	711-0425-671.31-06	--	22,000	Administrative cost of Wellness Clinic
Employee Benefits	Insurance Claims/Premiums	Medical Claims	J. Hockenhill / J. Murphy	711-0401-671.34-17	--	(84,000)	Transfer unspent funds to cover Wellness Clinic costs, claims lower than budgeted

1200N COUNTY-CITY BUILDING
227 W. JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-7678
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

November 22, 2016

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: December 2016 Appropriation Ordinance – Civil City Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

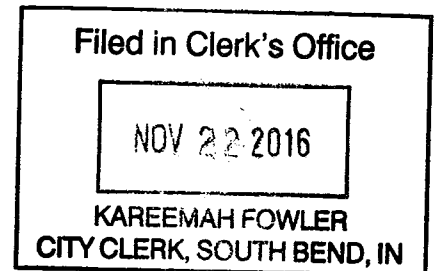
Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on November 28, 2016 with 2nd reading, public hearing and 3rd reading scheduled for December 12, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,


John H. Murphy
City Controller





ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$364,100 FROM GENERAL FUND (#101), \$25,000 FROM UNSAFE BUILDING FUND (#219), \$25,000 FROM LOCAL ROADS & STREETS FUND (#251), \$150,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$10,000 FROM INDIANA RIVER RESCUE FUND (#291), \$212,542 FROM COPS MORE GRANT FUND (#295), \$150,000 FROM COUNTY OPTION INCOME TAX FUND (#404) AND \$100,000 FROM PARKS NONREVERTING CAPITAL FUND (#405).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City’s 2016 operating and capital budgets in 2015 (Ordinances #10388-15 passed on October 12, 2015) which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2016 and set apart within the following designated funds for expenditures as follows:

<u>Fund</u>	<u>Amount</u>
General Fund (#101)	\$ 364,100
Unsafe Building Fund (#219)	25,000
Local Roads & Streets Fund (#251)	25,000
LOIT 2016 Special Distribution Fund (#257)	150,000
Indiana River Rescue Fund (#291)	10,000
COPS MORE Grant Fund (#295)	212,542
County Option Income Tax Fund (#404)	150,000
Parks Nonreverting Capital (#405)	100,000
TOTAL	<u>\$ 1,036,642</u>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Member of the Common Council

Attest:

City Clerk

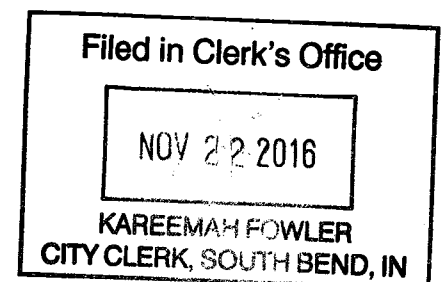
Presented by me to the Mayor of the City of South Bend, Indiana, on the
____ day of _____, 2016 at _____ o'clock ____ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2016 at
____ o'clock ____ . m.

Mayor, City of South Bend, Indiana

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



City of South Bend, Indiana
December 2016 Additional Appropriation Requests - Civil City Funds
 (increase or decrease in total fund expenditures)
 December 22, 2016

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
General Fund	Fire	Extra & Overtime	T. Skwarcan/ D. Cocanower	101-0901-422.10-04	--	290,000	Overtime needed to cover light duty, sick time, and special events
General Fund	Fire	Comp Time Buy Back	T. Skwarcan/ D. Cocanower	101-0901-422.11-21	--	74,100	Account is over budget due to unexpected retirements
						384,100	
Unsafe Building	Code Enforcement	Misc Charges & Services	Cecil Eastman	219-1201-415.39-89	--	25,000	Emergency demolitions expected before Jan 1, 2017
						25,000	
Local Roads & Streets	Streets & Lighting	Street Maintenance	Cecil Eastman	251-0608-431.36-10	--	25,000	Van-accessible parking space for County-City Building
						25,000	
LOIT 2016 Special Distribution	Streets & Lighting	Professional Services	Cecil Eastman	257-0608-431.31-06	--	150,000	Engineering for Community Crossings Grant. Not considered part of the matching monies.
						150,000	
							A special distribution of LOIT revenue was received on 5/6/16 for \$4,217,550. The 2016 expenditure budget is \$850,000, leaving a balance of \$3,367,550 at 12/31/16. The 2017 expenditure budget is \$2,130,000.
Indiana River Rescue	Fire	Extra & Overtime	T. Skwarcan/ D. Cocanower	291-0904-422.10-04	--	10,000	Additional overtime due to offering 6 classes instead of 3
						10,000	
COPS MORE Grant	Police	Other Operating Supplies	Ken Glowacki	295-0801-421.22-24	--	172,542	Purchase of 27 vehicle cameras to be installed in new police vehicles.
COPS MORE Grant	Police	Other Operating Supplies	Ken Glowacki	295-0801-421.22-24	--	40,000	Purchase of vehicle cameras to replace Digital Ally camera for existing police vehicles.
						212,542	These amounts will be reimbursed by a federal grant.
COIT	Streets & Lighting	Street Maintenance	Cecil Eastman	404-0608-431.36-10	--	150,000	Add'l funds needed for flood repairs: Randolph St, Chippewa Ave at Bowman Creek, Ireland Road at High St, and about \$20-25K for contingencies.
						150,000	
Parks Nonreverting Capital	Parks	Land Improvements	Ron O'Connor	405-1101-452-42-01		50,000	Renovations to the softball diamond at Veteran's Memorial Park to support the IU South Bend team. Includes fencing, infield refurbishing, turf, irrigation, dugout, press box, scoreboard, lighting, bleachers and a storage unit. Funding provided by a check from IU South Bend.
Parks Nonreverting Capital	Parks	Contracted Services	Ron O'Connor	405-1101-452-39-89		50,000	
						100,000	
						1,036,642	
					Grand Total		

Filed in Clerk's Office
 NOV 22 2016
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN



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

September 21, 2016

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

RE: Bill #41-16
Rezoning: 2794-16 – 401 East Colfax Ave, 228 and 230 Sycamore Street

Dear Council Members:

The Area Plan Commission held a public hearing on September 20, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, September 26, 2016.

Ordinance & Petition Amendments:

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

Ordinance & Petition:

- 1.) Legal descriptions and addresses were added to the petition.
- 2.) The owners name was updated on the petition.
- 3.) Legal descriptions and addresses were added to the ordinance.

A Copy of the revised Ordinance & Petition are attached.

Public Hearing Summary:

There was 9 persons that spoke in favor to the proposed rezoning. The general sentiment was that they were in support of bringing a grocery store to the area, Mr. Matthews has done great things for the East Bank, and that there is a need for more apartments downtown.

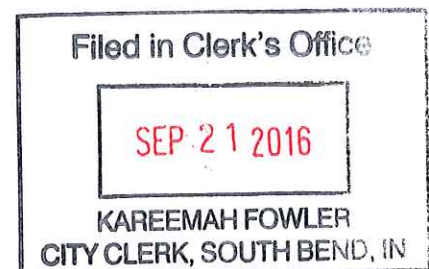
If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

A handwritten signature in black ink that reads "Keith Chapman". The signature is written in a cursive, flowing style.

Keith Chapman, Planner

CC: Kathleen Cekanski-Farrand





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, September 21, 2016

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

RE: A proposed ordinance of Commerce Center Development, LLC and East Bank South Bend Development LLC to zone from CBD Central Business District to PUD Planned Unit Development District, property located at 401 East Colfax Avenue, 228, and 230 Sycamore Street, City of South Bend - APC# 2794-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Commerce Center Development, LLC and East Bank South Bend Development LLC was legally advertised on September 8, 2016 and that the Area Plan Commission at its public hearing on September 20, 2016 took the following action:

Upon a motion by Oliver Davis, being seconded by John McNamara and carried, a proposed ordinance of Commerce Center Development, LLC and East Bank South Bend Development LLC to zone from CBD Central Business District to PUD Planned Unit Development District, property located at 401 East Colfax Avenue, 228, and 230 Sycamore Street, City of South Bend, is sent to the Common Council with NO RECOMMENDATION.

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.

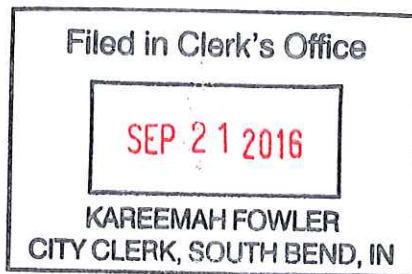
Sincerely,

[Handwritten signature of Lawrence P. Magliozzi]

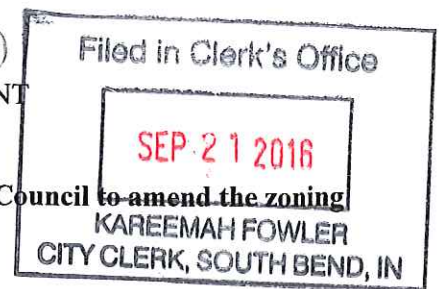
Lawrence P. Magliozzi

Attachment

CC: Commerce Center Development, LLC and East Bank South Bend Development LLC



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) - 401 East Colfax Avenue, 230 Sycamore Street, 228 Sycamore Street, 312 LaSalle Avenue
South Bend, IN 46617*

2) The property Tax Key Number(s) is/are: *018-5003-0059, 018-5003-006001, 018-5003-0060, 018-5003-006101, 018-5003-0060, 018-5003-0066, 018-5003-005901*

3) Legal Descriptions: *PARCEL I: THE EAST 26.25 FEET OF THE NORTH 65 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, RECORDED MAY 4, 1860 IN PLAT BOOK J, PAGE 455 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.*

PARCEL II: THE EAST HALF OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW WITHIN AND A PART OF THE CITY OF SOUTH BEND, RECORDED MAY 4, 1860 IN PLAT BOOK J, PAGE 455 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCEPTING THEREFROM THE NORTH 65 FEET.

PARCEL III: LOT NUMBERED THIRTEEN (13) IN THE ORIGINAL TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, TOGETHER WITH THE VACATED ALLEY SOUTH AND ADJACENT AND ALSO THE WEST 44 FEET OF THE VACATED BRIDGE STREET LYING EAST AND ADJACENT TO LOT 13 AND THE VACATED ALLEY SOUTH.

PARCEL IV: THE NORTH 65.00 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCEPTING THE EAST 26.5 FEET THEREOF.

PARCEL V: A LOT OR PARCEL OF LAND 65.00 FEET IN LENGTH NORTH AND SOUTH TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE NORTH END OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, EXCEPTING THEREFROM A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE EAST END THEREOF.

PARCEL VI: A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE EAST SIDE OF THE NORTH 65 FEET OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND.

PARCEL VII: LOTS NUMBERED NINETEEN (19), TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND. ALSO, THE FOLLOWING VACATED ALLEY: (BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBERED TWENTY-TWO (22); THENCE EAST ON THE NORTH LINE OF SAID LOT NUMBERED TWENTY-TWO (22), TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH TO THE SOUTHEAST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21) TO THE SOUTHWEST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21); THENCE SOUTH 14 FEET TO THE PLACE OF BEGINNING. TOGETHER WITH THE EAST 22 FEET OF VACATED BRIDGE STREET LYING SOUTH OF THE SOUTH LINE OF LASALLE STREET AND NORTH OF THE NORTH LINE OF COLFAX AVENUE.

PARCEL VIII: A NON-EXCLUSIVE EASEMENT AS SET OUT IN A SPECIAL WARRANTY DEED BY AND BETWEEN INDIANA & MICHIGAN ELECTRIC COMPANY, AN INDIANA CORPORATION AND EAST BANK CENTER, AN INDIANA PARTNERSHIP RECORDED SEPTEMBER 29, 1980 AS DOCUMENT NUMBER 8015929 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

PART OF LOTS NUMBERED FOURTEEN (14) AND FIFTEEN (15) AS SHOWN ON THE RECORDED ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, ST JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT A POINT 65 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT NUMBERED 15 ON THE WEST LINE OF SAID LOT, RUNNING THENCE SOUTH WITH SAID WEST LINE 53 FEET; THENCE EAST 99 FEET; THENCE NORTH 53 FEET; THENCE WEST 99 FEET TO THE PLACE OF BEGINNING.

4) Total Site Area: 2.93 acres

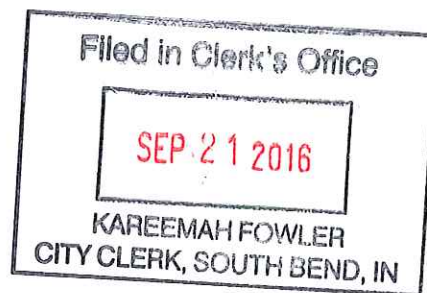
5) Name and address of property owner(s) of the petition site:

Commerce Center Development LLC, and East Bank South Bend Development LLC
121 S. Niles Ave
South Bend, IN 46617
765-409-3841
David@MatthewsLLC.com

Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:

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

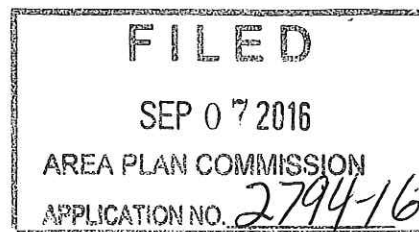


Name and address of additional property owners, if applicable:

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

From: CBD Central Business District N/A

To: PUD Planned Unit Development



8) The purpose of the rezoning is as follows:

1. The Planned Unit Development (PUD) District is intended to:
 - 1.(A) Establish a compatible and efficient mix of land uses and open space;
 - 2.(B) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;
 - 3.(C) Establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style;
 - 4.(D) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and
 - 5.(E) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in this Ordinance.

This Planned Unit Development uses good urban design principles to build mixed use structures along the public streets, and east race. The development builds density where surface parking currently exists, moving the parking in to a structure, mostly hidden from public view. This promotes greater urban density, tax collection, and reduces the demand on developing park land.

This PUD creates one of the first mixed use facilities on the East Race, since the first east race plan was developed in the 1980s. It maintains and reinforces the built fabric and feel of the neighborhood called out in the Comprehensive Plan, through its architecture, style, and incorporation of mixed use buildings.

The PUD enables the developer to create use of a definition of family that was previously unavailable in the CBD district, and addresses issues with the current zoning that would prevent the grocery store, pharmacy, and existing

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 401 EAST COLFAX AVENUE, 228 & 230 SYCAMORE STREET, & 312 LASALLE AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone to create a mixed use PUD Planned Unit Development

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:

PARCEL I: THE NORTH 65.00 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCEPTING THE EAST 26.5 FEET THEREOF.

PARCEL II: A LOT OR PARCEL OF LAND 65.00 FEET IN LENGTH NORTH AND SOUTH TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE NORTH END OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, EXCEPTING THEREFROM A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE EAST END THEREOF.

PARCEL III: A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE EAST SIDE OF THE NORTH 65 FEET OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND.

PARCEL IV: LOTS NUMBERED NINETEEN (19), TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTYTHREE (23) AND TWENTY-FOUR (24) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND. ALSO, THE FOLLOWING VACATED ALLEY: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBERED TWENTY-TWO (22); THENCE EAST ON THE NORTH LINE OF SAID LOT NUMBERED TWENTY-TWO (22), TO THE NORTHEAST CORNER OF SAID LOT;

THENCE NORTH TO THE SOUTHEAST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21) TO THE SOUTHWEST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21); THENCE SOUTH 14 FEET TO THE PLACE OF BEGINNING. TOGETHER WITH THE EAST 22 FEET OF VACATED BRIDGE STREET LYING SOUTH OF THE SOUTH LINE OF LASALLE STREET AND NORTH OF THE NORTH LINE OF COLFAX AVENUE.

PARCEL V: A NON-EXCLUSIVE EASEMENT AS SET OUT IN A SPECIAL WARRANTY DEED BY AND BETWEEN INDIANA & MICHIGAN ELECTRIC COMPANY, AN INDIANA CORPORATION AND EAST BANK CENTER, AN INDIANA PARTNERSHIP RECORDED SEPTEMBER 29, 1980 AS DOCUMENT NUMBER 8015929 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

PARCEL VI: THE EAST 26.25 FEET OF THE NORTH 65 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, RECORDED MAY 4, 1860 IN PLAT BOOK J, PAGE 455 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

PARCEL VII: THE EAST HALF OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW WITHIN AND A PART OF THE CITY OF SOUTH BEND, RECORDED MAY 4, 1860 IN PLAT BOOK J, PAGE 455 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCEPTING THEREFROM THE NORTH 65 FEET.

PARCEL VIII: PART OF LOTS NUMBERED FOURTEEN (14) AND FIFTEEN (15) AS SHOWN ON THE RECORDED ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, ST JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT A POINT 65 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT NUMBERED 15 ON THE WEST LINE OF SAID LOT, RUNNING THENCE SOUTH WITH SAID WEST LINE 53 FEET; THENCE EAST 99 FEET, THENCE NORTH 53 FEET; THENCE WEST 99 FEET TO THE PLACE OF BEGINNING.

be and the same is hereby established as PUD Planned Unit Development.

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

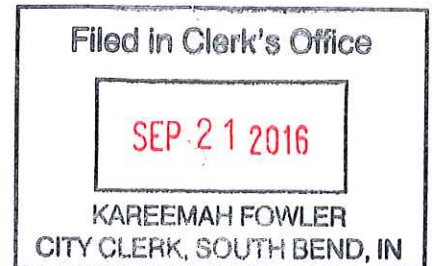
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

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



Commerce Center building form using the site. Specifically, this PUD increases the height and story limit, allowing the office users of the Commerce Center to stay, while creating space for the grocery store & pharmacy customers, and additional residents.

CONTACT PERSON:

*David Matthews
121 S. Niles Ave
South Bend, IN 46617
765-409-3841
David@MatthewsLLC.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):

David Matthews

Filed in Clerk's Office
SEP 21 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

FILED
SEP 07 2016
AREA PLAN COMMISSION
APPLICATION NO. 2794-16

THE AREA PLAN COMMISSION OF
ST. JOSEPH COUNTY, INDIANA

MINUTES

Filed in Clerk's Office

SEP 27 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Tuesday, September 20, 2016
3:30 p.m.

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

MEMBERS PRESENT:

Dan Brewer, Debra Davis, Oliver Davis, John DeLee, Adam DeVon, Robert Hawley, Elizabeth Maradik, John R. McNamara, Matthew Peterson, Phil Sutton, Dr. Jerry Thacker

MEMBERS ABSENT:

Karen Iovino, Gerry Phipps, Jordan Richardson, Steve Vojtko

ALSO PRESENT:

Larry Magliozzi, Keith Chapman, Angela M. Smith, Jennifer S. Parcell, Staff; Mitch Heppenheimer, Counsel

DAN BREWER: I would like to ask the Commission for a motion to (hear item C before Item B) on the agenda. The reason we are doing this is to make more efficient use of our time. It is likely that item B will take longer than the other item.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis being seconded by Elizabeth Maradik and unanimously carried Item B will be moved to item C on the agenda.

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A combined public hearing on a proposed ordinance of Cook Land Group LLC to zone from LI Light Industrial District to GB General Business District, and seeking the following variance(s): 1) from the required perimeter landscaping to none, property located at 4246 Meghan Beehler Court, City of South Bend - APC# 2793-16.

KEITH CHAPMAN: The petitioner is requesting a zone change from LI Light Industrial District to GB General Business District and seeking one variance from the development standards. On site is an existing sales and service building. To the north is a vacant lot zoned LI Light Industrial. To the east is a parking lot zoned LI Light Industrial. To the south is an industrial building zoned LI Light Industrial. To the west of Meghan Beehler is an industrial building zoned LI Light Industrial. The GB General Business District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the GB District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses. On site is an existing 18,000 sq. ft.

building, located on 5.32 acres. There is an existing parking lot and sales storage area along the north and west of the building. This property was rezoned from Light Industrial and Residential to Light Industrial in 2000. Meghan Beehler Court has two lanes. This site is served by municipal water and sewer. The Department of Community Investment offers a favorable recommendation, assuming that the GB General Business District permits all of Superior's uses for the property. With the rezoning, the property should meet the present parking and landscaping standards. The petitioner is not proposing any written commitments. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Objective ED 2: Retain existing businesses and recruit new ones to the city. The future land use map identifies this area as light industrial. There are no other plans in effect for this area. The surrounding properties are industrial uses. The most desirable use is one that allows for the continuation of an existing business. The surrounding properties are industrial and should not be adversely affected. It is responsible growth and development to allow an existing business to continue operating and expand to include the addition of on-site sales. The staff has no additional comments. Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variance, subject to providing the required perimeter landscaping along the front property line. Rezoning this property to GB General Business will allow for an existing business to continue operations and expand to include on-site sales of motor vehicles, a use which is compatible with the surrounding industrial uses.

GARRY POTTS: I am the owner of Professional Permits. Offices at 58171 Dragonfly Court, Osceola. What Superior Van has done is moved from a location within the Industrial Park to that location around December. They have remodeled the property and when it was time for them to apply for their dealer license the new ordinance requires it to go before the City for zoning approval. That is when it was determined that their new building that they had just remodeled was zoned incorrectly for their use of GB. That is why we are here today.

IN FAVOR

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

REMONSTRANCE

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

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Cook Land Group LLC to zone from LI Light Industrial District to GB General Business District, property located at 4246 Meghan Beehler Court, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property to GB General Business will allow for an existing business to continue operations and expand to include on-site sales of motor vehicles, a use which is compatible with the surrounding industrial uses.

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the variance(s) 1) from the required perimeter landscaping to none, property located at 4246 Meghan Beehler Court, City of South Bend, was approved 1) subject to

providing the required perimeter landscaping along the front property line and 2) the rezoning being approved.

- B. A combined public hearing on a proposed ordinance of Mark Osler, Kare Bear Learning Center, Inc. and MM Brandon LLC to zone from R: Single Family District, C: Commercial District and M: Manufacturing Industrial District to M: Manufacturing Industrial District and seeking a Special Use to allow storage, loading and hauling of sand, gravel of other aggregate and processing facility, and seeking the following variance(s): 1) from the required 50' minimum yards and building setback adjacent to residential to 40'. for the front and 10' for side and rear; 2) from the required 50' minimum setback from any property line for material storage and processing to 10'; 3) from the required screening of outdoor storage and operations to fencing and landscaping as shown on site plan; 4) to allow the outdoor storage to exceed the height of the fence, provided the storage does not exceed 30' in height; 5) from the required type 2 landscaping of required yards abutting residential to as shown on site plan; 6) from the required foundation landscaping to none and 7) from the required parking area screening of a side lot line abutting a residential district or use to none, property located at 10261, 10289 and 10343 McKinley Highway, St. Joseph County - APC# 2795-16.

KEITH CHAPMAN: The petitioner is requesting a zone change from R: Single Family District, C: Commercial District and M: Manufacturing Industrial District to M: Manufacturing Industrial District; a Special Use: and 7 variances from the development standards. On site is the existing Indiana Earth complex and a single family residence zoned M: Manufacturing Industrial District, R: Single Family District, and C: Commercial District. To the north is a railroad line and farmland zoned R: Single Family District. To the east is a motor vehicle business zoned M: Manufacturing Industrial. To the south across McKinley Highway are single family residences zoned R: Single Family District. To the west is a fire station zoned M: Manufacturing Industrial District, single family residences zoned R: Single Family District, and businesses zoned C: Commercial District. The M: Manufacturing Industrial District is established to provide for development of manufacturing and processing facilities or facilities which may require substantial amounts of outdoor storage or outdoor operations. Permitted uses in this district tend to generate heavy traffic and require extensive community facilities. Permitted uses in this district may require extensive amounts of outdoor storage or outdoor operations. The permitted uses provided for in this district should be separated from residential districts or low intensity commercial / mixed use districts by less intense industrial districts. The site is located on approximately 19.21 acres. On site there is a 14,975 sq. ft. one story building, a 3,360 sq. ft. office, three storage buildings, a 7,700 sq. ft. pole barn, and a watchman house. There are several areas shown as material storage and processing. There is also an area designated as equipment storage on the north side of the site behind the neighboring single-family home. These areas are all located behind the primary buildings on the site and start approximately 425' back from the front property line. The current Indiana Earth property was zoned to "C" Commercial from "R" Residential in 1990. The property was rezoned to "M" Manufacturing in 1995. The south portion of the former Kare Bear site was rezoned to "C" Commercial in 1983 for retail and was residential prior to that. The single family residence has been zoned residential since 1976. McKinley Highway has 2 lanes. This site will be served by private well and septic. INDOT commented that engineers will look to approve the drives when applying for a permit. The County Health Department recommends approval and commented that the proposed "office" sewage disposal method and water source is not indicated. The buildings are surrounded by concrete pavement. To develop, document method of sewage disposal and water source. If intending to connect to existing well, add to plans. To connect to existing septic system, must provide number of potential employees in each building with facilities, obtain septic inspection from a licensed

contractor to evaluate and document the current system and submit to the Indiana State Department of Health to determine the required daily design flow and if the existing septic system is sufficient to meet these requirements. The County Engineer recommends approval however, prior to final site plan approval the following will need to be submitted for review and approval: 1) Provide drainage and volume calculations for entire site that meet requirements. 2) Driveway construction shall conform to standards. 3) McKinley Highway is to be reconstructed and widened in this area in the near future. Plan preparer shall coordinate with DLZ (Ryan Carrington) to ensure driveway locations are correctly updated. 4) If land disturbing activities are over 1 acre, then a Storm Water Pollution Prevention Plan shall be required. The petitioner is not proposing any written commitments. The petition is consistent with Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002) Goal 2 Encourage the economic development of the County and its municipalities. Objective A: Ensure that suitable areas are available for future industrial development. The future land use map identifies this area as Industrial Reserve. There are no other plans in effect for this area. The site is currently operating as an excavating business. Although there are single family homes abutting the property, to the east is a motor vehicle service, sales, and salvage yard, and multiple commercial businesses to the west. The most desirable use is industrial. The surrounding property values may be affected. Impact on surrounding properties should be reduced through screening and buffering. It is responsible development and growth to maintain and establish the area as industrial. The staff has no additional comments. Based on information available prior to the public hearing, the staff recommends the petition be sent to the County Council with a favorable recommendation. Based on information available prior to the public hearing, the staff recommends that the special use petition be sent to the County Council with a favorable recommendation. The staff recommends approval of the variances. Rezoning these properties to M: Manufacturing Industrial will allow for the extension of an existing industrial business in an area surrounded with multiple commercial and industrial uses.

MIKE DANCH: I am with Danch, Harner & Associates with offices located at 1643 Commerce Drive. Indiana Earth would like to do an expansion for properties that they have. He is going to purchase or is under land contract for the property to the east and the adjacent one. There is an existing excavation company that is on the west ten acres. We would like to basically take in the entire 18.1 acres and do exactly the same thing that you see out there right now, which is hauling and gravel processing. What we are doing is taking the properties to the east of us which is residential and commercial and moving those over to the Manufacturing, but we are also asking for a special exception to allow them to do processing. The storage that you see there now is allowed in Manufacturing, but due to the way the ordinance is written, to move to that next step, to do processing where they bring basically concrete or items on site, reduce them down to the finer materials so that they can be used for aggregate and they can use them for selling we have to have a special use approved for that particular process. That is the portion of the ordinance that we are asking the Commission for a favorable recommendation. The site itself, they have been there since 1995. I think I was the one that rezoned their property in 1995 to allow for that operation. The site plan that you saw shows the expansion of what we are asking to do. There would be two access points onto McKinley. There is an existing access point on the west side of the property. On the east side they would be doing an additional driveway opening to allow the trucks to come in and exit the site. That particular driveway opening will also be approved by the state of Indiana. Since this is a State Highway we have to have approval for that opening. I think that was part of the Staff Report. We will be working with the County Engineer and DLZ on that portion. DLZ is doing an improvement plan for the State Highway right now. What the County has asked us to do, assuming we receive approval for this particular rezoning, is to provide DLZ with information for that additional driveway opening on the east side of the property. The other item that we are asking for are the seven variances. We had been working with them on this particular one. Mainly, what we are asking for on the variances are relaxation and flexibility on the surrounding property lines that we have for the property. We are up against residential to the north, which are basically farm ground. Because that is zoned

residential, we would be required due to the use of this operation to have a double row of evergreens around the entire perimeter of this site. What we would be able to do here is asking for a variance to have flexibility. We are going to use existing landscaping along the west side and the east side, because we are up against manufacturing to the east of us as well, there is similarity between the uses. To the north there is a railroad line before you actually get to the residential. What we had shown there with the staff is a row of evergreen trees along that entire area, just to be able to buffer this particular site from that residential area if that were able to be developed, keeping in mind that there is a railroad right of way between us before you get to that residential to the north. The other setbacks, what we did with the staff on the height of the material, the way the ordinance is written is that any fencing that you have out there, your material are limited to the height of the fencing. We worked with them to allow us to have the materials to maximum height of 30 feet. That 30 feet has to be at least 50 feet back from the property lines. Again, that was just to reduce the mass or view from any adjacent property into this particular site. We have added that setback in that node on the site plan that we have done. What Mark would also like to do is, there are a couple of additional buildings that would be added on the eastern portion of the site that would be a pole barn and a new office facility. We would work with the Health Department on that part for supplying a new well and a new septic field for that particular addition at the time they decide to do that. The other landscaping that we are doing again, along the front we put in parking areas. We are screening those per the zoning requirements. There would be a buffer between McKinley and where that parking area would be located. The one thing that the Staff had asked us to do is keep the Type 2, which is the evergreen screening, between us and the closest residential property which is at our southwest corner. Mr. Osler is actually working with that gentleman at some point in order to be able to purchase that property. Because right now it has a residential use, the staff asked us to go ahead and screen that with evergreens. The other variance that we had was a foundation and that was for an existing building and the proposed office area. Again, under the zoning ordinance you are required to have a six foot landscape area in front of a building. When you have an industrial use you don't have the same kind of turn over you do for a commercial or industrial operation. So we are asking for that variance. The existing building that is there is now wasn't required to have that, so because we are going through the rezoning process we need to ask for that variance.

JOHN MCNAMARA: Where is the Kare Bear facility?

MIKE DANCH: The Kare Bear is the center piece of property that is going from residential to commercial.

JOHN MCNAMARA: It is not on this property?

MIKE DANCH: No it is not on this property. It is right in between.

JOHN MCNAMARA: The red stuff (referring to the powerpoint)?

MIKE DANCH: Yes.

JOHN MCNAMARA: There is a fire station out there?

ANGELA SMITH: It was zoned for a fire station at one time.

IN FAVOR

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

REMONSTRANCE

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

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Mark Osler, Kare Bear Learning Center, Inc. & MM Brandon LLC to zone from R: Single Family District, C: Commercial District and M: Manufacturing Industrial District to M: Manufacturing Industrial District, property located at 10261, 10289 and 10343 McKinley Highway, St. Joseph County, is sent to the Common Council with a FAVORABLE recommendation. Rezoning these properties to M: Manufacturing Industrial will allow for the extension of an existing industrial business in an area surrounded with multiple commercial and industrial uses.

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a Special Use for storage, loading and hauling of sand, gravel of other aggregate and processing facility property located at 10261, 10289 and 10343 McKinley Highway, St. Joseph County, was sent to the County Council with a FAVORABLE RECOMMENDATION, subject to the rezoning being approved.

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the seven variance(s) 1) from the required 50' minimum yards and building setback adjacent to residential to 40', for the front and 10' for side and rear; 2) from the required 50' minimum setback from any property line for material storage and processing to 10'; 3) from the required screening of outdoor storage and operations to fencing and landscaping as shown on site plan; 4) to allow the outdoor storage to exceed the height of the fence, provided the storage does not exceed 30' in height; 5) from the required type 2 landscaping of required yards abutting residential to as shown on site plan; 6) from the required foundation landscaping to none and 7) from the required parking area screening of a side lot line abutting a residential district or use to none were approved, subject to the rezoning being approved by the County Council.

- C. A proposed ordinance of Commerce Center Development, LLC and East Bank South Bend Development LLC to zone from CBD Central Business District to PUD Planned Unit Development District, property located at 401 East Colfax Avenue, 228, and 230 Sycamore Street, City of South Bend - APC# 2794-16.

KEITH CHAPMAN: The petitioner is requesting a zone change from CBD Central Business District to PUD Planned Unit Development District. On site is the Commerce Center and multiple parking lots. To the north across LaSalle is The Pointe at St. Joseph Apartments zoned CBD Central Business District. To the east is the East Race waterway. Across the East Race are two office buildings zoned CBD Central Business District. To the south across Colfax is Stephenson Mills Apartments and a parking lot zoned CBD Central Business District. To the west is the AEP Substation, an art studio, an office and a cellular tower zoned CBD Central Business District. Across Sycamore is a private club zoned CBD Central Business District. The Planned Unit Development (PUD) District is intended to: establish a compatible and efficient mix of land uses and open space; ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs; establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style; achieve flexibility and provide incentives for development that will sustain a wider range of choice

in satisfying the changing needs of the community; and provide for any individual land or combination of land uses not otherwise specified elsewhere in this Ordinance. The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Exception Uses which are provided for within any district of this Ordinance. On site is the existing Commerce Center building. The 5 story, 60' tall building will continue to be used as a mixed use building. The site plan shows a proposed 175' tall mixed use building spanning 411' along LaSalle Avenue and wrapping around a proposed 100' tall parking structure. A small portion of the site is proposed to be used for surface parking and access. The proposed PUD Ordinance allows for uses currently permitted in the CBD Central Business District plus adds Group Residences, Manufacturing Retailer, Electricity Relay Station or Public Utility Substation, and Maker Space. The accessory uses and architectural standards are consistent with the CBD District. The temporary uses generally follow the guidelines of the CBD District, but add the allowance for an 8' tall temporary construction barrier during construction. The PUD Ordinance exempts this property from the requirements of the Parking and Loading sections of the South Bend Zoning Ordinance. The sign section has been expanded to allow an increased building coverage, increased monument height and area, the addition of roof signs which may extend 15' above the roofline, and increased incidental/directional sign area. Prior to the adoption of the new zoning ordinance in 2004, the property was zoned A3 Mixed Use Multifamily Residential and Commercial District. LaSalle Avenue has four lanes. Colfax Avenue has 2 lanes plus a center turn lane and a designated bike lane. Sycamore Street has two lanes with on-street parking. This site will be served by municipal water and sewer. The City Engineer stated that additional information related to traffic patterns and the impact of the uses on utilities and other public amenities is needed before a recommendation could be given. Because of the negative impacts on the neighborhood, DCI cannot support the Commerce Center PUD as presented. However, DCI would be supportive of the rezoning subject to the recommendations provided in the full report (attached as Exhibit (See permanent file for Exhibit A) A). The petitioner is not proposing any written commitments, however the site will need to comply with all development standards established in the Commerce Center PUD District Ordinance and any conditions or commitments stated by the petitioner during the public hearing process. The petition is not consistent with The East Bank Village Master Plan - Phase 1 (June 2008). The plan states the area east of the river has its own unique identity independent from the Central Business District and should be branded as the East Bank Village. The Village character is emphasized throughout the plan through the use of pedestrian scaled development, interactive public spaces, and less dense mixed use buildings ranging from 2-4 stories. The East Bank Master Plan - Phase 1 land use plan identifies the northwest corner of the site as a location for a parking structure surrounded by a 3-4 story mixed-use building fronting on Sycamore and LaSalle. The northeast portion of the site, north of the Commerce Building and along the East Race, is shown as recreation (parks, open spaces, public plaza). The Commerce Building is identified as Commercial (Retail, General Commercial, Specialty Retail, Office, Tech OR&D) The petition is not consistent with City Plan, South Bend Comprehensive Plan (November 2006) Objective UD 1.1 Require developments to utilize design techniques that create an attractive, urban character for the Central Business District, corridors, and commercial areas; UD 1.6 Respect the scale, design, and aesthetic quality of established neighborhoods when undertaking infill development projects; UD 1.7 Promote urban design elements in new developments that are appropriately scaled and conducive to pedestrians, including pedestrian safety considerations. The Central Business District east of the river has a mixture of commercial, office, and residential uses. The low and mid-rise buildings emphasize pedestrian scale, public amenities, and lower density mixed-use buildings. The Commerce Center building is the tallest structure in the area with the majority of the surrounding properties in the 30' - 45' range. The most desirable use is one that fits into the character of the East Bank Village neighborhood. Due to the height and size of the proposed building surrounding property values may be negatively affected. Developing a site that exceeds the general standards for the area by two to three times what is allowed for other properties in the district could have a significant impact on adjacent property

values. If constructed at the proposed 175' height, the building will cast significant shadows that will have an adverse impact on the surrounding properties. It is not responsible development and growth to develop a site that does not fit with the character and approved plan of the surrounding neighborhood. The petitioner failed to provide a statement of how the proposed PUD meets the 5 items of Intent for Planned Unit Developments as required by the South Bend Zoning Ordinance Section 21-05 (a) (1). It is the staff's opinion that the petitioner failed to meet the Intent as follows: (A) Establish a compatible and efficient mix of land uses and open spaces; While the proposed PUD provides for a compatible mix of land uses, the site layout as shown does not convincingly address or identify the open space and its interaction with the public spaces of the East Race, as should be appropriate for a development in this location. (B) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs; the extreme variation from the allowed development standards established for the Central Business District east of the River and the high rise approach vs. village approach to the building design make the proposed PUD incompatible with the Comprehensive Plan, the East Bank Plan and the existing and proposed surrounding developments. (C) Establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style; The developer has failed to provide building design and elevation profiles to determine architectural compatibility. The proposed height and bulk of the building demands careful review to ensure a building design that is architecturally compatible with adjacent buildings and the general neighborhood. (D) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; if constructed as proposed, a large portion of the building may become undesirable and remain vacant or unusable. Many of the residential units will be facing the garage, and the commercial space has not been shown to be adaptable to changing market demands (dedicated space vs flexible space). (E) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in the Ordinance. At the time of filing, Group Residence was not a permitted or special exception use in the Central Business District, however, the Mixed Use District would have provided for all the land uses proposed within the PUD. Furthermore, the Planned Unit Development section of the Ordinance specifically states that the PUD District is not intended for permitted uses or special exception uses which are provided within another district of the Ordinance OR for developments seeking relief from development standards within a district in which the use is permitted. In addition to not meeting the intent of the PUD Planned Unit Development District, the proposed development standards include many standards completely out of character with the area. In addition to the points addressed by the Department of Community Investment, the proposed temporary uses, extreme height, lack of public open space, and excessive signage would have a very detrimental impact on the adjacent properties and surrounding community. Based on the information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with an unfavorable recommendation. As presented, the petition does not meet the intent or standards for a Planned Unit Development District and, therefore, is not a valid application of the PUD District Designation. While the land uses and overall concept proposed are desirable and appropriate for the Central Business District or Mixed Use District, the development standards in the proposed Commerce Center PUD District Ordinance are so out of character for the area that the construction of this project could ultimately have a significant negative impact on the overall development and success of the East Bank Village.

As of 3:00 p.m. today, the staff has received 45 letters in support of this rezoning.

OLIVER DAVIS: When you talked about the hazardous adverse impact that the shadowing causes, could you please outline some of the adverse impacts that may happen, especially when you consider the winter time, spring time, summer time. Look at it from a seasonal standpoint. What are the adverse impacts that possibly can occur due to the shadowing of this size of a building, in relation to all other

buildings around it?

ANGELA SMITH: We were able to look at several different aspects of the shadowing. The item that was identified by the Department of Community Investment (DCI) was that between the hours of 11:00 a.m. and 3:00 p.m. The things that we looked at in this instance, (pointing to the powerpoint) you have a winter setting when most people are wanting the light to help warm up their buildings. As you can see from this, a majority of the The Pointe Apartments is completely overshadowed by the building. This would be approximately December mid-day. If you run the model from October to March you would have a similar example. In the summer months we looked at the concern of the proposed plaza on the East Race, which is designed to be a public space during the summer, and pretty much the entire East Race is under shadow.

OLIVER DAVIS: So basically, more icing sidewalks, more hazardous things could occur.

ANGELA SMITH: You would have that. Another concern by DCI was the units adjacent to the parking garage would not get daylight because their windows would face the parking garage. The parking garage is seven stories tall, so the first twenty four feet is the grocery store, then a floor of office, and then the residential starts above that. You have floors three through seven where the apartments are adjacent to the parking garage. Their view or their window would be looking at the parking garage which would have a ten foot space between their building façade and the parking garage façade.

OLIVER DAVIS: What floor does the shadowing really start?

ANGELA SMITH: I am not sure of the height of the Tuesley Hall building that is there. You can see the first building west of this development is a private club, that hits about half way across the street, so the sidewalks still is in shadow. It's the property across the street that is affected.

OLIVER DAVIS: I am talking about in terms of what floor would it be reduced if this was the sole problem?

ANGELA SMITH: We would have to run some modeling. The general height would be 60 feet, which is five stories. If you built something that is consistent with what is there, that would be what was allowed per the zoning ordinance.

OLIVER DAVIS: So, basically five to six stories.

ANGELA SMITH: To match the existing buildings.

OLIVER DAVIS: So that is what you mean when you say two to three times its size.

DAVID MATTHEWS: I am with Matthews LLC. I reside at 215 E. Colfax Avenue. Angela could you go back to that last sun study image? What day of the year was this on?

ANGELA SMITH: This was in early December.

DAVID MATTHEWS: The shortest day of the year. I would like to point out that the shadow that cross the sidewalk and half of the street. I live directly next door to that building. That is a two story building. On the shortest day of the year, everything casts shadows. This study is unfair. When we do sun studies to present to the public we don't pick June 22 the longest day of the year, because shadows are really short, we don't pick December 22, because shadows are really long. The fair thing to do is to

pick September 22 the equinox, which is a twelve hour day and say here is the average shadow height. This is deceptively misleading and unfair. We did do a sun study, we do have endorsements from The Pointe apartments. They think this project is great. This is disappointing from the planning department. We started building in Downtown South Bend in 2010. We are trying to do our bit to fix the City, to get density, to get people living downtown, to make South Bend a lively place that other people want to live and participate in. We have been working on this for about six years now. I just want to give a quick overview update of the neighborhood. We have some great publicity and we are good at celebrating our successes. It is really hard, this is a really tough neighborhood to work in. Here is a picture on the left (looking at the powerpoint) of what the East Bank Townhomes looked like before we bought the land. You can see some curb here, if you go a little further, they just paved over the sidewalk. We bought the land from the City and built the first market rate housing in the neighborhood in three decades. The next newest was The Pointe Apartments built in 1980. For three decades no one built anything in this neighborhood. The next project we did is across from the Emporium building. Here it was a half paved, half gravel parking lot. We bought the land and we have ten gorgeous townhomes, limestone columns, Limestone headers and base. Definitely investing the character and the feel of the neighborhood. This is our home. This is where I live. This is where a lot of people who are in the audience live, work, start their business, own the business like we care about this neighborhood. We care about the character of this neighborhood. What does this neighborhood look like? Here is a static from 2015 ending last year of the half mile radius around the Commerce Center. There are 2,000 people who live in the neighborhood. There are 1,200 households. What is the median income of the neighborhood? If we look at income and say here is the 1,200 households, the 600th household make less than this much money a year, what is that number? \$16,000, half of our neighborhood makes less than \$1,400 per month per household. This is a really tough place to do business. We love South Bend. I love South Bend. I love this neighborhood, but it is not easy to put together a successful development. It is not easy to put together a project that is going to work out. We work really hard at it. We have a great team that is awesome at making it happen. The average income for the neighborhood is \$1,400 per household per month. If you look at this list, you see for income over \$2,000,000, there are eight households. Income above \$150,000 - \$200,000 thirteen households. Those are some of our customers. We have not kicked anyone out. We haven't torn down any buildings. We have taken vacant land, vacant parking lots, and we have built beautiful homes/buildings. We have taken existing buildings and fixed them up, because we love this city and we are trying to do what is right in this neighborhood. Here is where we are talking about. Two and a half acres of pavement, a building that I bought out of foreclosure from the bank a year and a half ago that we are now investing in fixing up. Thanks to an awesome grant from Regional Cities, we are approved for 4.9 million dollars of cash coming from the State to help move South Bend from a small city into a bigger city. We submitted an application. We didn't think it was going to happen. We got it as a city, as a region we got it, and as a developer we received it. We have to build a grocery store, pharmacy and a bunch of apartments. This is a great opportunity to move our city forward to take this neighborhood that is core and move people who make more than \$40,000 a year into it. Right now there are not a lot of housing options in the neighborhood. I was talking to an artist last week. He was telling me he is a chef as his main job. He was offered a job at Render, a new restaurant that moved into one of my buildings on Jefferson that has a great balcony sticking out over the sidewalk. Great restaurant, very tasty food, kind of expensive. The chef's employer a block away gave him a \$1.00 an hour raise to stay, so by getting these families and these tenants in these neighborhoods we are not just improving tax collection, we are also improving the lives of residents who are already here. We are pulling in new jobs. I have friends who have worked at Martin's as baggers, they get benefits when they work 30 hours per week. This is what we want to see happen in this neighborhood. Our team cares about the character in the field. We are long term residents. This is where I have chosen to make my home. I get to walk to work. I love it. When the staff made their comments, they had a site plan. The site plan can be scary because with a site plan we can build a building like the Double Tree with no entries on one side, we can make it twice as tall. That's scary, that is not what we want to do. That is

not what this project is going to look like. The one way to regulate character is the height. Another way to regulate is the feel and what it looks like and how it interacts with the pedestrians and the neighbors. I think that will be visible when Velvet gets up to make her presentation on what this site is going to look like. Currently the building is about 90,000 square feet, just under three acres. We have 280 parking spaces. It is assessed at 2 million dollars. We pay about sixty grand a year in property taxes. That is something good to keep in mind, probably more important to the City Council, but relevant as we continue to invest in this neighborhood. The Commerce Center is 69 feet tall, we want to go with a 100 foot parking structure and a 160 foot, peak elevator shaft is 175 feet, mixed use building. It is going to bring jobs and families back into downtown. There will be very desirable units. We will have a full service grocery store and pharmacy on the ground floor. If you go back 30 some years and look at the East Bank master plan, it called for retail, restaurants on the east race, we have the Emporium building, that's it. This will add a Martin's. We will dedicate this area. Next I will bring up Velvet Canada, she is our Architect.

VELVET CANADA: I am with Matthews LLC at 121 S. Niles Avenue. Looking at the plan, this is the building as you can see the majority of it faces LaSalle, so that is the 411 feet which we will talk about in a minute. Then we have a couple areas that face the East Race and Sycamore. Behind it we are proposing a parking garage. This would service the office for the Commerce Center and also for the residents in retail in the proposed building. You would have access along Colfax and along LaSalle Avenue. For the main parking where the retail will be, those will be the main areas where they will be accessing the grocery store or coming in for the retail. Along Sycamore Street we have a speed ramp that will go up and that is where we have the separated parking area. Most of your traffic will be going off Colfax or LaSalle. So, inspiration. Where do you look at trying to take a building that is 411 feet and say how are we going to break this up? How are we going to make it interesting? I looked in Cleveland, Dallas, and Chicago along the river. A couple of these are examples of that. As you can tell they have taken the building and separated it, some of it is very regimented but still beautiful. What do you like when you go down a street and you are looking in Chicago, or you are looking in New York, what changes? The buildings change right? It is interesting because you have different types. So I sat down and sketched. This is what I came up with (pointing to the powerpoint). Let's do four different buildings. Let's make it look like it is attached with the balcony, so we have different areas. As we walk through, this is what it came out it. I have Chicago, I have a little bit of Paris, I have a classical downtown building, then I have industrial which is what we are known here for. Let's take a little jaunt down LaSalle Avenue. This is looking east (pointing to the powerpoint) so the first building you are going to come across is something that you would see in Chicago. It has bay windows so you can look down at the river, see the lights, get some nice lighting into your apartment. Then looking at the top you could have a cool penthouse up here. You can have a nice patio and look out at Notre Dame, see the Golden Dome. Also, look back and see the river. That is also pulling off the Commerce Center. On the top there is nice arch ways. Trying to take some of the area. We keep walking down. This would be the entrance (pointing to the powerpoint) for the grocery store. I am thinking art nouveau. You would have a great awning like this. Think Paris, where you have the french doors and the small petite balconies. Then as we continue down we are looking at this building here (pointing to the powerpoint) this becomes classic. You have the arch windows, you look in, you peer in, they might have different store fronts. Martin's might choose to do a store front of some sort displaying some things that they have in. The balcony protrudes out so it is flanked on either side. The other part recesses in. It is interesting. It is fun. Continuing through at the end you get to see the industrial side. You have metal, you have the brick and big windows so your apartment has a great view of the east race. This is my inspiration. This is what I see. I guess after listening to David talk about our sites, I am really getting good at visualizing what parking lots should look like. This is seeing the building in context (pointing to the powerpoint) with the building that we are currently working on. The boxes are being built in Bristol, Indiana right now and this shows you what Sycamore Street would look like. As we keep walking

(pointing to the powerpoint) now we are on the Colfax Bridge, you are looking at it in the context if you were walking in Downtown South Bend and what that would look like. Let's travel up to the top floor of this building, we are on the 14th floor in the conference area and so this is where you see the building peeking through there. So twelve stories, 162 feet for the parapet height, 175 feet overall, 32,000 square feet, total building area 387,000, commercial would be about 62,000. We are looking at 240 apartments, which means there are about 24 per floor. In that count there are 24 where the garage is. Covered parking, this was the lower portion. So on Sycamore, you have the 37 open spaces, you had 84 covered parking spaces so a total of 121 parking spaces for the retail and then the upper floors, two through eight, we are looking at 621 spaces. We would also like to look at putting a green roof on top of the parking garage, so that those that are looking out at it have something green to look at plus it provides another space amenity to the public. This is just looking at it in dollars. Annual taxes would be \$1.1 million that would be paid out for the proposed development which is \$50 million. Let's take a look at it per floor - \$96,000 per floor, so if we look at the sixty foot it would be \$386,000 a year and then if we did a 100, foot which was proposed by Area Plan, it would be \$676,000. With what we have it would be \$1.1 million. I would like to take you through a sun study. This is looking at 10:00 a.m. to 4:00 p.m. (pointing to the powerpoint) we did this on September 22, so this would be in the morning here, so you can tell what is being it by the building there and then this is noon, this is 2:00, and this would be 4:00 p.m. (pointing to the powerpoint). That shows you more accurately what is going to happen. They would be getting the light back in the evening.

OLIVER DAVIS: Regarding your sun study that you just talked about, wouldn't it be more accurate when you look at a situation to look at worst case and best case scenario to give you the two extremes to be able to come to a decision? Should we not, as city planners, look at what is the worst?

VELVET CANADA: I think it is great to look at both, however, in December how much sun do we really see honestly? This gives you an in between of what is going to happen throughout the day and probably is going to give you an overall. Yes there is worst and best case scenario. This is the in between of that. This would be looking at the median of it versus the best.

DAVID MATTHEWS: If you do December 22, as we saw from the planner's study, a two story building shades half the street. It is a tall two stories, I look out at it every day. A three or five story building is going to shade a lot of the neighboring property no matter what. December 22 in our area, because we are so far north is going to cast shadows that are really long throughout the day. Likewise, if you do a sun study on June 22, you are going to have almost no shadow. This building on June 22 with this building you will see almost no shadow. On December 22, no matter the height of the building it is going to go across the street. There is not a lot of useful information that we can get. That is why we picked September 22 as the average and from our experience it makes more sense.

IN FAVOR

SAMUEL BROWN: I reside at 222 E. Navarre. I have a group called Citizens United for a Better Government. The petitioner Matthews, I don't know him. I seen the guy one time in this room at a Council meeting, so I do know his work. He is very bright, very intelligent. This man has very intelligent people around him. I am not going to believe for one single minute that he wouldn't sit down, and there are studies that do this, that they didn't cover quite a bit of stuff that could happen, that wouldn't happen. He is very bright. Look at his work. I decided to come today in support of this because I live in the city. You can take any one of the structures on the East Bank, West Bank and you could find something to be negative about it. All I can say, I am no architect, I didn't go to Notre Dame, I didn't get all these fancy degrees. I am just looking at Mr. Matthew's work, what he is doing in South Bend, and I am behind him all the way. I don't care if you don't agree with me, but I am just saying as a

committee there has got to be a way that we can work out where this can happen. We can sit here and nitpick about the sun. We can do a lot of things. I am just in support of this project. I would not have been down here sitting here this long if I wasn't. I admire his work. I hope you can find it in your heart to give this a favorable recommendation and let Mr. Matthews keep building and making our city a better place to live. I am not paid any amount of money to advocate for this. I just believe it is the right thing to do.

ADAM MCMILLEN: I reside at 215 E. Colfax. Just wanted to voice some support for this development. I heard one of the planning reps referring to a plan of the East Bank ten years ago and how this might be in conflict of that. Things change over ten years and one thing that has happened in the East Bank in the last ten years is Mr. Matthews. There has been a lot of development due to basically him alone since then. That plan might need to be revisited as far as the esthetic of the neighborhood changing or height limits or whatever. With regards to the grocery, which I think is everyone who currently lives in the East Bank or the Downtown area or even people who are looking at living downtown, that is a huge draw. A grocery can't really justify itself without a proper proportional population increase, so if you cut this buildings height by a third or two thirds, then I feel like that also hurts the justification for a grocery store in the area. It can impede the progress that is already taking place. Cutting a floor is a million dollars over ten years in property taxes. If you want to get tax dollars downtown and enhance for the development, reducing the amount of people who can live there doesn't seem like the best way to do that.

MARY BUNDY: I am president of the Howard Park Neighborhood Association. I wanted to talk first about how much I appreciate the Area Plan Commission and their report. It shows me that they are looking at quality of life. I am totally behind that. They brought up some interesting points. I would like to address those points, especially when it comes to the air quality of the apartments facing the garage, when it comes to the light quality, and when it comes to public spaces. Those are key factors in having a higher quality of life and I am behind that. I want to speak to that. A lot of what Velvet went over already did speak to that. We saw the windows. I think that was one of the problems that they like to see a building with 70% glass I think I read. Again, kudos to them, I am glad they are looking at quality. I like windows. I was told by one developer that they wanted to take all these windows out of this building so that they could put more apartments on one side. They wanted to put more bedrooms and closet space. They were going to take out all of these windows that were facing east, I thought who does that? Who takes out the most valuable part of a house, windows. He said it was the cost, it is cheaper put plywood up then a window. This plan has all windows. The entire building looks like windows. It is beautiful. The air quality, the backside of the apartments is one of the things I think that Velvet did not cover was she said 24 apartments, but when I spoke to Velvet and asked her about that, she said there has got to be a place for the elevators, all the mechanicals, heating and cooling, all of that, that is all going in the back. So that is going to cut the number of those apartment down. Then when I spoke to Mr. Matthews he said he was planning on putting in a gym, so a gym is going to, again, take up more space, less apartments. I was concerned about the the narrow when we saw the actual rendering, that is a tiny space. Ten feet. Ten feet is an alley. But then talking to them I know it is quality, I know it will work. I said well can we put trees in there, and he said no, he is growing ivy all along that wall. So the few apartments that happen to be looking at that garage will be looking at green. Parts of green that aren't open to see through because no one mentioned the garage is designed to be porous. So light is going to be coming through that garage. I am very concerned about the light, the green, the air quality because I lived in Chicago and I know what it is like to live in an apartment that faces an alley or that has been boarded up. A friend of mine lived in New York, and it's nothing but buildings. I was sitting in her loft and I said how is that sun coming in here? She said well, look across the street, all those windows, they were reflecting all the sun. I felt like I was in a room with sun, but it was just a reflection. These things are not necessarily problems. Criteria for rezoning. According to CNN the recession

officially started December 2007. If you think about when this plan was developed, the plan was developed in a time when we were moving toward a recession, things were decreasing, populations were flooding into cities. Why? Because cities had mass transportation. You could walk. The new future and not necessarily for me or anyone my age, but the new future is a walkable city. Walkability attracts the boomers; it attracts the millennials. Walking to work, walking to grocery stores, walking to entertainment. The more availability of apartments downtown would be a huge win for South Bend. I hope you approve this.

JACOB TITUS: I reside at 633 Cottage Grove Ave. I was raised on the west side of South Bend. I worked on the west side and I also do some business in the East Bank neighborhood as an artist. I think it is good to promote anytime anyone can be moving into the city. I have a lot of friends who have recently graduated college and they chose to move to South Bend. There is an abundance of housing options if they want to buy a house, rent a house particularly on the west side in my neighborhood, but some people want to rent an apartment and the reality is downtown there is a lack of available apartments for people to move to.

KIM TESKA: I reside at 1710 Hass Drive. I worked in downtown South Bend for more than 20 years. I have seen it change, especially over the last six, seven years due to the East Bank. I have seen some improvement and increase in vitality. Vitality and energy coming into South Bend has often been due to David and all of this friends and intelligent people who work around him that have helped to build the East Bank up and encourage people to come downtown. I know there is questions about the height, but if you look at the level of ground on the East Bank as opposed to the West Bank of the river it is quite a difference there, a couple stories anyway. If where the Commerce Center is, if it is three stories more than what was previously desired. If you look at it from the West Bank, it is really only maybe one story increase because of the difference in height levels. You see it when you go up the hill on the LaSalle bridge, you see it on the Colfax bridge, there is a big difference there. The buildings on the other side are actually much higher. Anyway I think it balances out. I think this would be a wonderful opportunity to help South Bend become more like a big city, to have more density, more young people. I am getting ready to start a business downtown and I would like to have more young people there spending money.

JACK JACOBS: I live at 223 E. Colfax Avenue, which with full disclosure is a Matthews LLC development. I am in support of the proposed PUD. I live in the area. I walk over the East Race waterway bridge to get groceries. I am bringing that up because in the planning study. It said it would cast a shadow over the East Race Waterway and that damages the character of summer recreation there. In that rendering, the Commerce Center, which is the height limit of the current zoning, also blocks the waterway. The waterway is under ground, so there is pretty much always a shadow over it. I don't think that is an issue. A lot of the discussion of what the change created by this development is the new people it would bring in. This is how the demographics will shift and this is how the shift would be good. I think it is important to bring up for the people living in the area right now. There is no pharmacy. There is Memorial Hospital, there are the medical facilities that kind of left over from where St. Joe used to be but if you get a prescription at Memorial and you don't have a car, it is difficult to get to Edison and Ironwood or up Portage. A grocery and a pharmacy are just two very necessary things especially for households that don't have constant and ready access to transportation to these pharmacies. Whatever can be done to get those pretty basic amenities into a neighborhood where a lot of people live, would be great.

ROBERT BARTTLES: I work at 760 Cotter Street, South Bend, IN. I have two hats on today, one as a resident and the other as a business owner. Trying to frame my comments and keep them within five minutes is a bit of a challenge. I want to go to a biblical reference. There is the law and there is grace. When I heard the negative recommendation out of the staff, I think it was perhaps one of the most

vigorous negative recommendations I have heard in my professional career. I find that disappointing. Our business was founded in 1947 on September 7 on Portage Norwood and we have been in business in this community ever since. I think in the last twenty five years or more when all of the Mayors spoke to us about bringing a grocery store downtown, I would have never considered an idea, both privately nor professionally for precisely the reasons Dave lined out in terms of the demography and the deterioration of downtown South Bend. Our community has been asking for prosperity one way or another for 25 years at least. Now we have the opportunity to be flexible, adaptable and respond to change and I think it is not only our responsibility, but our calling. Those of us that have put skin in the game, millions of dollars on the line, I employ some 550 folks in South Bend. We have 22 stores. I just look at the plans that we presented and we pick our friends and folks that we work with very carefully. Our company cannot afford to put its foot down in the wrong place with the competition that we have in the marketplace that we do business in. As I looked at these plans and saw the depth and breadth of the development and the work that had gone into it, I have been nothing but impressed. A lot of this has to do with pure and simple finance. Without Regional Cities this does not happen. It doesn't happen here, it doesn't happen in Elkhart, it doesn't happen in Mishawaka. Each one of those cities is working on plans that are very similar to these. I think it is incumbent upon us not only as business folks, but as governance folks to do everything that we can do deliver prosperity to our communities and the folks that live in it. To turn aside from this kind of opportunity is narrow. I think there is an opportunity for judgement and wisdom. That is why you are sitting where you are sitting. I am glad we live in America where we can stand up and talk about these things. We are putting our efforts on the pass line to take some real and substantial risk. Just the idea of standing here and making this announcement publically is a risk. We need the support of the folks that are elected and appointed whose job it is to do the very best they can for their constituents and their city to make wise decisions. I suggest and hope that you will support this decision today.

JOSEPH FRAGOMENI, JR.: I reside at 5717 Bridgeton Lane. I have an office in the downtown at the old 1st Bank Building at Main and Jefferson. Formerly my office was on the 24th floor of Chase Tower, which is an exciting project in the downtown. More than 12 stories. An exciting project. Please, please seriously consider this project with an approval a favorable recommendation. This is an exciting project. It is a big project for the City of South Bend. It is being presented to you by a gentleman who has been vested in the community with very successful projects in the past. We know who he is. We know what he can do. We trust his work and he delivers a very high quality project. Do the right thing for the citizens of South Bend? Support a huge investment in this community. Part of the Regional Cities plan that we are excited to be a part of. Support this project. Figure out a way to get over the hurdles that exist and I know that can be done. He has had hurdles before with his other projects. Those things have been negotiated successfully, so let's do it again. Let's do the right thing for the City of South Bend.

TIM CORCORAN: I am the Director of Planning with the Department of Community Investment. Offices located on the 14th floor of the County City Building. I just wanted to clarify DCI's position on this project, especially some of the comments that we wrote in the report to APC. We are supportive of the project, especially the supermarket and the density. The comments that we provided in the APC report were reflective of the plans that were submitted at the time. Those plans did not go into great detail. Since that time Dave has updated his plans and shown some more and addressed some of the issues that were brought up. That additional information was provided to us yesterday. He has come some ways to addressing a lot of those issues. Based on that conversation and future conversations that I know we will be having that we feel that we are on the right track to continue to work with Dave and ultimately be supportive of this project.

DAN BREWER: You are with the Department of Community Investment?

TIM CORCORAN: That is right. I am the Director of Planning within the Department of Community Investment.

DAN BREWER: That department submitted a letter that listed five or six problems.

TIM CORCORAN: That is right.

DAN BREWER: You don't have those problems anymore?

TIM CORCORAN: Some of those issues have been addressed as of yesterday. The Comments that were written last week were prior to our meeting with Dave yesterday. In that meeting we started to come to some common ground on a lot of those issues. That's why we, because we ultimately do want to see a project like this happen, we just want to make sure we can shape it in a way that can be beneficial to everyone. Those are what some of the comments were about.

DAN BREWER: You don't have a problem with the height anymore?

TIM CORCORAN: I think we can still work with the height. That is one of the things that we need to....

DAN BREWER: How about the character of the building?

TIM CORCORAN: That is one thing that I did address. So for instance the plan that was submitted does not give any indication as to what the façade might look like. It was just a 2-D plan. So, some of that additional information that was provided yesterday included looking at articulation and how it would not look like one building.

DAN BREWER: Did you communicate any of this to the staff?

TIM CORCORAN: We were in the meeting yesterday together. We did talk about how some of these issues were addressed.

OLIVER DAVIS: With all due respect, we do do our homework up here, at least a number of my colleagues, and it would have been prudent of you since this was yesterday and you have a staff to have sent us an e-mail with this kind of situation and at least give us a summary and not just a verbal comment. I hope, I mean we have time before we get to the City Council, but if we are sitting up here making a recommendation and you are sitting on information out here in the seat that we have absolutely no knowledge of, that is not prudent for us and does not help us to do our homework. It just really frustrates me at this present time.

TIM CORCORAN: I know.

OLIVER DAVIS: No you don't know, because you don't know the role I have to face when I have to go represent the people of South Bend. To deal with what we have to deal with, especially as appointed people here, and my other role of the chair of the Common Council. That is really frustrating because I would have at least liked to have gotten a notice of that.

TIM CORCORAN: The meeting did take place late yesterday afternoon.

OLIVER DAVIS: If it took place yesterday, the fact is that there is time. At least give us a summary of that.

ROBERT HAWLEY: Just to piggy back on that thought. When I looked at this at home, it says Department of Community Investment and what do I read DCI cannot support the Commerce Center PUD at present. That is where I came into the meeting.

TIM CORCORAN: The second sentence says that DCI would be supportive of the rezoning if the following things can be addressed.

NOTE: Debra Davis left the meeting at this time.

OLIVER DAVIS: Ah, this is.

TIM CORCORAN: It does say that.

OLIVER DAVIS: It does say that, but with all due respect sir. You understand where we are. I just think a summary from your office or something would be helpful. There should have been some coordination that they made their presentation today and then there had been some work between the two of you that would have said, we know what is here but we can do addendums or substitute. We do that all the time with the City Council. Information that comes to us right up to the meeting. So there is nothing unusual for us to do that. You walk into this meeting there is some clear understanding that we already had.

DAVE MATTHEWS, SR: I reside at 54609 Bradley Street. I am here to support the proposal to allow this building to be taller than the zoning restrictions. I would like to point out that in many communities these days, zoning boards are coming to the conclusion that height restrictions are essentially not all that productive, because if we release the developers from height restrictions, what happens is that they take advantage of that free space and put taller first floors and bigger open spaces in commercial lobbies on ground floors of their buildings and back the buildings up sometimes because it is economically feasible to leave a little more space around a building if the building is allowed to grow a little taller or even substantially tall. Another point I would like to make is we here in South Bend, every few generations, have had remarkable good luck in terms of some serious real estate development going on. When the Studebakers were here in South Bend a 150 years ago they started, they built and as a result of their good efforts, we ended up with really nice structures that were long term investments in the community that continue to pay great dividends to us know today. We are in a unique period in terms of what is happening in our local market because we have a giant tsunami of investment coming our way from Notre Dame. Notre Dame is investing. There is about five hundred million plus worth of investment at Notre Dame. They have built 1,500 high end housing units over there in the last seven to eight years. No one ever thought that would ever happen. As it stands today, there are sold out. Dave built 60 condos' over at Notre Dame and actually has a waiting list of people that want to live in this area, people that no surveyor or local developer really has really had access to because it is part of this group around only 5 times a year and think it is beautiful and they are impressed with what has happened around Notre Dame. Notre Dame has pledged to invest two hundred fifty million dollars a year for five years running. They are already a year into it a billion dollar's worth of construction that is occurring at Notre Dame right now. The momentum of this kind of investment that comes to a community like ours, which is a once in a lifetime experience. The power of Notre Dame with its 12,000 students each contributing \$60,000 a year towards their tuition, most of which goes to salaries and service industries like the guys that are driving the food over to the dining halls, working in the dining halls and the professors and everyone else. Most of that money that comes into Notre Dame ends up in our local payroll. If we look at thirty years

from now what is South Bend going to look like? Notre Dame is going to do a billion dollars worth of investment here in the immediate future and South Bend can either stay a little two story town right next to Notre Dame or we can let the town grow. If we remove the height restrictions from this zone of the city, where we are seeing the greatest social economic pressure I have personally ever seen in my life between what Notre Dame is building, the development in downtown, the new High School. Schools make housing values. The wave of millennials that are tired of driving back in and out of the suburbs for half an hour to forty five minutes to go to school, meet their friends or whatever they are doing. These kids that are 30 years and younger want to live in a walkable neighborhood. They want this density. What we get with this density, if put up a fifteen or twenty story building. It would be wonderful for the community because we need 2,000 households to carry a grocery store. With enough density to carry a grocery store we create a more pleasant environment for people to live where they can give up one of their cars and spend that car payment at the little dry cleaners or the bakery shop or the restaurant. We begin to build this city from here. Now as these 50,000 people five times a year roll through South Bend, we want their kids to tell them, you think Eddy Street Commons is nice, you should see Downtown South Bend. Well when they roll over here, we don't want them to see a just a quiet little burg. We want these guys, some of those guys are going to be looking for a spot to put their new 30 or 40 story building, three to five or ten years from now, we want them to come over to this side of South Bend and say this place is strong. That is basically the decision that we have to make here today. We can either set up South Bend to be a quiet little burg at the edge of Notre Dame or we can make plans on making South Bend being a big strong healthy city with a marvelous amenity of Notre Dame right here next to our downtown.

REMONSTRANCE

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

LARRY MAGLIOZZI: I have a couple of question for the petitioner, either David or Velvet. First, the presentation that you had on the screen becomes part of the public record. If you don't mind forwarding that to us tomorrow.

DAVID MATTHEWS: Yes sir.

LARRY MAGLIOZZI: Based off the meeting that we had yesterday to try to resolve some of the details, the rendering showed that LaSalle Street frontage had two entrances, one I believe would have been for the garage and the other and another one with a canopy entrance.

DAVID MATTHEWS: It showed an angled entry on LaSalle and the East Race, the side door deli potentially. It showed a covered entry into the grocery store. It showed a tunnel through the building into the parking and showed another entry for the tunnel. So that shows three plus parking entrances and then in our meeting yesterday we agreed to have a fourth entrance that would be the entrance for the apartments.

LARRY MAGLIOZZI: That entry would be on LaSalle?

DAVID MATTHEWS: Yes. On LaSalle with a LaSalle addresss. On my notes from yesterday, we also had to make sure on the record that we had that the plaza on the east side along the East Race both the paved area and the grass area that is existing would stay as plaza – park area, owned and maintained, used for the building but not walled off or fenced off. We are not going to exclude the public from that so they can enjoy that open space along the East Race. We have the apartment entrance on LaSalle. We are exempting ourselves from the clear sight triangle and exempting from the clear sign ordinance.

Which means we can change the name of the tenant on the sign without getting a permit to get a new one, if we don't change the shape of the sign.

LARRY MAGLIOZZI: That is our recollection too. So, I just want to clarify that we as a staff have a fairly wide responsibility in how we look at these. We don't have any objection to the mix of land uses. That is exactly the case called for. So we are not in opposition to a grocery store or a pharmacy, condos, apartments, or offices or whatever else goes in there. That definitely meets the goals of the city. It kind of comes down to that this structure is contrary to a fairly long established policy that the City has strived for for years. I know there have been statements made that the East Bank plan is old, it isn't relevant anymore. In fact it is, the East Bank plan was developed in 2008 but that is really the best time to develop a plan. That way you can give the message to the residents that live there, the businesses that are there and developers that want to do something there that the city has essentially laid a footprint for the character of this part of the city. In 2004 when the Zoning Ordinance was approved, there was a specific call out for the East Bank with. Uses and certain development standards, and one of those was sixty feet height limit. Again, it all revolves around the height of the Commerce Center. In 2004 is when the City through the adoption by City Council that this is the beginning of the character that we want to establish for this part of the city. I think the push there was probably to encourage higher heights in the Core Central Business District, which I believe is up to 140 feet on the West Bank. Along comes the East Bank plan. That plan was developed by a considerable expense, effort, and commitment by the city residents and business in that area. They were all involved. I don't know how long the process went for, but it was a plan that was developed by the neighborhood. It went through the Plan Commission and received a favorable recommendation, and it went to City Council and also received a favorable recommendation. The plan provided and established the distinct characteristic of the East Bank. Things will change within there. Different buildings will go up but it established the character, that was apparently important at that time. Since no one has pushed to change the plan, it is still relevant. Land use plans are supposed to establish the core goal of that specific geography. If you go back to our staff report, at the end of our staff comments we made the key statement about the Planned Unit District. If you recall, we changed that district to restrict the number of PUD's that we were getting, which were used to circumvent other sections of the ordinance. I will re-read that statement: Furthermore the Planned Unit Development section of the Ordinance specifically states that the PUD District is not intended for permitted uses or special exception uses which are provided within another district of the Ordinance OR for developments seeking relief from development standards within a district in which the use is permitted. In the paragraph before that we mention that every use that Mr. Matthews requested is allowed in the Mixed Use District. The Ordinance does not give me specific authority to reject an application, it just mentions that it is not a legitimate application if those things are met. So, by making that statement, we don't think this application is a legitimate application. Mr. Bartles made a comment that he thought our recommendation was over the top in so many words. I am going to take that as a compliment because that means we did our job. We looked at every single aspect of this and does it come down to the law? Yes, pretty much. Comes down to the law and what the community has stated through zoning ordinance and the plan. Mr. Matthews has been relevant in the city for a while. He understood those. He has decided that they apparently don't apply to him. With respect to the Community Investment comments, it is not unusual that things can change. This petition has changed since we even developed this staff report. I would think this is the venue for last minute changes. You can change your mind, administration can change their minds, I can change my mind. I think it is a good venue for last minute changes to be brought forth. I take your comment seriously. I don't take offense to DCI changing their mind at all.

DAVID MATTHEWS: When he said that the rules don't apply to me and us to choosing a PUD instead of rezoning to the mixed use, the property to the west, north, south and east is all zoned CBD. If we switch to a mixed use zoning, different rules would apply for parking, for uses, all kinds of things would

change. We going with a PUD made more sense. At the time of our application, we couldn't do group residences, we couldn't have a few of the other uses that didn't exist in the CBD. The staff encouraged us to say hey apply for the PUD, get in, especially hey there is a change coming to the CBD for group residents so if you are going to apply, don't miss your filing deadline. So we made our filing deadline and it seems insincere after his office encouraged us to apply to the PUD District, subject to the conditions we had at hand. At that time we didn't know if the CBD was going to change or not and we did a lot of work investing in the PUD proposal in the design of the building, in our site plan, engaging, getting letters of support. How many letters of support did we get?

ANGELA SMITH: We received 45.

DAVIS MATTHEWS: How many letters of opposition did we get?

DAN BREWER: Ok, I think we are finished. There has been no indication that your petition is not being accepted, it has been processed.

ELIZABETH MARADIK: I think one of the roles of the Commission is that we are supposed to be evaluating these petitions against the approved Comprehensive Plan for an area, making sure it is consistent with that plan and its intent. I agree with the staff report that this proposal isn't consistent with the vision that the community has developed. In particular, the height is not consistent with the East Bank, so I have a question for the petitioner from that standpoint. DCI said that based on the meeting you had yesterday, they feel that there is room to work with you and address the height concern. I am curious, do you agree with that assessment that you can work with staff on the height?

DAVID MATTHEWS: That is a good question. I don't know what he means by that either. I know in our presentation, the building is 160 some feet tall with the exception of the northwest corner, we did pull the building back a bit. Those details have not been firmed up in our plan, that may be what he was talking about, but I am not sure. We would look for this to go forward to the City Council. We aren't looking to table it to have more time to discuss, we do want to see the project move forward.

ELIZABETH MARADIK: Go forward at 175 feet?

DAVID MATTHEWS: In our presentation 175 feet is the max height. The parapet is 160 some feet. The edge of LaSalle has been pushed back some spaces, the height there are a few spots where it stops 15 – 20 feet back that you saw in our rendering. We haven't updated the site plan to say here is where that line is. I do not know the exact details that Tim was referring to. If it is something like that we are more than happy to build the building we designed and presented, which is not 175 all the way across.

ELIZABETH MARADICK: Just recognizing that their recommendation is 96 feet. There is just a significant difference. It doesn't sound like you are willing to negotiate significantly.

DR. JERRY THACKER: I appreciate the staff's work. I appreciate also the excellent work that Mr. Matthews is doing as well. When you think about a new vision for South Bend with a Regional Cities grant. We know that the Regional Cities grant donated 5 million dollars to this project. That is chaired and has a committee consisting of some of our most entrepreneurial people in the community who are highly successful. I would have to believe that they want to have the vibrancy in South Bend that is within a vision and, of course, the grants were designed to make sure they can stimulate the economy and such in the city. I think this is probably a great project and a great opportunity for us. I would love it if it were possible to reach some resolution so that this project could go forward. I don't know if that would be possible if we had our group working with Mr. Matthews and whomever else they need to to see if something could be resolved.

DAN BREWER: We have a motion on the table to send this to the Common Council with no recommendation any discussion?

JOHN DELEE: I would like to know why you think that is an appropriate motion?

OLIVER DAVIS: Because of the fact that there are still different issues on both sides. Information that just came to us from DCI. There is conversation that they just had yesterday. I would like to get all that and at the same time I don't want to hold it, in light of everything that it has going for. I think we have enough information to move it forward, but then there is some information that is still out there that is not put in writing that I think would help me to make an either up or down. Since that is the case, in all fairness to all sides. Even though there was no opposition. The opposition comes into my brain not only the plan that was presented but also to the fact that we don't have all the documents there that we can still move forward and now we have a 60 day window when it comes to the Council after that where we have all this time to bring all that information that helps us to move forward.

JOHN MCNAMRA: We have also been told in the past that the Area Plan Commission as an appointed group should not be making these decisions, it should be the City Council, who are all elected. Let's get it over there where it belongs.

DAN BREWER: As a Commission, we do have a responsibility to look at what is presented.

OLIVER DAVIS: That is correct.

ELIZABETH MARADIK: Staff, you are not changing your recommendation?

LARRY MAGLIOZZI: That is correct.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by John McNamara and carried, a proposed ordinance of Commerce Center Development, LLC and East Bank South Bend Development LLC to zone from CBD Central Business District to PUD Planned Unit Development District, property located at 401 East Colfax Avenue, 228, and 230 Sycamore Street, City of South Bend, is sent to the Common Council with NO RECOMMENDATION.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 202 Bartlett Street, City of South Bend – APC #2789-16.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Robert Hawley and unanimously carried, the Findings of Fact for granting Variances for property located at 202 Bartlett

Street, City of South Bend was approved.

2. Executive Director's Report:

There was no Executive Director's Report.

3. Minutes and Expenditures:

A. Approval of the minutes from the August 16, 2016 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the minutes from the August 16, 2016 meeting of the Area Plan Commission were approved.

B. Approval of the expenditures from August 16 through September 19, 2016.

Adams Remco - \$207.42; Dept. of Public Works - \$24.79; Gates Toyota - \$63.25; Mishawaka Enterprise \$12.07, \$33.09; Office Three Sixty - \$24.05; SJC Maintenance \$8.00

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the expenditures for August 16 through September 19, 2016 were approved.

4. Adjournment: 5:34 p.m.

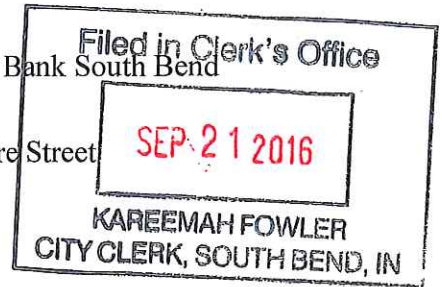
DANIEL H. BREWER,
PRESIDENT OF THE COMMISSION

LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION

Staff Report

9/9/2016

APC # 2794-16
 Owner: Commerce Center Development, LLC and East Bank South Bend Development LLC
 Location: 401 East Colfax Avenue, 228, and 230 Sycamore Street
 Jurisdiction: City of South Bend
 Public Hearing Date: 9/20/2016



Requested Action:

The petitioner is requesting a zone change from CBD Central Business District to PUD Planned Unit Development District.

Land Uses and Zoning:

- On site: On site is the Commerce Center and multiple parking lots.
- North: To the north across LaSalle is The Pointe at St. Joseph Apartments zoned CBD Central Business District.
- East: To the east is the East Race waterway. Across the East Race are two office buildings zoned CBD Central Business District.
- South: To the south across Colfax is Stephenson Mills Apartments and a parking lot zoned CBD Central Business District.
- West: To the west is the AEP Substation, an art studio, an office and a cellular tower zoned CBD Central Business District. Across Sycamore is a private club zoned CBD Central Business District.

District Uses and Development Standards:

The Planned Unit Development (PUD) District is intended to: establish a compatible and efficient mix of land uses and open space; ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs; establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style; achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and provide for any individual land or combination of land uses not otherwise specified elsewhere in this Ordinance. The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Exception Uses which are provided for within any district of this Ordinance.

Site Plan Description:

On site is the existing Commerce Center building. The 5 story, 60' tall building will continue to be used as a mixed use building. The site plan shows a proposed 175' tall mixed use building spanning 411' along LaSalle Avenue and wrapping around a proposed 100' tall parking structure. A small portion of the site is proposed to be used for surface parking and access. The proposed PUD Ordinance allows for uses currently permitted in the CBD Central Business District plus adds Group Residences, Manufacturing Retailer, Electricity Relay Station or Public Utility Substation, and Maker Space. The accessory uses and architectural standards are consistent with the CBD District. The temporary uses generally follow the guidelines of the CBD District, but add the allowance for an 8' tall

temporary construction barrier during construction. The PUD Ordinance exempts this property from the requirements of the Parking and Loading sections of the South Bend Zoning Ordinance. The sign section has been expanded to allow an increased building coverage, increased monument height and area, the addition of roof signs which may extend 15' above the roofline, and increased incidental/directional sign area.

Zoning and Land Use History And Trends:

Prior to the adoption of the new zoning ordinance in 2004, the property was zoned A3 Mixed Use Multifamily Residential and Commercial District.

Traffic and Transportation Considerations:

LaSalle Avenue has four lanes. Colfax Avenue has 2 lanes plus a center turn lane and a designated bike lane. Sycamore Street has two lanes with on-street parking.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The City Engineer stated that additional information related to traffic patterns and the impact of the uses on utilities and other public amenities is needed before a recommendation could be given.

Because of the negative impacts on the neighborhood, DCI cannot support the Commerce Center PUD as presented. However, DCI would be supportive of the rezoning subject to the recommendations provided in the full report (attached as Exhibit A).

Commitments:

The petitioner is not proposing any written commitments, however the site will need to comply with all development standards established in the Commerce Center PUD District Ordinance and any conditions or commitments stated by the petitioner during the public hearing process.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

The petition is not consistent with The East Bank Village Master Plan - Phase 1 (June 2008). The plan states the area east of the river has its own unique identity independent from the Central Business District and should be branded as the East Bank Village. The Village character is emphasized throughout the plan through the use of pedestrian scaled development, interactive public spaces, and less dense mixed use buildings ranging from 2-4 stories.

Land Use Plan:

The East Bank Master Plan - Phase 1 land use plan identifies the northwest corner of the site as a location for a parking structure surrounded by a 3-4 story mixed-use building fronting on Sycamore and LaSalle. The northeast portion of the site, north of the Commerce Building and along the East Race, is shown as recreation (parks, open spaces, public plaza). The Commerce Building is identified as Commercial (Retail, General Commercial, Specialty Retail, Office, Tech OR&D)

Plan Implementation/Other Plans:

The petition is not consistent with City Plan, South Bend Comprehensive Plan (November 2006) Objective UD 1.1 Require developments to utilize design techniques that create an attractive, urban character for the Central Business District, corridors, and commercial areas; UD 1.6 Respect the scale, design, and aesthetic quality of established neighborhoods when undertaking infill development projects; UD 1.7 Promote urban design elements in new developments that are appropriately scaled and conducive to pedestrians, including pedestrian safety considerations.

2. Current Conditions and Character:

The Central Business District east of the river has a mixture of commercial, office, and residential uses. The low and mid-rise buildings emphasize pedestrian scale, public amenities, and lower density mixed-use buildings. The Commerce Center building is the tallest structure in the area with the majority of the surrounding properties in the 30' - 45' range.

3. Most Desirable Use:

The most desirable use is one that fits into the character of the East Bank Village neighborhood.

4. Conservation of Property Values:

Due to the height and size of the proposed building surrounding property values may be negatively affected. Developing a site that exceeds the general standards for the area by two to three times what is allowed for other properties in the district could have a significant impact on adjacent property values. If constructed at the proposed 175' height, the building will cast significant shadows that will have an adverse impact on the surrounding properties.

5. Responsible Development And Growth:

It is not responsible development and growth to develop a site that does not fit with the character and approved plan of the surrounding neighborhood.

Staff Comments:

The petitioner failed to provide a statement of how the proposed PUD meets the 5 items of Intent for Planned Unit Developments as required by the South Bend Zoning Ordinance Section 21-05 (a) (1). It is the staff's opinion that the petitioner failed to meet the Intent as follows:

(A) Establish a compatible and efficient mix of land uses and open spaces;

While the proposed PUD provides for a compatible mix of land uses, the site layout as shown does not convincingly address or identify the open space and its interaction with the public spaces of the East Race, as should be appropriate for a development in this location.

(B) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;

The extreme variation from the allowed development standards established for the Central Business District east of the River and the high rise approach vs. village approach to the building design make the proposed PUD incompatible with the Comprehensive Plan, the East Bank Plan and the existing and proposed surrounding developments.

(C) Establish a creative approach in building design through architectural compatibility

with adjacent buildings, general neighborhood design or by creating a unique style;

The developer has failed to provide building design and elevation profiles to determine architectural compatibility. The proposed height and bulk of the building demands careful review to ensure a building design that is architecturally compatible with adjacent buildings and the general neighborhood.

(D) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community;

If constructed as proposed, a large portion of the building may become undesirable and remain vacant or unuseable. Many of the residential units will be facing the garage, and the commercial space has not been shown to be adaptable to changing market demands (dedicated space vs flexible space).

(E) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in the Ordinance.

At the time of filing, Group Residence was not a permitted or special exception use in the Central Business District, however, the Mixed Use District would have provided for all the land uses proposed within the PUD.

Furthermore, the Planned Unit Development section of the Ordinance specifically states that the PUD District is not intended for permitted uses or special exception uses which are provided within another district of the Ordinance OR for developments seeking relief from development standards within a district in which the use is permitted.

In addition to not meeting the intent of the PUD Planned Unit Development District, the proposed development standards include many standards completely out of character with the area. In addition to the points addressed by the Department of Community Investment, the proposed temporary uses, extreme height, lack of public open space, and excessive signage would have a very detrimental impact on the adjacent properties and surrounding community.

Recommendation:

Based on the information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with an unfavorable recommendation.

Analysis:

As presented, the petition does not meet the intent or standards for a Planned Unit Development District and, therefore, is not a valid application of the PUD District Designation. While the land uses and overall concept proposed are desirable and appropriate for the Central Business District or Mixed Use District, the development standards in the proposed Commerce Center PUD District Ordinance are so out of character for the area that the construction of this project could ultimately have a significant negative impact on the overall development and success of the East Bank Village.



Department of

Community Investment

Filed in Clerk's Office

SEP 21 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Commerce Center PUD Rezoning Request

Friday, September 9, 2016

Due of the negative impacts on the neighborhood as described below, DCI cannot support the Commerce Center PUD as presented. However, DCI would be supportive of the rezoning subject to the recommendations provided in the discussion here:

- Lack of consistency with the East Bank Village Master Plan (EBVMP).** The East Bank Village Master Plan was developed in conjunction with the community and illustrates their expectations for future decisions in the neighborhood. This rezoning would completely disregard the EBVMP in the following ways:
 - Height** – The proposal would exceed the agreed height limit for the neighborhood by approx. 115' from 60' to 175'.
 - Character** – The proposal is out of character with the existing fine grain, low-scale nature of the neighborhood as well as the desired future character of the neighborhood as presented in the EBVMP.
- Height.** The proposed height of 175' is completely out of context with the neighborhood and the East Bank Village Master Plan. The City's policy for previous height variances in the East Bank is to allow the lesser of 96 feet or 8 stories. This taller height could be supported if a public benefit is provided; otherwise, a maximum height of 60' as permitted by the zoning ordinance should be applied. The following public domain upgrades should be considered for additional height to be granted:
 - 5' front setback** to LaSalle Street and Sycamore Streets. This would accommodate additional foot traffic generated by the development as well as provide room for outdoor seating for a café or other street activating uses.
 - Public open space** in the form of a plaza, square or similar publically accessible space adjacent to the East Race between the Commerce Center and LaSalle Ave. This space should be generously scaled, address the East Race waterway and be activated by ground floor uses like a café, bar, restaurant. It is recommended a setback of 30', consistent with the northern portion of the Commerce Center's East Race setback, would be reasonable and appropriate for such a high profile location.

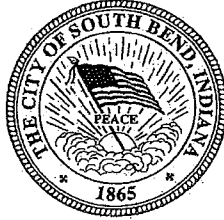


3. **Character.** The scale and mass of the building does not fit into the character of the neighborhood. The proposal could be supported if the following character elements are achieved:
- **Ground Floor Activation to LaSalle Ave and the East Race.** This is necessary to complement the existing active frontages typical of the East Bank Neighborhood. It is recommended that:
 - A minimum of 5 entries be provided at ground level. 1 to the East Race and 4 to LaSalle Ave.
 - Separate residential, office and retail entry lobbies be provided to face the East Race, LaSalle Ave. and Sycamore Street.
 - 70% of the ground floor building frontage to be glass with views into the ground floor uses.
 - **Upper Level Setback.** Taller buildings can better fit into the existing context when the upper levels are setback at a height consistent with neighboring development, in this case The Pointe apartments. It is recommended that:
 - An upper level setback of 15-20' from the front setback be incorporated into the building. The setback should occur at the approx. height of The Pointe apartments or around 40'.
 - **Fine Grained Character.** The East Bank Village is made up of numerous smaller buildings that provide a great deal of visual variety that typifies the character of the neighborhood. It is recommended that:
 - The development look like multiple buildings through variations in the façade. No 1 façade should exceed 150' in length without changing elements such as: materials, color, variations in height, window spacing, balconies, setbacks, (for instance Eddy Street Commons) etc.
4. **Solar Access.** The height of the proposed building significantly overshadows portions of The Pointe and the East Race walkway. This would significantly reduce the environmental quality of the public domain along the East Race and impact the residents of The Pointe. Furthermore, the internal building layout has a significant number of apartments facing into an 11' gap looking into a naturally ventilated parking garage. These apartments would receive no direct sunlight and would likely need to have their windows permanently closed due to exhaust fumes venting from the parking garage. It is recommended that:
- A minimum of 70% of apartments must receive 2 or more hours of direct sunlight to the primary living area at midwinter (Dec. 21).
 - No overshadowing to balconies or living areas to adjacent properties between the hours of 11am – 3pm.
5. **Signage.** It is recommended that the development substantially comply with the existing CBD signage code and Design Guidelines.

Other Things to Note:

- The East Bank is not the Downtown, these distinct areas complement each other, but are not interchangeable and thus should not be treated the same.
- The Regional Cities grant in no way requires this development to provide a specific number of apartments. The only requirements for the site from a Regional Development Authority perspective is to provide a mixed use development that includes a super market. The original submission from Matthews LLC called for a maximum height of 5 stories, this was amended to 8 stories in the final submission. It was this submission that won the award from the RDA.

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT

November 9, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: **GLC SBDC II, LLC**

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition for GLC SBDC II, LLC:

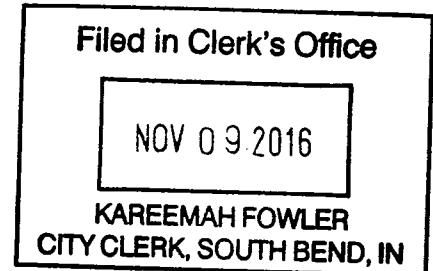
- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

The report contains the Department's findings relative to the above petition. The total cost for the construction is estimated at \$7,700,000. The project meets the qualifications for a (9) nine year real property tax abatement. A representative from GLC SBDC II, LLC will be available to meet with the Committee on Monday, November 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb
Director of Economic Resources



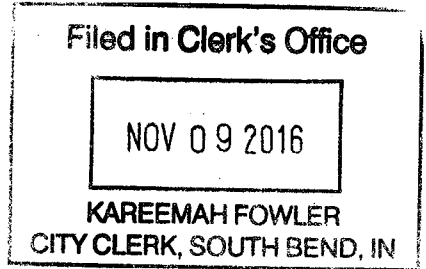
PLANNING
TIM CORCORAN

NEIGHBORHOOD ENGAGEMENT
PAMELA C. MEYER

BUSINESS DEVELOPMENT
BRIAN PAWLOWSKI

ECONOMIC RESOURCES
AARON KOB

TAX ABATEMENT REPORT



TO: SOUTH BEND COMMON COUNCIL
FROM: AARON KOBB
SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
GLC SBDC II, LLC
DATE: November 9, 2016

On Wednesday November 9, 2016, a petition from GLC SBDC II, LLC was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at 23464 Adams Road, South Bend, IN 46628. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Construction of a new approximately 210,000 sq. ft. spec commercial/bulk distribution facility (and related paving/parking and other improvements) to serve and support the needs of commercial/distribution users considering South Bend as a business site
- \$7,700,000 investment in new building construction
- Total project taxes during the nine year abatement period – \$1,881,336
- Estimated taxes being abated during the nine year abatement period – \$733,663
- Total taxes to be paid during the nine year abatement period – \$1,147,673

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create (10) ten permanent full-time jobs within the first three years, representing an approximate new annual payroll of \$374,400.

PLANNING
TIM CORCORAN

NEIGHBORHOOD ENGAGEMENT
PAMELA C. MEYER

BUSINESS DEVELOPMENT
BRIAN PAWLÓWSKI

ECONOMIC RESOURCES
AARON KOBB

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted finds that the petitioner has been granted previous abatements and were deemed to be in compliance.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project/ or a variance will be sought by the petitioner.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (9) nine-year real property tax abatement under section 2-84.2, Real Property Tax Abatement.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

23464 Adams Road, South Bend, IN 46628

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(9) NINE-YEAR REAL PROPERTY TAX ABATEMENT FOR

GLC Portage Prairie, LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 23464 Adams Road, South Bend, IN 46628 and which is more particularly described as:

Beg 1505' E of Nw cor of Nw 1/4 thence E 1094' thence S 2640' Thence W 563' thence N 1430' thence 542' thence N 1196' to POB cont 48.30ac+/- Sec 17-38-2e 16/17 NP#7037 and 7038 11-25-2015 16/17 Split#9196 10-30-2015 15/16 Spli

and which has Key Number 025-1009-0146 be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

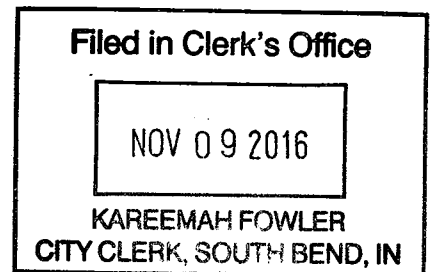
SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of nine (9) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED



RESOLUTION NO. _____

A RESOLUTION CONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY
KNOWN AS

23464 Adams Road, South Bend, IN 46628

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A NINE (9) YEAR REAL
PROPERTY TAX ABATEMENT FOR

GLC SBDC II, LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 23464 Adams Road, South Bend, IN 46628 and which is more particularly described as follows:

Beg 1505' E of Nw cor of Nw 1/4 thence E 1094' thence S 2640' Thence W 563' thence N 1430' thence 542' thence N 1196' to POB cont 48.30ac+/- Sec 17-38-2e 16/17 NP#7037 and 7038 11-25-2015 16/17 Split#9196 10-30-2015 15/16 Spli

and which has Key Number 025-1009-0146 be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of

South Bend, Indiana, as follows:

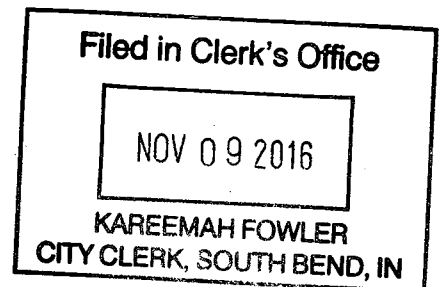
SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real Property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of (9) nine years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED



9 YEAR

8-Nov-16

GLC SBDC II, LLC

South Bend German Township
Real Property Tax Abatement Schedule*

Tax Key Number: 018-3091-347405
Current Assessed Value: 71,200
Estimated Project Cost: 7,700,000

Assessed Value: Current Assessed Value Base Assessed Value Less Abatement Deduction Net Assessed Value	100% 75%	Current AV & Tax 71,200 71,200	Without Abatement 5,775,000 0	100% Year 1 71,200 5,775,000 (5,775,000)	77% Year 3 71,200 5,775,000 (4,446,750)	88% Year 2 71,200 5,775,000 (5,082,000)	66% Year 4 71,200 5,775,000 (3,811,500)	55% Year 5 71,200 5,775,000 (3,176,250)	44% Year 6 71,200 5,775,000 (2,541,000)	33% Year 7 71,200 5,775,000 (1,905,750)	22% Year 8 71,200 5,775,000 (1,270,500)	11% Year 9 71,200 5,775,000 (635,250)
Gross Tax (tax rate x net assessed value)		3,889	319,364	3,889	76,449	41,746	111,151	145,853	180,555	215,257	249,960	284,662
Less Circuit Breaker Credit		(1,312)	(107,749)	0	0	0	0	0	0	(15,453)	(46,218)	(76,984)
Net Tax		2,577	211,615	3,889	76,449	41,746	111,151	145,853	180,555	199,805	203,741	207,678
Circuit Breaker Cap	3.0000%	2,136	175,386	175,386	175,386	175,386	175,386	175,386	175,386	175,386	175,386	175,386
Debt Service	0.6197%	441	35,229	441	8,672	4,736	12,609	16,546	20,482	24,419	28,355	32,292
Circuit Breaker Cap		2,577	211,615	175,827	184,058	180,122	187,965	191,932	195,868	199,805	203,741	207,678

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
1	2,577	209,037	211,615	207,725	3,889
2	2,577	209,037	211,615	169,868	41,746
3	2,577	209,037	211,615	135,166	76,449
4	2,577	209,037	211,615	100,464	111,151
5	2,577	209,037	211,615	65,762	145,853
6	2,577	209,037	211,615	31,059	180,555
7	2,577	209,037	211,615	11,810	199,805
8	2,577	209,037	211,615	7,873	203,741
9	2,577	209,037	211,615	3,937	207,678
Totals	23,195	1,881,336	1,904,531	733,663	1,170,867

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

Filed in Clerk's Office
NOV 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

City of South Bend Petition for Incentives

Petition must include a \$250 filing fee payable to the City Clerk's Office or online via the City's website at <http://southbend.in.gov/government/content/tax-abatement> before processing can be complete



General Information		Project Name	Project Number
Legal name as registered with Secretary of State		GLC SBDC II, LLC	
Business structure		Indiana limited liability company	
Company website		Please see website of Company's affiliate Great Lakes Capital, LLC (www.greatlakescapital.com)	
Proposed Project Information			
Proposed project address		TBD: SW Corner of Adams Road and Mayflower	Parent company name
City, State, Zip		South Bend, Indiana 46628	Legal owner
Site acreage or acreage required		~32 Acres +/-	Is the real estate owned or leased
Square feet of facility		Approx. 210,000 (or larger)	If leased by whom
			N/A
Primary Contact Information			
Primary company contact name		Ryan C. Rans	Title
Address of company contact		112 West Jefferson Blvd., Suite 200	Phone
City, State, Zip		South Bend, Indiana 46601	Email
			Managing Member
			(574) 251-4400
			rrans@greatlakescapital.com
Senior Official Information			
Company senior official name		Jeff Smoke	Title
Address of company contact (if different from above)		112 West Jefferson Blvd., Suite 200	Phone
City, State, Zip		South Bend, Indiana 46601	Email
			Director of Development
			(574) 855-5700
			jsmoke@greatlakescapital.com
Consultant Information/Agent			
Hired business consultant/agent name		Richard J. Deahl, Barnes & Thornburg LLP	Consultant release (Y/N)
Address		100 N. Michigan Street, Suite 700	Local economic development partners approval (Y/N)
City, State, Zip		South Bend, Indiana 46601	Email
			Yes
			rdeahl@btlaw.com
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth	Great Lakes Capital ("GLC"), the sponsor/affiliate of GLC SBDC II, LLC, is a real estate development firm with experience in public-private development initiatives. The proposed project involves an investment of between \$7.5 and \$8.5 million in the property acquisition, development and construction of a new commercial distribution facility containing approximately 210,000 square foot (or more) together with related site improvements (paving/parking, etc.). The applicant is proposing to make this investment to construct "spec space" which would be readily available to serve and support the needs of commercial/distribution users considering South Bend as a business site. This investment will also serve to continue to support the City's initiatives to (a) have move-in ready options for prospective third-party businesses searching for commercial/distribution space in the City, and (b) support the overall ability to attract and retain businesses to the City.		
Certified Technology Park appropriate	N/A		
Is the project in a Tax Incremental Financing (TIF) Area? If so, which?	Yes (Airport Economic Development Area)		
Certify that the Building Permit has not been issued (Y/N)	No permit issued	Number of residential units created by project	N/A (0)
If this is a petition for personal property tax abatement, has the equipment been installed	N/A		

Filed in Clerk's Office

NOV 09 2016

KAREEMAH FOWLER

CITY CLERK, SOUTH BEND, IN

Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
	N/A	N/A	N/A

**Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.**

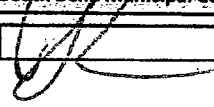
Public Benefit Item:

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.

		Qualify (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	Yes	20	20
	B.	Purchase Materials from Local Companies (75%)	Yes	20	20
	C.	Require Employees vs. Independent Contractors	Yes	19	19
	D.	Require Prevailing Wage (Davis Bacon)	No		22
	E.	Require Health Benefits	Yes	22	22
	F.	Require Pension Benefits	No		18
	G.	Maintain Affirmative Action Plan	Yes	20	20
		Sub-total Construction Related:		101	141
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	Yes	33	33
	B.	Provide Health Benefits	Yes	34	34
	C.	Provide Pension Benefits	Yes	29	29
	D.	Provide Training	Yes	28	28
	E.	Provide Child Care	No		15
	F.	Provide Transportation Assistance	No		14
	G.	Provide Employer Assisted Housing program	No		9
	Sub-total Wage & Benefit Related:		124	162	
3	Workforce Related:				
	A.	Create New Jobs	Yes	42	42
	B.	Retain Existing Jobs	Yes	41	41
	C.	Maintain Affirmative Action Plan	Yes	35	35
	D.	Provide Targeted Hiring Preference			34
	Sub-total Workforce Related:		118	152	
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)			84
		Name of Facility			
	Sub-total Municipal Facility:			84	
Sub-total from Above:			343	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C. 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:



Date:

October 31, 2016



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
NOV 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

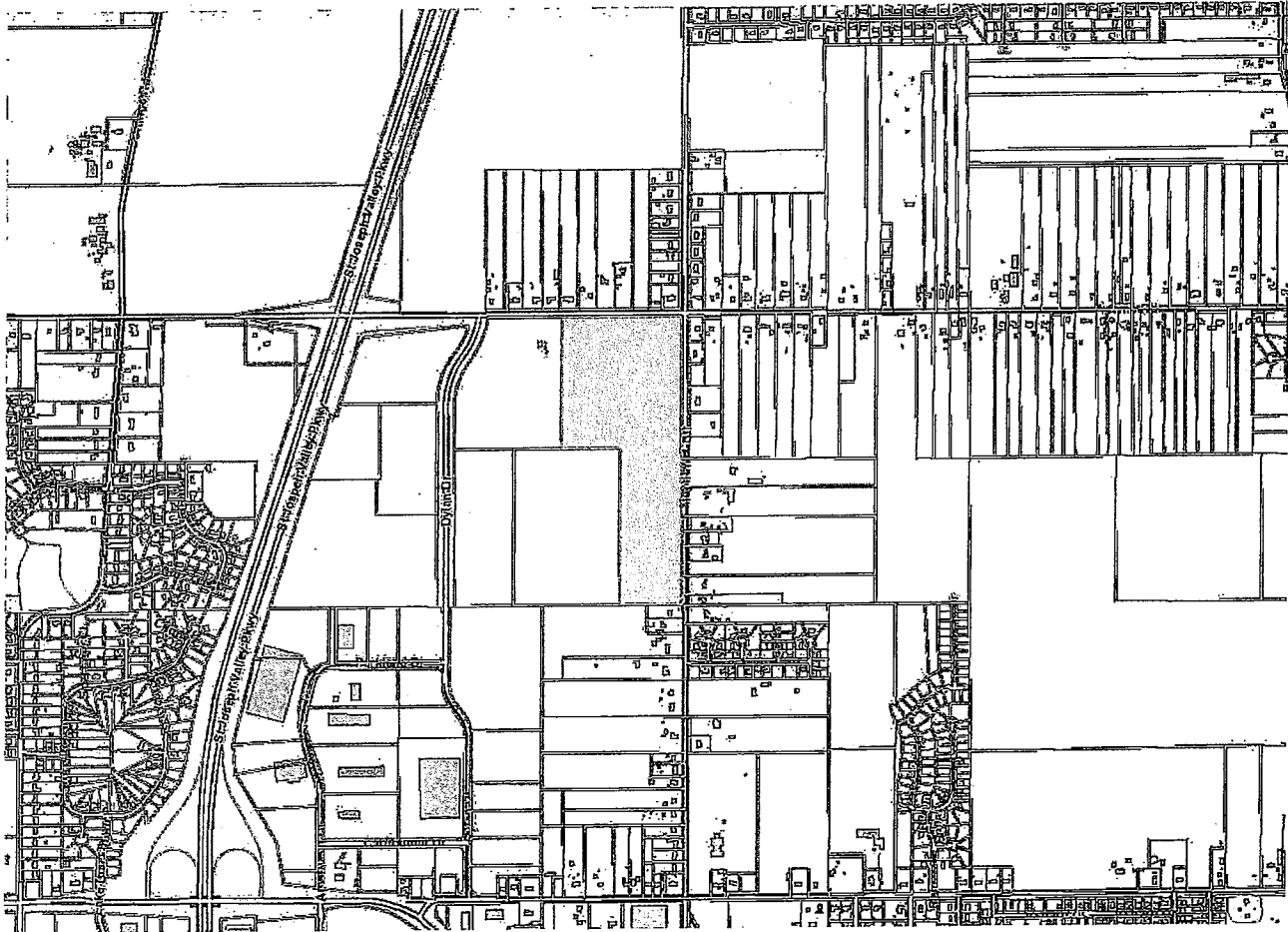
20 17 PAY 20 18
FORM SB-1 / Real Property
PRIVACY NOTICE Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following provisions:
 Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
 Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer GLC SBDC II, LLC					
Address of taxpayer (number and street, city, state, and ZIP code) c/o Great Lakes Capital Management, LLC; 112 West Jefferson Blvd., Suite 200; South Bend, IN 46601					
Name of contact person Jeff Smoke, Director of Development		Telephone number (574) 855-5700		E-mail address jsmoke@greatlakescapital.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Common Council of City of South Bend				Resolution number	
Location of property SW Corner of Adams Road and Mayflower, South Bend		County St. Joseph		DLGF taxing district number 71-003	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Proposed investment of at least \$7,700,000 in the development and construction of a commercial distribution "spec" facility containing approximately 210,000 square feet (or more)				Estimated start date (month, day, year) March, 2017	
				Estimated completion date (month, day, year) Dec. 31, 2018	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 0.00	Salaries \$0.00	Number retained	Salaries	Number additional 10.00	Salaries \$360,000.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
Current values					
Plus estimated values of proposed project			7,700,000.00		
Less values of any property being replaced					
Net estimated values upon completion of project			7,700,000.00		
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) October 31, 2016	
Printed name of authorized representative Ryan C. Rans			Title Managing Member of Manager		



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT**

Lots 2 and 3 Coveleski Park Minor Subdivision
South Bend, Indiana 46601

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

Lots 2 and 3 Coveleski Park Minor Subdivision
South Bend, Indiana 46601

in order to permit

Residential Uses including, but not limited to, Multifamily Dwellings in the CBD Central Business District zoning classification.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

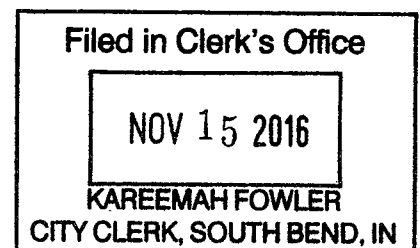
SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

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 the adjacent area or 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;

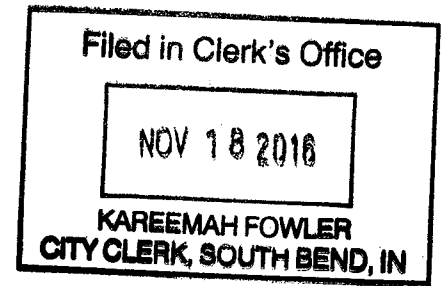
SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council



PETITION FOR ZONING VARIANCE
AND SPECIAL EXCEPTION



Filing Date: November 15, 2016

Petitioner: TWG Development, LLC
c/o J.B. Curry, Vice President of Market Rate Development
333 N. Pennsylvania St., Suite 100
Indianapolis, Indiana 46204
(317) 653-3083
jcurry@twgdev.com

Property Address: Lot 2 Coveleski Park Minor Subdivision, Parcel ID 018-3014-051501
Lot 3 Coveleski Park Minor Subdivision, Parcel ID 018-3014-051502
(collectively, the "Property")

Owner of Property: Department of Redevelopment City of South Bend

This petition requests the Area Board of Zoning Appeals (the "BZA") consider certain variances from the development standards in the CBD Central Business District. This petition requests the following variances:

- 1) From the required 50% of the elevation view from the street frontage to be located between the 0' Minimum and 15' Minimum Front setback to 0%.
- 2) From the required 15' setback for interior access drives and parking to 5' which roads framing the site will include pillars with fencing along the boundary with landscaping.
- 3) From the required 5' rear setback to 0' rear setback.
- 4) From the requirement that the trash enclosure not be located between the front facade and the front lot line. Petitioner expects to screen the dumpsters.
- 5) From the required foundation landscaping around a dumpster enclosure to none. Petitioner expects to screen the dumpsters.
- 6) From the required perimeter yard landscaping to none. Petitioner does expect to use a fence and landscaping hedging.
- 7) From the required interior off-street parking area landscaping to none. Petitioner is currently considering the addition of trees in the surface area lots.
- 8) From the requirement that off-street loading not be located between the front lot line and the front facade of the building.
- 9) From the required 20'-0" minimum depth of parking spaces of off-street parking areas to 18'-0".

Additionally, the petitioner requests the BZA recommend a special exception to permit Petitioner to develop a portion of the Property for Residential Uses including, but not limited to, Multifamily Dwellings as permitted in Section 21-03.06(a)(2)(H) of the City of South Bend, Indiana Municipal Code. The Petitioner, partnering with Mr. Andrew Berlin, has announced plans to develop the Property with a \$21 million, 120-unit mixed-use project (the "Project") on the vacant land on such Property.

In accordance with Indiana Code 36-7-4-918.4, Petitioner provides that:

- (i) The proposed Project will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.

The Project will comply with all building, fire safety, traffic and all other applicable laws and regulations. The Project is expected to include 120 apartments and 10,000 square feet of retail space on currently vacant land adjacent to Four Winds Field.

- (ii) The use and value of the area adjacent to the property included in the variance will not be injured or adversely affected.

The Project is expected to include 120 apartments and 10,000 square feet of retail space on currently vacant land. The Project is expected to continue the City's efforts to redevelop the area which would improve the general welfare of the community and improve the adjacent property through the promotion of future development in the area.

- (iii) The proposed special use will be consistent with the character of the district in which it is located and the land uses authorized therein.

The Project is a part of the City's efforts to redevelop the district, which includes the area surrounding Four Winds Field and the former Studebaker Assembly Plant. The Department of Redevelopment City of South Bend currently owns the land and has agreed to sell it to Mr. Andrew Berlin to promote development like this Project.

- (iv) The proposed use is compatible with the recommendations of the City's Comprehensive Plan.

The Project is a part of the City's efforts to redevelop the district, which includes the area surrounding Four Winds Field and the former Studebaker Assembly Plant. The Department of Redevelopment City of South Bend currently owns the land and has agreed to sell it to Mr. Andrew Berlin to promote development like this Project.

Strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the Property. As provided in the Site Plans and Aerial View of the Property attached hereto, the total acreage and layout of the Property adjacent to Four Winds Field requires certain variances to fit the Project within the Property while also utilizing Four Winds Field. Without the variances and the special exception, the size and the scope of the Project would be substantially limited.

Zoning Classification: CBD Central Business District

Township: Portage

We ask that the BZA consider this petition. J.B. Curry will be presenting this petition at the BZA meeting and I, as attorney for the Petitioner, will be present at the meeting.

Should you require additional information, please let me know.

Sincerely,

Anne E. Fischesser
Faegre Baker Daniels LLP
202 S. Michigan Street, Suite 1400
South Bend, Indiana 46601
(574) 239-1943

Attachments

Parcel ID: 018-3014-051501

ParcelIdCounty	OwnerName	OwnerAddress	OwnerCity	OwnerState	OwnerZIP	PropAddress	PropCity	PropState	PropZIP
018-3013-0465	GRANGER COMMUNITY CHURCH INC	630 E University Dr	Granger	IN	46530	502 WESTERN	SOUTH BEND	IN	46601
018-3014-051501	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3015-0552	412 SB LLC	15131 Clifden Dr	Granger	IN	46530	402 LAFAYETTE	SOUTH BEND	IN	46601
018-3013-0468	JAWORSKI DANIEL	415 S William St	South Bend	IN	46601	415 WILLIAM	SOUTH BEND	IN	46601
018-3015-055601	HOPE HOUSING LP % RESCUE INC	PO BOX 4488	South Bend	IN	46634				
018-3013-0459	SWEET HOME MINISTRIES INC	410 S Taylor St	South Bend	IN	46601	410 TAYLOR	SOUTH BEND	IN	46601
018-3008-0257	FIRST BANK AND TRUST CO. TRUSTEE %FIRST SOURCE BANK TRUST DEPT	P.o.box #1602	South Bend	IN	46634	328 LAFAYETTE	SOUTH BEND	IN	46601
018-3009-0311	JONES PETRIE RAFINSKI CORP	333 Lafayette	South Bend	IN	46601	333 LAFAYETTE	SOUTH BEND	IN	46601
018-3015-0555	412 SB LLC	15131 Clifden Dr	Granger	IN	46530	412 LAFAYETTE	SOUTH BEND	IN	46601
018-3008-0258	FIRST BANK AND TRUST CO. TRUSTEE % FIRST SOURCE BANK TRUST DEPT	P.o.box #1602	South Bend	IN	46634	328 LAFAYETTE	SOUTH BEND	IN	46601
018-3015-0544	ZION HILL MISSIONARY BAPTIST CHURCH INC	310 Monroe St	South Bend	IN	46601	310 MONROE	SOUTH BEND	IN	46601
018-3012-0412	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3012-0421	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				

018-3009-0308	JONES PETRIE RAFINSKI CORP	329 Lafayette	South Bend	IN	46601	325 LAFAYETTE	SOUTH BEND	IN	46601
018-3012-0424	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3014-0515	CITY OF SOUTH BEND IN FBO PARKS AND REC DEPT	227 W Jefferson Blvd	South Bend	IN	46601	501 SOUTH	SOUTH BEND	IN	46601
018-3015-0556	RESCUE INC DBA HOPE RESUE MISSION CORRECT SP FR DEED	P O Box 4488	South Bend	IN	46634	432 LAFAYETTE	SOUTH BEND	IN	46601
018-3008-0256	JONES PETRIE RAFINSKI CORP	325 S LaFayette St	South Bend	IN	46601	322 LAFAYETTE	SOUTH BEND	IN	46601
018-3012-0447	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Bld 1400	South Bend	IN	46601	401 LAFAYETTE	SOUTH BEND	IN	46601
018-3012-0425	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3012-044002	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3012-044004	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3012-041201	CSL REALTY LLC	10802 Executive Center Dr	Little Rock	AR	72211	318 TAYLOR	SOUTH BEND	IN	46601
018-3014-051503	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3012-0452	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601	333 WESTERN	SOUTH BEND	IN	46601
018-3009-0307	JONES PATRIE RAFINSKI CORP	325 S Lafayette	South Bend	IN	46601	317 LAFAYETTE	SOUTH BEND	IN	46601

018-3014-051502	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601					
018-3012-0422	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601					

PARCEL ID: 018-3014-051502

ParcelIdCounty	OwnerName	OwnerAddress	Owner City	Owner State	Owner ZIP	PropAddress	PropCity	PropState	PropZIP
018-3015-0570	FLAMINGOS INC	425 S Main St	South Bend	IN	46601	425 MAIN	SOUTH BEND	IN	46601
018-3008-0267	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601	333 MAIN	SOUTH BEND	IN	46601
018-3014-051501	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3015-0552	412 SB LLC	15131 Clifden Dr	Granger	IN	46530	402 LAFAYETTE	SOUTH BEND	IN	46601
018-3015-056301	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd	South Bend	IN	46601	504 LAFAYETTE	SOUTH BEND	IN	46601
018-3015-0575	BELL PATRICIA J REV TRUST PATRICIA J BELL & JULE L BELL SR CO TRUSTEES	3912 Valencia Way	Naples	FL	34112	210 MONROE	SOUTH BEND	IN	46601
018-3015-0544	ZION HILL MISSIONARY BAPTIST CHURCH INC	310 Monroe St	South Bend	IN	46601	310 MONROE	SOUTH BEND	IN	46601
018-3015-0573	TASHA BAILEY BRANDY & BEN GROUP LLC	9434 Indianapolis Blvd	Highland	IN	46322	211 MONROE	SOUTH BEND	IN	46601
018-3015-0566	TRANSFORMATIONAL SPACES INC	401 S Main St	South Bend	IN	46601	202 WESTERN	SOUTH BEND	IN	46601
018-3015-055601	HOPE HOUSING LP % RESCUE INC	PO BOX 4488	South Bend	IN	46634				
018-3009-0308	JONES PETRIE RAFINSKI CORP	329 Lafayette	South Bend	IN	46601	325 LAFAYETTE	SOUTH BEND	IN	46601
018-3008-0256	JONES PETRIE RAFINSKI CORP	325 S LaFayette St	South Bend	IN	46601	322 LAFAYETTE	SOUTH BEND	IN	46601

018-3008-0257	FIRST BANK AND TRUST CO. TRUSTEE %FIRST SOURCE BANK TRUST DEPT	P.o.box #1602	South Bend	IN	46634	328 LAFAYETTE	SOUTH BEND	IN	46601
018-3015-0572	TASHA BAILEY BRANDY & BEN GROUP LLC	9434 Indianapolis Blvd	Highland	IN	46322	429 MAIN	SOUTH BEND	IN	46601
018-3015-0563	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd Ste 1400	South Bend	IN	46601	520 LAFAYETTE	SOUTH BEND	IN	46601
018-3015-0555	412 SB LLC	15131 Clifden Dr	Granger	IN	46530	412 LAFAYETTE	SOUTH BEND	IN	46601
018-3008-0258	FIRST BANK AND TRUST CO. TRUSTEE %FIRST SOURCE BANK TRUST DEPT	P.o.box #1602	South Bend	IN	46634	328 LAFAYETTE	SOUTH BEND	IN	46601
018-3014-0515	CITY OF SOUTH BEND IN FBO PARKS AND REC DEPT	227 W Jefferson Blvd	South Bend	IN	46601	501 SOUTH	SOUTH BEND	IN	46601
018-3015-0556	RESCUE INC DBA HOPE RESUE MISSION CORRECT SP FR DEED	P O Box 4488	South Bend	IN	46634	432 LAFAYETTE	SOUTH BEND	IN	46601
018-3014-051504	RUN FASTER RUN LLC	501 W South Street	South Bend	IN	46601	525 LAFAYETTE	SOUTH BEND	IN	46601
018-3014-051503	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3014-051502	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601				
018-3015-0571	FLAMINGOS INC	425 S Main St	South Bend	IN	46601	425 MAIN	SOUTH BEND	IN	46601
018-3012-0452	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	227 W Jefferson Blvd 1400	South Bend	IN	46601	333 WESTERN	SOUTH BEND	IN	46601
018-3009-0311	JONES PETRIE RAFINSKI CORP	333 Lafayette	South Bend	IN	46601	333 LAFAYETTE	SOUTH BEND	IN	46601



Common Council
City of South Bend Indiana
4th Floor County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601
(574) 235-9173 Facsimile

(574) 235-9321

(574)235-5567 TTY/TDD

November 22, 2016

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

Re: Annual Progress Reports

Dear Council Members:

As you are well aware, a series of neighborhood plans and development plans have been acted upon over the years. We believe that an annual progress report from the City Administration on each of these plans would be a helpful. This method would provide opportunities for the public and the Council to receive valuable information on the status of such development and neighborhood plans throughout our city.

The attached Resolution supports these concepts by:

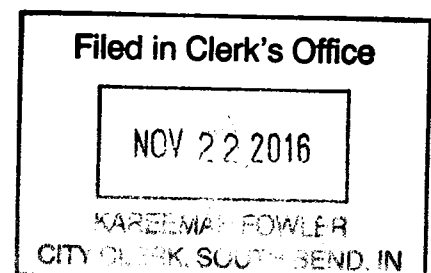
- Raising awareness about the status of neighborhood plans and development plans by having information shared on a regular annual basis; and
- Providing notice to the City Administration that the Zoning and Annexation Committee would be scheduling time to hear updates on each neighborhood plan and development plan beginning in 2017.

It is asked that this proposed resolution be referred to the Zoning and Annexation Committee for discussion, review, and recommendation at its November 28th meeting. Thank you.

Most sincerely,

Council Member Oliver J, Davis, 6th District
Zoning and Annexation Committee Chairperson

Attachment





RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
REQUESTING PROGRESS REPORTS TO BE GIVEN ANNUALLY TO THE ZONING AND
ANNEXATION COMMITTEE ON EACH NEIGHBORHOOD AND DEVELOPMENT PLANS**

Whereas, on November 13, 2006, the South Bend Common Council adopted Resolution No. 3657-06 which approved a *City Plan – 20 Year Comprehensive Plan* for the City of South Bend pursuant to *Indiana Code § 36-7-4-502* which was then approved by the Area Plan Commission of St. Joseph County on November 27, 2006; and

Whereas, South Bend’s City Plan is a guide for “...decision-making on the city’s growth and development for the next twenty years” which addresses visions, goals, objectives and policies. City Plan has fostered several neighborhood plans to be developed which included hundreds of individuals discussing alternative futures, doing modeling exercises, and developing consensus concepts, some of which resulted in:

2008 East Bank Village Master Plan – Phase 1

http://eastbankvillagepartnership.com/pdf/East_Bank_Plan_Ph1.pdf

2012 Howard Park Neighborhood Plan

https://www.southbendin.gov/sites/default/files/files/CI_HowardParkNeighborhood%20Plan_Aug%202012.pdf

2012 Lincoln Park Neighborhood Revitalization Plan

https://www.southbendin.gov/sites/default/files/files/CI_LinlconParkRevPlan-Final_Adopted.pdf

2015 Southeast Neighborhood Master Plan

https://www.southbendin.gov/sites/default/files/files/dci/DCI_SEMasterPlanDRAFT.pdf

Whereas, additionally, the South Bend Redevelopment Commission has declared several development areas pursuant to *Indiana Code § 36-7-14-1 et seq.*, which resulted in several “development plans” and triggered many surveys, investigations, studies, maps and plats by the Commission. Each such plan also required Common Council Resolution action. Some of these plan include:

- Airport Economic Development Area and Plan
https://www.southbendin.gov/sites/default/files/files/CI_AEDA_Plan.pdf
- Douglas Road Economic Development Area and Plan
https://www.southbendin.gov/sites/default/files/files/CED_DREDA_Plan.pdf
- West Washington-Chapin Development Area
https://www.southbendin.gov/sites/default/files/files/CI_WWCDA_Dev_Plan.pdf

it is believed that an annual update on progress being made on all of these types of plans would be beneficial. Information shared in a public forum would be a valuable tracking tool, and would be very educational.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council believes that sharing information on a regular basis which involves various types of plans for our neighborhoods would foster improved communication and collaboration.

Section II. The Council's Zoning and Annexation Committee is requested to schedule meetings so that the City Administration may provide updates on all village/neighborhood plans, all master/revitalization plans, and development areas and their respective plans beginning in 2017.

Section III. The Common Council believes that annual updates by the Administration to the Common Council would provide an excellent mechanism for engagement, education, and planning; and would further be in the best interests of our City.

Section IV. This This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.



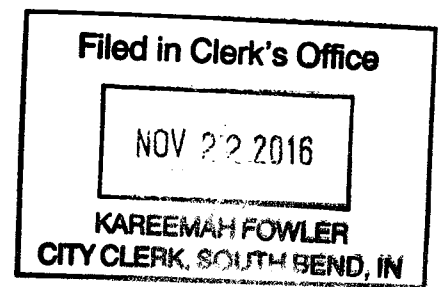
Oliver J. Davis, 6th District Council Member

Attest:

Approved this ___ day of November, 2016.

Kareemah Fowler, City Clerk

Pete Buttigieg, Mayor





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

December 7, 2016

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

RE: 3720 Lincolnway West

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 December 12, 2016 Council meeting, and set it for public hearing at your January 23, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the January 17, 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,

Keith Chapman, Planner

Filed in Clerk's Office
DEC 07 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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 AN IRON FOUND WITH '910004' CAP AND THE NORTHWEST
CORNER OF LOTS OF ROCKSTROH'S SURVEY, ST. JOSEPH COUNTY RECORDS,
INDIANA

THENCE S67°55'57"E ALONG THE SOUTHERLY RIGHT OF WAY OF LINCOLNWAY WEST A
DISTANCE OF 244.80 FEET TO A FOUND CONCRETE MONUMENT;

THENCE S00 °20'40" W A DISTANCE OF 328.69 FEET TO A POINT;

THENCE S89 °37'05"W A DISTANCE OF 222.29 FEET TO AN IRON FOUND WITH '910004'
CAP;

THENCE N00°21'06"W A DISTANCE OF 422.14 FEET TO THE SOUTHERLY RIGHT OF
WAY OF LINCOLNWAY WEST AND 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

Filed in Clerk's Office
DEC 07 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



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

December 7, 2016

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

RE: A 119.89-acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway.

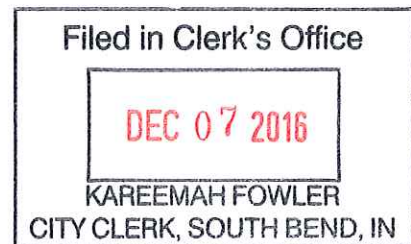
Dear Council Members:

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 December 12, 2016 Council meeting, and set it for public hearing at your January 23, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the January 17, 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,

Keith Chapman, Planner



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT A 119.89 ACRE TRACT OF LAND NEAR THE CORNER OF MAYFLOWER ROAD AND ADAMS ROAD ABUTTING THE ST. JOSEPH VALLEY PARKWAY, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Construct an industrial building.

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:

A PART OF THE WEST HALF OF FRACTIONAL SECTION 8, TOWNSHIP 38 NORTH, RANGE 2 EAST, AND A PART OF THE EAST HALF OF FRACTIONAL SECTION 7, TOWNSHIP 38 NORTH, RANGE 2 EAST, LYING EAST OF THE EASTERN LIMITED ACCESS RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (U.S. 31), GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 8, SAID CORNER BEING MARKED BY A HARRISON MONUMENT; THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS EAST, ALONG THE SOUTH LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8, A DISTANCE OF 607.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 56 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE NORTH RIGHT OF WAY OF ADAMS ROAD AND SAID EASTERN LIMITED ACCESS RIGHT OF WAY; THENCE THE NEXT FOUR (4) CALLS ALONG SAID LIMITED ACCESS RIGHT OF WAY LINES: 1) NORTH 84 DEGREES 29 MINUTES 04 SECONDS WEST, A DISTANCE OF 930.31 FEET, 2) NORTH 17 DEGREES 36 MINUTES 26 SECONDS EAST, A DISTANCE OF 2399.45 FEET, 3) NORTH 20 DEGREES 28 MINUTES 11 SECONDS EAST, A DISTANCE OF 100.12 FEET, 4) NORTH 17 DEGREES 09 MINUTES 22 SECONDS EAST, A DISTANCE OF 633.91 FEET TO THE NORTH LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8 AND THE MONUMENTED INDIANA STATE LINE; THENCE NORTH 89 DEGREES 31 MINUTES 15 SECOND EAST, ALONG SAID NORTH LINE A DISTANCE OF 1959.26 FEET TO THE NORTH QUARTER CORNER

OF SAID FRACTIONAL SECTION 8; THENCE SOUTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, ALONG THE EAST LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8, A DISTANCE OF 1795.25 FEET TO THE NORTHEAST CORNER OF CHEROKEE GARDENS AND WAGNER'S REPLAT OF CHEROKEE GARDENS RECORDED IN PLAT BOOK C, PAGE 2, AND PLAT BOOK 24, PAGE W, RESPECTIVELY, SAID CORNER LYING NORTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, A DISTANCE OF 1320.00 FEET FROM THE SOUTH QUARTER OF SAID FRACTIONAL SECTION 8, SAID SOUTH QUARTER CORNER BEING MARKED BY A RAILROAD SPIKE; THENCE NORTH 89 DEGREES 55 MINUTES 05 SECONDS WEST, ALONG THE RESPECTIVE NORTH LINES OF SAID WAGNER'S REPLAT AND CHEROKEE GARDENS, A DISTANCE OF 1806.60 FEET TO THE NORTHWEST CORNER OF SAID CHEROKEE GARDENS; THENCE SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, ALONG THE WEST LINE OF SAID CHEROKEE GARDENS, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF SAID FRACTIONAL SECTION 8; THENCE NORTH 89 DEGREES 55 MINUTES 03 SECONDS WEST, A DISTANCE OF 191.36 FEET TO THE POINT OF BEGINNING;

SAID DESCRIBED TRACT CONTAINING 118.953 ACRES, MORE OR LESS;

SUBJECT TO ALL EASEMENTS, COVENANTS, RESTRICTIONS, AND RIGHT OF WAY OF RECORD.

be and the same is hereby established as LI Light Industrial.

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
DEFERRED
RESCHEDULED

Filed in Clerk's Office
DEC 07 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

Procedures Governing Appeals of Historic Preservation Commission to the Common Council

1. Office of the City Clerk to notify all parties of the date of the Common Council meeting when the appeal will be heard.
2. Petitioner will have a maximum of twenty (20) minutes to present his/her case which shall address:
 - a. Specific issue(s) under review
 - b. Statement of position by the Petitioner or his/her attorney
 - c. Relevant witness statements, if any
 - d. Requested action which the Petitioner is seeking
3. Historic Preservation Commission (HPC) will have a maximum of twenty (20) minutes to include:
 - a. Statement of position by the HPC attorney
 - b. Relevant witness statements, if any
 - c. Requested action which HPC is seeking
4. Petitioner will have a maximum of five (5) minutes for rebuttal.
5. Common Council may ask questions of the parties with up to a maximum of fifteen (15) minutes for this portion of the public hearing.
6. Common Council shall review the actions of the HPC in the appeal before them and determine whether such action was:
 - a. Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with applicable law;
 - b. Contrary to constitutional right, power, privilege, or immunity;
 - c. In excess of statutory jurisdiction, authority, limitations or statutory rights;
 - d. Without observance of procedures required by applicable law and ordinance; or
 - e. Unsupported by substantial evidence.

with each Council Member having the opportunity to comment before a motion of disposition on the appeal is accepted by the Chairperson.

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY/ CHIEF OF STAFF

ALKEYNA M. ALDRIDGE
DEPUTY/ DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

7. Proper motions of the Common Council will be acknowledged by the Chairperson of either sustaining the action of the HPC or overruling their decision based on the evidence provided by the parties and the governing law, followed by a roll call vote of the Common Council.
8. Office of the City Clerk shall, within a reasonable period of time, send confirmation of the Common Council's action to all parties and maintain minutes of the public hearing, as part of the regular meeting minutes of the Common Council.



South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION

227 WEST JEFFERSON BLVD
 SOUTH BEND, IN 46601-1830

www.stjosephcountyindiana.com/sjchp/index.html
 Phone: 574-235-9798 Fax: 574-235-9578
 e-mail: SBSJCHPC@co.st-joseph.in.us



Timothy S. Kluszczinski, President

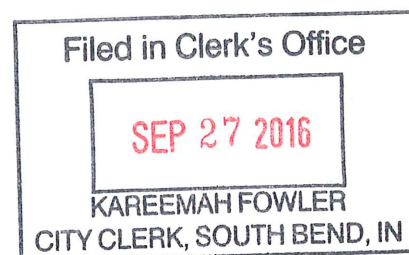
A Certified Local Government

Elicia Feasel, Executive Director

September 23, 2016

Eric Boyd
 1240 West Thomas Street
 South Bend, IN 46601

Dear Mr. Boyd,



The Commissioners, at the regularly scheduled monthly Historic Preservation Commission meeting on September 19, 2016, unanimously denied approval of the items originally listed on COA Application# 2016-0809: "Roof, window replacement, apply for addition – siding vinyl and window replacement is long term. Current plan is to keep windows boarded for security reasons (2 replacement windows have been broken). Color of vinyl siding is brown". Following is the record from the meeting concerning your project which states the reasons why your application was denied:

Commissioner Gordon moved to deny application as submitted. Seconded by Commissioner Anderson. President Kluszczinski clarified that votes in the affirmative will support the motion to deny the application and reminded the members to state their reasons when voting. Roll call was ordered.

Commissioner Hertel (AYE): *the best course of action in maintaining the historic integrity of the building*

Commissioner Parker (AYE): *due to the architectural character of building, and the lack of other options/quotations*

Commissioner Anderson (AYE): *lack of conforming to architectural integrity of historic building*

Commissioner Gordon (AYE): *not in keeping with the integrity of the landmark status*

Commissioner Kluszczinski (AYE): *work is not in keeping with Landmark standards and guidelines, work was performed without prior approval by the HPC and the Building Department, evidence suggests that the new changes are not structurally sound and in compliance with current building code, there is only one quotation obtained by the applicant for in-kind work, and there is insufficient documentation to consider alternative proposals at this time.*

Commissioner Voll (AYE): *a tough decision because of all the work the owner has put into it. The building, if it were restored, in that neighborhood, would be a classic piece. That is a difficult option here, but there is hope that there may be ways to achieve that.*

Commissioner Buccellato (AYE): *project does not meet standards and guidelines, in particular that additions to Landmarks should not detract from the original form. This roof, as proposed, will detract from the original form. Would like to see the building saved, and recommended that if a sloped roof is necessary financially, the owner would come back with a proposal that does not detract from the form of the structure.*

Commissioner Gelfman (AYE): *architectural integrity, lack of other quotes on a flat roof, changing from flat roof to gabled roof, losing the structural integrity of the building as-is historically, and materials being used.*

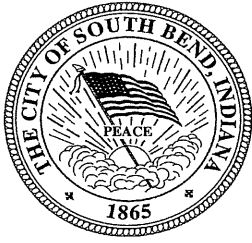
COMMISSIONERS

Thomas Gordon (Vice President)
 Mike Voll (Treasurer)
 Jennifer Parker (Architectural Historian)
 Elizabeth Hertel (Secretary)
 Kevin Buccellato
 Brandon Anderson
 Michele Gelfman
 Joseph Molnar

STAFF

Deb Parcell, Deputy Director
 Brett Hummer, Legal Counsel
 Steve Szaday, Preservation Specialist

**HISTORIC
 PRESERVATION
 COMMISSION**
 OF SOUTH BEND & ST. JOSEPH COUNTY
 EST. 1973



South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION

227 WEST JEFFERSON BLVD
SOUTH BEND, IN 46601-1830
www.stjosephcountyindiana.com/sjchp/index.html
Phone: 574-235-9798 Fax: 574-235-9578
e-mail: SBSJCHPC@co.st-joseph.in.us



Timothy S. Kluszczinski, President

A Certified Local Government

Elicia Feasel, Executive Director

Commissioner Molnar (AYE): *echoes Commissioner Voll's statements that this is a tough choice. Suggests checking with Community Investment to see if they have any programs that could assist in this project.*

Nine in favor, none opposed.

Vote: 9 – 0 COA#2016-0809 Denied.

Please contact this office with any questions or concerns or for any assistance.

Sincerely,

Debra Parcell, Deputy Director

COMMISSIONERS

Thomas Gordon (Vice President)
Mike Voll (Treasurer)
Jennifer Parker (Architectural Historian)
Elizabeth Hertel (Secretary)
Kevin Buccellato
Brandon Anderson
Michele Gelfman
Joseph Molnar

STAFF

Deb Parcell, Deputy Director
Brett Hummer, Legal Counsel
Steve Szaday, Preservation Specialist

**HISTORIC
PRESERVATION
COMMISSION**
OF SOUTH BEND & ST. JOSEPH COUNTY
EST. 1973

NOTICE OF APPEAL

Eric A. Boyd RE: 1240 Thomas St. South Bend (Fire Station No.4 Historical Landmark)

Filed in Clerk's Office

NOV 09 2016

KARLEMA FOWLER
CITY CLERK, SOUTH BEND, IN

BRIEF SUMMARY OF EVENTS:

Petitioner Eric A. Boyd (Owner) was issued a COA for a Pitched Metal Roof to secure and protect 1240 Thomas St. by HPC (Historical Preservation Commission) in November 2011 & renewed through 11-10-13.

St. Joseph County Building Dept. accepted Owner's application and blue prints and issued a Roof Permit October 2015 for West Side of 1240 Thomas St. "According to HPC Guidelines Ordinance 9495-04 P.5 (A Applications to Building Dept for a Permit shall be deemed an application for HPC and will be forward to HPC by the Building Dept. within 5 working days.)"

During a 2016 Summer Code Enforcement progress Hearing for 1240 W. Thomas, Code Enforcement recognized the progress and granted an additional six months to complete roofing the East half of the building. HPC complained at the hearing and to the local building dept about lack of a permit for the rear section, which has stopped current and future permits. Building Commissioner has requested Owner/Petitioner resolve difference with HPC so project can move forward. HPC denied Roof Portion of the recent application which denied all items on the application: Roof, Windows, Siding & 2nd Story addition.

Denied COA Application#2016-0809 HPC collective reasoning for Denial:

1.)Losing Architectural Integrity

Response: Changing from flat roof to pitched roof will cause Historical Rating to drop. (However
of HPC Approved the change from flat roof to pitched metal roof on Nov. 10, 2011 and
Owner issued a COA) HPC Guidelines Ord.No.9495-04 P.7 States that *HPC must evaluate the damage/detriment to public welfare if they approve construction that is permitted even though it is not deemed appropriate and evaluate the potential hardship that a denial of COA would cause.* The residents of Thomas St. are realistic in nature and are more concerned about losing the structure than losing Architectural Integrity. HPC has failed to evaluate the owner's sweat equity, capital investment (\$10,000 to \$15,000) and the financial hardship removing the current pitch roof and replace it with a flat roof would incur.

2.) Structurally Soundness

Response: St. Joseph Co. Building Commissioner and a city engineer met with the Owner on-site
of 09/29/16 to perform progress check. Building Commissioner states a structural
Owner engineer is needed to evaluate and to file for INDIANA HOMELAND SECURITY permits who's jurisdiction supersedes local Building Dept regarding 1240 W. Thomas St.

3.) Lack of other options/flat roof quotes

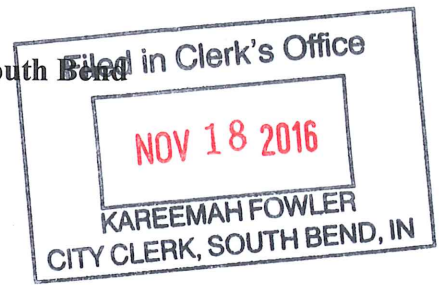
Response: Flat Roof was never proposed or suggested to owner by HPC. HPC previously approved a
of metal pitched roof on November 10, 2011 and issued the owner a COA for the
Owner replacement roof. HPC Guidelines Ord.No. 9495-04 P.8 Requires HPC to develop **A HISTORICAL PRESERVATION PLAN FOR LANDMARKS** and assist in the implementation of such plans. Owner has no knowledge nor was giving a specific PRESERVATION PLAN for 1240 W. Thomas St. Such failures and reversal of previously approved COA's by HPC has contributed to the hardships placed on the owner of 1240 W. Thomas.

SUGGESTIONS FROM HPC COMMISSIONERS AT HEARING

Owner/Petitioner should find more quotes for a flat roof and present those findings to the HPC. HPC Suggested that Owner remove the current roof that has decking, rafters, and shingles off of the 124-year-old structure 2-story building and replace it with a Flat Roof. HPC wants the owner to incur the cost of the roof demolition and the the cost of the new flat roof installation. HPC Suggests Owner Check with Community Investment to see if they have any programs that could assist in this project.

Response: HPC Suggestions are unfeasible and present a financial hardship that violate HPC's Own Ordinance Guidelines. Suggesting flat roof quotes contradicts the pitch metal roof COA previously issued. The pitched roof permitted by St. Joseph County Building Dept. presents no apparent detriment to public welfare and should be allowed. HPC's Suggestion for the owner to remove the permitted roof should be negated by HPC's lack of due diligence. HPC has had the right to petition Common Council to delay the issuance of permits for the purpose of preparing a PRESERVATION PLAN for said Landmark (Per Ord.9495-04) and has failed to do so for six years. Owner doesn't qualify for Vacant to Value Grant or Indiana Landmarks and questions Community Investment's potential involvement with regard to the anticipated loss of \$3.05 million in 2020 from property tax caps. Petitioner Eric Boyd (owner) has filed this appeal and prays that the Common Council will relieve the Petitioner from the potential hardship HPC's denial will caused.

Before the Common Council of the City of South Bend



ERIC BOYD,)
)
 Appellant,)
)
 vs.)
)
 HISTORIC PRESERVATION)
 COMMISSION OF SOUTH BEND AND)
 ST. JOSEPH COUNTY,)
)
 Appellee.)

RE: Application for Certificate of
Appropriateness, No. 2016-0809

**CERTIFICATION OF DOCUMENTS OF RECORD FROM HISTORIC
PRESERVATION COMMISSION**

Elicia Feasel, being first duly sworn upon her oath, deposes and states as follows:

1. I am over the age of twenty-one (21) years.
2. I have never been adjudicated and am not insane or incompetent.
3. I make the statements contained herein based on my personal knowledge and would so testify in person in a court of law.
4. I am a resident of the State of Indiana.
5. I am the Executive Director of the Historic Preservation Commission ("HPC") of South Bend and St. Joseph County and have served in such capacity at all times relevant to this appeal filed by Eric Boyd, COA Application # 2016-0809.
6. As Executive Director of the HPC, I have supervisory authority for all of HPC's official record keeping and documentation, and I am familiar with the record keeping practices of the HPC.
7. I have examined the attached records consisting of twenty-five (25) pages, bearing Bates Nos. 000001 - 000025.
8. The attached records consist of the following:

- (A) Minutes from a public meeting of the HPC dated September 19, 2016;
- (B) Letter of Denial of Mr. Boyd's Application dated September 27, 2016;
- (C) Mr. Boyd's Application for Certificate of Appropriateness;
- (D) Staff report concerning the Certificate of Appropriateness;
- (E) Correspondence from Building Commissioner.

9. I certify that the attached records are either exact copies or originals retrieved from the permanent records of the HPC.

10. These records are being filed with the South Bend City Clerk's office on November 18, 2016 in compliance with the deadline established by the South Bend Common Council for the HPC to submit a certified copy of the minutes and all documents of record regarding action taken by HPC and its staff on Certificate of Appropriateness Application No. 2016-0809.

11. These records were made at or near the time by, or from information transmitted by, a person with knowledge of these matters.

12. These records were kept in the course of HPC's regularly conducted business activity, and were made by regularly conducted activity as a regular practice.

I affirm, under the penalties for perjury, that the foregoing representations are true.

18 Nov 16
Date

edf
Elicia Feasel

MINUTES OF A MEETING OF THE
HISTORIC PRESERVATION COMMISSION
OF SOUTH BEND & ST. JOSEPH COUNTY

September 19, 2016
13th Floor Conference Room
County – City Building
South Bend, IN 46601

I. CALL TO ORDER

President Kluszczinski called the meeting to order at 7:00 p.m.

Members Present: Timothy S. Kluszczinski, President; Tom Gordon, Vice President/Asst. Secretary; Elizabeth Hertel, Secretary; Mike Voll, Treasurer; Jennifer Parker (left the meeting before the fourth motion and vote), Architectural Historian; Kevin Buccellato, Brandon Anderson, Joseph Molnar, Michele Gelfman (joined the meeting after the first motion and vote)

Members Not in Attendance: None

Staff Present: Elicia Feasel, Executive Director; Deb Parcell, Deputy Director; Brett Hummer, Legal Counsel; Steve Szaday, Preservation Specialist

Members of the Public Present: Marchelle Berry, Tim Davis, Eric Boyd, Steve Farrell, Demetra Schoenig, Derek Swisch

II. PUBLIC HEARING

A. CERTIFICATE OF APPROPRIATENESS

1. 609 Riverside Drive COA#2016-0805 River Bend

Representation by Derek Swisch. 609 Riverside

**STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS**

Date: 5 August 2016

Application Number: 2016-0805

Property Location: 609 Riverside

Architectural Style/Date/Architect or Builder: American Foursquare/1912

Property Owner: Derek Swisch and Beatrix Patla

Landmark or District Designation: River Bend Historic District

Rating: Contributing

DESCRIPTION OF STRUCTURE/ SITE: This square 2-story house has a concrete block foundation, 3-tab asphalt shingle hipped roof with hipped dormers. There is a one-story, flat-roof porch across the front with round posts and concrete foundation and steps. Windows are 1/1 double hung.

ALTERATIONS: COA 2014-1031 approved installation of vinyl siding, restoration of front bay window and replacement of all other windows with vinyl double hung windows, replacement of exterior trim (except soffit and fascia) with vinyl trim, repair and replacement of gutters and downspouts, installation of 12' x 12' deck at rear of house, and replacement of basement windows and front door. COA 1997-0904 approved reroof in-kind.

APPLICATION ITEMS: Build a garage.

DESCRIPTION OF PROPOSED PROJECT: Owner/contractor proposes building a 24'W x 28'L x 10'H garage at rear of property. It will have one overhead door and one service door. Double-4" vinyl siding to match house (approved with COA 2014-1031). The roof will have architectural shingles, with plans to match the house roof to these at some point in the future when the house needs to be reroofed. Current house shingles are 3-tab. Other rear yard garages exist in this neighborhood.

PRESERVATION SPECIALIST REPORT: n/a

STANDARDS AND GUIDELINES:

RIVER BEND LOCAL HISTORIC DISTRICT

III. NEW CONSTRUCTION

New construction includes any new building or structure constructed within the boundaries of the historic district, or any new addition to an existing building. New construction should be designed considering the appearance of the other buildings in the neighborhood. New work may be contemporary or may suggest motifs from the historic buildings. New construction design should be clearly differentiated from the design of the historic buildings.

A. HEIGHT AND PROPORTION

The majority of structures in the district are two stories in height and are square or rectangular in plan. There are a few story-and-a-half residences. The prevalent facade proportions are between a 1:1 and a 1:2 height-to-width ratio.

Required

The height of a new structure and its height-to-width proportions shall be consistent with adjacent buildings in the district. The building height shall be no greater than that of the tallest existing structure in the same block. Facade proportions shall be established by permitting no structure with a facade wider or narrower than those existing in the same block. Additions to existing buildings shall be related in height and proportion to the existing structure.

Recommended

Contemporary designs should be compatible in character and mood to the building or neighborhood.

Prohibited

Additions may not be constructed that would change the existing facade of a building, alter its scale or architectural character, or add new height

Not Recommended

New stories should not be added, nor should existing stories be removed, which would destroy important architectural details, features or spaces of the building. Any style or period of architecture that is incompatible with what exists should not be permitted in the new additions.

B. BUILDING MATERIALS IN NEW CONSTRUCTION

Wall materials in the district are predominantly wood clapboard and its imitation in aluminum and vinyl. Some walls are brick. Patterned shingles are common in gable ends and dormers.

Required

Exterior materials used on a new structure shall be compatible in scale, texture, and color with adjacent structures. Materials used on an addition to an existing structure shall relate to the existing or original materials of that structure. As much of the original structure as possible shall be retained so that the addition could be removed without damage to the basic structure and appearance of the building.

Recommended

Aluminum or vinyl siding may be used when it is the only feasible alternative. This siding should be compatible with the original size and style and with the materials of other buildings in the district.

Prohibited

Inappropriate materials such as asbestos, asphalt, cast stone, or artificial brick may not be used.

Not Recommended

Glass blocks should not be used. Concrete block should not be used for anything other than foundations.

C. NEW SHEDS AND ACCESSORY STRUCTURES

Required

Sheds and accessory structures (gazebos, decks, doghouses, playhouses, fountains and small reflecting pools, outdoor sculpture, children's play equipment, etc.) shall be located at the rear of the property and as unobtrusively as possible while preserving historical relationships between the buildings, landscape features, and open spaces. Proportions and materials shall conform to those required for new construction.

Recommended

Shed and accessory structure designs should be compatible in character and mood with the residence and neighborhood.

Prohibited

Prefabricated metal sheds shall not be used.

Not Recommended

Prefabricated wood composition sheds should not be used unless they conform with all other standards.

STAFF RECOMMENDATION: Staff recommends approval.

Deb Parcell, Deputy Director

Elicia Feasel, Executive Director

Commissioner Gordon moved to approve application as submitted. Seconded by Commissioner Parker. Eight in favor, none opposed.

Vote: 8 – 0

COA#2016-0805 Approved.

2. 1329 East Wayne Street South COA#2016-0819 East Wayne Street

Representation by Demetra Schoenig, 1329 East Wayne Street South

**STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS**

Date: 19 August 2016

Application Number: 2016-0819

Property Location: 1329 E Wayne Street S

Architectural Style/Date/Architect or Builder: American Foursquare/1926/Mortland House/H. Russell Stapp, Architect

Property Owner: Demetra & John Schoenig

Landmark or District Designation: East Wayne Street Historic District

Rating: Contributing

DESCRIPTION OF STRUCTURE/ SITE: This two-story wood-frame house was built in 1926 with a square plan and wing. The main part of the house has an asphalt shingle pyramidal hip roof, with a flat roof on the wing. Windows are 6/1 double hung with ornamental louvered shutters. Small pedimented entry with concrete steps at front of house. There is a two-car, two-door garage with pyramidal hip roof at rear.

ALTERATIONS: Aluminum siding, aluminum storm windows and doors have been added. COA 2015-0713 approved removal of three Ash trees. COA 2009-0928A approved replacement of cracked pads of concrete on driveway and in-kind replacement of concrete steps. COA 2009-0226 approved tear-off and in-kind re-roof with asphalt shingles, and removal of one tree. COA 2001-0606 approved construction of a wood deck in rear yard, not attached to house.

APPLICATION ITEMS: Take out & install new fence 6'. Remove 32' existing stockade. Install 100' cedar board w/dog car tops and 4' gate.

DESCRIPTION OF PROPOSED PROJECT: Application is for a new wood privacy fence that will connect to an already existing wood privacy fence in the rear of property, creating an enclosed rear yard to protect young children from a shared driveway. The fence is 6' high and has a 4' wide gate in same style and height as fence. At time of application, the section of existing wood stockade fence had been removed and new cedar board 6' high fence with dog ear tops had been installed without COA or Building Permit; project was consequently red tagged by the Building Department on 8/19. The lack of COA was a misunderstanding as to who, contractor or owner, would apply – this COA was applied for on the same day it became apparent to the owner. On August 18, 2016, Staff received two phone calls regarding fence installation in regards to if permission was given and if the design met the neighborhood standards and guidelines.

Along the property line in the same place as the fence is installed, there was an existing fence of the same style and an overgrown 6'-8' tall hedge, see Photo "A". The hedge was taken down a few years ago and the fence at the time of new fence installation. The new fence is at the setback of the house and its four season room.

The applicant has provided several examples of existing wood privacy fences installed in East Wayne Street that Staff will circulate at HPC meeting.

PRESERVATION SPECIALIST REPORT: n/a

STANDARDS AND GUIDELINES:

EAST WAYNE STREET LOCAL HISTORIC DISTRICT

I. THE ENVIRONMENT

B. BUILDING SITE, LANDSCAPING AND ACCESSORIES

Individual properties in the district are characterized by a house located in the center of a flat lawn, often divided by a walk leading to the front entrance. Several of the residences are sited on two or more building lots; however, the preponderance of the homes have been erected on a single lot. Most of the properties include a double garage, usually located at the rear of the property. The majority of garages are accessed from straight driveways leading from the main thoroughfare, while a few are accessed from the alley. There are also a few homes with a covered carport located at the rear of the property, as well as a few with circular driveways. Driveway and sidewalk materials include concrete, asphalt and brick. All of the properties have trees and most have trimmed shrubbery and/or hedges. Most of the houses conform to a uniform setback line within each block.

Required

Major landscaping items, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, greenhouses, new walls, fountains, fixed garden furniture, trellises and other similar structures shall be compatible to the historic character of the site and the neighborhood and inconspicuous when viewed from a public walkway.

Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings and newspapers. New site work should be appropriate to existing surrounding site elements in scale, type and appearance. Plant materials and trees in close proximity to the building that are causing deterioration to the building's historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. All high-intensity security lights should be approved by the Historic Preservation Commission.

Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings or other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. Front yard areas shall not be fenced and fences shall not extend forward beyond the setback line of the house. The installation of unsightly devices such as television reception dishes and solar collectors shall not be permitted in areas where they can be viewed from the public thoroughfare.

Not Recommended

Telephone or utility poles with high-intensity overhead lights should be installed so that they cannot be seen from the thoroughfare.

STAFF RECOMMENDATION: Staff recommends approval.

Commissioner Gelfman joined the meeting at 7:17 p.m.

Public Comment: Steve Szaday, Preservation Specialist: Questioned the height of the fence, as it is common along this street that the fence along the front, that is parallel with the street, is usually 4'H, rather than 6'H. Although that is not in the standards and guidelines, is this a building department requirement?

Commissioner Voll moved to approve application as submitted. Seconded by Commissioner Hertel. Nine in favor, none opposed.

Vote: 9 – 0

COA#2016-0819 Approved.

3. 1240 West Thomas Street COA#2016-0809 Local Landmark
Representation by Eric Boyd, 1240 West Thomas Street

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Date: 9 August 2016

Application Number: 2016-0809

Property Location: 1240 West Thomas Street

Architectural Style/Date/Architect or Builder: Period Revival/1920/Firehouse #4

Property Owner: Eric Boyd

Landmark or District Designation: Local Landmark

Rating: Outstanding

DESCRIPTION OF STRUCTURE/ SITE: Firehouse #4 is a 2-story rectangular brick building. It had a flat roof with limestone parapet coping, metal parapet scupper/cornice with brick brackets underneath and ornate limestone detailing at the ends. The windows are 1/1 double-hung with limestone sills. There is a brick side chimney, and a roof penthouse with hip roof.

ALTERATIONS: Most of the windows in this former firehouse have been boarded up prior to a 2007 fire. RME 2011-11 10 approved replacement of metal roof to secure the building and protect it from the elements, although there is no evidence it was ever installed. An asymmetrical gabled roof has been installed without an approved COA or Building Permit on approximately half of the main structure, as well as a second story addition and gabled roof on the rear of the building. Areas where large overhead garage doors were originally located have been covered with vinyl siding. Most window openings have been covered with plywood or vinyl siding.

APPLICATION ITEMS: Roof, window replacement, apply for addition – siding vinyl and window replacement is long term. Current plan is to keep windows boarded for security reasons (2 replacement windows have been broken). Color of vinyl siding is brown.

DESCRIPTION OF PROPOSED PROJECT: HPC Staff has worked with the current owner in recent years to support a tax abatement and rezoning petition. Although an RME was issued for a replacement roof in 2011, the details of what was actually installed were not presented at that time. Additionally, the Building Department has provided a statement that indicates the current roof configuration was not approved with a Building Permit and has ordered all work to stop until a formal submission and plan is set for the proposed work. This property was heard at a July 26, 2016 Code Enforcement hearing where a date of January 26, 2017 was given for Code compliance.

Owner proposes a 4/12 shed roof be constructed over part of the main building, from the west exterior wall 30' east to a 10'H wall built on existing brick interior wall, with a 1' overhang at west wall. Second floor addition atop one-story brick portion at rear of building is to be vinyl sided to match existing brown vinyl siding used to fill garage door openings; replacement windows to be used to fill window openings in this addition. Existing windows in building are to be left boarded up for security reasons. Most of this work with the exception of the windows and vinyl in the rear addition have been installed without COA or Building Permit.

PRESERVATION SPECIALIST REPORT: n/a

STANDARDS AND GUIDELINES: Group B

A. Maintenance

The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark. The Commission shall encourage the proper maintenance of all structure or sites.

B. Treatment

Treatment shall be defined as any change of surface materials that will not alter the style or original form. Such improvements include re-roofing, glazing, or landscaping lawns and may involve a change that can potentially enhance or detract from the character of the landmark. A treatment change of any surface whether on the landmark or in its environment may require a

Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while an addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition). Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. Structure—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.
2. Material—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.
 - a. wood—all wood trim should conform with existing trim in shape and size.
 - b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and super-graphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate. Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

STAFF RECOMMENDATION: Staff does not recommend approval of the roof deviation from flat to asymmetrical gable and does not recommend a roof on only half of the structure as it does not conform to the standards and guidelines, A, B, and C. Staff recommends rear second story addition with gable roof, however, is not recommending the proposed window and siding treatments as they can be considered an incompatible material as reference in C, 2. Staff recommends that the owner be in compliance with the Building Department at the request of the Building Commissioner.

Elicia Feasel, Executive Director

Owner offered the following considerations beyond the original application to include standard gabled roof rather than asymmetrical, roof to cover entire structure; one color of siding on addition at rear of building.

Preservation Specialist Szaday, reported on July Code Hearing for this property. Code Enforcement had issues with the structure of the proposed roof and the walls.

Executive Director Feasel gave the opinion of the Building Department: “the Building Commissioner said this morning that ‘the roof in its current configuration appears to be of catastrophic potential’”.

Discussion of owner’s plans for building and budget constraints, and commissioners’ suggestions, including obtaining additional estimates for flat roof replacement, designing a simplified hipped roof that would be less visible from front, obtaining a structural assessment from the Building Department, speaking to Community Investment about assistance, checking state and national resources for possible funding, as well as Firefighter’s Local 362 for help in saving this building.

Commissioner Gordon moved to deny application as submitted. Seconded by Commissioner Anderson. President Kluszczinski clarified that votes in the affirmative will support the motion to deny the application and reminded the members to state their reasons when voting. Roll call was ordered.

Commissioner Hertel (AYE): the best course of action in maintaining the historic integrity of the building

Commissioner Parker (AYE): due to the architectural character of building, and the lack of other options/quotations

Commissioner Anderson (AYE): lack of conforming to architectural integrity of historic building

Commissioner Gordon (AYE): not in keeping with the integrity of the landmark status

Commissioner Kluszczinski (AYE): work is not in keeping with Landmark standards and guidelines, work was performed without prior approval by the HPC and the Building Department, evidence suggests that the new changes are not structurally sound and in compliance with current building code, there is only one quotation obtained by the applicant for in-kind work, and there is insufficient documentation to consider alternative proposals at this time.

Commissioner Voll (AYE): a tough decision because of all the work the owner has put into it. The building, if it were restored, in that neighborhood, would be a classic piece. That is a difficult option here, but there is hope that there may be ways to achieve that.

Commissioner Buccellato (AYE): project does not meet standards and guidelines, in particular that additions to Landmarks should not detract from the original form. This roof, as proposed, will detract from the original form. Would like to see the building saved, and recommended that if a sloped roof is necessary financially, the owner would come back with a proposal that does not detract from the form of the structure.

Commissioner Gelfman (AYE): architectural integrity, lack of other quotes on a flat roof, changing from flat roof to gabled roof, losing the structural integrity of the building as-is historically, and materials being used.

Commissioner Molnar (AYE): echoes Commissioner Voll’s statements that this is a tough choice. Suggests checking with Community Investment to see if they have any programs that could assist in this project.

Nine in favor, none opposed.

Vote: 9 – 0

COA#2016-0809 Denied.

4. 1071 Riverside Drive

COA#2016-0907 Riverside Drive

Representation by Steven Farrell, 2072 Miami Street, South Bend.

**STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS**

Date: 7 September 2016

Application Number: 2016-0907
Property Location: 1071 Riverside Drive
Architectural Style/Date/Architect or Builder: American Foursquare/1911/Lippman House
Property Owner: Greg Suth
Landmark or District Designation: Riverside Drive Local Historic District
Rating: Contributing

DESCRIPTION OF STRUCTURE/ SITE: This Foursquare house with concrete foundation has a low hip roof with asphalt shingles and stucco soffits and chimney. The first story has wide clapboards; second story is stucco. The front porch has a low hip roof and clapboard covered piers. Windows are 1/1 and 6/1 double-hung; middle window on second story is multi-paned.

ALTERATIONS: Aluminum storm doors and storm windows. COA 2005-0715 approved tear-off and replacement of roofing and decking. COA 1992-0616 approved replacement of poured concrete walk on east side of house, and a poured concrete patio on the south side. COA 1992-0124 approved replacement of exterior lighting fixtures and garage door, and installation of wrought iron rail at front steps/landing. COA 1992-0108 approved replacement of existing wood fence surrounding rear yard with metal fence, and replacement of gutters and downspouts.

APPLICATION ITEMS: Recover soffit area w/aluminum material. Current wood lath and stucco that had all given up was falling & crumbling. Add aluminum storm windows to current windows all storms have been broken & discarded.

DESCRIPTION OF PROPOSED PROJECT: Existing deteriorated stucco soffit has been replaced with aluminum soffit. Contractor proposed to replace existing wood storms with aluminum storm windows.

PRESERVATION SPECIALIST REPORT: On August 8, 2016 I was contacted by Director Feasel to investigate 1071 Riverside Dr. at approximately 12 noon for unauthorized work including new storm windows, soffit, and gutters. I approached the house and met with the neighbor, Ed Talley.

He explained that the painters of 1071 hired out the crew to install new soffits and gutters in the last week or two. He did not know the painter's company name but knew they were the same crew that painted 1069 Riverside Dr.

After a lengthy conversation with Mr Talley, I left a business card on the front door and moved on to the next appointment. Approximately 30 minutes later I received a phone call from the tenant at the property whom I have met before. In 2015, I had visited the house with a contractor list and had made a walk through inspection with her informing her of problem areas including the soffits and paint.

She informed me at this time that the owner had given the painters the work of repairing the soffit, installing new gutters where needed and finding storm windows for two small first story and two basement windows as well. When she returned home and discovered that they had installed new aluminum over the existing wood soffits she called the owner right away and he by and swears to her this is not what he paid for them to do and was as surprised as she was. He does not know what to do from this point, but is willing to complete a COA application and seek approval for these changes although this is after the fact.

UPDATE 2016-0908

On September 7, 2016 I met with Steve Ferrell of Ferrell Finishing. He is the contractor hired by Greg Suth owner of 1071 Riverside Drive. Mr. Suth had emailed me and gave me Steve Ferrell's contact information. Steve F. was unaware of the need for a COA for the property. He also agreed not to install any more aluminum storm windows on the house without the Commission's approval. He informed me that several of the original storm windows were stored in the garage and were destroyed.

In regards to the aluminum soffit, although it is prohibited in the Riverside Drive LHD guidelines, 1035, 1041, and 1045 all have white aluminum soffit panels installed that are similar to those that were installed at 1071.

Steve Szaday, Preservation Specialist

STANDARDS AND GUIDELINES:

RIVERSIDE DRIVE LOCAL HISTORIC DISTRICT

EXISTING STRUCTURES

A. BUILDING MATERIALS

Original exterior wall materials in the district include limestone, flagstone, stucco, clapboard, wood shingles, sandstone and masonry block. In some instances, vinyl or aluminum siding has been applied over the original surface.

Required

Original exterior building materials shall be retained. Deterioration of wood materials shall be prevented through repair, cleaning and painting. The existing or original architectural detail around windows, porches, doors and eaves should be retained or replaced by replicas of the same design and materials when deteriorated beyond repair. Masonry including brick, limestone, flagstone, sandstone and stucco shall be cleaned only when necessary to halt deterioration or to remove stains, and shall be done with a method acceptable for the preservation of the surface: i.e. low pressure water and soft natural bristle brushes. When repairing stucco, stucco mixture compatible in composition, color and texture shall be used.

Recommended

Whenever possible, the original building materials should be restored. Metal or vinyl siding may be used when it is the only alternative to maintaining or replacing the original surface material. When used over wood surfaces, this siding should be the same size and style as the original wood. Every effort should be made to retain the original trim around windows, doors, cornices, gables, eaves and other architectural features. Ample ventilation must be afforded the structure when metal or vinyl siding has been installed in order to prevent increased deterioration of the structure from moisture and/or insects. Mortar joints should be repointed only when there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint. Existing mortar shall be duplicated in composition, color, texture, joint size, method of application and

joint profile. It is emphasized that, prior to initiating any restoration or rehabilitation effort, the property owner should contact the Historic Preservation Commission of South Bend and St. Joseph County which is located in the County/City Building of South Bend. The Commission is an invaluable source of information about all facets of rehabilitation and restoration.

Prohibited

Wood siding shall not be resurfaced with new material which is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick veneer, asbestos or asphalt shingles. Sandblasting or the use of harsh detergents shall not be used on masonry including brick, stucco, limestone, flagstone and sandstone. This method of cleaning erodes the surface material and accelerates deterioration. Brick surfaces shall not be painted unless they had been painted originally. Repointing shall

not be done with a mortar of high Portland cement content which can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar which can result in serious damage to adjacent brick. Paint shall not be removed from masonry surfaces indiscriminately.

Not Recommended

Waterproof or water repellent coatings or surface consolidation treatments should not be used on masonry surfaces unless required to solve a specific problem that has been studied and identified. Coatings are frequently unnecessary and expensive, and can accelerate deterioration of the masonry. Mortar joints which do not need repointing should not be repointed.

C. WINDOWS AND DOORS

Window and door frames are in most cases wood. Brick structures have stone sills and brick lintels. In some cases where aluminum siding has been applied window trim has been covered. About half of the structures in the district have aluminum storm windows, the other half wood windows.

Required

Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods, and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original.

Recommended

Wood frame storm windows and doors painted to match the original should be used but should not damage existing frames. If new sashes or doors are installed, the existing or original materials, design, and hardware should be used. When metal storm doors are used, they should be painted, anodized or coated to match the existing. When awnings are used they should be of canvas material.

Prohibited

Original doors, windows and hardware shall not be discarded when they can be restored and reused in place. New window and door openings which would alter the scale and proportion of the building shall not be introduced. Inappropriate new window and door features, such as aluminum insulating glass combinations that require removal of the original windows and doors, shall not be installed.

Not Recommended

Awnings, hoods, and fake shutters made of metal, vinyl, or fiberglass should not be used if they would detract from the existing character or appearance of the building.

STAFF RECOMMENDATION: The standards and guidelines for this historic district state: "The existing or original architectural detail around windows, porches, doors and eaves should be retained or replaced by replicas of the same design and materials when deteriorated beyond repair," therefore, staff does not recommend approval of the soffit replacement or storm windows, which recommend: "Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods, and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original."

Note (9/8/16): Preservation Specialist reported that aluminum material was discovered on other soffits in the district. Staff commented that installations have occurred without Commission approval. President Kluszczinski clarified that illegal installations do not establish a legal precedent for HPC decisions.

Elicia Feasel, Executive Director

Deb Parcell, Deputy Director

Commissioner Parker left the meeting at 8:46 p.m.

Commissioner Gelfman moved to deny application as submitted. Motion died for lack of a Second. Commissioner Voll moved to deny the application as submitted, require removal of the incompatible materials that have been installed, and waive the fee for a new COA covering the same project elements. Seconded by Commissioner Anderson. President Kluszczinski clarified that votes in the affirmative will support the motion to deny the application and reminded the members to state their reasons when voting. Roll call was ordered.

Commissioner Molnar (AYE): various reasons stated

Commissioner Gelfman (AYE): incompatible materials, integrity of the historic district, and setting a terrible precedent for future projects like this

Commissioner Buccellato (AYE): doesn't meet the standards and guidelines for the district, which the only alternative, and therefore violates the guidelines.

Commissioner Voll (AYE): materials used and no venting will not fix the problem

Commissioner Kluszczinski (AYE): not in keeping with standards and guidelines for district, other [compatible] materials have been used as precedent in other districts and should be considered

Commissioner Gordon (AYE): storm windows not in keeping with character of house, material does not stay in character with the home. Prior materials should be repaired or an acceptable material put up.

Commissioner Anderson (AYE): incompatible materials, standards and guidelines for these districts exist for a reason

Commissioner Hertel (AYE): incompatible materials, does not meet standards and guidelines.

Eight in favor, none opposed.

Vote: 8 – 0

COA#2016-0907 Denied.

5. 237 North Michigan Street COA#2016-0907A Local Landmark
Representation by Marchelle Berry, 10711 America Way, Ste 200, Fishers, IN 46038
Tim Davis, 9273 Castlegate Drive, Indianapolis, IN 46256

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Date: 7 September, 2016

Application Number: 2016-0907A

Property Location: 237 N. Michigan Street

Architectural Style/Date/Architect or Builder: Renaissance Revival/Chicago School blend/1921/ Nicol, Schuler and Hoffman

Property Owner: LaSalle Apartments, LLC

Landmark or District Designation: Local Landmark and Multiple Resource National Register

Rating: Outstanding

DESCRIPTION OF STRUCTURE/ SITE: The LaSalle Hotel is located on the southwest corner of LaSalle and Michigan Streets; it is a nine storey hotel constructed of stretcher bond laid brick with decorative and plain-cut stone string course. The first and second floors on the east and north facades are treated as one floor. The windows and doorways are flanked by spiral columns and surmounted by round-arched windows with tracery, voussoirs and keystones. A projecting string course separates the second floor from the third floor which has limestone window surrounds, as do the single end bay windows and the ninth floor windows. A projecting string course separates the eighth and ninth floors and the building is surmounted by a wide overhanging cornice. The windows on the first floor are large, fixed sash plates with multi-light side lights. Other windows are double hung sash in pairs.

ALTERATIONS: All of the single light double hung windows on all of the facades were vinyl replacement windows from the 1980s-1990s when the Charismatic Renewal Services owned the building. COA 2015-0326B approved repair and repointing of brick and masonry, replacement of existing vinyl replacement windows with new aluminum clad wood replacement windows, replacement of doors and awnings, and restoration of existing wood storefront windows.

APPLICATION ITEMS: The exterior sign will be a replica of the original as shown in the attached historic pictures. One location at the east entrance, second at the north entrance.

DESCRIPTION OF PROPOSED PROJECT:

Owner proposes to install two new exterior neon or LED signs, 96"W x 39 1/4"H. One to be installed at the east entrance and one at the north entrance of building, mounted perpendicular to building with brackets and bolts; possibly additional angled guide wires.

STANDARDS AND GUIDELINES:

GROUP B STANDARDS

The Commission has the authority to determine the architectural merits and the extent of any proposed treatment, renovation, or addition to a historic landmark. The commission will require drawings, plans, specifications, and/or samples where appropriate.

A. Maintenance

The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark. The Commission shall encourage the proper maintenance of all structure or sites.

B. Treatment

Treatment shall be defined as any change of surface materials that will not alter the style or original form. Such improvements include re-roofing, glazing, or landscaping lawns and may involve a change that can potentially enhance or detract from the character of the landmark. A treatment change of any surface whether on the landmark or in its environment may require a

Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while and addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition). Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall

appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. Structure—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.
2. Material—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.
 - a. wood—all wood trim should conform with existing trim in shape and size.
 - b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and supergraphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

(These standards apply to both A and B)

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate.

Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

STAFF RECOMMENDATION: Staff recommends approval.

Elicia Feasel, Executive Director

Deb Parcell, Deputy Director

Staff clarified that application is for LED sign, not neon.

Commissioner Gelfman moved to approve application as submitted. Seconded by Commissioner Hertel. Eight in favor, none opposed.

Vote: 8 – 0

COA#2016-0907A Approved.

III. HEARING OF VISITORS - none

IV. REGULAR BUSINESS

A. APPROVAL OF MINUTES

1. **August 15, 2016** – Approved by general consent.

B. TREASURER'S REPORT

1. **Location Report** – Distributed. Executive Director Feasel pointed out Deputy Director line item will have approximately \$7,000 balance left at the end of year, due to March hiring date. It was proposed that some of the excess be used for intern/resident volunteers who have contributed considerable time and effort to significant projects for HPC. These two individuals would each submit a one-time invoice for tasks with stipend to be paid @ \$1500. Additionally, to further the Building South Bend project, we would have Notre Dame Architecture Library bill us for archival work, so we could move towards the next phase of the project. To use excess funds, an outside not-for-profit partner agency must invoice us, and spend the funds on our behalf. Out of line transfer must be approved first. Intern/volunteer contracts must be reviewed by legal counsel, and formal proposal for use of excess funds will be presented at October meeting.

C. STAFF REPORTS

1. **Correspondence** – Circulated. Commissioner Gordon questioned why Ed Talley posts are included in correspondence. Discussion.
2. **Executive Director** – In Packet. Commissioner Buccellato questioned conversation with Frank Perri regarding his “master plan in East Bank and future partnerships and COAs.” Discussion.
3. **Deputy Director** – In Packet.
4. **Preservation Specialist** – Distributed. President Kluszczinski suggested that property addresses of site visits, walk-throughs, etc., be listed on Preservation Specialist report.
5. **Legal**

D. COMMITTEE REPORTS

1. **President** – Distributed
2. **Indiana Bicentennial** – Executive Director Feasel reported that there is one more Bicentennial event to go. Playing cards are available for \$10, and are very limited in quantity.

V. OLD BUSINESS - none

VI. NEW BUSINESS

- A. **Fines** – Commissioner Gelfman inquired about the issue of fines. Legal Counsel Hummer briefly discussed client/attorney privilege. Regarding fines, county and city ordinances are basically the same concerning enforcement. HPC must go through channels of Code Enforcement/County Building Commissioner – they are HPC's enforcement arm. HPC cannot impose fines; only the Building Department can do this. To change policy will require a change of ordinance. President Kluszczinski reported that staff has conducted an audit of past administrative practices and is making adjustments to better address violations. If HPC determines that it must pursue a policy change, Counsel would be asked to review the qualifications for an executive session as a legal matter for

holding a Legal Affairs Committee meeting and to draft a proposal for the general Commission body. HPC has improved working relationships with enforcing agencies; working with these agencies should be our first line of action, as it does not require another law.

- B. **Terms of Office** - Tom Gordon questioned term lengths of commissioners. Discussion.
- C. **541 North Ironwood Landmark Status** – Deputy Director Parcell has reviewed additional documents sent by current property owners, but can still find no basis for pursuing Landmark status. President Kluszczinski recommended filling out revised Local Landmark form, showing required information that has and has not been provided, and sending the owners a copy.

VII. ANNOUNCEMENTS AND MISCELLANEOUS MATTERS

A. SOUTHBOLD PRESERVATION AWARDS/NORTHERN INDIANA PRESERVATION AWARDS

VIII. ADJOURNMENT

Commissioner Hertel moved to adjourn. Seconded by Commissioner Gelfman. Eight in favor, none opposed. Vote: 8 – 0
Meeting adjourned at 9:46 p.m.

Attest:

Elizabeth Hertel, Secretary

*Thomas Gordon VP
asst sec*

10/17/16
Date

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Date: 9 August 2016

Application Number: 2016-0809

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Architectural Style/Date/Architect or Builder: Period Revival/1920/Firehouse #4

Property Owner: Eric Boyd

Landmark or District Designation: Local Landmark

Rating: Outstanding

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ALTERATIONS: Most of the windows in this former firehouse have been boarded up prior to a 2007 fire. RME 2011-1110 approved replacement of metal roof to secure the building and protect it from the elements, although there is no evidence it was ever installed. An asymmetrical gabled roof has been installed without an approved COA or Building Permit on approximately half of the main structure, as well as a second story addition and gabled roof on the rear of the building. Areas where large overhead garage doors were originally located have been covered with vinyl siding. Most window openings have been covered with plywood or vinyl siding.

APPLICATION ITEMS: Roof, window replacement, apply for addition – siding vinyl and window replacement is long term. Current plan is to keep windows boarded for security reasons (2 replacement windows have been broken). Color of vinyl siding is brown.

DESCRIPTION OF PROPOSED PROJECT: HPC Staff has worked with the current owner in recent years to support a tax abatement and rezoning petition. Although an RME was issued for a replacement roof in 2011, the details of what was actually installed were not presented at that time. Additionally, the Building Department has provided a statement that indicates the current roof configuration was not approved with a Building Permit and has ordered all work to stop until a formal submission and plan is set for the proposed work. This property was heard at a July 26, 2016 Code Enforcement hearing where a date of January 26, 2017 was given for Code compliance.

Owner proposes a 4/12 shed roof be constructed over part of the main building, from the west exterior wall 30' east to a 10'H wall built on existing brick interior wall, with a 1' overhang at west wall. Second floor addition atop one-story brick portion at rear of building is to be vinyl sided to match existing brown vinyl siding used to fill garage door openings; replacement windows to be used to fill window openings in this addition. Existing windows in building are to be left boarded up for security reasons. Most of this work with the exception of the windows and vinyl in the rear addition have been installed without COA or Building Permit.

PRESERVATION SPECIALIST REPORT: n/a

STANDARDS AND GUIDELINES: Group B

A. Maintenance

The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark. The Commission shall encourage the proper maintenance of all structure or sites.

B. Treatment

Treatment shall be defined as any change of surface materials that will not alter the style or original form. Such improvements include re-roofing, glazing, or landscaping lawns and may involve a change that can potentially enhance or detract from the character of the landmark. A treatment change of any surface whether on the landmark or in its environment may require a Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while an addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition). Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. Structure—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.
2. Material—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.
 - a. wood—all wood trim should conform with existing trim in shape and size.
 - b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and supergraphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to

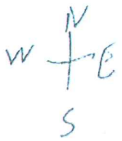
the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate. Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

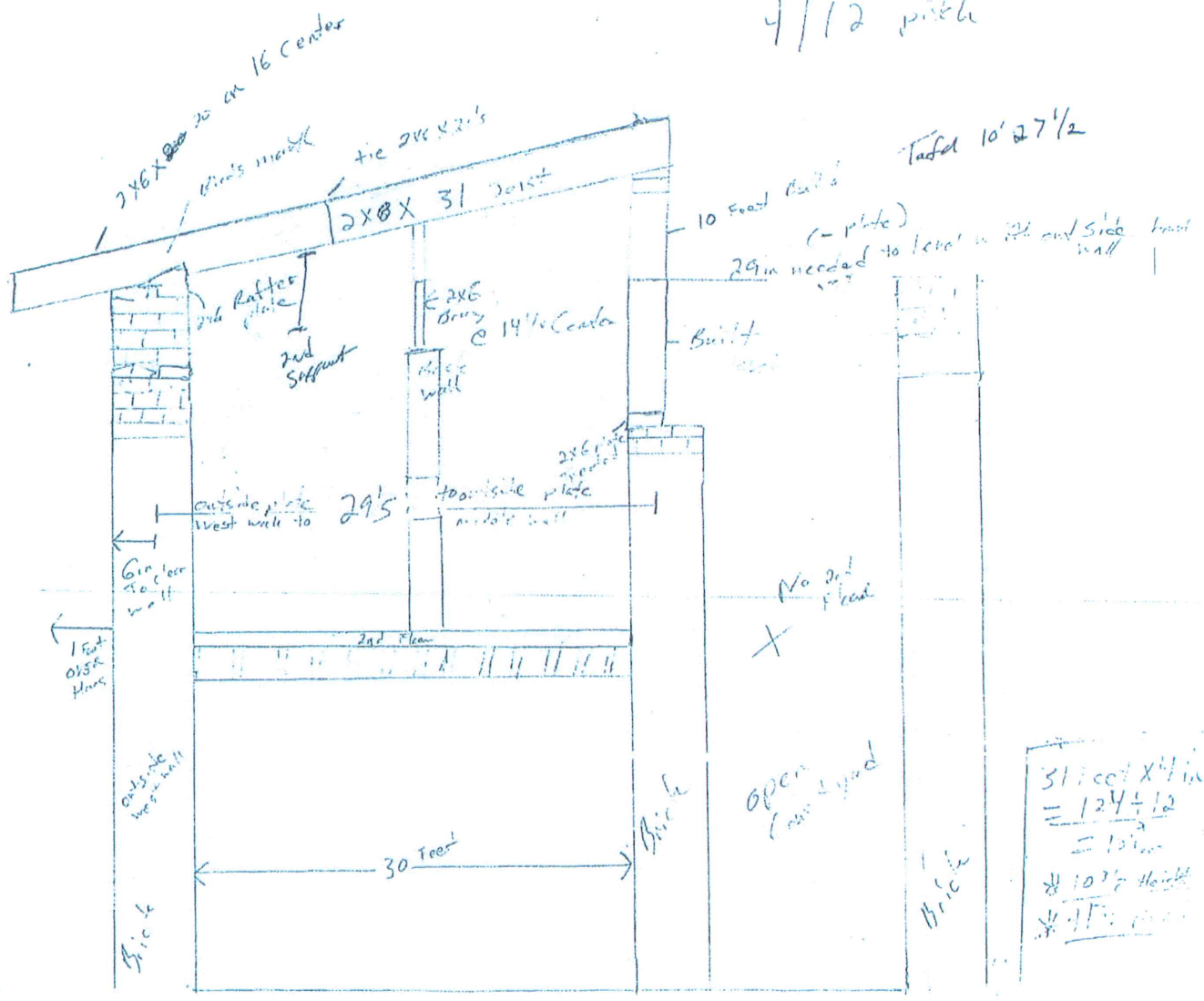
No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

STAFF RECOMMENDATION: Staff does not recommend approval of the roof deviation from flat to asymmetrical gable and does not recommend a roof on only half of the structure as it does not conform to the standards and guidelines, A, B, and C. Staff recommends rear second story addition with gable roof, however, is not recommending the proposed window and siding treatments as they can be considered an incompatible material as reference in C, 2. Staff recommends that the owner be in compliance with the Building Department at the request of the Building Commissioner.

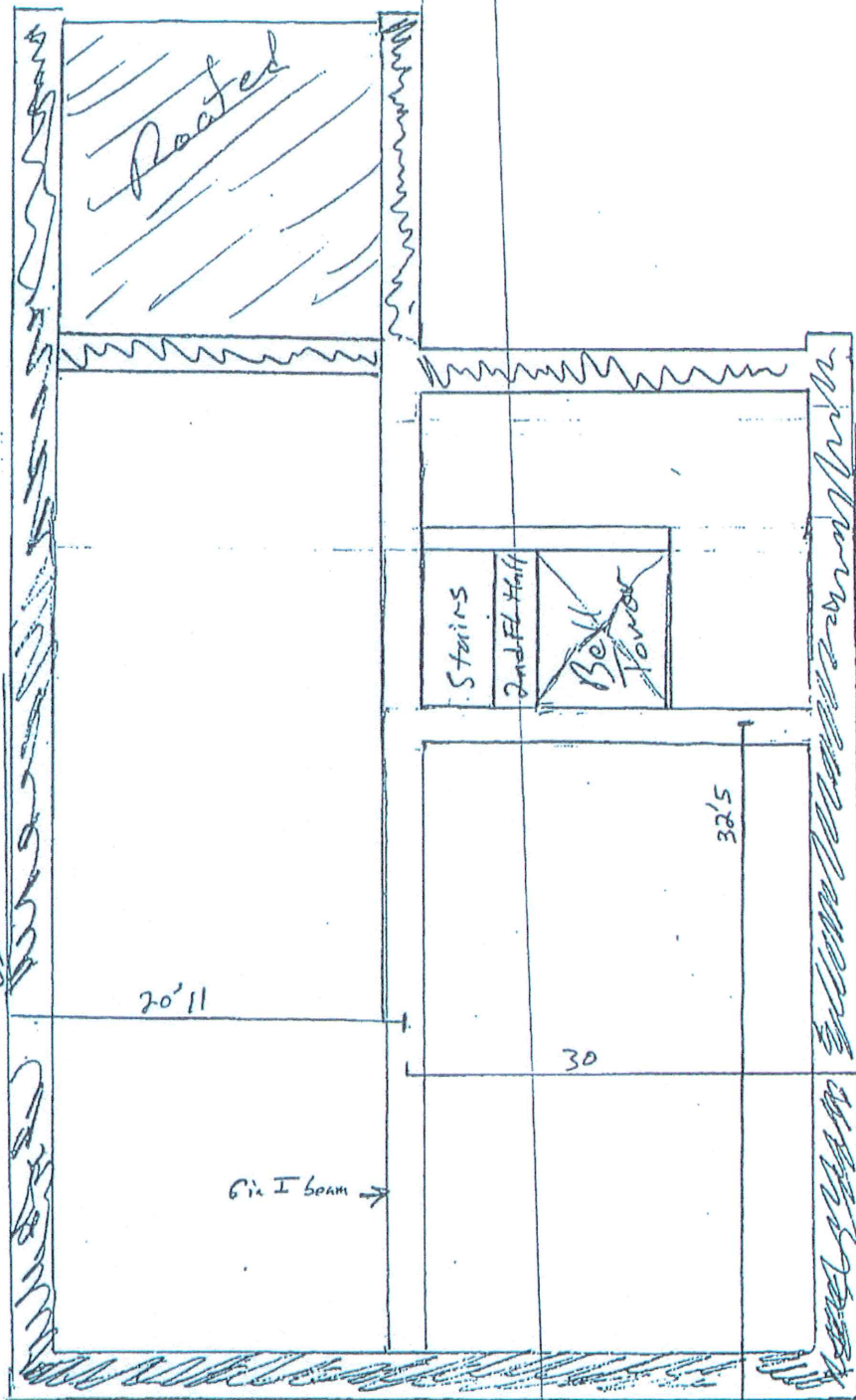
Elicia Feasel
Executive Director



4/12 pitch



Thick wall



Stop Here

50' 11"

Roofing This Half



000019



000020

1240 Thomas 2012



1240 Thomas 2012



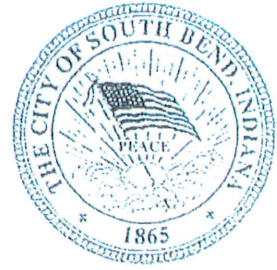


JAMES D. MARKLE, R.A.
Design/Plan Review Specialist

ST. JOSEPH COUNTY/SOUTH BEND
BUILDING DEPARTMENT

125 S. LAFAYETTE BLVD.
SUITE 100
SOUTH BEND, IN 46601
(574) 235-9554
FAX (574) 235-5541

CHARLES C. BULOT
BUILDING COMMISSIONER



AYOKA PAEK, MCP, MCIP
Zoning & Business
Services Administrator

August 10, 2016

Elicia Feasel
Historic Preservation

Re: 1240 Thomas, South Bend, IN

Dear Elicia:

On October 13, 2015, this office issue a Building Permit for Commercial Roofing at the above-referenced address. What was to be a structural repair and reroofing job has now morphed into a partial roof on the main building and a new second story addition on the rear of the building. None of this has been properly permitted.

I recently met with the owner and indicated that all work is to stop until this department receives a formal submission and plan set for the proposed work. We will not issue any additional permits until such time that all proposed and current work meets basic building standards.

This is a case where our best intentions to help preserve the historic integrity of a local building did not pan out as expected.

Sincerely,
Charles C. Bulot, C.B.O., C.F.M.

Building Commissioner

NOTICE OF PERMIT CONSTRUCTION

St. Joseph County and City of South Bend
Building Department
(574) 235-9554

DATE: 10/13/2015

PERMIT NUMBER: BD15005044

ADDRESS: 1240 THOMAS, SE CRN WITH WALNUT, N OF WESTERN AVE.

CONTRACTOR: BOYD SERVICES

PERMIT TO CONSTRUCT: PARTIAL ROOF

Lot No. Add'n. 48 COMMISSIONER'S OF S PT BANK OUTLOT 85 & 86

BOYD, ERIC (812)704-3005

Owner's Name Phone

1207 W Thomas St South Bend, IN 46601

Owner's Present Mailing Address/Email

Zoning MU Twp. PORTAGE Multiple Unit Count

Valuation \$500.00 Height Acreage 0.19

018-3074-2912

ABZA Date:

State No.

Front Rear Side

Building Permit Fee \$30.00

Contractor BOYD SERVICES (812)704-3005 boydmaster455@yahoo.com

Electric Permit Fee

Contractor

Plumbing Permit Fee

Contractor

Heating Permit Fee

Contractor

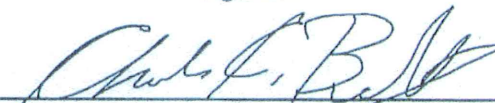
Subtotal \$ 30.00

Penalty \$

Total \$ 30.00

kwidawsk

Signature



Charles C. Bulot - Building Commissioner

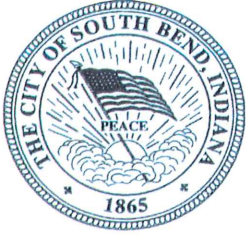
The person or contractor listed above hereby certifies that the statements contained herein are true and correct and in consideration of the granting of the permit agree to save St. Joseph County and City of South Bend harmless from any and all damages and agree to perform the work covered by this permit in conformity with the laws of the State of Indiana and the Ordinances of St. Joseph County and the City of South Bend, Indiana.

I agree to call for an inspection approval before any concrete is poured for footings and walls, or any framing, electrical, plumbing, or heating material is covered. I understand that a Final Inspection may be necessary and a Certificate of Occupancy shall be issued prior to occupancy being allowed. I also understand that this is only a Building Permit. Separate permits are to be obtained for any heating, ventilation, air conditioning, electric or plumbing work.

Understanding of the laws and rules regarding this permit is certified by applicant's signature above. This permit is valid for two (2) years from date of issuance, or as determined by the Building Department.

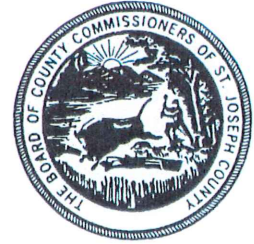
This Placard must be posted until project is completed. Failure to comply will result in a citation and fine.

000023



South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION

227 WEST JEFFERSON BLVD
SOUTH BEND, IN 46601-1830
www.stjosephcountyindiana.com/sjchp/index.html
Phone: 574-235-9798 Fax: 574-235-9578
e-mail: SBSJCHPC@co.st-joseph.in.us



Timothy S. Klusczynski, President

A Certified Local Government

Elicia Feasel, Executive Director

September 27, 2016

Eric Boyd
1240 West Thomas Street
South Bend, IN 46601

Dear Mr. Boyd,

The Commissioners, at the regularly scheduled monthly Historic Preservation Commission meeting on September 19, 2016, unanimously denied approval of the items originally listed on COA Application# 2016-0809: "Roof, window replacement, apply for addition – siding vinyl and window replacement is long term. Current plan is to keep windows boarded for security reasons (2 replacement windows have been broken). Color of vinyl siding is brown". Following is the record from the meeting concerning your project which states the reasons why your application was denied:

Commissioner Gordon moved to deny application as submitted. Seconded by Commissioner Anderson. President Klusczynski clarified that votes in the affirmative will support the motion to deny the application and reminded the members to state their reasons when voting. Roll call was ordered.

Commissioner Hertel (AYE): *the best course of action in maintaining the historic integrity of the building*

Commissioner Parker (AYE): *due to the architectural character of building, and the lack of other options/quotations*

Commissioner Anderson (AYE): *lack of conforming to architectural integrity of historic building*

Commissioner Gordon (AYE): *not in keeping with the integrity of the landmark status*

Commissioner Klusczynski (AYE): *work is not in keeping with Landmark standards and guidelines, work was performed without prior approval by the HPC and the Building Department, evidence suggests that the new changes are not structurally sound and in compliance with current building code, there is only one quotation obtained by the applicant for in-kind work, and there is insufficient documentation to consider alternative proposals at this time.*

Commissioner Voll (AYE): *a tough decision because of all the work the owner has put into it. The building, if it were restored, in that neighborhood, would be a classic piece. That is a difficult option here, but there is hope that there may be ways to achieve that.*

Commissioner Buccellato (AYE): *project does not meet standards and guidelines, in particular that additions to Landmarks should not detract from the original form. This roof, as proposed, will detract from the original form. Would like to see the building saved, and recommended that if a sloped roof is necessary financially, the owner would come back with a proposal that does not detract from the form of the structure.*

Commissioner Gelfman (AYE): *architectural integrity, lack of other quotes on a flat roof, changing from flat roof to gabled roof, losing the structural integrity of the building as-is historically, and materials being used.*

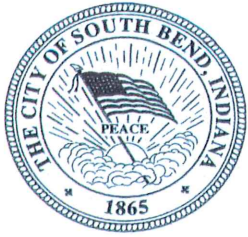
COMMISSIONERS

Thomas Gordon (Vice President)
Mike Voll (Treasurer)
Jennifer Parker (Architectural Historian)
Elizabeth Hertel (Secretary)
Kevin Buccellato
Brandon Anderson
Michele Gelfman
Joseph Molnar

STAFF

Deb Parcell, Deputy Director
Brett Hummer, Legal Counsel
Steve Szaday, Preservation Specialist

**HISTORIC
PRESERVATION
COMMISSION**
OF SOUTH BEND & ST. JOSEPH COUNTY
EST 1000024



South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION

227 WEST JEFFERSON BLVD
SOUTH BEND, IN 46601-1830
www.stjosephcountyindiana.com/sjchp/index.html
Phone: 574-235-9798 Fax: 574-235-9578
e-mail: SBSJCHPC@co.st-joseph.in.us



Timothy S. Kluszczinski, President

A Certified Local Government

Elicia Feasel, Executive Director

Commissioner Molnar (AYE): *echoes Commissioner Voll's statements that this is a tough choice. Suggests checking with Community Investment to see if they have any programs that could assist in this project.*

Nine in favor, none opposed.

Vote: 9 – 0 COA#2016-0809 Denied.

Please contact this office with any questions or concerns or for any assistance.

Sincerely,

Debra Parcell, Deputy Director

COMMISSIONERS

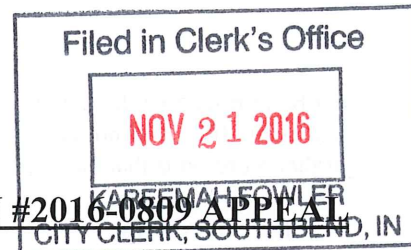
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**HISTORIC
PRESERVATION
COMMISSION**
OF SOUTH BEND & ST. JOSEPH COUNTY
EST. 19000025

November 21, 2016



ADMINISTRATIVE RECORD FOR C.O.A. APPLICATION #2016-0809 APPEAL

1) 1st VIOLATION: ABUSE OF DISCRETION

Evidentiary and Administrative Record of Abuse of Discretion/Hardship/Lack of Detriment

- A.) Application of: Statue of Limitations Clause Ord.9495-04
- B.) Statement of owner- HPC requiring Owner to resubmit previously approved COA applications to resulted in violating Owner's rights under statute of limitations.
- C.) Public safety/dangerous conditions vs architectural character
- D.) Application: Potential Hardship of Denial
- E.) Application of: Lack of public detriment

A.) Statute of Limitations Clause Ord. 9495-04

In August 2016, HPC suggested to Owner/Petitioner (Eric A. Boyd) to file an application/COA for the Partial West & East Side roof. In September 2016, HPC denied the Owner's application for Partial West & East Side roof. *The original COA application for the West Side roof was submitted in 2015.* Permit was issued & signed by the St. Joseph County Building Commissioner (Permit BD15005044 which is deemed an Application for COA according to HPC). HPC's September 19, 2016 denial on application item: A.). Partial West Side Roof is negated by their FAILURE to act on the original application for Permit/COA in October of 2015. ***"FAILURE of HPC to take action within sixty days after receipt of the application by the commission shall constitute approval of the application." ORD.9495-04***

The owner should not have been subjected to file a second COA application for the partial west roof when the COA application for the partial west roof was issued a building permit and HPC failed to act within 60 days.

- a.) HPC FAILED to consider the application within 45 days following receipt of application. (10-13-15)
- b.) HPC FAILED to take action within 60 days of receipt of application.

These failures violate petitioner's rights under Historic Preservation Commission's *Article 13 SEC.21-13 Ord. No.9495-04* which grants him an approval.

B.) Failure of HPC to Petition the Common Council for Temporary Delay in Issuance of Permits

HPC has FAILED for 6 years to use their *administrative powers granted by the Common Council* (Ord. No. 9495-04) to temporarily delay the issuance of permits in order to prepare a preservation plan for landmark 1240 W. Thomas St. which could have prevented any confusion regarding design. Owner's application, blue prints, and elevations have been on file at the St. Joseph County Building Dept. for over a year and HPC FAILED to review them, thus causing Owner to suffer hardship for their omissions.

C.) Public Safety/Dangerous Conditions vs. Architectural Character

HPC Ordinances (p.5) states *"HPC shall not prevent the construction, reconstruction, alteration, demolition, or moving of any building, structure or use which the building commissioner or other official having such power may certify as required by public safety because of unsafe or dangerous conditions."*

HPC Ordinances (p.7) states *"HPC must weigh the detriment to public welfare if the proposed construction is permitted even though it is not deemed appropriate."*

Ensuring public safety and removing dangerous conditions is the reason the Owner has removed over 20,000 lbs. of debris at cost and submitted an application for roof construction permit/COA with St. Joseph County Building Commissioner personally. Building Commissioner accepted application and blue prints that depicted elevation before permit was issued on 10-13-15. Permit expires 10-13-17. Currently, St. Joseph County Building Department is claiming to

not be informed of the details of the partial roof; however, roof designs were *on file* when permit was issued. The Owner finds that HPC does not have the right to deny the original 2015 Application for COA under the statute of limitations and further more finds that the imposed denial is unreasonable due to hardship and lack of public detriment.

D.) Hardship

Common Council requires HPC to evaluate the hardship a denial of COA will cause the applicant. The applicant carries two higher education degrees at a cost of \$65,000 and has invested a minimum of \$20,000 into the property. The applicant would like to see a return on his total career investment of \$85,000. HPC's flat roof solutions with cost an additional estimated \$60,000.

E.) Lack of Public Detriment

There is no public harm in the St. Joseph county building department approved roof variation. The public detriment would have been the demolition of the building costing tax payers \$20,000; or environmental damage from the pollution of the demolition. Residents of Thomas Street are happy that after seven years of being an eyesore the building is finally being restored.

2) 2nd VIOLATION: VERBAL REFUSAL TO DISCLOSE APPEAL PROCESS & DECEPTIVE LANGUAGED USED TO MISLEAD APPLICANTS ON TO WHOM TO APPEAL TO & THE PROCESS.

Evidentiary and Administrative Record of Denying Applicants Access to the HPC Appeal Process and Board

- A.) Administrative Ordinance vs HPC website language
- B.) Testimony of Conversation with HPC's Executive Director verifying the ongoing internal policy of denying applicants access to the appeals process & board.
- C.) **Historical Record of number of appeals filed in 43 years: 2**

A.) Administrative Ordinance vs HPC Website Language

The language used in Article 13 Ord.No.8485-04 "*Powers and Duties*" differs from the language used by Historical Preservation Commission on the County website:

"Powers and duties" Ord.No.8485-04 P.6Sec.5(B)

"Deny the application, stating in writing the reason(s) for such denial. Upon such denial, the applicant may appeal said denial to the Common Council which shall make a final determination of the application."

Historical Preservation Commission's online procedures Sec.6 Paragraph 2

"The owner may re-submit his/her application with the suggested changes to the staff for review at the next meeting. After all proper procedures are exhausted, the applicant does have the right of appeal to the proper council which will make a final determination of the application."

B.) Testimony of Conversation with HPC's Executive Director

The Historical Preservation Commission displays the Application and procedures on the official website for St. Joseph County. The Petitioner attempted to review the appeal process online, but found "*right to appeal to proper council*" vague and ill-defined. (Certificate of Appropriateness Application Form & Procedures, www.stjosephcountyindiana.com/departments/SJCHP/coaform.htm)

The Petitioner called HPC for a better understanding of the process. When Petitioner called HPC after the denial of COA to inquire about the appeal process for historic preservation commission decisions, HPC Executive Director made the following statement

“We don’t disclose how to appeal our rulings...Good Luck!!”

Due to the fact that Historical Preservation Commission’s position is to not verbally disclose the appeal process of their civic administrative rulings and the deceptive language camouflaging the correct Appeal Board and its process Owner/Petitioner finds his rights have been violated. HPC initially used deceptive language to misidentify the correct governing body on the County website to prevent applicants from filing appeals. Based on HPC’s Executive Director’s verbal refusal to disclose the appeal board or process, the applicant was denied access to the appeal process a second time.

HPC Legal Ordinance Procedures:

- 1.) DO NOT require a person to re-submit an application to HPC with HPC’s suggestions in order to file an appeal.
- 2.) DO NOT require exhaustion of all proper procedures to ensure the constitutional right to file an appeal.

Additional Denied Application Items WITHOUT Merit or Review:

Additional application items: brown siding, 2nd story addition and windows on rear addition

- A.) Brown Siding (Not Seen from the Front View) **Donated**, HPC suggested real wood= hardship
- B.) 2nd Story addition 280SF (Not Seen from the Front View) HPC Staff recommended Commissioners approve 2nd story addition with gable roof on rear. **Donated**
- C.) Window on rear addition- **Donated**, HPC denied without reason and requested applicant reapply and pay the fees associated.

FACT: HPC President Timothy Kluszczinski publicly informed voting commissioners before voting at the September 19th hearing that HPC regulations require them to deny all application items once one item has been denied on an application. This (verbal regulation) requires the applicants to re-file for the additional application(s) months later, if one item on a list of items has been denied.

This unnecessary time delay is a double taxation of fees and appears to be a punishment to applicants who have been denied a portion of their application items. *Owner cannot find documentation of this verbal regulation anywhere in the public Ordinance No.9495-04 or why he was subjected to it.*

Individual Application Items should be granted and denied based on the way the Commissioners rule on them (individually). Forcing applicants to pay for another two-month application process for item(s) previously applied for but were denied based on relationship to another denied item isn’t cost or time effective.

IDEAL RESOLUTION:

- A.) **City Council appeal the denial of the application Item 1.) West Roof & East Roof** (West roof was approved by HPC’s Statue of limitations: failure to act within 60 days. Roofing the building has saved tax payers around \$20,000 from not having to demo it.)
- B.) **City Council appeal denial of application Items 2.) Brown siding 3.) rear windows** (note both are donations from community partners any other material would cause a hardship.)
- C.) **City Council appeal denial of application Item 4.) 2nd Story addition**, (based on HPC staff recommendations)
- D.) **Allow Owner and his Structural Engineer Brian Siqueira to work with Building Dept. and Indiana Home Land security to acquire necessary federal permits to complete the restoration.**
- F.) **Apply Page 7 section 5 of the Ord. No 9495-04** which requires HPC to weigh both the potential Hardship a denial will cause the Owner and the lack of detriment to public welfare.

Respectfully Submitted,
Eric A. Boyd
Owner: 1240 W. Thomas St.



Accessible. Experienced. Versatile.

E. Spencer Walton, Jr.
Jeffery A. Johnson*
Robert J. Palmer
Wendell W. Walsh
Patricia E. Primmer
D. Andrew Spalding
Bradley L. Varner

Jane F. Bennett
Georgianne M. Walker*
Marcellus M. Lebbin*
Trevor Q. Gasper*
Brett R. Hummer*
Jennifer L. ElBenni*
Ryan M. Dvorak

Courtney K. Kuelbs*
Michael E. Doversberger*
Daniel R. Appelget
Amanda M. Jordan
Blake D. Sheeley
K. Foust Hunneshagen

Of Counsel
John H. Peddycord
Robert F. Conte*
Robert C. Beutter

*Also licensed in the
State of Michigan

December 6, 2016

Kareemah Fowler, IAMC
City Clerk,
Office of the City Clerk
227 W. Jefferson Blvd. Rm. 455
South Bend, IN 46601

Re: *Appeal of Boyd v. Historic Preservation Commission*
COA # 2016-0809

Dear Ms. Fowler:

Enclosed please find twelve copies of The Historic Preservation Commission of South Bend and St. Joseph County's Evidentiary and Administrative Record and Position Statement and Exhibits "A" through "K".

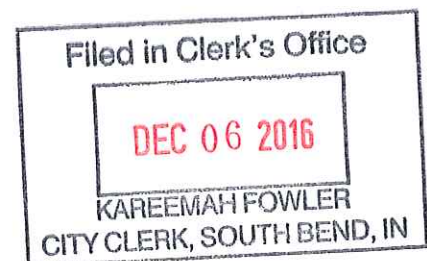
Should you have any questions regarding the above please do not hesitate to contact me.

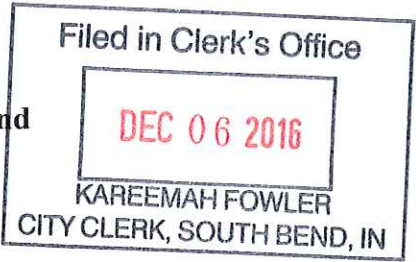
Sincerely,

Brett R. Hummer

bhummer@maylorber.com

Encl.





Before the Common Council of the City of South Bend

ERIC BOYD,)
)
 Appellant,)
)
 vs.)
)
 HISTORIC PRESERVATION)
 COMMISSION OF SOUTH BEND AND)
 ST. JOSEPH COUNTY,)
)
 Appellee.)

RE: Application for Certificate of
Appropriateness, No. 2016-0809

**HISTORIC PRESERVATION COMMISSION OF SOUTH BEND AND ST. JOSEPH
COUNTY’S EVIDENTIARY AND ADMINISTRATIVE RECORD AND POSITION
STATEMENT**

I. Background

A. The Powers and Duties of the Historic Preservation Commission

The Historic Preservation Commission (“HPC”) is granted the power to establish and set standards and guidelines for the preservation of historic landmarks. To enable the exercise of this authority, South Bend Ordinance 9495-04 requires an owner of a historic landmark to obtain a Certificate of Appropriateness (“COA”) “before construction, reconstruction, alteration, demolition, or moving of any exterior feature of any building, structure, or use.” City of South Bend Ordinance 9495-04, Section 21-13.02 (e)(1). An application for a COA must be voted on by the entire HPC at a public hearing.

A COA is not required for ordinary maintenance and repairs to a historic landmark which do not involve a change in any exterior features. City of South Bend Ordinance 9495-04, Section 21-13.02 (e)(2). Instead, the procedures of HPC dictate that the owner of the landmark should request a Routine Maintenance Exemption (“RME”). The RME may be granted by a HPC staff member and does not require a public hearing.

B. 1240 W. Thomas Street owned by Appellant Eric Boyd

1240 W. Thomas Street (the “Firehouse”) was designated as a Historic Landmark on September 29, 1999 by Ordinance No. 9037-99. The building is described as:

A two story Period Revival Style Fire Station. It has a flat roof with limestone parapet coping, metal parapet scupper/cornice with brick brackets underneath with elaborate limestone detailing at the ends. The building is made of brick with ornate limestone detailing. The windows are one over one double hung with limestone sills, all of which except for the windows along the front façade are boarded up. The building also has a paneled wood entry door and two hinged wooden garage doors for the fire trucks.

A true and accurate copy of the Ordinance No. 9037-99 is attached as Exhibit “A”. The Firehouse was a designated historic landmark prior to Eric Boyd’s (“Mr. Boyd”) purchase of the same.

On November 10, 2011 Mr. Boyd received an RME to “replace metal roofing to secure the burned out landmark and protect from the elements.” A true and accurate copy of this RME is attached as Exhibit “B”.¹ Importantly, the RME did not allow Mr. Boyd to make any repairs which were not in-kind and did not mention the construction of a gabled roof or any deviation to the then-existing roof style and structure. The RME was good for one year, but upon a requested extension, was valid until November 10, 2013. However, instead of simply replacing the metal roofing as permitted by the RME, sometime following the expiration of the RME Mr. Boyd began constructing a gabled asymmetrical roof.

On October 13, 2015 Mr. Boyd filed for an application for a building permit to add a partial roof on the Firehouse with the South Bend Building Department, not the HPC. As the Firehouse was a Historical Landmark normal protocol stipulated that the Building Department would send Mr. Boyd to HPC to obtain a COA. A true and accurate copy of the Affidavit of

¹ A COA and RME are granted using the same form. Accordingly, an RME and COA will both be printed on the form labeled “Certificate of Appropriateness”, even though they permit different activity.

Charles Bulot is attached as Exhibit “C”. Once a COA was obtained the Building Department would then determine if a permit should be granted. *Id.* However, the fact that the Firehouse was a Historical Landmark was unfortunately overlooked by the Building Department and Mr. Boyd was granted a building permit for a partial gabled roof. *Id.* A true and accurate copy of the Building Permit is attached as Exhibit “D”. HPC did not obtain a copy of the building permit application. HPC was informed of the building permit around July 26, 2016 when they became aware that the Firehouse was the subject of a code violation hearing. A true and accurate copy of the Affidavit of HPC Executive Director Elicia Feasel is attached at Exhibit “E”.

On August 9, 2016 Mr. Boyd submitted an Application for Certificate of Appropriateness, Application No. 2016-0809 to the HPC. A true and accurate copy of Mr. Boyd’s application is attached as Exhibit “F”. The application requested the following modifications:

Roof, window replacement, apply for addition—siding vinyl and window replacement is long term. Current plan is to keep windows boarded up for security reasons (2 replacement windows have been broken. Color of vinyl siding is brown.

Per the normal procedure, the staff at HPC issued a Staff Report on the Application. A true and accurate copy of the staff report is attached at Exhibit “G”. Executive Director of HPC, Elicia Feasel, recommended (1) HPC deny the modifications from the flat roof to a gabled roof due to a failure to conform to the maintenance, treatment, and renovation and addition guidelines set forth by the Group B Standards; (2) that HPC grant a COA for the second story because it fit with the structure of the building; and (3) deny the proposed window and siding treatment as they were both vinyl and incompatible materials as set forth in the Group B Standards.

On September 19 2016 Mr. Boyd’s application was heard at a public hearing of the HPC. The Board unanimously denied Mr. Boyd’s application. A true and accurate copy of the minutes

from the hearing are attached as Exhibit “H”. Mr. Boyd was mailed a copy of HPC’s findings on September 27, 2016, which set forth in writing the reasons for denying his COA application. A true and accurate copy of HPC’s findings are attached as Exhibit “I”. In sum, the HPC concluded that the proposed gabled roof detracted from the original form and architectural character of the building, failed to keep with the Group B standards, and that Mr. Boyd failed to show evidence showing that the flat roof was not financially feasible.

II. Standard of Review

The Common Council shall review an appeal before them to determine if the action taken by HPC was:

- (1) Arbitrary, Capricious, an abuse of discretion, or otherwise not in accordance with applicable law;
- (2) Contrary to constitutional right, power, privilege, or immunity;
- (3) In excess of statutory jurisdiction, authority, limitations, or statutory rights;
- (4) Without observance of procedures required by applicable law or ordinance;
- (5) Unsupported by substantial evidence.

In his filings with the Common Council Mr. Boyd does not argue that HPC’s decision was arbitrary and capricious. Mr. Boyd does not contend that the decision to deny his application was contrary to a constitutional right, power, privilege, or immunity. Nor does he contend that HPC is without the authority to deny his application or that they lacked substantial evidence to deny his application. His arguments focus on the fact that he believes HPC acted without the observance of the City of South Bend Ordinances and that HPC acted contrary to its own guidelines. HPC focuses on these factors in its arguments set forth below, and as demonstrated Mr. Boyd’s appeal should be denied and the Common Council should affirm HPC’s decision to deny Mr. Boyd’s application for a COA.

III. Argument

A. *Mr. Boyd's appeal was properly denied based upon the South Bend City Ordinance and HPC Guidelines.*

HPC complied with all applicable laws, ordinances, and guidelines when it voted to deny Mr. Boyd's application. HPC is vested the authority to grant or deny a COA based upon the factors set forth in the City of South Bend Ordinance 9495-04, Section 21-13.02 (e)(1). Those factors are the:

- (1) Appropriateness of the proposed construction, reconstruction, alteration, demolition, or moving to the preservation of the historic landmark, specifically, and/or the Historic Preservation District, generally.
- (2) The detriment to the public welfare if the proposed construction, reconstruction, alteration, demolition or moving is permitted even though it is not deemed appropriate; and
- (3) The potential hardship that the denial of a certificate of appropriateness would cause the applicant.

In addition, through their authority HPC has published guidelines known as the Group B Standards. These standards give an applicant and HPC additional factors to consider when ruling upon a COA. A true and accurate copy of the Group B Standards are attached as Exhibit "J". The most relevant standard to Mr. Boyd's application is Group B Standard, "C", which states, "*additions to landmarks should not detract from the original form and unity of the landmark.*" (Emphasis added).

Seven out of the nine commissioners of HPC explained that Mr. Boyd's proposed modifications did not keep to the architectural integrity of the building when casting their vote to deny the COA Application. While the discussion at the hearing mainly focused on the gabled roof, HPC also found that the proposed vinyl siding and vinyl windows did not fit with the architectural integrity of the brick and limestone building. Thus, HPC's decision that the

proposed alterations were not appropriate was entirely consistent with the Appropriateness standard of Section (e)(1) of Ordinance No. 9495-04

In addition, Mr. Boyd presented no evidence at the hearing to show that the public would benefit from the proposed modifications. On the contrary, if HPC were to allow the modifications to this Historic Landmark as proposed by Mr. Boyd, it would change the very structure that was given Historic Landmark protection by the Common Council through Ordinance No. 9037-99. The Firehouse was deemed a Historic Landmark in order to preserve the building as it then existed. Allowing a modification to the mass, frame, and materials of the building would entirely destroy the value of the Historic Landmark. Accordingly, HPC was well within its ordinance authority to deny Mr. Boyd's application given that his proposed modification would impose a detriment to the public welfare by violating the Historic Landmark Ordinance which protects the Firehouse.

Finally, HPC explicitly considered Mr. Boyd's financial hardship during the hearing. The hearing minutes show that both Commissioner Kluczinski and Commissioner Gelfman noted that Mr. Boyd failed to present quotes for keeping an in-kind flat roof. Instead, he came only with estimates for a gabled roof. Moreover, Mr. Boyd began working on the roof of the Firehouse before he was granted a COA. It would have been better had Mr. Boyd gone through the proper procedure to first seek a COA, but HPC nonetheless considered financial hardship as best it could given the lack of cost estimates it had before it at the hearing.

HPC did not act in excess of its statutory authority; it is granted the right to review and deny applications for a COA. HPC did not act without observance to the procedures required by applicable laws. HPC thoroughly considered all applicable guidelines when rendering its

decision. Mr. Boyd's appeal should be denied, and HPC's decision to deny Mr. Boyd's application should be affirmed.

B. HPC did not receive Mr. Boyd's application for a building permit in October 2015; therefore, it was not automatically deemed to be an application for COA under the City of South Bend Zoning Ordinances.

South Bend City Ordinance 9495-04, section 21-13(e)(3) provides:

An application for a building permit, demolition permit, sign permit or moving permit shall also be deemed to be an application for a certificate of appropriateness. Within five (5) working days of receipt of such application relative to a building, structure or use in said district, the Building Commissioner shall forward the application to the Historic Preservation Commission for review...

Section (e)(5) further provides:

The Historic Preservation Commission shall consider the application within forty-five (45) days following its *receipt* of the application for a certificate of appropriateness...(B) Failure of the Historic Preservation Commission to take such action within sixty (60) days after *receipt* of the application by the Commission shall constitute approval of the application

(emphasis added). Mr. Boyd mistakenly claims that his October 13, 2015 application for a building permit, per section (e)(3) of the city ordinance, was deemed an application for a COA. Mr. Boyd's argument is wrong and fails for several reasons.

First, HPC did not receive a copy of the building permit application that Mr. Boyd filed with the Building Department in October 2015. South Bend City Ordinance 9495.04, Section 21-13(e)(3) dictates the Building Department is to forward all applications for building permits filed regarding a Historic Landmark within (5) days. However, Charles Bulot, the Building Commissioner, attests to the fact that in this situation, the 2015 application was overlooked and never forwarded to HPC. *See* Exhibit C. Mr. Boyd's 2015 application with the Building Department should not be deemed an application for a COA because the Building Department made a mistake and failed to forward the application to HPC. Mr. Boyd was familiar with the

procedures for a historic landmark and knew he needed a COA prior to beginning work on the Firehouse, as evidenced by the fact he sought and received an RME in 2011 from HPC. *See*, Exhibit B. Mr. Boyd cannot claim to be ignorant of HPC guidelines and begin unapproved work at the expense of a Historic Landmark. Moreover, HPC should not be stripped of its authority to rule upon Mr. Boyd's application simply because of a mistake made by another city department.

Second, even if HPC had been in receipt of the 2015 building permit application (it was not), the building permit was only for a partial roof. Thus, the additional story Mr. Boyd has added to the Firehouse without approval, proposed vinyl siding, and proposed vinyl windows do not have a valid COA authorized by HPC and, per the above discussion, Mr. Boyd's COA application was properly denied.

C. Mr. Boyd's appeal is untimely

Lastly, Mr. Boyd's appeal to the Common Council is untimely. On May 27, 1997 during a prior HPC appeal a thirty (30) day deadline in which to appeal a decision from HPC was referenced. A true and accurate copy of the May 27, 1999 Common Council meeting minutes are attached as Exhibit "K". Mr. Boyd's COA application was denied on September 27, 2016. Mr. Boyd had until October 27, 2016 to file an appeal with the Common Council. His appeal was not filed until November 9, 2016. Mr. Boyd's appeal is untimely and should be denied.


Furthermore, contrary to Mr. Boyd's contentions, HPC did not verbally refuse to disclose the appeal process. When Mr. Boyd contacted HPC regarding the appeal he was told that they could not give him legal advice and referred him to the Common Council. *See* Exhibit E. Ms. Feasel did not state, "We don't disclose how to appeal our rulings... Good Luck!!" *Id.* Furthermore, the right to appeal is set forth in the HPC ordinances, which are publically

available online. Finally, any alleged confusing language which Mr. Boyd contends is used to hide the appeal process is incorrect. The HPC website states that there is a right to appeal to the proper council. HPC is governed and granted authority by both the South Bend Common Council and the St. Joseph County Council. The location of the landmark determines which council the appeal must be filed with. HPC has not camouflaged the appeal process; it's website simply and correctly informs the public that they must file and appeal with the proper Council.

IV. Conclusion

HPC has acted in accordance with the City of South Bend Ordinances and the HPC guidelines. Mr. Boyd's application was properly denied for failing to propose modifications that conformed to the architectural integrity of the Firehouse. The proposed asymmetrical gabled roof, vinyl siding, and vinyl windows will destroy the historical value of the landmark. Accordingly, HPC respectfully requests that the South Bend Common Council deny Mr. Boyd's Appeal and affirm HPC's decision to deny Mr. Boyd's application for a COA. A denial of the appeal will allow HPC to further work with Mr. Boyd to develop modifications to restore and keep the historical and architectural integrity of the Firehouse.

Respectfully submitted,



Brett R. Hummer (27172-71)

Attorney for Appellee

MAY OBERFELL LORBER

4100 Edison Lakes Pkwy, Suite 100

Mishawaka, IN 46545

Telephone: (574)243-4100

Fax: (574)232-9789

CERTIFICATE OF SERVICE

I certify that service of the above document was made on December 6, 2016:

- by depositing a copy or copies in the United States mail, postage prepaid
- by hand-delivering a copy or copies
- via electronic mail
- other:

upon the following:

Eric Boyd
1240 West Thomas Street
South Bend, IN 46601



Brett R. Hummer
Attorney for the Historic Preservation Commission

EXHIBIT "A"

ORDINANCE No. 9037-99

Passed by the Common Council of the City of South Bend, Indiana _____

September 27, 19 99

Attest:  City Clerk
LORETTA J. DUDA


Attest:  President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana _____

September 27, 19 99

 City Clerk
LORETTA J. DUDA

Approved and signed by me _____ September 29, 19 99 _____

 Mayor

COMMITTEE REPORT

TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

Your Committee of the Whole, to whom was referred:

BILL NO.

68-99

A BILL AMENDING THE ZONING ORDINANCE, AND
ESTABLISHING AN HISTORIC LANDMARK FOR PROPERTY
LOCATED AT 1240 WEST THOMAS STREET, IN THE CITY OF
SOUTH BEND, INDIANA

Respectfully report that they have examined the matter and that in their opinion, this bill is being recommended to the full Council with a favorable recommendation.

Charlotte Pfeifer
Chairman

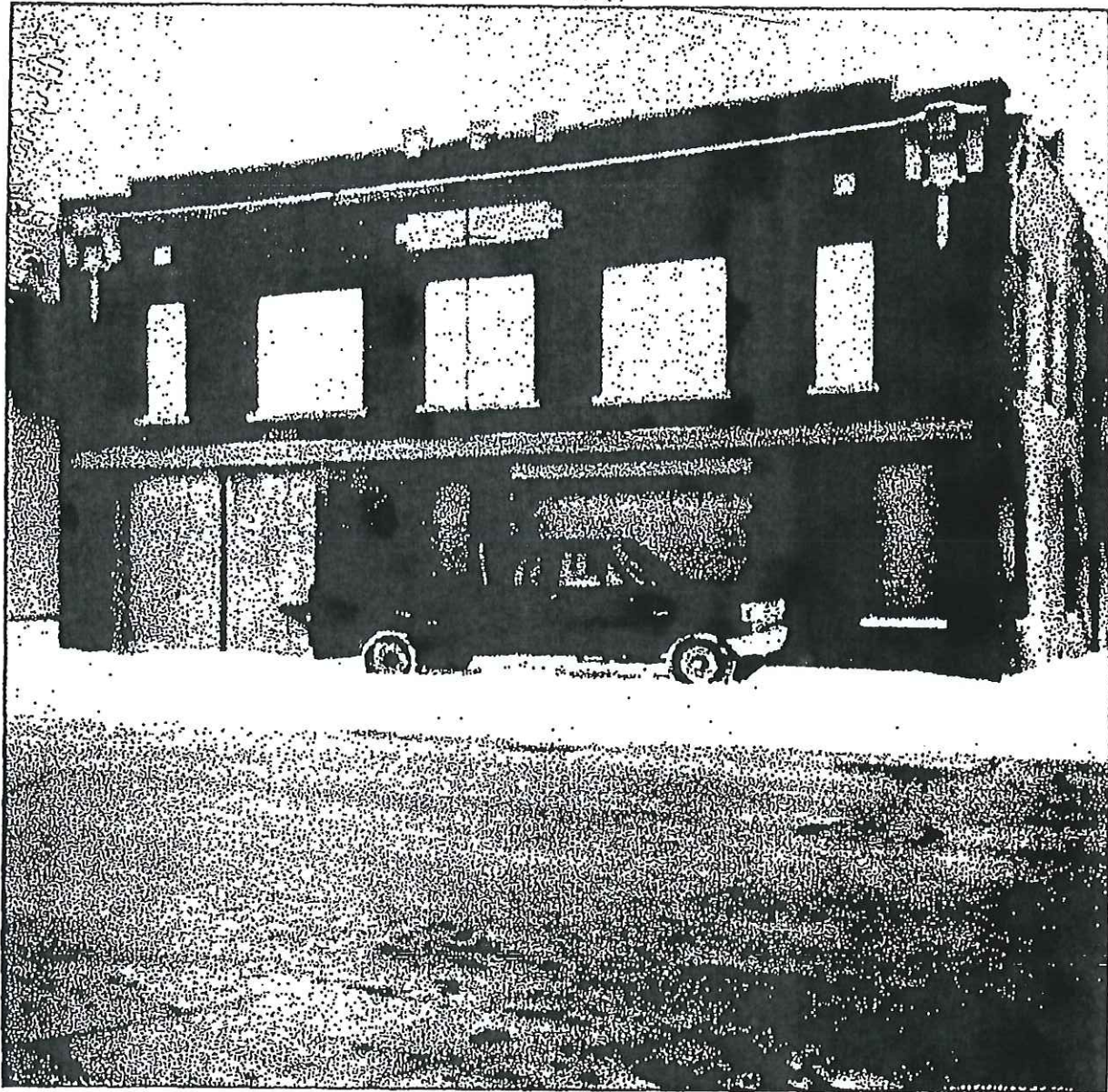
**PROPOSED LOCAL LANDMARK
1240 WEST THOMAS
SOUTH BEND, INDIANA**

**Historic Preservation Commission
of
South Bend and St. Joseph County
April 1999**

Filed in Clerk's Office

AUG 23 1999

**LONETTA J. BUDA
CITY CLERK, SO. BEND, IN.**



11 Mar 99

CURRENT PHOTOGRAPH

Filed in Clerk's Office

AUG 23 1999

LORETTA J. BUDA
CITY CLERK, CO. BEND, IN.

RECOMMENDATION

Based on the Historic Preservation Commission's Local Landmark Criteria's adopted by the Common Council, the building at 1240 W. Thomas has been recommended to the Common Council for designation as a Local Landmark by Historic Preservation Commission.

The building meets the criteria in at least three areas:

- 1.) Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represents an architectural characteristics or innovations.
- 2.) *Its suitability for preservation.*
- 3.) Its identification with the life of a person or persons of historical significance.

The building fulfills criteria #1 as an example of a 1920's Period Revival Style, two-bay, fire station. The building is rated a Significant 11 in the Indiana Historic Sites and Structures Inventory.

The building fulfills criteria #2 by the integrity of its original construction with little alteration to the facade. The building is a wonderful example of an early Twentieth Century, Period Revival Style, fire station.

The building fulfills criteria #3 by its association with ??? (the south bend fire department?)

Staff finds that the building meets the criteria for designation as a Local Landmark and recommends that the Commission send such a recommendation to the Common Council.

4/29/99

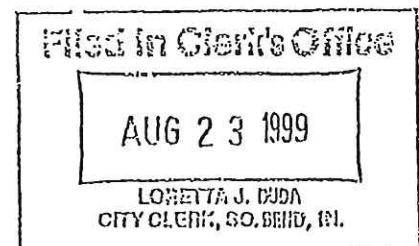


EXHIBIT "B"



Tim Kluszczinski, President

**HISTORIC
PRESERVATION
COMMISSION
OF
SOUTH BEND
AND
ST. JOSEPH
COUNTY**

Phone: (574) 235-9798
FAX: (574) 235-9578
E-mail: SBSJCHPC@co.st-joseph.in.us



CATHERINE D. HOSTETLER,
Director

CERTIFICATE OF APPROPRIATENESS

The Historic Preservation Commission of South Bend and St. Joseph County has reviewed the proposed work:
Replace metal roofing to secure burned out landmark and protect from elements per City of South Bend Code Case #08-069 adjudicated on 10 November 2011. Wayne Doolittle, Preservation Specialist and Inspector present at hearing.

TBD, Contractor
for the following location:

1240 THOMAS
South Bend, IN 46601

Application No. 2011-1110
in the County of St. Joseph; State of Indiana; which is:

- Located in a Local Historic
 A Local Historic Landmark

and found this application to be appropriate according to the Standards pertaining to Local Historic Landmarks and/or Local Historic Districts. Regulations pertaining to the Historic Preservation Commission are found in Chapter 21 (Zoning), South Bend Municipal Code and Chapter 26 of the St. Joseph County Code.

The issuance of this permit does NOT in any manner, release the recipient from the responsibility of complying with the requirements of the zoning ordinances, building codes, safety codes, ADA or other requirements of the City of South Bend, the County of St. Joseph, the State of Indiana, or the United States Federal Government.

This permit is good for one year from the date of issuance and is effective from the date entered herein. Plans are on file and open for public inspection at the office of the Historic Preservation Commission of South Bend and St. Joseph County, 125 S. Lafayette Blvd. (mailing address: 227 West Jefferson Blvd.), South Bend, Indiana, during normal business hours.

THIS PERMIT IS NOT TRANSFERABLE

NAME OF APPLICANT: Eric Boyd fbo 1240 Thomas

DATE PERMIT
TAKES FORCE: 11/10/2011

PERMIT ISSUED BY:
Catherine D. Hostetler
Director

Edward Renewed through 11.10.2013

POST IN A CONSPICUOUS PLACE ON THE STREET SIDE
OF THE PROJECT UNTIL COMPLETION OF ALL WORK. Eric Boyd
reapplied

EXHIBIT "C"

Before the Common Council of the City of South Bend

ERIC BOYD,)
)
 Appellant,)
)
 vs.)
)
 HISTORIC PRESERVATION)
 COMMISSION OF SOUTH BEND AND)
 ST. JOSEPH COUNTY,)
)
 Appellee.)

RE: Application for Certificate of
Appropriateness, No. 2016-0809

AFFIDAVIT OF CHUCK BULOT

Chuck Bulot, being first duly sworn upon his oath, deposes and states as follows:

1. I am over the age of twenty-one (21) years.
2. I have never been adjudicated and am not insane or incompetent.
3. I make the statements contained herein based on my personal knowledge and would so testify in person in a court of law.
4. I am a resident of the State of Indiana.
5. I am the Building Commissioner for the City of South Bend and have served in such capacity at all times relevant to this appeal filed by Eric Boyd, COA Application # 2016-0809.
6. Standard Building Department protocol dictates that if an application for a building permit is requested for a historic landmark, the staff members of the building department are to direct the applicant to the Historic Preservation Commission to obtain a Certificate of Appropriateness.
7. On October 13, 2015 Mr. Eric Boyd filed an application for a building permit to construct a partial roof on the building located at 1240 W. Thomas Street.

8. Per an unintentional mistake of a Building Department staff member, Mr. Boyd was not directed to the Historic Preservation Commission to obtain a Certificate of Appropriateness.

9. At no time prior to August 9, 2016 did the Building Department provide a copy of Mr. Boyd's 2015 Application for a Building Permit to the Historic Preservation Commission.

I affirm, under the penalties for perjury, that the foregoing representations are true.

Date

12/5/16

Chuck Bulot

EXHIBIT “D”

EXHIBIT “E”

Before the Common Council of the City of South Bend

ERIC BOYD,)	
)	
Appellant,)	
)	
vs.)	
)	RE: Application for Certificate of
HISTORIC PRESERVATION)	Appropriateness, No. 2016-0809
COMMISSION OF SOUTH BEND AND)	
ST. JOSEPH COUNTY,)	
)	
Appellee.)	

AFFIDAVIT OF ELICIA FEASEL

Elicia Feasel, being first duly sworn upon her oath, deposes and states as follows:

1. I am over the age of twenty-one (21) years.
2. I have never been adjudicated and am not insane or incompetent.
3. I make the statements contained herein based on my personal knowledge and would so testify in person in a court of law.
4. I am a resident of the State of Indiana.
5. I am the Executive Director of the Historic Preservation Commission (“HPC”) of South Bend and St. Joseph County and have served in such capacity at all times relevant to this appeal filed by Eric Boyd, COA Application # 2016-0809.
6. Prior to August 9, 2016, HPC did not receive an Application for a Certificate of Appropriateness from Mr. Boyd or through the Building Department for the “partial roof” proposed in Building Permit BD15005044.
7. At no time did I state to Mr. Eric Boyd, “We don’t disclose how to appeal our rulings...Good Luck!!”

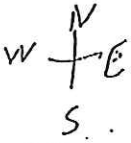
8. However, I did inform Mr. Boyd I was unable to provide legal advice regarding an application and referred him to the South Bend Common Council to learn about the appeal process.

I affirm, under the penalties for perjury, that the foregoing representations are true.

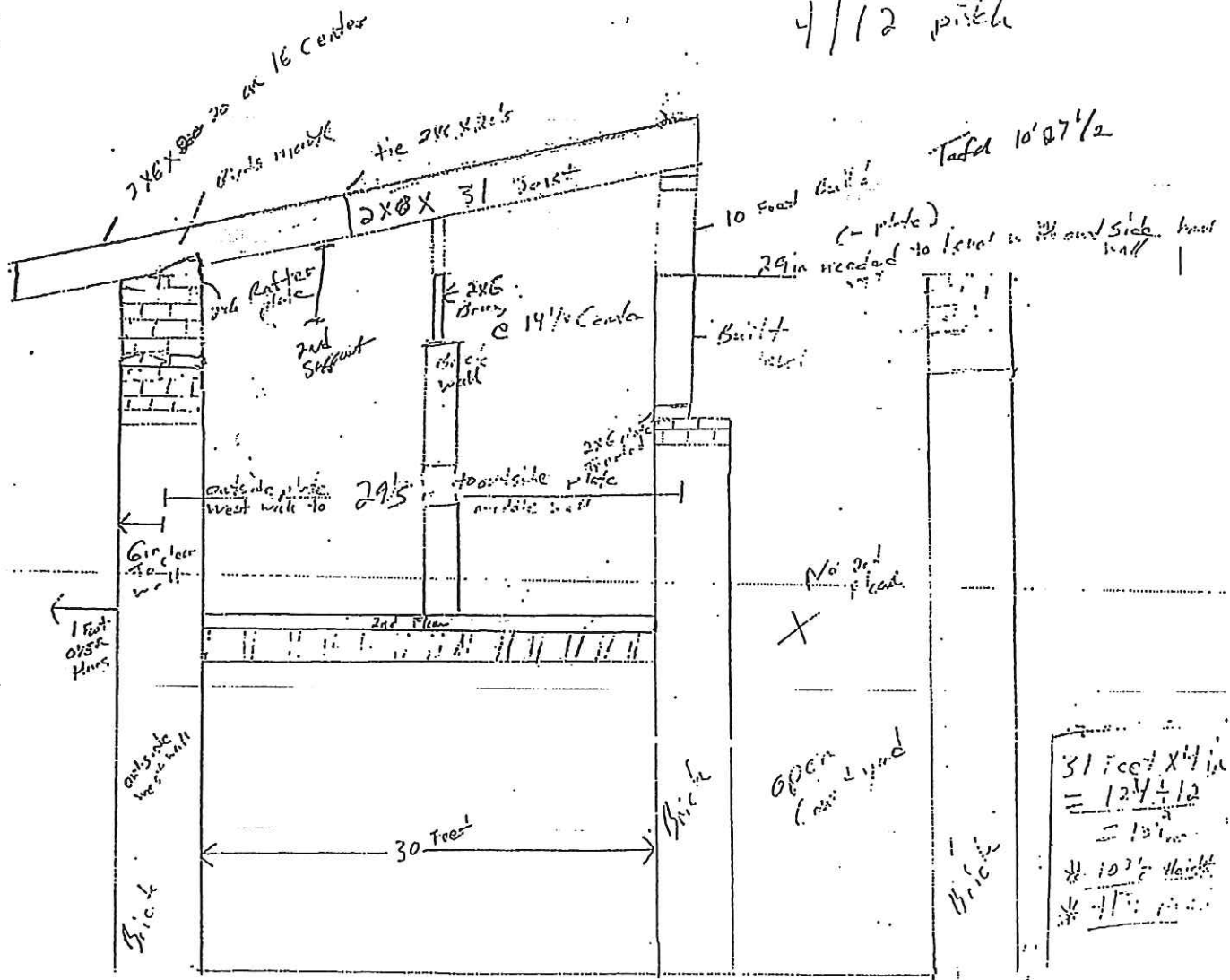
5/20/11
Date

Elicia Feasel
Elicia Feasel

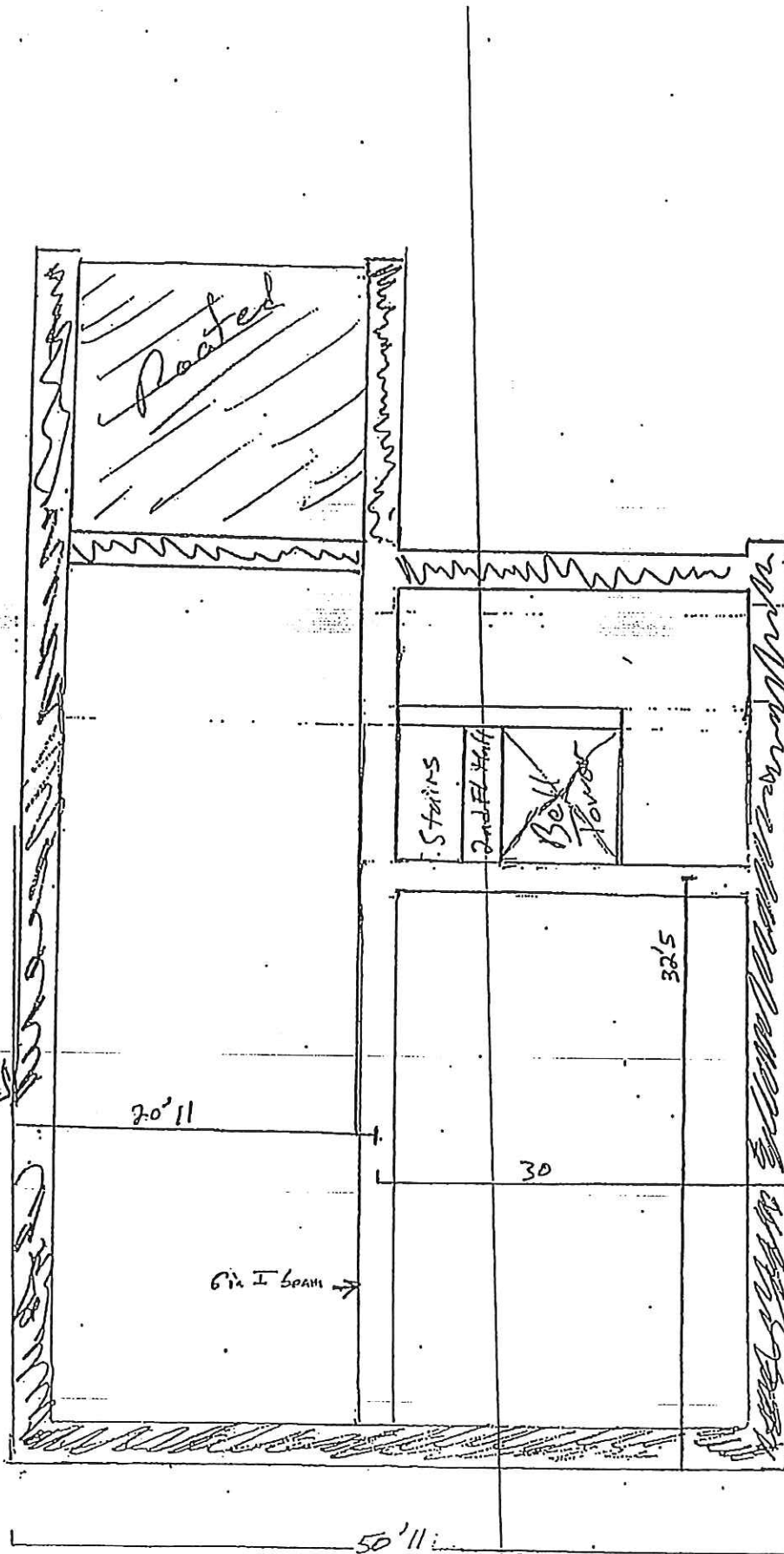
EXHIBIT “F”



4/12 pitch



31 feet x 14 in
 = 124 1/2 sq ft
 = 15' x 10' 1/2" height
 * 4 1/2" pitch

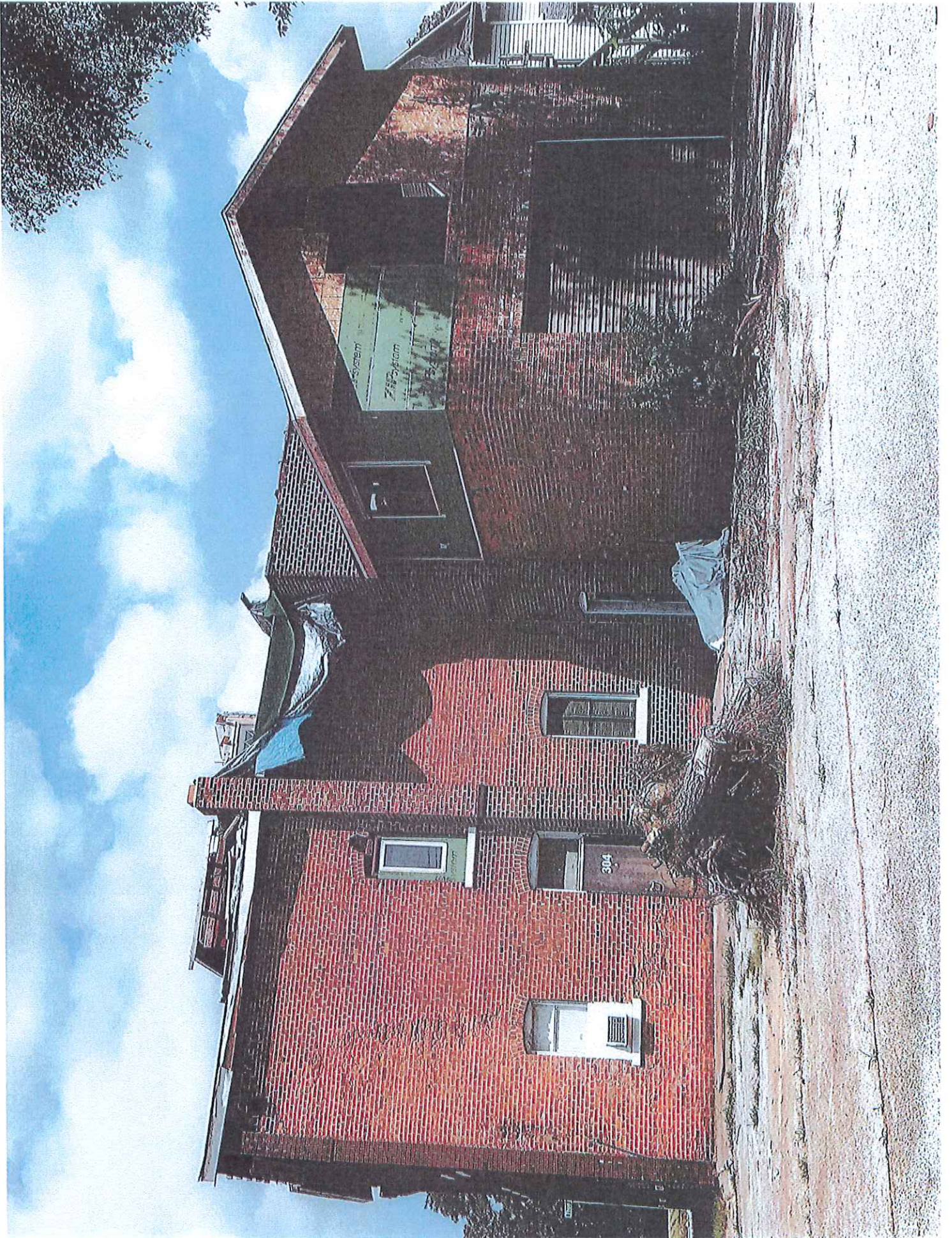


Circle
 Pickle truck
 →

Stop
 Here

Roofing This Half





1240 Thomas 2012



1240 Thomas 2012



NOTICE OF PERMIT CONSTRUCTION

St. Joseph County and City of South Bend
Building Department
(574) 235-9554

DATE: 10/13/2015

PERMIT NUMBER: BD15005044

ADDRESS: 1240 THOMAS, SE CRN WITH WALNUT, N OF WESTERN AVE.

CONTRACTOR: BOYD SERVICES

PERMIT TO CONSTRUCT: PARTIAL ROOF

Lot No. Add'n. 48 COMMISSIONER'S OF S PT BANK OUTLOT 85 & 86

BOYD, ERIC

(812)704-3005

Owner's Name

Phone

1207 W Thomas St South Bend, IN 46601

Owner's Present Mailing Address/Email

Zoning MU

Twp. PORTAGE

Multiple Unit Count

Valuation \$500.00

Height

Acreage 0.19

018-3074-2912

ABZA Date:

State No.

Front Rear Side

Building Permit Fee

\$30.00

Contractor BOYD SERVICES (812)704-3005 boydmaster455@yahoo.com

Electric Permit Fee

Contractor

Plumbing Permit Fee

Contractor

Heating Permit Fee

Contractor

Subtotal \$ 30.00

Penalty \$

Total \$ 30.00

kwidawsk

Signature



Charles C. Bulot - Building Commissioner

The person or contractor listed above hereby certifies that the statements contained herein are true and correct and in consideration of the granting of the permit agree to save St. Joseph County and City of South Bend harmless from any and all damages and agree to perform the work covered by this permit in conformity with the laws of the State of Indiana and the Ordinances of St. Joseph County and the City of South Bend, Indiana.

I agree to call for an inspection approval before any concrete is poured for footings and walls, or any framing, electrical, plumbing, or heating material is covered. I understand that a Final Inspection may be necessary and a Certificate of Occupancy shall be issued prior to occupancy being allowed. I also understand that this is only a Building Permit. Separate permits are to be obtained for any heating, ventilation, air conditioning, electric or plumbing work.

Understanding of the laws and rules regarding this permit is certified by applicant's signature above. This permit is valid for two (2) years from date of issuance, or as determined by the Building Department.

This Placard must be posted until project is completed. Failure to comply will result in a citation and fine.

EXHIBIT "G"

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Date: 9 August 2016

Application Number: 2016-0809

Property Location: 1240 West Thomas Street

Architectural Style/Date/Architect or Builder: Period Revival/1920/Firehouse #4

Property Owner: Eric Boyd

Landmark or District Designation: Local Landmark

Rating: Outstanding

DESCRIPTION OF STRUCTURE/ SITE: Firehouse #4 is a 2-story rectangular brick building. It had a flat roof with limestone parapet coping, metal parapet scupper/cornice with brick brackets underneath and ornate limestone detailing at the ends. The windows are 1/1 double-hung with limestone sills. There is a brick side chimney, and a roof penthouse with hip roof.

ALTERATIONS: Most of the windows in this former firehouse have been boarded up prior to a 2007 fire. RME 2011-1110 approved replacement of metal roof to secure the building and protect it from the elements, although there is no evidence it was ever installed. An asymmetrical gabled roof has been installed without an approved COA or Building Permit on approximately half of the main structure, as well as a second story addition and gabled roof on the rear of the building. Areas where large overhead garage doors were originally located have been covered with vinyl siding. Most window openings have been covered with plywood or vinyl siding.

APPLICATION ITEMS: Roof, window replacement, apply for addition – siding vinyl and window replacement is long term. Current plan is to keep windows boarded for security reasons (2 replacement windows have been broken). Color of vinyl siding is brown.

DESCRIPTION OF PROPOSED PROJECT: HPC Staff has worked with the current owner in recent years to support a tax abatement and rezoning petition. Although an RME was issued for a replacement roof in 2011, the details of what was actually installed were not presented at that time. Additionally, the Building Department has provided a statement that indicates the current roof configuration was not approved with a Building Permit and has ordered all work to stop until a formal submission and plan is set for the proposed work. This property was heard at a July 26, 2016 Code Enforcement hearing where a date of January 26, 2017 was given for Code compliance.

Owner proposes a 4/12 shed roof be constructed over part of the main building, from the west exterior wall 30' east to a 10'H wall built on existing brick interior wall, with a 1' overhang at west wall. Second floor addition atop one-story brick portion at rear of building is to be vinyl sided to match existing brown vinyl siding used to fill garage door openings; replacement windows to be used to fill window openings in this addition. Existing windows in building are to be left boarded up for security reasons. Most of this work with the exception of the windows and vinyl in the rear addition have been installed without COA or Building Permit.

PRESERVATION SPECIALIST REPORT: n/a

STANDARDS AND GUIDELINES: Group B

A. Maintenance

The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark. The Commission shall encourage the proper maintenance of all structure or sites.

B. Treatment

Treatment shall be defined as any change of surface materials that will not alter the style or original form. Such improvements include re-roofing, glazing, or landscaping lawns and may involve a change that can potentially enhance or detract from the character of the landmark. A treatment change of any surface whether on the landmark or in its environment may require a Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while an addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition). Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. Structure—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.
2. Material—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.
 - a. wood—all wood trim should conform with existing trim in shape and size.
 - b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and supergraphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to

the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate. Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

STAFF RECOMMENDATION: Staff does not recommend approval of the roof deviation from flat to asymmetrical gable and does not recommend a roof on only half of the structure as it does not conform to the standards and guidelines, A, B, and C. Staff recommends rear second story addition with gable roof, however, is not recommending the proposed window and siding treatments as they can be considered an incompatible material as reference in C, 2. Staff recommends that the owner be in compliance with the Building Department at the request of the Building Commissioner.

Elicia Feasel
Executive Director

EXHIBIT "H"

MINUTES OF A MEETING OF THE
HISTORIC PRESERVATION COMMISSION
OF SOUTH BEND & ST. JOSEPH COUNTY

September 19, 2016
13th Floor Conference Room
County – City Building
South Bend, IN 46601

I. CALL TO ORDER

President Klusczinski called the meeting to order at 7:00 p.m.

Members Present: Timothy S. Klusczinski, President; Tom Gordon, Vice President/Asst. Secretary; Elizabeth Hertel, Secretary; Mike Voll, Treasurer; Jennifer Parker (left the meeting before the fourth motion and vote), Architectural Historian; Kevin Buccellato, Brandon Anderson, Joseph Molnar, Michele Gelfman (joined the meeting after the first motion and vote)

Members Not in Attendance: None

Staff Present: Elicia Feasel, Executive Director; Deb Parcell, Deputy Director; Brett Hummer, Legal Counsel; Steve Szaday, Preservation Specialist

Members of the Public Present: Marchelle Berry, Tim Davis, Eric Boyd, Steve Farrell, Demetra Schoenig, Derek Swisz

II. PUBLIC HEARING

A. CERTIFICATE OF APPROPRIATENESS

1. 609 Riverside Drive COA#2016-0805 River Bend
Representation by Derek Swisz. 609 Riverside

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Date: 5 August 2016

Application Number: 2016-0805

Property Location: 609 Riverside

Architectural Style/Date/Architect or Builder: American Foursquare/1912

Property Owner: Derek Swisz and Beatrix Patla

Landmark or District Designation: River Bend Historic District

Rating: Contributing

DESCRIPTION OF STRUCTURE/ SITE: This square 2-story house has a concrete block foundation, 3-tab asphalt shingle hipped roof with hipped dormers. There is a one-story, flat-roof porch across the front with round posts and concrete foundation and steps. Windows are 1/1 double hung.

ALTERATIONS: COA 2014-1031 approved installation of vinyl siding, restoration of front bay window and replacement of all other windows with vinyl double hung windows, replacement of exterior trim (except soffit and fascia) with vinyl trim, repair and replacement of gutters and downspouts, installation of 12' x 12' deck at rear of house, and replacement of basement windows and front door. COA 1997-0904 approved reroof in-kind.

APPLICATION ITEMS: Build a garage.

DESCRIPTION OF PROPOSED PROJECT: Owner/contractor proposes building a 24'W x 28'L x 10'H garage at rear of property. It will have one overhead door and one service door. Double-4" vinyl siding to match house (approved with COA 2014-1031). The roof will have architectural shingles, with plans to match the house roof to these at some point in the future when the house needs to be reroofed. Current house shingles are 3-tab. Other rear yard garages exist in this neighborhood.

PRESERVATION SPECIALIST REPORT: n/a

STANDARDS AND GUIDELINES:

RIVER BEND LOCAL HISTORIC DISTRICT

III. NEW CONSTRUCTION

New construction includes any new building or structure constructed within the boundaries of the historic district, or any new addition to an existing building. New construction should be designed considering the appearance of the other buildings in the neighborhood. New work may be contemporary or may suggest motifs from the historic buildings. New construction design should be clearly differentiated from the design of the historic buildings.

A. HEIGHT AND PROPORTION

The majority of structures in the district are two stories in height and are square or rectangular in plan. There are a few story-and-a-half residences. The prevalent facade proportions are between a 1:1 and a 1:2 height-to-width ratio.

Required

The height of a new structure and its height-to-width proportions shall be consistent with adjacent buildings in the district. The building height shall be no greater than that of the tallest existing structure in the same block. Facade proportions shall be established by permitting no structure with a facade wider or narrower than those existing in the same block. Additions to existing buildings shall be related in height and proportion to the existing structure.

Recommended

Contemporary designs should be compatible in character and mood to the building or neighborhood.

Prohibited

Additions may not be constructed that would change the existing facade of a building, alter its scale or architectural character, or add new height

Not Recommended

New stories should not be added, nor should existing stories be removed, which would destroy important architectural details, features or spaces of the building. Any style or period of architecture that is incompatible with what exists should not be permitted in the new additions.

B. BUILDING MATERIALS IN NEW CONSTRUCTION

Wall materials in the district are predominantly wood clapboard and its imitation in aluminum and vinyl. Some walls are brick. Patterned shingles are common in gable ends and dormers.

Required

Exterior materials used on a new structure shall be compatible in scale, texture, and color with adjacent structures. Materials used on an addition to an existing structure shall relate to the existing or original materials of that structure. As much of the original structure as possible shall be retained so that the addition could be removed without damage to the basic structure and appearance of the building.

Recommended

Aluminum or vinyl siding may be used when it is the only feasible alternative. This siding should be compatible with the original size and style and with the materials of other buildings in the district.

Prohibited

Inappropriate materials such as asbestos, asphalt, cast stone, or artificial brick may not be used.

Not Recommended

Glass blocks should not be used. Concrete block should not be used for anything other than foundations.

C. NEW SHEDS AND ACCESSORY STRUCTURES

Required

Sheds and accessory structures (gazebos, decks, doghouses, playhouses, fountains and small reflecting pools, outdoor sculpture, children's play equipment, etc.) shall be located at the rear of the property and as unobtrusively as possible while preserving historical relationships between the buildings, landscape features, and open spaces. Proportions and materials shall conform to those required for new construction.

Recommended

Shed and accessory structure designs should be compatible in character and mood with the residence and neighborhood.

Prohibited

Prefabricated metal sheds shall not be used.

Not Recommended

Prefabricated wood composition sheds should not be used unless they conform with all other standards.

STAFF RECOMMENDATION: Staff recommends approval.

Deb Parcell, Deputy Director

Elicia Feasel, Executive Director

Commissioner Gordon moved to approve application as submitted. Seconded by Commissioner Parker. Eight in favor, none opposed.

Vote: 8 – 0

COA#2016-0805 Approved.

2. 1329 East Wayne Street South COA#2016-0819 East Wayne Street
Representation by Demetra Schoenig, 1329 East Wayne Street South

**STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS**

Date: 19 August 2016

Application Number:

2016-0819

Property Location:

1329 E Wayne Street S

Architectural Style/Date/Architect or Builder: American Foursquare/1926/Mortland House/H. Russell Stapp, Architect

Property Owner: Demetra & John Schoenig

Landmark or District Designation: East Wayne Street Historic District

Rating: Contributing

DESCRIPTION OF STRUCTURE/ SITE: This two-story wood-frame house was built in 1926 with a square plan and wing. The main part of the house has an asphalt shingle pyramidal hip roof, with a flat roof on the wing. Windows are 6/1 double hung with ornamental louvered shutters. Small pedimented entry with concrete steps at front of house. There is a two-car, two-door garage with pyramidal hip roof at rear.

ALTERATIONS: Aluminum siding, aluminum storm windows and doors have been added. COA 2015-0713 approved removal of three Ash trees. COA 2009-0928A approved replacement of cracked pads of concrete on driveway and in-kind replacement of concrete steps. COA 2009-0226 approved tear-off and in-kind re-roof with asphalt shingles, and removal of one tree. COA 2001-0606 approved construction of a wood deck in rear yard, not attached to house.

APPLICATION ITEMS: Take out & install new fence 6'. Remove 32' existing stockade. Install 100' cedar board w/dog ear tops and 4' gate.

DESCRIPTION OF PROPOSED PROJECT: Application is for a new wood privacy fence that will connect to an already existing wood privacy fence in the rear of property, creating an enclosed rear yard to protect young children from a shared driveway. The fence is 6' high and has a 4' wide gate in same style and height as fence. At time of application, the section of existing wood stockade fence had been removed and new cedar board 6' high fence with dog ear tops had been installed without COA or Building Permit; project was consequently red tagged by the Building Department on 8/19. The lack of COA was a misunderstanding as to who, contractor or owner, would apply – this COA was applied for on the same day it became apparent to the owner. On August 18, 2016, Staff received two phone calls regarding fence installation in regards to if permission was given and if the design met the neighborhood standards and guidelines.

Along the property line in the same place as the fence is installed, there was an existing fence of the same style and an overgrown 6'-8' tall hedge, see Photo "A". The hedge was taken down a few years ago and the fence at the time of new fence installation. The new fence is at the setback of the house and its four season room.

The applicant has provided several examples of existing wood privacy fences installed in East Wayne Street that Staff will circulate at HPC meeting.

PRESERVATION SPECIALIST REPORT: n/a

STANDARDS AND GUIDELINES:

EAST WAYNE STREET LOCAL HISTORIC DISTRICT

I. THE ENVIRONMENT

B. BUILDING SITE, LANDSCAPING AND ACCESSORIES

Individual properties in the district are characterized by a house located in the center of a flat lawn, often divided by a walk leading to the front entrance. Several of the residences are sited on two or more building lots; however, the preponderance of the homes have been erected on a single lot. Most of the properties include a double garage, usually located at the rear of the property. The majority of garages are accessed from straight driveways leading from the main thoroughfare, while a few are accessed from the alley. There are also a few homes with a covered carport located at the rear of the property, as well as a few with circular driveways. Driveway and sidewalk materials include concrete, asphalt and brick. All of the properties have trees and most have trimmed shrubbery and/or hedges. Most of the houses conform to a uniform setback line within each block.

Required

Major landscaping items, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, greenhouses, new walls, fountains, fixed garden furniture, trellises and other similar structures shall be compatible to the historic character of the site and the neighborhood and inconspicuous when viewed from a public walkway.

Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings and newspapers. New site work should be appropriate to existing surrounding site elements in scale, type and appearance. Plant materials and trees in close proximity to the building that are causing deterioration to the building's historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. All high-intensity security lights should be approved by the Historic Preservation Commission.

Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings or other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. Front yard areas shall not be fenced and fences shall not extend forward beyond the setback line of the house. The installation of unsightly devices such as television reception dishes and solar collectors shall not be permitted in areas where they can be viewed from the public thoroughfare.

Not Recommended

Telephone or utility poles with high-intensity overhead lights should be installed so that they cannot be seen from the thoroughfare.

STAFF RECOMMENDATION: Staff recommends approval.

Elicia Feasel, Executive Director

Commissioner Gelfman joined the meeting at 7:17 p.m.

Public Comment: Steve Szaday, Preservation Specialist: Questioned the height of the fence, as it is common along this street that the fence along the front, that is parallel with the street, is usually 4'H, rather than 6'H. Although that is not in the standards and guidelines, is this a building department requirement?

Commissioner Voll moved to approve application as submitted. Seconded by Commissioner Hertel. Nine in favor, none opposed.

Vote: 9 – 0

COA#2016-0819 Approved.

3. 1240 West Thomas Street COA#2016-0809 Local Landmark
Representation by Eric Boyd, 1240 West Thomas Street

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Date: 9 August 2016

Application Number: 2016-0809

Property Location: 1240 West Thomas Street

Architectural Style/Date/Architect or Builder: Period Revival/1920/Firehouse #4

Property Owner: Eric Boyd

Landmark or District Designation: Local Landmark

Rating: Outstanding

DESCRIPTION OF STRUCTURE/ SITE: Firehouse #4 is a 2-story rectangular brick building. It had a flat roof with limestone parapet coping, metal parapet scupper/cornice with brick brackets underneath and ornate limestone detailing at the ends. The windows are 1/1 double-hung with limestone sills. There is a brick side chimney, and a roof penthouse with hip roof.

ALTERATIONS: Most of the windows in this former firehouse have been boarded up prior to a 2007 fire. RME 2011-1110 approved replacement of metal roof to secure the building and protect it from the elements, although there is no evidence it was ever installed. An asymmetrical gabled roof has been installed without an approved COA or Building Permit on approximately half of the main structure, as well as a second story addition and gabled roof on the rear of the building. Areas where large overhead garage doors were originally located have been covered with vinyl siding. Most window openings have been covered with plywood or vinyl siding.

APPLICATION ITEMS: Roof, window replacement, apply for addition – siding vinyl and window replacement is long term. Current plan is to keep windows boarded for security reasons (2 replacement windows have been broken). Color of vinyl siding is brown.

DESCRIPTION OF PROPOSED PROJECT: HPC Staff has worked with the current owner in recent years to support a tax abatement and rezoning petition. Although an RME was issued for a replacement roof in 2011, the details of what was actually installed were not presented at that time. Additionally, the Building Department has provided a statement that indicates the current roof configuration was not approved with a Building Permit and has ordered all work to stop until a formal submission and plan is set for the proposed work. This property was heard at a July 26, 2016 Code Enforcement hearing where a date of January 26, 2017 was given for Code compliance.

Owner proposes a 4/12 shed roof be constructed over part of the main building, from the west exterior wall 30' east to a 10'H wall built on existing brick interior wall, with a 1' overhang at west wall. Second floor addition atop one-story brick portion at rear of building is to be vinyl sided to match existing brown vinyl siding used to fill garage door openings; replacement windows to be used to fill window openings in this addition. Existing windows in building are to be left boarded up for security reasons. Most of this work with the exception of the windows and vinyl in the rear addition have been installed without COA or Building Permit.

PRESERVATION SPECIALIST REPORT: n/a

STANDARDS AND GUIDELINES: Group B

A. Maintenance

The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark. The Commission shall encourage the proper maintenance of all structure or sites.

B. Treatment

Treatment shall be defined as any change of surface materials that will not alter the style or original form. Such improvements include re-roofing, glazing, or landscaping lawns and may involve a change that can potentially enhance or detract from the character of the landmark. A treatment change of any surface whether on the landmark or in its environment may require a

Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while an addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition). Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. Structure—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.
2. Material—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.
 - a. wood—all wood trim should conform with existing trim in shape and size.
 - b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and super-graphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate. Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

STAFF RECOMMENDATION: Staff does not recommend approval of the roof deviation from flat to asymmetrical gable and does not recommend a roof on only half of the structure as it does not conform to the standards and guidelines, A, B, and C. Staff recommends rear second story addition with gable roof, however, is not recommending the proposed window and siding treatments as they can be considered an incompatible material as reference in C, 2. Staff recommends that the owner be in compliance with the Building Department at the request of the Building Commissioner.

Elicia Feasel, Executive Director

Owner offered the following considerations beyond the original application to include standard gabled roof rather than asymmetrical, roof to cover entire structure; one color of siding on addition at rear of building.

Preservation Specialist Szaday, reported on July Code Hearing for this property. Code Enforcement had issues with the structure of the proposed roof and the walls.

Executive Director Feasel gave the opinion of the Building Department: "the Building Commissioner said this morning that 'the roof in its current configuration appears to be of catastrophic potential'".

Discussion of owner's plans for building and budget constraints, and commissioners' suggestions, including obtaining additional estimates for flat roof replacement, designing a simplified hipped roof that would be less visible from front, obtaining a structural assessment from the Building Department, speaking to Community Investment about assistance, checking state and national resources for possible funding, as well as Firefighter's Local 362 for help in saving this building.

Commissioner Gordon moved to deny application as submitted. Seconded by Commissioner Anderson. President Kluszczinski clarified that votes in the affirmative will support the motion to deny the application and reminded the members to state their reasons when voting. Roll call was ordered.

Commissioner Hertel (AYE): the best course of action in maintaining the historic integrity of the building

Commissioner Parker (AYE): due to the architectural character of building, and the lack of other options/quotations

Commissioner Anderson (AYE): lack of conforming to architectural integrity of historic building

Commissioner Gordon (AYE): not in keeping with the integrity of the landmark status

Commissioner Kluszczinski (AYE): work is not in keeping with Landmark standards and guidelines, work was performed without prior approval by the HPC and the Building Department, evidence suggests that the new changes are not structurally sound and in compliance with current building code, there is only one quotation obtained by the applicant for in-kind work, and there is insufficient documentation to consider alternative proposals at this time.

Commissioner Voll (AYE): a tough decision because of all the work the owner has put into it. The building, if it were restored, in that neighborhood, would be a classic piece. That is a difficult option here, but there is hope that there may be ways to achieve that.

Commissioner Buccellato (AYE): project does not meet standards and guidelines, in particular that additions to Landmarks should not detract from the original form. This roof, as proposed, will detract from the original form. Would like to see the building saved, and recommended that if a sloped roof is necessary financially, the owner would come back with a proposal that does not detract from the form of the structure.

Commissioner Gelfman (AYE): architectural integrity, lack of other quotes on a flat roof, changing from flat roof to gabled roof, losing the structural integrity of the building as-is historically, and materials being used.

Commissioner Molnar (AYE): echoes Commissioner Voll's statements that this is a tough choice. Suggests checking with Community Investment to see if they have any programs that could assist in this project.

Nine in favor, none opposed.

Vote: 9 - 0

COA#2016-0809 Denied.

4. 1071 Riverside Drive

COA#2016-0907

Riverside Drive

Representation by Steven Farrell, 2072 Miami Street, South Bend.

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Date: 7 September 2016

Application Number: 2016-0907
Property Location: 1071 Riverside Drive
Architectural Style/Date/Architect or Builder: American Foursquare/1911/Lippman House
Property Owner: Greg Suth
Landmark or District Designation: Riverside Drive Local Historic District
Rating: Contributing

DESCRIPTION OF STRUCTURE/ SITE: This Foursquare house with concrete foundation has a low hip roof with asphalt shingles and stucco soffits and chimney. The first story has wide clapboards; second story is stucco. The front porch has a low hip roof and clapboard covered piers. Windows are 1/1 and 6/1 double-hung; middle window on second story is multi-paned.

ALTERATIONS: Aluminum storm doors and storm windows. COA 2005-0715 approved tear-off and replacement of roofing and decking. COA 1992-0616 approved replacement of poured concrete walk on east side of house, and a poured concrete patio on the south side. COA 1992-0124 approved replacement of exterior lighting fixtures and garage door, and installation of wrought iron rail at front steps/landing. COA 1992-0108 approved replacement of existing wood fence surrounding rear yard with metal fence, and replacement of gutters and downspouts.

APPLICATION ITEMS: Recover soffit area w/aluminum material. Current wood lath and stucco that had all given up was falling & crumbling. Add aluminum storm windows to current windows all storms have been broken & discarded.

DESCRIPTION OF PROPOSED PROJECT: Existing deteriorated stucco soffit has been replaced with aluminum soffit. Contractor proposed to replace existing wood storms with aluminum storm windows.

PRESERVATION SPECIALIST REPORT: On August 8, 2016 I was contacted by Director Feasel to investigate 1071 Riverside Dr. at approximately 12 noon for unauthorized work including new storm windows, soffit, and gutters. I approached the house and met with the neighbor, Ed Talley.

He explained that the painters of 1071 hired out the crew to install new soffits and gutters in the last week or two. He did not know the painter's company name but knew they were the same crew that painted 1069 Riverside Dr.

After a lengthy conversation with Mr Talley, I left a business card on the front door and moved on to the next appointment. Approximately 30 minutes later I received a phone call from the tenant at the property whom I have met before. In 2015, I had visited the house with a contractor list and had made a walk through inspection with her informing her of problem areas including the soffits and paint.

She informed me at this time that the owner had given the painters the work of repairing the soffit, installing new gutters where needed and finding storm windows for two small first story and two basement windows as well. When she returned home and discovered that they had installed new aluminum over the existing wood soffits she called the owner right away and he by and swears to her this is not what he paid for them to do and was as surprised as she was. He does not know what to do from this point, but is willing to complete a COA application and seek approval for these changes although this is after the fact.

UPDATE 2016-0908

On September 7, 2016 I met with Steve Ferrell of Ferrell Finishing. He is the contractor hired by Greg Suth owner of 1071 Riverside Drive. Mr. Suth had emailed me and gave me Steve Ferrell's contact information. Steve F. was unaware of the need for a COA for the property. He also agreed not to install any more aluminum storm windows on the house without the Commission's approval. He informed me that several of the original storm windows were stored in the garage and were destroyed.

In regards to the aluminum soffit, although it is prohibited in the Riverside Drive LHD guidelines, 1035, 1041, and 1045 all have white aluminum soffit panels installed that are similar to those that were installed at 1071.

Steve Szaday, Preservation Specialist

STANDARDS AND GUIDELINES:

RIVERSIDE DRIVE LOCAL HISTORIC DISTRICT

EXISTING STRUCTURES

A. BUILDING MATERIALS

Original exterior wall materials in the district include limestone, flagstone, stucco, clapboard, wood shingles, sandstone and masonry block. In some instances, vinyl or aluminum siding has been applied over the original surface.

Required

Original exterior building materials shall be retained. Deterioration of wood materials shall be prevented through repair, cleaning and painting. The existing or original architectural detail around windows, porches, doors and eaves should be retained or replaced by replicas of the same design and materials when deteriorated beyond repair. Masonry including brick, limestone, flagstone, sandstone and stucco shall be cleaned only when necessary to halt deterioration or to remove stains, and shall be done with a method acceptable for the preservation of the surface: i.e. low pressure water and soft natural bristle brushes. When repairing stucco, stucco mixture compatible in composition, color and texture shall be used.

Recommended

Whenever possible, the original building materials should be restored. Metal or vinyl siding may be used when it is the only alternative to maintaining or replacing the original surface material. When used over wood surfaces, this siding should be the same size and style as the original wood. Every effort should be made to retain the original trim around windows, doors, cornices, gables, eaves and other architectural features. Ample ventilation must be afforded the structure when metal or vinyl siding has been installed in order to prevent increased deterioration of the structure from moisture and/or insects. Mortar joints should be repointed only when there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint. Existing mortar shall be duplicated in composition, color, texture, joint size, method of application and

joint profile. It is emphasized that, prior to initiating any restoration or rehabilitation effort, the property owner should contact the Historic Preservation Commission of South Bend and St. Joseph County which is located in the County/City Building of South Bend. The Commission is an invaluable source of information about all facets of rehabilitation and restoration.

Prohibited

Wood siding shall not be resurfaced with new material which is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick veneer, asbestos or asphalt shingles. Sandblasting or the use of harsh detergents shall not be used on masonry including brick, stucco, limestone, flagstone and sandstone. This method of cleaning erodes the surface material and accelerates deterioration. Brick surfaces shall not be painted unless they had been painted originally. Repointing shall

not be done with a mortar of high Portland cement content which can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar which can result in serious damage to adjacent brick. Paint shall not be removed from masonry surfaces indiscriminately.

Not Recommended

Waterproof or water repellent coatings or surface consolidation treatments should not be used on masonry surfaces unless required to solve a specific problem that has been studied and identified. Coatings are frequently unnecessary and expensive, and can accelerate deterioration of the masonry. Mortar joints which do not need repointing should not be repointed.

C. WINDOWS AND DOORS

Window and door frames are in most cases wood. Brick structures have stone sills and brick lintels. In some cases where aluminum siding has been applied window trim has been covered. About half of the structures in the district have aluminum storm windows, the other half wood windows.

Required

Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods, and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original.

Recommended

Wood frame storm windows and doors painted to match the original should be used but should not damage existing frames. If new sashes or doors are installed, the existing or original materials, design, and hardware should be used. When metal storm doors are used, they should be painted, anodized or coated to match the existing. When awnings are used they should be of canvas material.

Prohibited

Original doors, windows and hardware shall not be discarded when they can be restored and reused in place. New window and door openings which would alter the scale and proportion of the building shall not be introduced. Inappropriate new window and door features, such as aluminum insulating glass combinations that require removal of the original windows and doors, shall not be installed.

Not Recommended

Awnings, hoods, and fake shutters made of metal, vinyl, or fiberglass should not be used if they would detract from the existing character or appearance of the building.

STAFF RECOMMENDATION: The standards and guidelines for this historic district state: "The existing or original architectural detail around windows, porches, doors and eaves should be retained or replaced by replicas of the same design and materials when deteriorated beyond repair," therefore, staff does not recommend approval of the soffit replacement or storm windows, which recommend: "Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods, and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original."

Note (9/8/16): Preservation Specialist reported that aluminum material was discovered on other soffits in the district. Staff commented that installations have occurred without Commission approval. President Kluszczinski clarified that illegal installations do not establish a legal precedent for HPC decisions.

Elicia Feasel, Executive Director

Deb Parcell, Deputy Director

Commissioner Parker left the meeting at 8:46 p.m.

Commissioner Gelfman moved to deny application as submitted. Motion died for lack of a Second. Commissioner Voll moved to deny the application as submitted, require removal of the incompatible materials that have been installed, and waive the fee for a new COA covering the same project elements. Seconded by Commissioner Anderson. President Kluszczinski clarified that votes in the affirmative will support the motion to deny the application and reminded the members to state their reasons when voting. Roll call was ordered.

Commissioner Molnar (AYE): various reasons stated

Commissioner Gelfman (AYE): incompatible materials, integrity of the historic district, and setting a terrible precedent for future projects like this

Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while and addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition). Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall

appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. Structure—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.
2. Material—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.
 - a. wood—all wood trim should conform with existing trim in shape and size.
 - b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and supergraphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

(These standards apply to both A and B)

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate.

Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

STAFF RECOMMENDATION: Staff recommends approval.

Elicia Feasel, Executive Director

Deb Parcell, Deputy Director

Staff clarified that application is for LED sign, not neon.

Commissioner Gelfman moved to approve application as submitted. Seconded by Commissioner Hertel. Eight in favor, none opposed.

Vote: 8 – 0

COA#2016-0907A Approved.

III. HEARING OF VISITORS - none

IV. REGULAR BUSINESS

A. APPROVAL OF MINUTES

1. August 15, 2016 – Approved by general consent.

B. TREASURER'S REPORT

1. **Location Report** – Distributed. Executive Director Feasel pointed out Deputy Director line item will have approximately \$7,000 balance left at the end of year, due to March hiring date. It was proposed that some of the excess be used for intern/resident volunteers who have contributed considerable time and effort to significant projects for HPC. These two individuals would each submit a one-time invoice for tasks with stipend to be paid @ \$1500. Additionally, to further the Building South Bend project, we would have Notre Dame Architecture Library bill us for archival work, so we could move towards the next phase of the project. To use excess funds, an outside not-for-profit partner agency must invoice us, and spend the funds on our behalf. Out of line transfer must be approved first. Intern/volunteer contracts must be reviewed by legal counsel, and formal proposal for use of excess funds will be presented at October meeting.

C. STAFF REPORTS

1. **Correspondence** – Circulated. Commissioner Gordon questioned why Ed Talley posts are included in correspondence. Discussion.
2. **Executive Director** – In Packet. Commissioner Buccellato questioned conversation with Frank Perri regarding his “master plan in East Bank and future partnerships and COAs.” Discussion.
3. **Deputy Director** – In Packet.
4. **Preservation Specialist** – Distributed. President Kluszczinski suggested that property addresses of site visits, walk-throughs, etc., be listed on Preservation Specialist report.
5. **Legal**

D. COMMITTEE REPORTS

1. **President** – Distributed
2. **Indiana Bicentennial** – Executive Director Feasel reported that there is one more Bicentennial event to go. Playing cards are available for \$10, and are very limited in quantity.

V. OLD BUSINESS - none

VI. NEW BUSINESS

- A. **Fines** – Commissioner Gelfman inquired about the issue of fines. Legal Counsel Hummer briefly discussed client/attorney privilege. Regarding fines, county and city ordinances are basically the same concerning enforcement. HPC must go through channels of Code Enforcement/County Building Commissioner – they are HPC's enforcement arm. HPC cannot impose fines; only the Building Department can do this. To change policy will require a change of ordinance. President Kluszczinski reported that staff has conducted an audit of past administrative practices and is making adjustments to better address violations. If HPC determines that it must pursue a policy change, Counsel would be asked to review the qualifications for an executive session as a legal matter for

holding a Legal Affairs Committee meeting and to draft a proposal for the general Commission body. HPC has improved working relationships with enforcing agencies; working with these agencies should be our first line of action, as it does not require another law.

- B. **Terms of Office** - Tom Gordon questioned term lengths of commissioners. Discussion.
- C. **541 North Ironwood Landmark Status** – Deputy Director Parcell has reviewed additional documents sent by current property owners, but can still find no basis for pursuing Landmark status. President Kluszczinski recommended filling out revised Local Landmark form, showing required information that has and has not been provided, and sending the owners a copy.

VII. ANNOUNCEMENTS AND MISCELLANEOUS MATTERS
A. SOUTHHOLD PRESERVATION AWARDS/NORTHERN INDIANA PRESERVATION AWARDS

VIII. ADJOURNMENT

Commissioner Hertel moved to adjourn. Seconded by Commissioner Gelfman. Eight in favor, none opposed. Vote: 8 – 0

Meeting adjourned at 9:46 p.m.

Attest:

Elizabeth Hertel, Secretary

*Thomas Steeden VP
Asst. Sec*

10/17/16
Date

Exhibit “I”



South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION

227 WEST JEFFERSON BLVD
SOUTH BEND, IN 46601-1830
www.stjosephcountyindiana.com/sjchp/index.html
Phone: 574-235-9798 Fax: 574-235-9578
e-mail: SBSJCHPC@co.st-joseph.in.us



Timothy S. Kluscinski, President

A Certified Local Government

Elicia Feasel, Executive Director

September 27, 2016

Eric Boyd
1240 West Thomas Street
South Bend, IN 46601

Dear Mr. Boyd,

The Commissioners, at the regularly scheduled monthly Historic Preservation Commission meeting on September 19, 2016, unanimously denied approval of the items originally listed on COA Application# 2016-0809: "Roof, window replacement, apply for addition – siding vinyl and window replacement is long term. Current plan is to keep windows boarded for security reasons (2 replacement windows have been broken). Color of vinyl siding is brown". Following is the record from the meeting concerning your project which states the reasons why your application was denied:

Commissioner Gordon moved to deny application as submitted. Seconded by Commissioner Anderson. President Kluscinski clarified that votes in the affirmative will support the motion to deny the application and reminded the members to state their reasons when voting. Roll call was ordered.

Commissioner Hertel (AYE): *the best course of action in maintaining the historic integrity of the building*

Commissioner Parker (AYE): *due to the architectural character of building, and the lack of other options/quotations*

Commissioner Anderson (AYE): *lack of conforming to architectural integrity of historic building*

Commissioner Gordon (AYE): *not in keeping with the integrity of the landmark status*

Commissioner Kluscinski (AYE): *work is not in keeping with Landmark standards and guidelines, work was performed without prior approval by the HPC and the Building Department, evidence suggests that the new changes are not structurally sound and in compliance with current building code, there is only one quotation obtained by the applicant for in-kind work, and there is insufficient documentation to consider alternative proposals at this time.*

Commissioner Voll (AYE): *a tough decision because of all the work the owner has put into it. The building, if it were restored, in that neighborhood, would be a classic piece. That is a difficult option here, but there is hope that there may be ways to achieve that.*

Commissioner Buccellato (AYE): *project does not meet standards and guidelines, in particular that additions to Landmarks should not detract from the original form. This roof, as proposed, will detract from the original form. Would like to see the building saved, and recommended that if a sloped roof is necessary financially, the owner would come back with a proposal that does not detract from the form of the structure.*

Commissioner Gelfman (AYE): *architectural integrity, lack of other quotes on a flat roof, changing from flat roof to gabled roof, losing the structural integrity of the building as-is historically, and materials being used.*

COMMISSIONERS

Thomas Gordon (Vice President)
Mike Voll (Treasurer)
Jennifer Parker (Architectural Historian)
Elizabeth Hertel (Secretary)
Kevin Buccellato
Brandon Anderson
Michele Gelfman
Joseph Molnar

STAFF

Deb Parcell, Deputy Director
Brett Hummer, Legal Counsel
Steve Szaday, Preservation Specialist

**HISTORIC
PRESERVATION
COMMISSION**

OF SOUTH BEND & ST. JOSEPH COUNTY
EST. 1973



South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION

227 WEST JEFFERSON BLVD
SOUTH BEND, IN 46601-1830
www.stjosephcountyindiana.com/sjchp/index.html
Phone: 574-235-9798 Fax: 574-235-9578
e-mail: SBSJCHPC@co.st-joseph.in.us



Timothy S. Kluszczinski, President

A Certified Local Government

Elicia Feasel, Executive Director

Commissioner Molnar (AYE): *echoes Commissioner Voll's statements that this is a tough choice. Suggests checking with Community Investment to see if they have any programs that could assist in this project.*

Nine in favor, none opposed.

Vote: 9 – 0 COA#2016-0809 Denied.

Please contact this office with any questions or concerns or for any assistance.

Sincerely,

Debra Parcell, Deputy Director

COMMISSIONERS

Thomas Gordon (Vice President)
Mike Voll (Treasurer)
Jennifer Parker (Architectural Historian)
Elizabeth Hertel (Secretary)
Kevin Buccellato
Brandon Anderson
Michele Gelfman
Joseph Molnar

STAFF

Deb Parcell, Deputy Director
Brett Hummer, Legal Counsel
Steve Szaday, Preservation Specialist

**HISTORIC
PRESERVATION
COMMISSION**

OF SOUTH BEND & ST. JOSEPH COUNTY
EST. 1973

Exhibit “J”



*PRESERVATION STANDARDS
FOR
HISTORIC LANDMARKS
IN SOUTH BEND AND
ST. JOSEPH COUNTY*

DEFINITIONS

Shall—Defined as an expression of something that is mandatory or must be done.

Should—Defined as an expression of obligation, something that ought to be done but that is open to compromise.

Required—Defined as work which shall be done in a restoration or rehabilitation project in order to restore or maintain the original or existing character of the structure or site.

Recommended—Defined as work which should be done to help restore or maintain the original or existing character of the structure or site.

Prohibited—Defined as work which shall not be permitted in a restoration or rehabilitation project because it may have a negative impact on the original or existing character of the structure or site.

b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and super-graphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping (These standards apply to both A and B)

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed

To apply for a Certificate of Appropriateness, or if there are any questions regarding these Standards or about work you wish to do on your Landmark building, please contact:

Historic Preservation Commission
of South Bend and St. Joseph County

Mailing Address:
County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

Office Location:
Law Building
125 S. Lafayette Blvd.
South Bend, IN 46601

Telephone: 574/235.9798

Fax: 574/235.9578

Email: SBSJCHPC@co.st-joseph.in.us

Executive Director: Elicia D. Feasel

Deputy Director: Deb Parcell

Preservation Specialist/Inspector: Steve Szaday

Commission Members 2016:

Tim Kluszczinski, President

Thomas Gordon, Vice President

Mike Voll, Treasurer

Elizabeth Hertel, Secretary

Kevin Buccellato

Brandon Anderson

Jennifer Parker, Architectural Historian

Michele Gelfman

Exhibit “K”

REGULAR MEETING

MAY 27, 1997

Be it remembered that the Common Council of the City of South Bend met in the Council Chambers of the County-City Building on Tuesday, May 27, 1997, at 7:00 p.m. The meeting was called to order and the Pledge to the Flag was given.

ROLL CALL

Present: Council Members Aranowski,
Pfeifer, Kelly, Broden,
Varner, Ujdak, Coleman,
Hosinski and Sniadecki

Absent: None

REPORT FROM THE SUB-COMMITTEE ON MINUTES

To the Common Council of the City of South Bend:

The sub-committee has inspected the minutes of the May 12, meetings of the Council and found them correct.

Therefore, we recommend the same be approved.

/s/ Roland Kelly

/s/ David Varner

Council Member Coleman made a motion that the minutes of the May 12, 1997, meeting be accepted and placed on file, seconded by Council Member Hosinski. The motion carried.

SPECIAL BUSINESS

RESOLUTION 2460-97

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXED AREA IN CENTRE AND PENN TOWNSHIPS (EMRO/NDCU ANNEXATION)

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an ordinance which proposes the annexation of the hereinafter described real estate located in Centre and Penn Townships, St. Joseph County, Indiana; and

WHEREAS, the territory proposed to be annexed encompasses approximately 9.5 acres of land, used primarily for commercial and office purposes, located at the northwest and southeast corners of Ironwood and Ireland Roads, fifty-one (51) percent of its aggregate external boundaries coinciding with the boundaries of the City of South Bend; approximately seventy-two (72) percent subdivided. Sewer and municipal water service is available to the annexation area, but development of the territory proposed to be annexed will require additional street lighting and additional police protection, street and road maintenance;

WHEREAS, the Common Council of the City of South Bend, Indiana now desires to establish and adopt a fiscal plan and establish a definite policy showing (1) the cost estimates of services of a non-capital nature, including street and road maintenance, police and fire protection and other non-capital services normally provided within the corporate boundaries, and services of a capital improvement nature, including street construction, street lighting, water facilities, sewer facilities, and storm water drainage facilities to be furnished to the territory to be annexed; (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, that have characteristic of

REGULAR MEETING

MAY 27, 1997

topography, patterns of land use, and population density similar to that of the territory to be annexed; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend that have characteristics of topography, patterns of land use and population density similar to that of the territory to be annexed and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation;

WHEREAS, the Board of Public Works of the City of South Bend, the Board of Public Safety of the City of South Bend, and the Board of Water Works Commissioners of the City of South Bend have approved a written fiscal plan and established a policy for the provision of services to the territory to be annexed which plan and policy, as it relates to the territory to be annexed, the Common Council finds to be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. That it is in the best interest of the City of South Bend and of the area proposed to be annexed that the real property located in Centre Township, St. Joseph County, Indiana, described in Exhibit "A" attached hereto and made a part hereof, be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend to furnish to said territory services of a non-capital nature, such as street and road maintenance, police and fire protection, within one (1) year of the effective date of the annexation, in a manner equivalent in standard and scope to the services furnished by the City to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to said territory; and to furnish to said territory services of a capital improvement nature, such as street construction, street lighting, water facilities, sewer facilities, and storm water facilities, within three (3) of the effective date of the annexation, in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend that have characteristics of topography, patterns of land use and population density similar to that of the territory to be annexed and in a manner consistent with Federal, State and local laws, procedures, and planning criteria.

Section III. That the Common Council of the City of South Bend shall and does hereby now establish and adopt the fiscal plan, described in Exhibit "B", attached hereto and made a part hereof, for the furnishing of said services to the territory to be annexed.

Section IV. This resolution shall be in full force and effect upon its adoption by the Common Council and approval by the Mayor.

/s/ Roland Kelly
Member, Common Council

A public hearing was held on the resolution at this time. Larry Magliozzi, assistant director of Planning, made the presentation for the resolution. He reported this was a City initiated annexation of 9.5 acres located in Centre and Penn Township at the northwest and southeast corners of Ironwood and Ireland roads. He advised that the area already has City sewers and water, however, additional police protection, street lighting and street and road maintenance will be required. He indicated that

REGULAR MEETING

MAY 27, 1997

the Board of Works, Board of Safety and Water Works Commissioners have passed the fiscal plan. Council Member Coleman made a motion to adopt this resolution, seconded by Council Member Hosinski. The resolution was adopted by a roll call vote of nine ayes.

CITY REPORTS

Police Chief Gunn reported that this Council along with the administration, has made a commitment in terms of money support which has allowed the Police Department to purchase equipment, as well as technology. He advised that there are now 157 marked squad cars, and the visability as take home vehicles has been a deterrent to crime. He indicated that the lap top computers in the squad cars will allow more shift time for the officers. He indicated a Community Policing training program will be held on May 29, and that will kick off Community Policing for the City of South Bend. Captain Gary Horvath spoke regarding the Police Department's computer program. He also reported that the police cars are being equipped with heavy duty fire extinguishers and first aid kits. He also discussed the new 911 system they plan to install.

Council Member Coleman made a motion to resolve into the Committee of the Whole, seconded by Council Member Hosinski. The motion carried.

COMMITTEE OF THE WHOLE

Be it remembered that the Common Council of the City of South Bend met in the Committee of the Whole at 7:25 p.m. with nine members present. Chairman Coleman presiding.

BILL NO. 38-97 A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO THE CITY OF SOUTH BEND CERTAIN TERRITORY CONTIGUOUS THEREWITH LOCATED IN CENTRE AND PENN TOWNSHIPS, ST. JOSEPH COUNTY, INDIANA (EMRO/NDCU ANNEXATION)

This being the time heretofore set for public hearing on the above bill, proponents and opponents were given an opportunity to be heard. Larry Magliozzi, assisant Director of Planning, made the presentation for the bill. He reported this was a City initiated annexation. He indicated annexations must meet certain State criteria, and this one will meet those requirements. Council Member Hosinski made a motion to recommend this bill to the Council favorable, seconded by Council Member Aranowski. The motion carried.

BILL NO. 23-97 A BILL AMENDING THE ZONING ORDINANCE, AND ESTABLISHING AN HISTORIC LANDMARK FOR THE PROPERTY LOCATED AT 804 LAFAYETTE BOULEVARD, IN THE CITY OF SOUTH BEND, INDIANA

Council Member Varner made a motion to continue public hearing on this bill, at the Council's request, seconded by Council Member Aranowski. The motion carried.

BILL NO. 39-97 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST EAST-WEST ALLEY SOUTH OF NAPIER STREET FROM THE EAST RIGHT-OF-WAY OF SOUTH CHAPIN STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF SOUTH CHAPIN STREET FOR A DISTANCE OF APPROXIMATELY 295 FEET AND A WIDTH OF 14 FEET. PART LOCATED IN B.O.L. 71, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

A public hearing was held on the resolution at this time. Council Member Varner reported that the Public Works and Property Vacation Committee had met on this bill and recommended it to the

REGULAR MEETING

MAY 27, 1997

Council favorable. Dea Andrews, 223 N. Scott, a representative of South Bend Heritage, made the presentation for the bill. She advised that South Bend Heritage has been working with the Near Westside, and is now ready to go into another aspect - the development of Chapin Market on the northeast corner of Western and Chapin. She indicated the property has an alley which would go right through the proposed building. She reported the proposed building will house a Save-A-Lot and the Chapin Clinic. Council Member Kelly made a motion to recommend this bill to the Council favorable, seconded by Council Member Pfeifer. The motion carried.

BILL NO. 40-97 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS DESCRIBED AS THE FIRST NORTH-SOUTH ALLEY WEST OF GREENLAWN AVENUE FROM THE SOUTH RIGHT-OF-WAY OF MISHAWAKA AVENUE TO THE NORTH RIGHT-OF-WAY OF RUSKIN STREET FOR A DISTANCE OF APPROXIMATELY 504 FEET AND A WIDTH OF 7 FEET. PART LOCATED IN THE NORTH-EAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 2 EAST. THE STREET TO BE VACATED IS DESCRIBED AS GREENLAWN AVENUE FROM THE SOUTH RIGHT-OF-WAY OF MISHAWAKA AVENUE TO THE NORTH RIGHT-OF-WAY OF RUSKIN STREET FOR A DISTANCE OF APPROXIMATELY 494 FEET AND A WIDTH OF 66 FEET. PART LOCATED IN THE NORTH-EAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 2 EAST. THE STREET TO BE VACATED IS DESCRIBED AS RUSKIN STREET FROM THE EAST RIGHT-OF-WAY OF ESTHER STREET TO THE EAST RIGHT-OF-WAY OF GREENLAWN AVENUE FOR A DISTANCE OF APPROXIMATELY 677 FEET AND A WIDTH WHICH VARIES FROM 40 TO 60 FEET. PART LOCATED IN LOT "A" INDIANA UNIVERSITY REPLAT, NORTH-EAST QUARTER, SECTION 18, TOWNSHIP 37 NORTH, RANGE 2 EAST

This being the time heretofore set for public hearing on the above bill, proponents and opponents were given an opportunity to be heard. Council Member Varner reported that the Public Works and Property Vacation Committee had met on this bill and recommended it to the Council favorable, as amended. He made a motion to amend the bill by changing Range 2 to Range 3 every where it appeared, seconded by Council Member Coleman. The motion carried. Craig Hudson, Cole and Associates, made the presentation for the bill. He advised that the purpose of this vacation was to complete the second phase of their landscape development. He indicated this would eliminate most of the vehicular traffic on the campus, as well as expand the pedestrian mall. Dea Anderson, 223 N. Scott, spoke in favor of the vacation. Council Member Pfeifer advised she worked for IUSB, however, would not be receiving any monetary gain, therefore, would vote on the bill. She made a motion to recommend this bill to the Council favorable, as amended, seconded by Council Member Kelly. The motion carried.

BILL NO. 42-97 A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ESTABLISHING A CUMULATIVE CAPITAL DEVELOPMENT FUND

This being the time heretofore set for public hearing on the above bill, proponents and opponents were given an opportunity to be heard. Council Member Coleman reported that the Personnel and Finance Committee had met on this bill and recommended it to the Council favorable. Cathy Roemer, controller, made the presentation for the bill. She advised that this fund has been active since 1985, and this bill re-establishes it for another three years. She reported there is a cap of \$.15 per \$100 of valuation. Council Member Kelly made a motion to recommend this bill to the Council favorable, seconded by Council Member Hosinski. The motion carried.

REGULAR MEETING

MAY 27, 1997

Council Member Broden made a motion to rise and report to the Council, seconded by Council Member Varner. The motion carried.

ATTEST:

ATTEST:


City Clerk


Chairman

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 7:45 p.m. Council President Kelly presiding, and nine members present.

ORDINANCE NO. 8786-97

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO THE CITY OF SOUTH BEND CERTAIN TERRITORY CONTIGUOUS THEREWITH LOCATED IN CENTRE AND PENN TOWNSHIPS, ST. JOSEPH COUNTY, INDIANA (EMRO/NDCU ANNEXATION)

This bill had third reading. Council Member Pfeifer made a motion to pass this bill, seconded by Council Member Broden. The bill passed by a roll call vote of nine ayes.

ORDINANCE NO. 8787-97

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST EAST-WEST ALLEY SOUTH OF NAPIER STREET FROM THE EAST RIGHT-OF-WAY OF SOUTH CHAPIN STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF SOUTH CHAPIN STREET FOR A DISTANCE OF APPROXIMATELY 295 FEET AND A WIDTH OF 14 FEET. PART LOCATED IN B.O.L. 71, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

This bill had third reading. Council Member Varner made a motion to pass this bill; seconded by Council Member Aranowski. The bill passed by a roll call vote of nine ayes.

ORDINANCE NO. 8788-97

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS DESCRIBED AS THE FIRST NORTH-SOUTH ALLEY WEST OF GREENLAWN AVENUE FROM THE SOUTH RIGHT-OF-WAY OF MISHAWAKA AVENUE TO THE NORTH RIGHT-OF-WAY OF RUSKIN STREET FOR A DISTANCE OF APPROXIMATELY 504 FEET AND A WIDTH OF 7 FEET. PART LOCATED IN THE NORTH-EAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 2 EAST. THE STREET TO BE VACATED IS DESCRIBED AS GREENLAWN AVENUE FROM THE SOUTH RIGHT-OF-WAY OF MISHAWAKA AVENUE TO THE NORTH RIGHT-OF-WAY OF RUSKIN STREET FOR A DISTANCE OF APPROXIMATELY 494 FEET AND A WIDTH OF 66 FEET. PART LOCATED IN THE NORTH-EAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 2 EAST. THE STREET TO BE VACATED IS DESCRIBED AS RUSKIN STREET FROM THE EAST RIGHT-OF-WAY OF ESTHER STREET TO THE EAST RIGHT-OF-WAY OF GREENLAWN AVENUE FOR A DISTANCE OF APPROXIMATELY 677 FEET AND A WIDTH WHICH VARIES FROM 40 TO 60 FEET. PART LOCATED IN LOT "A" INDIANA UNIVERSITY REPLAT,

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NORTH-EAST QUARTER, SECTION 18, TOWNSHIP
37 NORTH, RANGE 2 EAST

This bill had third reading. Council Member Coleman made a motion to amend this bill, as amended in the Committee of the Whole, seconded by Council Member Hosinski. The motion carried. Council Member Coleman made a motion to pass this bill, seconded by Council Member Broden. The bill passed by a roll call vote of nine ayes.

ORDINANCE NO 8789-97

AN ORDINANCE OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA,
ESTABLISHING A CUMULATIVE CAPITAL
DEVELOPMENT FUND

This bill had third reading. Council Member Coleman made a motion to pass this bill, seconded by Council Member Broden. The bill passed by a roll call vote of eight ayes and one nay (Council Member Varner).

RESOLUTIONS

RESOLUTION NO. 2461-97

A RESOLUTION CONFIRMING THE ADOPTION OF
A DECLARATORY RESOLUTION DESIGNATING
CERTAIN AREAS WITHIN THE CITY OF SOUTH
BEND, INDIANA, COMMONLY KNOWN AS 315 E.
BROADWAY STREET RESIDENTIALLY DISTRESSED
AREAS FOR PURPOSES OF A FIVE (5) YEAR
REAL PROPERTY RESIDENTIAL TAX ABATEMENT
FOR AMERICAN HOME DREAMS, INC.

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Residentially Distressed Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the areas commonly known as 315 E. Broadway Street, South Bend, Indiana, and which are more particularly described as follows:

Lot numbered three hundred twenty-nine (329) as shown on the recorded Plat of Wenger & Kreighbaum's First Broadway Addition, recorded in the office of the Recorder of St. Joseph County, Indiana, in Plat Book 9, page 74.

Lot Numbered three hundred thirty (330 as shown on the recorded Plat of Wenger & Kreighbaum's First Broadway Addition, recorded in the Office of the Recorder of St. Joseph County, Indiana, in Plat Book 9, page 74,

together now known as 315 E. Broadway Street and having tax key numbers 18-7013-0499 and 18-7013-0500, respectively, as Residentially Distressed Areas; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that ther qualifications for a residentially distressed areas have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City

of South Bend, Idniana, as follows:

SECTION I. The Common Council hereby determines and finds that the petition for real property tax abatement and the Statement of Benefits form meet the requirements of Indiana Code 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

- A. At least thirty-five percent (35%) of the parcels are currently vacant;
- B. A significant number of dwelling units within the reas are not permanently occupied or a significant number of parcels in the areas are vacant land;
- C. A significant number of dwelling units in the areas are:
 - i. the subject of an order issued under IC36-7-9; or
 - ii. evidencing significant building deficiencies;
- C. The Areas have experienced a new loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the Untied States.
- E. The areas (plus any areas previously designated) do not exceed ten percent (10%) of the total area within the designating body's jurisdiction.
- F. That the description of the proposed redevelopment meets the applicable standards for such development.
- G. Thst the estimate of the value of the redevelopment is reasonable for projects of this nature;
- H. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- I. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.

SECTION III. The Common Council also hereby determines and finds the following:

- A. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- B. The deduction will not be allowed unless the dwelling rehabilitation is completed within five (5) calendar years from the date of the adoption of the Declaratory Resolution by the Common Council.

SECTION IV. The Common Council hereby confirms its Declaratory Resolution designating the areas described herein as Residentially Distressed Areas for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to five (5) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION VI. This Resolution shall be in full force and effect from and after its adotion by the Common Council and approval by the Mayor.

/s/ Roland Kelly
Member of the Common Council

A public hearing was held on the resolution at this time. Richardo Miller, executive director, of American Dream Homes, asked the Council for approval of this abatement. Council Member Coleman made a motion to adopt this resolution, seconded by Council Member Aranowski. The motion carried on a roll call vote of nine ayes.

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CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1525 WEST WESTERN AVENUE, SOUTH BEND, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A THREE (3) YEAR REAL PROPERTY TAX ABATEMENT FOR COMMUNITYWIDE FEDERAL CREDIT UNION

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

Lot No. 1 Goodwill/CommunityWide Minor Subdivision of Lot 3, Goodwill Industries minor part of the northeast quarter of Section 10, Township 37 North, range 2 east, City of South Bend, Portage township, St. Joseph County.

WHEREAS, a Declaratory Resolution designated the area commonly known as 1525 West Western, South Bend IN, and which is particularly described as follows:

with said real estate having the following Key No. an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

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

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of ten (10) years, and further determines that the petition complies with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12.1 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

/s/Roland Kelly

Member of the Common Council

A public hearing was held on the resolution at this time. Charles Leone, attorney, made the presentation for the resolution. He reported that the credit union was going to construct a new building, which we believe will be a benefit to the community. Council Member Borden made a motion to adopt the resolution, seconded by Council Member Pfeifer. The resolution was adopted by a roll call vote of nine ayes.

RESOLUTION NO. 2463-97

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS NORTHEAST CORNER OF CHAPIN STREET AND WESTERN AVENUE AN ECONOMIC REVITALIZATION AREA FOR PURPOSE OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR SOUTH BEND HERITAGE FOUNDATION AND BAUGO CREEK REALTY (AN INDIANA PARTNERSHIP)

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana requesting that the area commonly known as northeast corner of Chapin and Western, South Bend, Indiana, and which is more particularly described as follows:

<u>Street Address</u>	<u>Legal Description</u>	<u>Key Number</u>
302 s. Chapin	32FT N&S X 118.14FT E&W NW COR BOL71	18-3051-2201.01
306 s. Chapin	89FT N&S X 118.14FT E&W EX 32FT W END NW CORNER BOL 71	18-3051-2001
308 s. Chapin	38X7 RODS4LKS MIDPT W SIDE N1/2 ROL 71	18-3051-2002
310-312 s. Chapin	32.9FTX118.14FT MIDPT WSIDE N1/2 BOL 71	18 3051 2003
314 s. Chapin	S20.1FTOFS35FT OF N1/2 NW PARTOF BOL 71	18-3051-2004
734 W. Napier	E28.87FTOFW147.01FT N ¼ BOL 71	18-3051-2005
732 W. Napier	E28.87FTOFW175.88FT N ¼ BOL 71	18-3051-2006
730 W. Napier	7RODS E END OF 21.1N 1-4 BOL 71	18-3051-2007
No Address	50FT ON CHAPIN STX122.59FTWSIDE S1/2BOL71	18-3051-2008
No Address	65FTX122.59FT MIDDLEPART WSIDE W1/2 OF ¼ BOL 71	18-2051-2009
No Address	46.12FT SW CORNER BOL 71	18-3051-2010
No Address	W39FT ON WESTERN AVE MIDPART W 1/2S ¼ BOL 71	18-3051-2011
735 W. Western	E39FT OF W208FT EX TRI PC TO CITY FOR ST SW BOL71	18-3051-2012 735
733 W. Western	W37FT OF E94½ W ¼S 1/2BOL 71	18-3051-2013
No Address	E57.5FT OF W1/2 OF S1/2 BOL 71	18-3051-2014

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1-1 et. seq. and South Bend Municipal Code Sections 2-76 Et Seq.

Whereas, the Department of Economic Development has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

Whereas, the Human Resources and Economic Development Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code 6-1.1-12.1-1 et seq., and qualifies under the relevant provisions of South Bend Municipal Code Sections 2-76 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the

following:

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C: That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits set forth as Sections I through II of the Petition for Real Property Tax Abatement Consideration and that the Statement of Benefits form prescribed by the State Board of Accounts are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Human Resources and Economic Development Committee that the area herein described be designated an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of ten (10) years.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code 5-3-1 and Indiana Code 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

/s/ Roland Kelly
Member of the Common Council

A public hearing was held on the resolution at this time. Council Member Broden reported that the Community and Economic Development Committee had met on this resolution and recommended it to the Council favorable. Dea Andrews, South Bend Heritage, made the presentation for the resolution. She advised they were requesting this abatement in order to construct the Chapin Market, which will house a Save-A-Lot and the Chapin Clinic. She indicated this building will cost approximately 2.5 million and are requesting the abatement to help with the project. Council

Member Pfeifer made a motion to adopt this resolution, seconded by Council Member Ujdak. The resolution was adopted by a roll call vote of nine ayes.

RESOLUTION NO. 2464-97

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS SOUTHEAST CORNER OF CORBY AND NILES AVENUE AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A THREE (3) YEAR REAL PROPERTY TAX ABATEMENT FOR C.D.T., L.L.C.

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana requesting that the area commonly known as southeast corner of Corby and Niles Ave., South Bend, Indiana, and which is more particularly described as follows:

PARCEL I: A parcel of land located in the northeast quarter of the southwest quarter of Section 1, Township 37 north, range 3 east, City of South Bend, St. Joseph County, Indiana, described as follows: Beginning at a point on the south line of Corby Street, 220.51 feet north 89°48'27" east (assumed bearing) of the intersection of the south line of Corby Street and the easterly line of Niles Avenue, said point being the northwest corner of a tract of land conveyed to the City of South Bend, Indiana by Instrument Number 780739 recorded March 3, 1978 in the Office of the St. Joseph County Recorder; thence south 25°06'03" East along the westerly line of said City of South Bend tract, 149.81 feet; thence south 89°49'21" east, 141.77 feet to the south line of Corby Street; thence south 89°49'27" west along said southline of Corby Street, 103.36 feet to the point of beginning.

PARCEL II. A parcel of land located in the northwest quarter of the southwest quarter of section 1, township 37 north, range 2 east, City of South Bend, St. Joseph County, Indiana, described as follows: Beginning at the intersection of the 25°06'03" east (assumed bearing) along the easterly line of Niles Avenue, 242.74 feet; thence north 64°53'57" east, 200.00 feet to the westerly line of a tract of land conveyed to the City of South Bend, Indiana by Instrument Number 7803739 recorded March 3, 1978 in the office of the St. Joseph County Recorder; thence North 25°06'03" west along said westerly line, 149.87 feet to the south line of Corby Street; thence south 89°48'27" west along said south line of Corby Street, 220.51 feet to the point of beginning.

and which has Key Number 18 5038 134601 and 18 5038 1343 be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1-1 et. seq. and South Bend Municipal Code Sections 2-76 Et Seq.

Whereas, the Department of Economic Development has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

Whereas, the Human Resources and Economic Development Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the

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City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code 6-1.1-12.1-1 et seq., and qualifies under the relevant provisions of South Bend Municipal Code Sections 2-76 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C: That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits set forth as Sections I through II of the Petition for Real Property Tax Abatement Consideration and that the Statement of Benefits form prescribed by the State Board of Accounts are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Human Resources and Economic Development Committee that the area herein described be designated an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of three (3) years. This tax abatement is contingent upon a Condominium Association agreement restricting the use of the townhouses to owner/occupant residents.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code 5-3-1 and Indiana Code 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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/s/ Roland Kelly
Member of the Common Council

A public hearing was held on the resolution at this time. Council Member Broden reported that the Community and Economic Development committee had met on this resolution and recommended it to the Council favorable. Daniel Thorsberg, a member of C.D.T., made the presentation for the resolution. He reported that they plan to construct three buildings of five townhouses each, which will cost over \$1.8 million dollars. Council Member Broden made a motion to amend this bill by adding a sentence in Section 6, "This abatement is contingent upon a Condominium Association agreement restricting the use of the townhouses to owner/occupant residents.", seconded by Council Member Sniadecki. The motion carried. Dea Andrews, 223 N. Scott, complimented this group for their belief in South Bend's inner-city. Council Member Borden made a motion to adopt this resolution, as amended, seconded by Council Member Pfeifer. The bill was adopted by a roll call vote of nine ayes.

BILLS, FIRST READING

BILL NO. 44-97 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: TUDOR LANE FROM THE EAST RIGHT-OF-WAY OF WOODMONT STREET (OR DRIVE) APPROXIMATELY 115 FEET EAST TO DEAD END AND A WIDTH OF 50 FEET. PART LOCATED IN TWYCKENHAM HILLS SECTION "H", CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

This bill had first reading. Council Member Varner made a motion to refer this bill to the Public Works and Property Vacation Committee and set it for public hearing and third reading on June 9, seconded by Council Member Broden. The motion carried.

BILL NO. 45-97 A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY GENERALLY LOCATED ALONG BOTH SIDES OF EAST JEFFERSON BOULEVARD, BETWEEN ST. PETER STREET AND EDDY STREET, AND ON THE WEST SIDE OF EDDY STREET BETWEEN WASHINGTON STREET AND WAYNE STREET, CITY OF SOUTH BEND, INDIANA

This bill had first reading. Council Member Pfeifer made a motion to refer this bill to the Zoning and Annexation Committee and set it for public hearing and third reading on June 23, seconded by Council Member Coleman. The motion carried.

BILL NO. 46-97 A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, DELETING CERTAIN CURRENT SECTIONS OF THE MUNICIPAL CODE TO PREPARE FOR RECODIFICATION OF THE ENTIRE SOUTH BEND MUNICIPAL CODE

This bill had first reading. Council Member Coleman made a motion to refer this bill to the Personnel and Finance Committee and set it for public hearing and third reading on June 9, seconded by Council Member Varner. The motion carried.

BILL NO. 47-97 A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AN AMENDED AND RESTATED LEASE FOR CERTAIN LAND AND PUBLIC IMPROVEMENTS BETWEEN THE SOUTH BEND REDEVELOPMENT AUTHORITY AND THE SOUTH BEND REDEVELOPMENT COMMISSION

This bill had first reading. Council Member Coleman made a motion to refer this bill to the Community and Economic Development Commission and set it for public hearing and third reading on June 9, seconded by Council Member Aranowski. The motion carried.

BILL NO. 48-97 A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH

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BEND, INDIANA, AMENDING VARIOUS SECTIONS WITHIN
CHAPTER 2; ARTICLE 6, ENTITLED TAX ABATEMENT
PROCEDURES OF THE SOUTH BEND MUNICIPAL CODE

This bill had first reading. Council Member Pfeifer made a motion to refer this bill to the Community and Economic Development Committee and set it for public hearing and third reading on June 9, seconded by Council Member Broden. The motion carried.

UNFINISHED BUSINESS

APPEAL OF HISTORIC PRESERVATION COMMISSION DECISION - 1414 E. Wayne (Jennifer Lackman)

Council President Kelly gave the following statement:

All documents filed with the City Clerk by the Petitioner and all documents filed by the Historic Preservation Commission will be verbally identified and marked for purposes of identification.

Governing Rules:

Petitioner will have twenty (20) minutes maximum which shall include - specific issues under review, statement of position by the petitioner's attorney if any, witness statements.

Historic Preservation Commission will have twenty (20) minutes maximum which shall include - statement of position by the HPC attorney, witness statements.

Council questions and disposition - fifteen (15) minutes maximum. The Common Council should review the HPC action and determine if was:

1. Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with applicable law;
2. Contrary to constitutional right, power, privilege, or immunity;
3. In excess of statutory jurisdiction, authority, limitations, or statutory rights;
4. Without observance of procedure required by applicable law; or
5. Unsupported by substantial evidence.

Roll call vote by City Clerk upon proper motion made and seconded.

Dr. Jennifer Lackman indicated she felt it was unfortunate that this situation has been played out in the TRIBUNE. She indicated she was requesting the Council assistance in appealing the decision of the HPC to deny a certificate of appropriateness for a small section of a three foot white PV fencing extending in front of my house. She also indicated that city attorney Aladean DeRose attempted to justify the HPC's decision on legal grounds that there were no other properties in the district with fences extending beyond the setback line of the house, however, the houses at 1417 E. Wayne and 301 S. Sunnyside both have fences extending beyond the setback line. She indicated the majority of neighbors support the completion of this project. She reported that the HPC did not give her any written material or guidelines, and when she raised the issue she was told they were out of the handbooks, and the HPC Board conceded there was an ongoing problem in communication with the neighbors. She indicated here house was purchased "as is", and required extensive renovation

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work. She indicated she appeared before the board in December, and was told this would be referred to the standards committee, and then subsequently notified that the certificate of appropriateness would not be issued. She reported that several months later she was notified there would be a lawsuit filed if the front fence was not removed. She indicated she had a number of concerns regarding the HPC and the process: new residents are not given adequate information regarding policies and guidelines; the guidelines are very inconsistently applied in this district; information regarding the liaison committee i.e., how they are chosen and their length of terms, is nearly unobtainable; the guidelines are to be reviewed every 5 years, but no such review has taken place; the HPC has no one from this district on its board.

Katherine Hostettler, vice president of the Historic Preservation Commission, indicated the commission was bipartisan. She gave the names and occupations of the members. She reported that the property owners in the historic districts write their own standards, and at no time does HPC mandate the standards.

Aladeen DeRose, attorney, reported that the East Wayne Street Historic District was created by ordinance in September 1987, and as part of the process the property owners adopted Preservation Guidelines and Standards. She indicated the Standard relevant to this case is front yard areas shall not be fenced and fences shall not extend forward beyond the setback line of the house. She indicated that Dr. Lackman's appeal was untimely, since it the applicant may appeal denial of a Certificate of Appropriateness to the Common Council, and it must be made in writing within thirty (30) days of the date of the denial. She indicated that even if the Common Council was disinclined to follow these rules, this appeal is unreasonably delayed, Dr. Lackman does not precedent legally sufficient HPC's denial of the HPC's decision, since the standards forbid front yard fences. She advised that the HPC urges the Council to focus on whether the appeal is timely, and if so, whether the HPC's decision was a rational one based on the standards of the District. She indicated that the time issue should dispose of this case entirely.

David Duvall, director of Historic Preservation, indicated they had one part-time employee, therefore, there was no way they could police the historic districts for violations. He reported that enforcement of the guidelines is dependant on the Building Commission's office.

The Council had lengthy discussion and questions directed to the petitioner, as well as the Historic Preservation. Council Member Broden made a motion that the appeal of the Historic Preservation Commission's Decision be denied, seconded by Council Member Sniadecki. The motion carried on a roll call vote of six ayes and three nays (Council Members Varner, Coleman, and Kelly).

Council Member Coleman made a motion to set Bill Nos. 91-96, 31-97, 32-97, for public hearing and third reading on June 9, and refer this to the Zoning and Vacation Committee, seconded by Council Member Varner. The motion carried.

Council Member Broden made a motion to set Bill No. 28-97 for public hearing and third reading on June 23, and refer it to the Zoning and Vacation Committee, seconded by Council Member Coleman. The motion carried.

PRIVILEGE OF THE FLOOR

Jim Cierzniak, 1156 E. Victoria, spoke loss of revenue for the College Football Hall of Fame.

There being no further business to come before the Council

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unfinished or new, Council Member Kelly adjourned the meeting at 9:45 p.m.

ATTEST:


city clerk

ATTEST:


President

