



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, January 9, 2017
7:00 P.M.

1. **INVOCATION- JOHN P. WARREN, CHAIRMAN OF THE POKAGON BAND OF POTAWATOMI**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

66-16 PUBLIC HEARING 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

71-16 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT A 20 ACRE TRACT OF LAND WEST OF AND ADJACENT TO AMERITECH DRIVE, APPROXIMATELY 1200 FEET SOUTH OF BRICK ROAD, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

72-16 PUBLIC HEARING ON AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING SHARED HOUSING TO PERMITTED PRIMARY USES IN CBD CENTRAL BUSINESS DISTRICT; AND ARTICLE 11 BY ADDING THE DEFINITION OF SHARED HOUSING

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[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

[71-16](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT A 20 ACRE TRACT OF LAND WEST OF AND ADJACENT TO AMERITECH DRIVE, APPROXIMATELY 1200 FEET SOUTH OF BRICK ROAD, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[72-16](#) THIRD READING ON AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING SHARED HOUSING TO PERMITTED PRIMARY USES IN CBD CENTRAL BUSINESS DISTRICT; AND ARTICLE 11 BY ADDING THE DEFINITION OF SHARED HOUSING

9. **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 SBDC II, 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

[17-02](#) 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 401 E. COLFAX AVE., SOUTH BEND, IN 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (10) TEN YEAR REAL PROPERTY TAX ABATEMENT FOR COMMERCE CENTER DEVELOPMENT, LLC

[17-04](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SUPPORTING THE COMMERCE CENTER PROJECT LOCATED AT 401 E. COLFAX AVENUE, 230 AND 228 SYCAMORE STREET, AND 312 LASALLE AVENUE IN THE CITY OF SOUTH BEND, INDIANA

10. **BILLS ON FIRST READING**

BILL NO.

[01-17](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST NORTH/SOUTH ALLEY SOUTH OF SHERWOOD BETWEEN MICHIGAN STREET AND MAIN STREET

[02-17](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT A 10 ACRE TRACT LOCATED ALONG EDDY STREET AND THE WEST SIDE OF GEORGIANA STREET BETWEEN NAPOLEON AND HOWARD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[03-17](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 3566 DOUGLAS ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[04-17](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1248 AND 1258 N. TWYCKENHAM DRIVE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[05-17](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AUTHORIZING THE CITY OF SOUTH BEND, INDIANA TO ISSUE ITS TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2017 (EDDY ST. PHASE II) IN THE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS (\$25,000,000) AND APPROVING OTHER ACTIONS IN RESPECT THERETO

06-17 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA, REAFFIRMING
ORDINANCE 10461-16 FOR CUSTOMERS OUTSIDE THE CITY'S
CORPORATE BOUNDARY

11. UNFINISHED BUSINESS
12. NEW BUSINESS
13. PRIVILEGE OF THE FLOOR
14. 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: JANUARY 5, 2017
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, JANUARY 9, 2017** at:

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

- 3:30 P.M.** **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**
1. [Bill No. 71-16](#)- Alro Steel Rezoning at Brick Road/Ameritech Drive
 2. *Substitute* [Bill No. 72-16](#)- Shared Housing Text Amendment
 3. [Bill No. 16-89](#)- Coveleski Minor Special Exception
 4. *Substitute* [Bill No. 16-90](#)- Requesting annual progress reports on each neighborhood and development plan
 5. [Bill No. 17-04](#)- Supporting the Commerce Center Development
- 4:30 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No. 16-85](#)- Declaratory 9-year real property tax abatement for GLC SBDC II, LLC
 2. [Bill No. 17-02](#)- Declaratory 10-year real property tax abatement for Commerce Center
 3. [Bill No. 05-17](#)- Eddy Street Commons Phase II Bond Issuance
- 4:55 P.M.** **UTILITIES** **DR. DAVID VARNER, CHAIRPERSON**
1. [Bill No. 66-16](#)- Addressing New Water Rates and Charges

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



2017 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-4-17)

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

Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member

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

Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member

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

Jo Broden, Member

Dr. David Varner, Member

Karen White, Member

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.

Jo Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver Davis, Member

Karen L. White, 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

Gavin Ferlic, Vice-Chairperson

Dave Varner, Member

Randy Kelly, 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, Studebaker 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

Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member

John Voorde, Member



2017 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-4-17)

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.

John Voorde, Chairperson
Randy Kelly, Vice-Chairperson

Jo M. Broden, 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.01-4-17)

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
Public Works & Property Vacation, Vice Chair

Community Investment Committee, Member
Information & Technology Committee, Member
Utilities Committee, Member

JO BRODEN, 4TH District Council Member

Health and Public Safety Committee, Chairperson
Residential Neighborhood Committee, Vice-Chairperson

Council Rules Committee, Member
Public Works & Property Vacation, 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

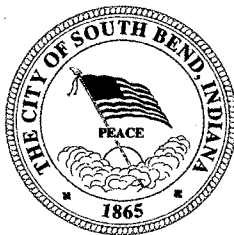
Residential Neighborhood Committee, Chairperson
Personnel & Finance Committee, Chairperson

Community Relations Committee, Member
Council Rules Committee, Member
Health & Public Safety Committee, Member

JOHN VOORDE, AT LARGE Council Member

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

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



CITY OF SOUTH BEND - PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS
ERIC HORVATH, DIRECTOR

October 5, 2016

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

Re: 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

Dear President Scott:

The City of South Bend owns and operates a water utility and has prepared a study which recommends new water rates and charges. Per the recommendations of this study, the City has determined that water rates and charges, including various non-recurring charges, should be increased per the revised rates set forth herein, and those should become the new water rates and charges, subject to approval of the Indiana Utility Regulatory Commission ("IURC"). The last time water rates and charges were increased was in 2006.

This Ordinance also reinserts former Article 6 of Code Chapter 17 covering a water service charge to be used for repair or replacement of leaking water service lines. These provisions which were previously, inadvertently deleted, are codified at their former location within the Municipal Code, i.e, Chapter 17, Article 6 , Sections 17-44 through 17-49. This reinserted Article 6 may also be subject to IURC approval.

I look forward to discussing this ordinance at the Council's Committee meeting and at the public hearing. If you have any further questions or need additional information, please let me know.

As always, thank you for your consideration.

Sincerely,

Eric C. Horvath
City of South Bend
Executive Director Public Works

Filed in Clerk's Office
OCT 05 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

ORDINANCE NO. _____

**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**

STATEMENT OF PURPOSE AND INTENT

The City of South Bend owns and operates a water utility and this Council has caused to be prepared a study which recommends new water rates and charges. Per the recommendations of this study, the City has determined that water rates and charges should be increased per the revised rates set forth herein, and those should become the new water rates and charges, subject to approval of the Indiana Utility Regulatory Commission ("IURC"). This Ordinance also reinserts former Article 6 of Municipal Code Chapter 17 covering a water service charge to be used for repair or replacement of leaking water service lines. These provisions which were previously, inadvertently deleted, are codified at their former location within the Municipal Code, i.e., Chapter 17, Article 6, Sections 17-44 through 17-49. This reinserted Article 6 may also be subject to IURC approval.

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

SECTION I. Chapter 17, Article 4, Section 17-45 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-45. Water Works rates and charges.

There shall be and are hereby established for the use of and the services rendered by the Water Works System of the City of South Bend, the following rates and charges, based upon the use of water and facilities furnished by said Water Works System:

<i>(a) Usage per Monthly Billing Period</i>	<i>Rate per 100 Cubic Feet</i>
First 500 cubic feet	\$1.716 \$ <u>2.454</u>
Next 1,500 cubic feet	1.490 <u>2.131</u>
Next 5,500 cubic feet	1.310 <u>1.873</u>
Next 22,500 cubic feet	1.153 <u>1.649</u>
Next 90,000 cubic feet	0.905 <u>1.294</u>
Over 120,000 cubic feet ...	0.701 <u>1.002</u>

(b) *Minimum charge:*

<i>Meter size</i>	<i>Allowed Usage</i> <i>(In Cubic Feet)</i>	<i>Minimum</i> <i>Monthly</i>
5/8-inch meter .. \$ 7.76	<u>452</u>	<u>\$11.09</u>
3/4-inch meter 11.19	<u>675</u>	<u>16.00</u>
1-inch meter 19.90	<u>1,260</u>	<u>28.47</u>
1½-inch meter 44.72	<u>3,053</u>	<u>63.96</u>
2-inch meter 79.54	<u>5,711</u>	<u>113.74</u>
3-inch meter 178.96	<u>14,090</u>	<u>255.92</u>
4-inch meter 318.16	<u>26,163</u>	<u>455.00</u>
6-inch meter 716.02	<u>69,073</u>	<u>1,023.88</u>
8-inch meter 1,272.95	<u>133,701</u>	<u>1,820.16</u>
10-inch meter 1,988.53	<u>235,781</u>	<u>2,843.00</u>
12-inch meter 2,863.10	<u>360,542</u>	<u>4,093.11</u>

(c) *Computation of charges.* Metered water charges shall be the larger of the minimum charges of Subsection (b) ~~and~~ or the rate charges of Subsection (a) of this Section. In the case of multiple meters under a single billing entity, the charges shall be computed for each meter separately, not the summation of usage.

(d) *Monthly public fire protection charges.* All customers located within the corporate limits and all customers outside the corporate limits and located within one thousand (1,000) feet of a public fire hydrant shall also pay a monthly public fire protection charge based upon the size of the customer's meter as follows:

5/8-inch connection \$ 2.25	<u>\$3.22</u>
3/4-inch connection 2.25	<u>3.22</u>
1-inch connection 5.77	<u>8.25</u>
1½-inch connection 12.98	<u>18.56</u>
2-inch connection 23.06	<u>32.98</u>
3-inch connection 51.90	<u>74.22</u>
4-inch connection 92.28	<u>131.96</u>
6-inch connection 207.62	<u>296.90</u>

8-inch connection~~369.08~~ 527.78

10-inch connection~~576.70~~ 824.68

(e) *Private Fire Protection Service, Automatic Sprinkler, per annum.*

1-inch connection~~\$ 35.62~~ \$ 50.94

2-inch connection~~71.77~~ 102.63

3-inch connection~~143.53~~ 205.25

4-inch connection~~286.80~~ 410.12

6-inch connection~~355.56~~ 508.45

8-inch connection~~610.60~~ 873.16

10-inch connection~~954.38~~ 1,364.26

12-inch connection~~1,375.98~~ 1,967.65

(f) *Temporary Service.* Temporary service where metered shall be calculated upon the registration of a meter or meters installed at the approved meter rates. In such cases as the Utility may deem it impracticable to install a meter for temporary service, there shall be a minimum monthly charge of twenty-nine dollars (\$29.00). If the water consumption computed at approved rates is known to be in excess of the twenty-nine dollars (\$29.00) minimum charge, an authorized agent of the Utility shall have the right to estimate said water usage and the estimated usage shall be billed at the approved meter rates.

SECTION II. Chapter 17, Article 4, Section 17-46 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-46. Collection or deferred payment charge.

All bills for water services, not paid within five (5) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of ~~six (6) percent of the current monthly bill.~~ ten percent (10%) of the first three dollars (\$3.00) of the water charge and three percent (3%) on any amount in excess of three dollars (\$3.00) of the water charge. All bills for water services which are turned over to a collection agency shall be subject to a collection charge equal to twenty (20) percent of the unpaid bill.

SECTION III. Chapter 17, Article 4, Section 17-46.1 shall be amended to read in its entirety as follows:

Sec. 17-46.1 Suburban rates.

Customers with water service outside the City limits shall incur an additional surcharge of ~~twenty (20) percent~~ fourteen percent (14%) of the rates and charges. The surcharge is to recover

additional costs including capital expenditures incurred by the Water Works to furnish services to customers outside the City limits.

SECTION IV. Chapter 17, Article 4, Section 17-46.4 shall be deleted in its entirety and is not replaced.

SECTION V. Chapter 17, Article 4, Section 17-47 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-47. Nonrecurring charges.

(a) *Deposits:* Security deposits, payable upon service initiation and refundable upon service termination, shall be no more than one-sixth of the estimated annual bill for each meter size. Governmental entities shall be exempt from deposits.

(b) *Tap charges:* The charge for installation of a one-inch tap shall be ~~three hundred seventy dollars (\$370.00)~~ Five hundred dollars (\$500.00), which shall include the installed tapping valve and the material for the curb valve and box, but shall not include any service line. Charges for taps larger than one (1) shall be at cost.

(c) *Other nonrecurring charges:*

Disconnect for non payment		\$11.00
Reconnection		\$8.00
<u>Delinquency Processing fee (Disconnect/reconnect)</u>		<u>\$33.00</u>
Bad checks <u>Non-Sufficient Funds/Charge-back Fee</u>		20.00
Service initiation <u>fee</u>	20.00	30.00
Meter downsize (to change a meter that is 1" inch and or smaller <u>without re-plumbing</u>)		32.00
Inspection and testing fee for backflow prevention devices; -1- <u>½" inch meter and or</u> smaller		50.00
Inspection and testing fee for backflow prevention devices; -2" <u>inch or and</u> larger		75.00
Frozen/Damaged/Missing or lost meter, at cost depending upon size and type of meter.		At cost
<u>Missed or R-return trip fee</u>		15.00

Unauthorized use of water system	200.00
<u>Water sewer verification fee</u>	<u>4.00</u>
<u>Stop Box Disconnection & Reconnection fee</u>	<u>750.00</u>
<u>Demolition fee (inspection fee)</u>	<u>75.00</u>

SECTION VI. Chapter 17, Article 6, of the South Bend Municipal Code shall be amended to reinsert Sections 17-49 through 17-55 regarding water service charges to be used for repair or replacement of leaking water service lines, to read in its entirety as follows:

ARTICLE 6. RESERVED. WATER SERVICE FUND AND CHARGES

Sec. 17-49. Assessment of charges; purpose.

- (a) The sum of two dollars and ten cents (\$2.10) per month shall be added to the water service charge of all water users.
- (b) All of said sums of money so collected shall be used solely for the repair and/or replacement of leaking water service lines.

Sec. 17-50. Application of funds.

Funds so collected shall be used for the payment of repairs and/or replacement as provided herein from the water main to the front wall of any building, or line extended therefrom, but it shall not insure any water service line under any porch, steps, slab foundation, hard surface driveway, parking lot, crawl space or in any room or space under any sidewalk. In the case of two-inch lines or larger, the repairs provided hereunder shall extend from the water main to the property line only.

Sec. 17-51. Limitation on use of funds.

Water sprinkler service lines shall not be insured under this article; however, if the domestic service line has a lawn-sprinkler connection tee in it, said domestic service line and the tee will be insured, but not beyond the tee nor any costs of repair to the lawn-sprinkling system proper.

Sec. 17-52. Use of funds when accounts delinquent prohibited.

The insurance for repair and/or replacement shall not be in force on any account if the charge for such insurance has not been paid for four (4) consecutive months.

Sec. 17-53. Approval of repair orders.

No claim for the repair of a water service line under this article will be honored unless said repair order is approved by the Department of Water Works .

Sec. 17-55. Maintenance of service line excluded from provisions of article.

This article shall not cover the maintenance of any service line.

SECTION VII. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

SECTION VIII. This Ordinance shall take effect the first day of the month immediately following all of the following: passage by this Common Council, approval by the Mayor, approval by the IURC, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2016.

Member, Common Council of the
City of South Bend

ATTEST:

Kareemah Fowler, Clerk

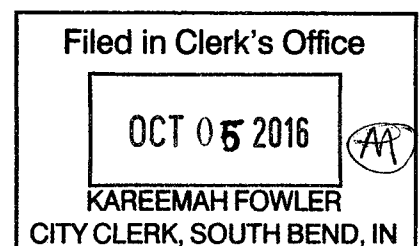
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City for his approval on the _____ day of _____, 2016, at _____ o'clock _____.m.

Kareemah Fowler, Clerk

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend, approve said Ordinance and return the same to the Clerk of the City of South Bend this _____ day of _____, 2016.

Pete Buttigieg, Mayor

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





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, December 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 Alro Steel Corporation to zone from LI Light Industrial District to GB General Business District, property located at a 20 acre tract of land west of and adjacent to Ameritech Drive, approximately 1,200 feet south of Brick Road, City of South Bend - APC# 2803-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Alro Steel Corporation was legally advertised on December 8, 2016 and that the Area Plan Commission at its public hearing on December 20, 2016 took the

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Alro Steel Corporation to zone from LI Light Industrial District to GB General Business District, property located at a 20 acre tract of land west of and adjacent to Ameritech Drive, approximately 1,200 feet south of Brick Road, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property to GB General Business will allow for the establishment of a business that is compatible with surrounding uses.

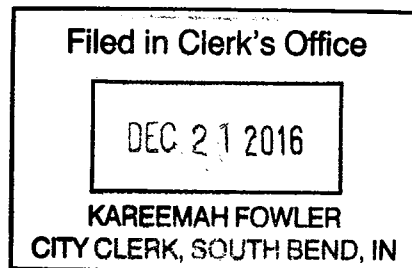
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: Alro Steel Corporation
Hopkins Properties of South Bend, LLC





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

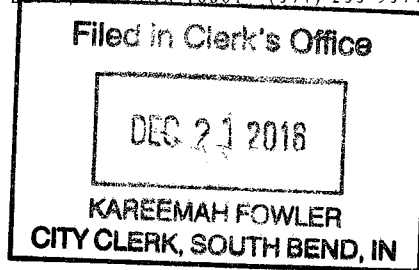
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

December 21, 2016

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



RE: Bill # 71-16
Rezoning: APC#2803-16 - A 20 acre tract of land west of and adjacent to Ameritech Drive, approximately 1,200 feet south of Brick Road (Alro Steel Corporation)

Dear Council Members:

The Area Plan Commission held a public hearing on December 20, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 9, 2017.

Ordinance & Petition Amendments:

There were no changes to the Ordinance or Petition.

Public Hearing Summary:

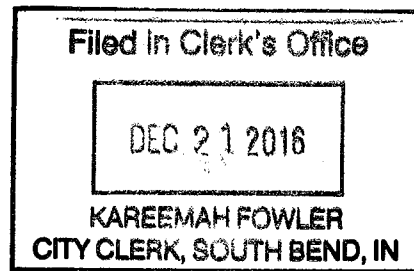
There was no one to speak in favor or in opposition.

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

Sincerely,

Angela M. Smith
Deputy Director

CC: Adriana Rodriguez



12/9/2016

Staff Report

APC # 2803-16
 Owner: Alro Steel Corporation
 Location: at a 20 acre tract of land west of and adjacent to Ameritech Drive, approximately 1,200 feet south of Brick Road
 Jurisdiction: City of South Bend
 Public Hearing Date: 12/20/2016

Requested Action:

The petitioner is requesting a zone change from LI Light Industrial District to GB General Business District.

Land Uses and Zoning:

- On site: On site is vacant land zoned LI Light Industrial District.
- North: To the north is a Civil City of South Bend retention basin and a billboard zoned LI Light Industrial District.
- East: To the east across Ameritech Drive is a hotel zoned CB Community Business District and industrial buildings and vacant land zoned LI Light Industrial.
- South: To the south is a building zoned LI Light Industrial and across the Indiana Toll Road.
- West: To the west across the St. Joseph Valley Parkway are several businesses zoned LI Light Industrial.

District Uses and Development Standards:

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.

Site Plan Description:

A 72,000 square foot truck sales and service building is proposed along with a 118 space parking lot.

Zoning and Land Use History And Trends:

This site has been zoned Light Industrial since 1979.

Traffic and Transportation Considerations:

Ameritech Drive and Business Center Drive have two lanes each.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation. The proposed use is compatible with surrounding land uses and is consistent with City Plan's general intent for land use in this area. The Department of Public Works offers a favorable recommendation with the following comments being required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area; 3) Development of the site requires City approval of a drainage plan, and payment of the corresponding drainage review fee, that meets the City's requirement to store all runoff from developed areas on site. Specific to this site are the previous discussions between the City and the site developer regarding the improvement of the existing retention basin to accommodate the shared use between the City and the developer. Prior to use, an agreement must first be drafted by the developer and signed by both the site owner/ developer and the Board of Public Works; 4) Verification of required (if any) waivers; and 5) Payment of Final Site Plan review fee.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

This 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.

Land Use Plan:

The future land use map identifies this area as Light Industrial.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The surrounding properties are primarily industrial uses. There is a hotel to the east of the site.

3. Most Desirable Use:

The most desirable use is one that supports the surrounding uses.

4. Conservation of Property Values:

The surrounding properties are industrial and should not be adversely affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow for a use that is compatible with the surrounding properties.

Staff Comments:

The Staff has no additional comments.

Recommendation:

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.

Analysis:

Rezoning this property to GB General Business will allow for the establishment of a business that is compatible with surrounding uses.

REZONING
#2803-16

St Joseph Valley

St Joseph Valley

Ramp

Ameritech

Business Center

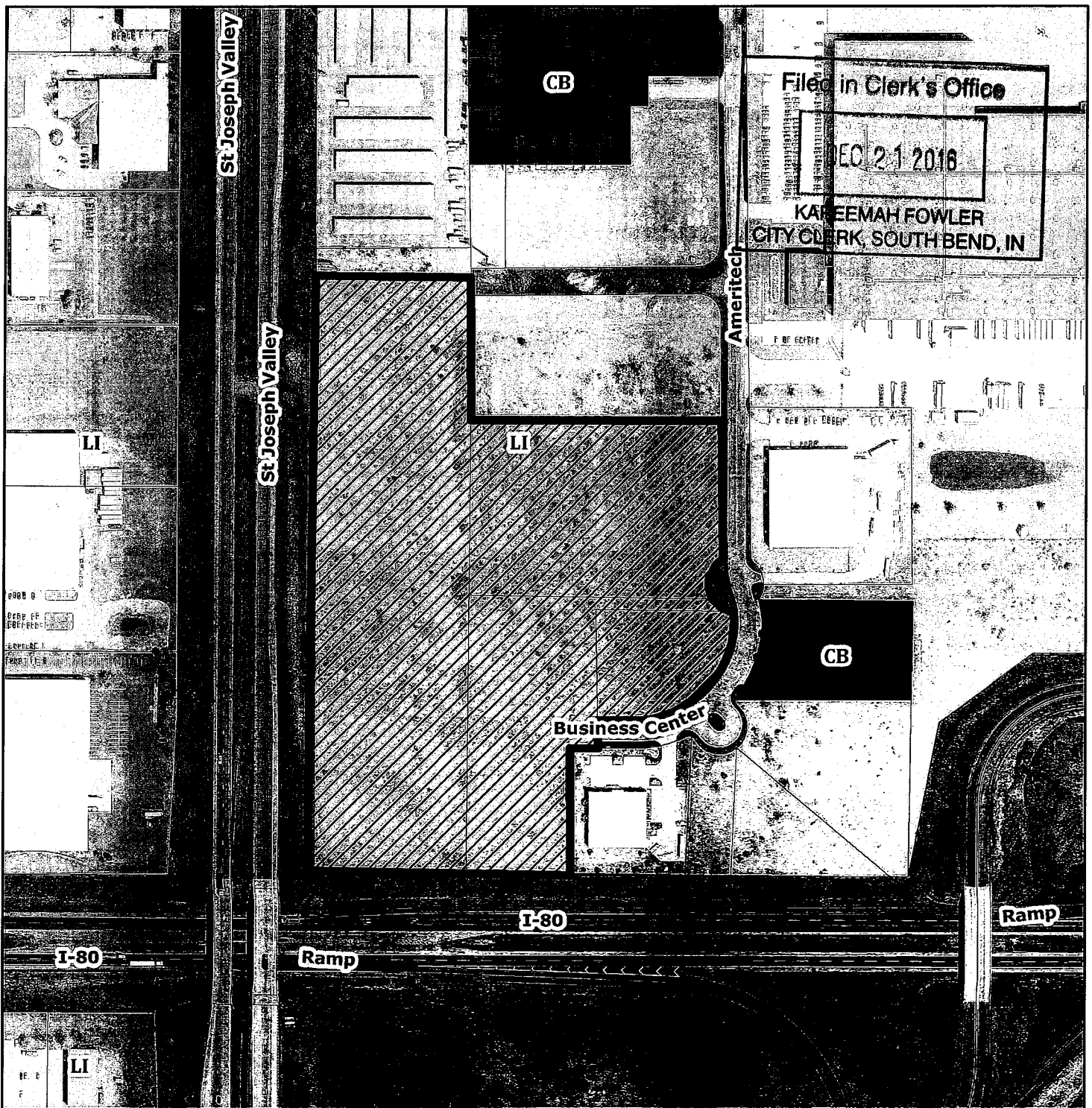
I-80

Ramp

I-80



1 inch = 200 feet
GERMAN TOWNSHIP

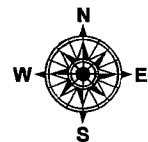




**Rezoning from: CITY OF SOUTH BEND
"LI" LIGHT INDUSTRIAL DISTRICT
to "GB" GENERAL BUSINESS DISTRICT**

MASTER ZONING KEY

-  SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 300 feet

APC # 2803-16

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT A 20 ACRE TRACT OF LAND WEST OF AND ADJACENT TO AMERITECH DRIVE, APPROXIMATELY 1200 FEET SOUTH OF BRICK ROAD, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Truck sales and service

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: Lot Numbered Four (4) in "Park One Northwest", as per plat thereof, filed in the Office of the Recorder of St. Joseph County, Indiana, on August 1, 1985, as Instrument No. 8515748.

PARCEL II: Lot Numbered One (1) as shown on the recorded Plat of U.S. 31 Business Centre Phase 1, recorded January 9, 2004 as Document No. 0401210 in the Office of the Recorder of Saint Joseph County, Indiana.

PARCEL III: Lot Numbered Three A (3A) as shown on the recorded Plat of Park One Northwest First Replat, recorded April 4, 2003 as Document No. 0320042 in the Office of the Recorder of Saint Joseph County, Indiana.

PARCEL IV: A tract of land in the West Half of the Northeast Quarter of Section 19, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, more particularly described as follows: Commencing at the Northeast corner of said West Half of the Northeast Quarter of Section 19, Township 38 North, Range 2 East; thence South 00°48'00" East along the East line thereof 953.78 feet, said point being the true place of beginning; thence continuing South 00°48'00" East along said East line 1307.86 feet to the North line of the Indiana East-West Toll Road; thence South 89°42'57" West along said North line 324.04 feet to the East line of the South Bend Bypass; thence North 02°49'50" West along said East line 329.96 feet to an angle point in said East line; thence North 00°17'00" West along said East line 978.17 feet; thence North 89°42'57"

East 326.91 feet to the place of beginning.

be and the same is hereby established as GB General Business.

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
NOV 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

1) The property sought to be rezoned is located at:

Four (4) contiguous parcels of property located on Ameritech Drive, approximately 1,250' south of Cleveland Road, South Bend, Indiana 46628

2) The property Tax Key Number(s) is/are:

The four parcels include Parcel Nos.: 025-1017-060807, 025-1017-060816, 025-1017-060806, and 025-1017-060809.

3) Legal Descriptions: *Please see attached.*

4) Total Site Area: *Approximately 19.86 Acres +/-*

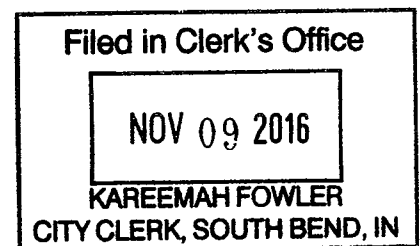
5) Name and address of property owner(s) of the petition site:

*Alro Steel Corporation
3100 East High Street, PO Box 927
Jackson, MI 49204-0927
Attn: Steve Laten
T: (517) 787-5500*

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

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

*Hopkins Properties of South Bend, LLC
2280 Formosa Road
Troy, Illinois 62294
Attn: John Hopkins
T: (618) 667-3454*



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

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

From: LI Light Industrial District N/A

To: GB General Business District

8) This rezoning is requested to allow the following use(s): *Permit the development and operations of a full service truck dealership, including truck sales and service.*

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

1) *No variance relief is being sought at this time.*

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

- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *N/A*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *N/A*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *N/A*

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

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

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

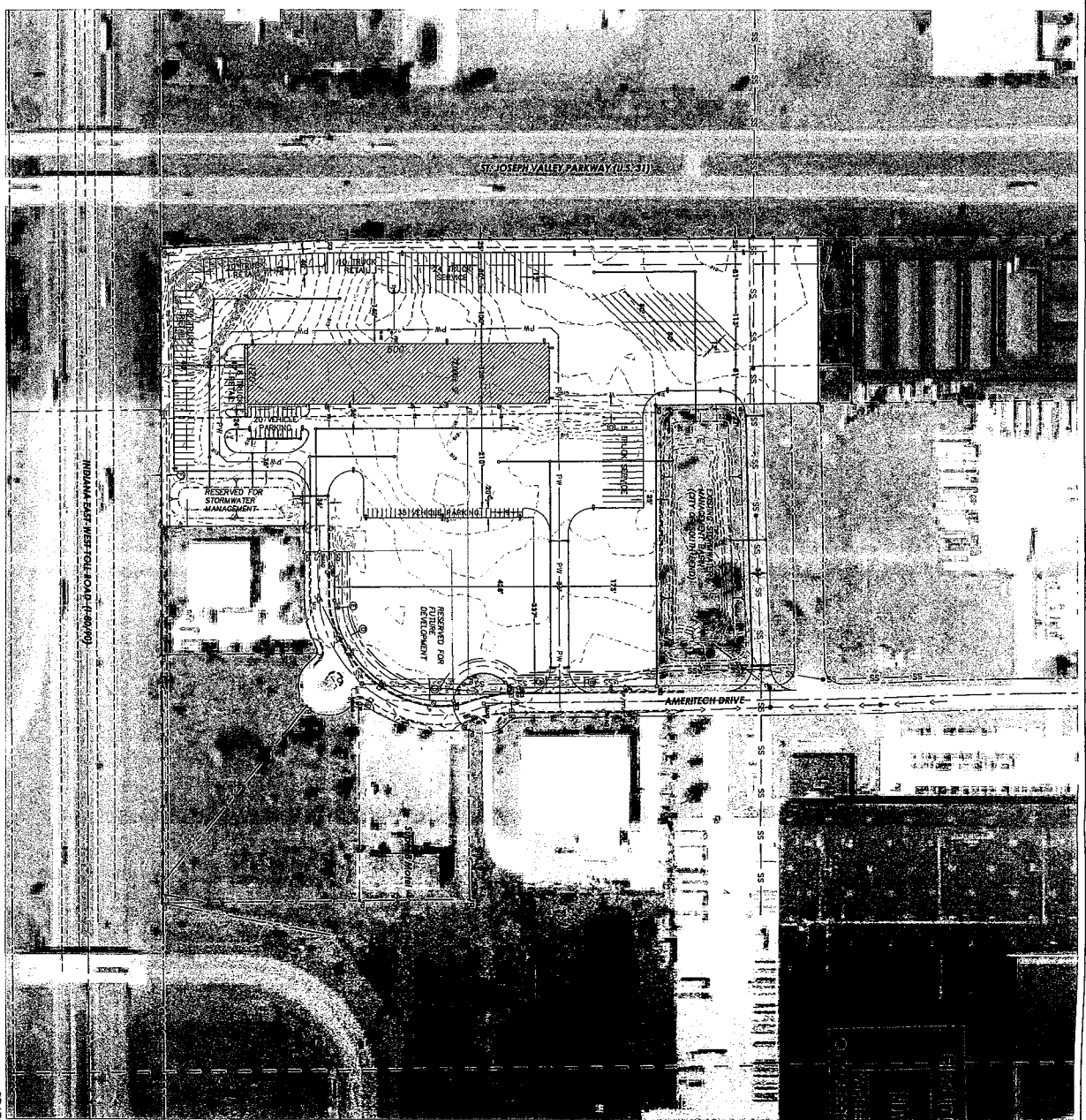
CONTACT PERSON:

Abonmarche Consultants, Inc. (Attn: Brian McMorrow)
750 Lincoln Way East
South Bend, IN 46601
T: (574) 314-1022
E: bmcmorrow@abonmarche.com

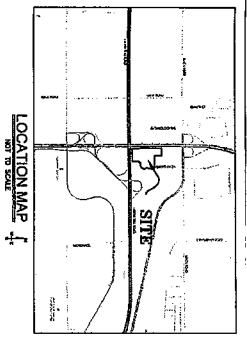
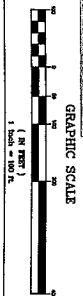
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

Steven J. Fators - E.V.P. + C.F.D.



Client's Office
 09 316
 SOUTH BEND, IN



- GENERAL NOTES**
- Proposed Site (As Shown)
 - Existing Site (As Shown)

- LEGEND (EXISTING FEATURES)**
- SET OPEN REAR TERMINATING CONTROL POINT
 - SET AND VAL. IN ASHULT
 - FOUND REAR PPE
 - FOUND REAR
 - FOUND CURVED ROW
 - FOUND FINISHED PPE
 - POWER POLE
 - POWER POLE W/ DRUP
 - POWER POLE W/ TRANSFORMER
 - POWER POLE W/ LIGHT
 - ELECTRIC UTILITY
 - LIGHT POLE
 - OS WATER
 - WATER LETTER
 - FIRE HYDRANT
 - VALVE (WATER)
 - OS VALVE
 - DEBRIDGE MULTIBASH
 - SEWER MANHOLE
 - WATER UTILITY MANHOLE
 - TRADING SIGN
 - DEBRIDGE PPE (PER CS)
 - SANITARY SEWER PPE (PER CS)
 - LN. RIGHT BUS STRUCK (PER ZONE CS)
 - LN. RIGHT PARKING STRUCK (PER ZONE CS)
 - LN. RIGHT PARKING STRUCK (PER ZONE CS)
 - EXISTING ELEVATION CONTOUR (VERTICAL CURVE H&D 80)
 - 25 FT. BUILDING SETBACK LINE PER INSTR. #2015748
 - 10 FT. UTILITY EASEMENT PER INSTR. #2015748
 - 15 FT. UTILITY EASEMENT PER INSTR. #2015748
 - 25 FT. BUILDING SETBACK LINE PER INSTR. #2015748
 - 10 FT. NON-ACCESS EASEMENT PER INSTR. #2015748

- LEGEND (PROPOSED IMPROVEMENTS)**
- FIRE HYDRANT
 - GATE VALVE
 - SANITARY CLEAN-OUT
 - 30" DIAMETER INLET
 - 48" STORMWATER MANHOLE
 - 48" SANITARY MANHOLE
 - LIGHT POLE
 - FIRE DEPARTMENT CONNECTION
 - CONCRETE CURB
 - 18" STORMWATER PIPE
 - 8" SANITARY SEWER PIPE
 - 8" DI WATER MAIN
 - 8" FIRE SUPPRESSION LINE
 - 8" SANITARY LATERAL

NO.	DESCRIPTION	REV.	DATE
1	ISSUED FOR PERMITTING		
2	ISSUED FOR PERMITTING		

1 of 1
 16-0608

CONCEPT SITE IMPROVEMENT PLAN

TRUCK CENTERS, INC
AMERITECH DRIVE
SOUTH BEND, INDIANA

ABONMARCHÉ
 Confidence by Design
 750 Lincoln Way East
 South Bend, IN 46601
 1-574-232-8200
 1-574-521-6440
 www.abonmarche.com



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 9, 2016

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

Re: Proposed Zoning Text Amendment

Dear Council Members:

We are filing the attached proposed ordinance with the Office of the City Clerk. It proposes limited text amendments to the Zoning Chapter 21 of the *South Bend Municipal Code*. They would include a definition for “shared housing” and amendatory language in the Central Business Districts (CBD).

This preliminary zoning concept was briefly discussed at the Zoning and Annexation Committee meeting held on September 26th. For procedural purposes only, which is required by our *Municipal Code* and *Indiana Code* § 36-7-4-607, the initiation of this proposed zoning text amendment is being initiated by the Common Council.

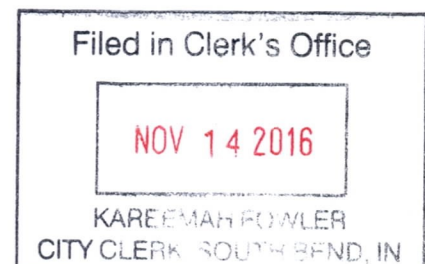
The proposed ordinance would have first reading by the Common Council on November 28th. Thank you for your consideration.

Most sincerely,

Gavin Ferlic, Council Member at Large
South Bend Common Council

Attachment

cc: Mr. Larry Magliozzi, Area Plan Executive Director
Angela M. Smith, Area Plan Deputy Director





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

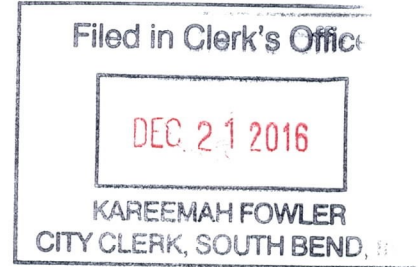
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

December 21, 2016

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



RE: Bill # 72-16
APC#2805-16 - Text Amendment – Shared Housing

Dear Council Members:

The Area Plan Commission held a public hearing on December 20, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 9, 2017.

Ordinance & Petition Amendments:

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

Ordinance:

- 1.) The title was corrected to fix a typographical error in the word “MUNICIPAL” and change from Article 11 to Section 11.
- 2.) The definition of shared housing was amended to add “located within a mixed use or multi-family dwelling in”

A Copy of the revised Ordinance is attached.

Public Hearing Summary:

There was no one to speak in favor or in opposition.

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

Sincerely,

A handwritten signature in cursive script that reads 'Angela M. Smith'.

Angela M. Smith
Deputy Director

CC: Adriana Rodriguez



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

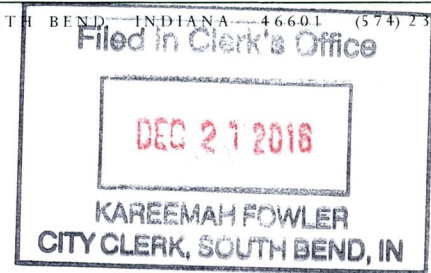
Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 233-9571

Wednesday, December 21, 2016

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



RE: An Ordinance initiated by the Common Council of the City of South Bend, Indiana amending Chapter 21 of the South Bend Municipal Code, Article 3 by adding Shared Housing to Permitted Primary Uses in CBD Central Business District; and Article 11 by adding the definition of Shared Housing. - APC# 2805-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of The Honorable Common Council was legally advertised on December 8, 2016 and that the Area Plan Commission at its public hearing on December 20, 2016 took the following action:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of The Common Council to amend various section of Chapter 21 of the South Bend Municipal Code is sent to the Common Council with a FAVORABLE recommendation. The proposed changes recognize the demand for housing alternatives within the densely populated Central Business District.

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

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

Sincerely,

Lawrence P. Magliozzi

Attachment

Staff Report

12/9/2016

APC # 2805-16
Owner: The Honorable Common Council
Location: Text Amendment
Jurisdiction: City of South Bend
Public Hearing Date: 12/20/2016

Requested Action:

The petitioner is requesting a text amendment, amending various sections of Chapter 21 of the South Bend Municipal Code.

Agency Comments:

The Department of Community Investment offers a favorable recommendation to the shared housing text amendment provided that shared housing be located within a multifamily building. This slight revision would guarantee consistency in what building types (multifamily, but not single-family homes or duplexes) are permitted in CBD zoning.

Staff Comments:

The Ordinance updates the code by making the following changes:

- * Adding Shared Housing as a Primary Use in CBD Districts located west of the St. Joseph River - limited to (i) floors above the first floor or (ii) ground floor of the building if located behind another ground floor, non-residential permitted use;
- * Adding Shared Housing as a Primary Use in CBD Districts located east of the St. Joseph River; and
- * Defining Shared Housing

Recommendation:

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

Analysis:

The proposed changes recognize the demand for housing alternatives within the densely populated Central Business District.

Bill No. _____

Ordinance No. _____

AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING SHARED HOUSING TO PERMITTED PRIMARY USES IN CBD CENTRAL BUSINESS DISTRICT; AND ARTICLE 11 BY ADDING THE DEFINITION OF SHARED HOUSING

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Since the adoption of the ordinance, the housing market has continued to change and evolve. The proposed changes recognize the demand for housing alternatives within the densely populated Central Business District. However, the proposed changes are not meant to apply to any other Zoning Districts because any evolution of the housing market in other zoning Districts do not require these proposed changes.

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

Section I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial/Mixed Use Districts, Section 21-03.06 CBD Central Business District, subsection (a) (1) *Primary Uses*, is hereby amended as follows:

(J) Residential - In CBD *Districts* located west of the St. Joseph River: Including by not limited to: *Dwelling Units* or *Shared Housing* – limited to (i) floors above the first floor or (ii) ground floor of the *building* if located behind another ground floor, non-residential *permitted use*; Convalescent Home; Nursing Home; Rest Home

(K) Residential - In CBD Districts located east of the St. Joseph River: Including but not limited to: *Multifamily dwellings*; *Dwelling Units* – limited to floors above the first or ground floor of the *building*; Convalescent Home; Nursing Home; Rest Home; *Shared Housing*

Section II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 11 Definitions, Section 21-11.02 Definitions, is hereby amended by adding a definition as follows:

Shared Housing: Any dwelling unit located within a mixed use or multi-family dwelling in which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of occupants does not exceed 4 regardless of the number of bedrooms.

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.

Council Member Gavin Ferlic
South Bend Common Council

Attest:

Office of the City Clerk

Voting in Favor _____
Voting in Opposition _____

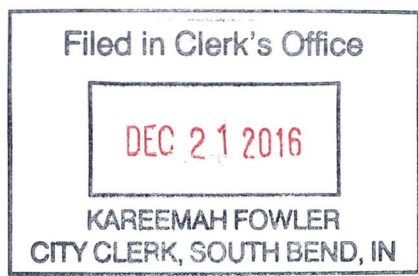
Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana, on the ____ day of _____, 2016, at _____ o'clock ____ m.

Office of the City Clerk

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

Pete Buttigieg, Mayor
City of South Bend, Indiana

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



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,

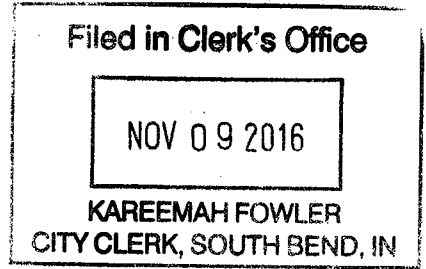
Aaron Kobb
Director of Economic Resources

Filed in Clerk's Office

NOV 09 2016

**KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN**

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.

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 SBDC II, 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.

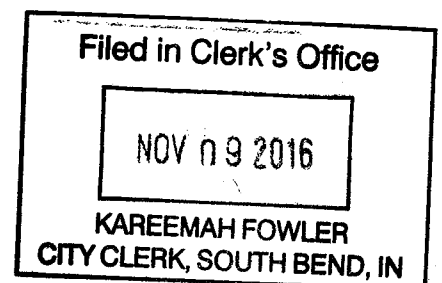
SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of nine (9) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

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



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 AV & Tax	Without Abatement	100% Year 1	88% Year 2	77% Year 3	66% Year 4	55% Year 5	44% Year 6	33% Year 7	22% Year 8	11% Year 9
Current Assessed Value	71,200	71,200	71,200	71,200	71,200	71,200	71,200	71,200	71,200	71,200	71,200
Base Assessed Value	5,775,000	5,775,000	5,775,000	5,775,000	5,775,000	5,775,000	5,775,000	5,775,000	5,775,000	5,775,000	5,775,000
Less Abatement Deduction	0	0	(5,775,000)	(5,082,000)	(4,446,750)	(3,811,500)	(3,176,250)	(2,541,000)	(1,905,750)	(1,270,500)	(635,250)
Net Assessed Value	71,200	5,848,200	71,200	764,200	1,398,450	2,034,700	2,689,950	3,305,200	3,940,450	4,575,700	5,210,950

Property Taxes:

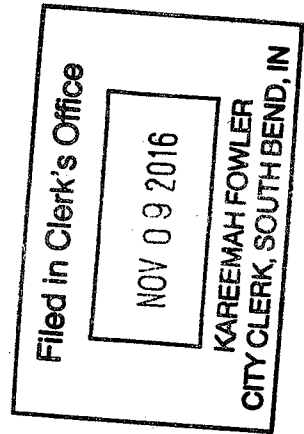
Assume constant tax rate of 5.4628%

	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%
Gross Tax (tax rate x net assessed value)	3,889	319,364	3,889	41,746	76,449	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	41,746	76,449	111,151	145,853	180,555	199,805	203,741	207,678

	3.0000%	0.6197%
Circuit Breaker Cap	2,136	175,386
Debt Service	441	36,229
Circuit Breaker Cap	2,577	211,615
		175,386
		4,736
		180,122
		8,672
		184,058
		175,386
		12,609
		187,955
		16,546
		181,932
		175,386
		20,462
		195,868
		24,419
		28,355
		203,741
		175,386
		28,355
		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.



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	N/A
City, State, Zip	South Bend, Indiana 46628	Legal owner	Waggoner's Dairy Farm, Inc.
Site acreage or acreage required	~32 Acres +/-	Is the real estate owned or leased	Owned
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	Managing Member
Address of company contact	112 West Jefferson Blvd., Suite 200	Phone	(574) 251-4400
City, State, Zip	South Bend, Indiana 46601	Email	rrans@greatlakescapital.com
Senior Official Information			
Company senior official name	Jeff Smoke	Title	Director of Development
Address of company contact (if different from above)	112 West Jefferson Blvd., Suite 200	Phone	(574) 855-5700
City, State, Zip	South Bend, Indiana 46601	Email	jsmoke@greatlakescapital.com
Consultant Information/Agent			
Hired business consultant/agent name	Richard J. Deahl, Barnes & Thornburg LLP	Consultant release (Y/N)	Yes
Address	100 N. Michigan Street, Suite 700	Local economic development partners approval (Y/N)	
City, State, Zip	South Bend, Indiana 46601	Email	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

New Project Investments

Calendar Year	2016	2017	2018	2019	2020	2021	2022	2023
Land Acquisition	\$ 800,000							
Building Lease Payments								
Building Purchase Costs								
New Building Construction		\$ 6,700,000	\$ 1,000,000					
Existing Building Improvements								
New Machinery & Equipment								
Special Tooling/Retooling								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 800,000							

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2016	N/A		N/A (Speculative Building)			
2017			0			
2018			10	\$18+		
2019						
2020						
2021						
2022						
2023						
2024						
2025						
2026						
2027						

Provide hourly wage information for new employees in the following positions.

	Full time	Part time
Laborers	N/A	N/A
Technical		
Managerial		
Administrative		

Who will be the individual responsible for coordinating with WorkOne on recruiting? N/A

Does your company have an EEO hiring policy? N/A Are you an EEO employer?

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Year	N/A		N/A		N/A	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Black						
Hispanic						
Asian						
Indian						
Female						
Other						

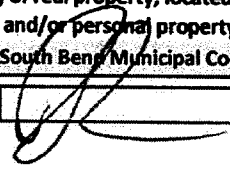
Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.

**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
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For Staff Use Only Below This Line

What is the current assessed value?	Real Property: <u>169,100</u>	Personal Property:	
What is the projected assessed value?	Real Property:	Personal Property:	
What is the tax key number for this project?	<u>025-1009-0146</u>		
What is the six digit NAICS code?			

Please attach a Google map and street view of the location.

Please list the amount of real and personal property taxes paid for the last five years when applicable.	Real Property Taxes:	Personal Property Taxes:
Year One	<u>* 4535</u>	
Year Two	<u>5385</u>	
Year Three	<u>4702</u>	
Year Four	<u>4406</u>	
Year Five	<u>3974</u>	

Please fill out the following Public Benefit Summary Information and add to total from above.

			(Y or N)	Points	Points
Public Benefit Item:					
Project Related:					
5	A.	Redevelop a Site that has Special Needs	No		49
	B.	Develop Based on Local University Research	No		35
	C.	Achieve a Physical Element of a Plan	Yes	<u>36</u>	36
	Sub-total Project Related:		36	<u>36</u>	120
	Super Size Projects (point values are cumulative):				
6	A.	100% to 199%	Yes	<u>25</u>	25
	B.	200% to 299%	Yes	<u>68</u>	68
	C.	300% to 399%	Yes	<u>65</u>	65
	D.	400% and Over	Yes	<u>52</u>	52
	Sub-total Super Size Projects:			<u>210</u>	210
7	Pay for Municipal Infrastructure:				
	A.	Pay for Oversizing or Upgrading			14
	B.	Pay for 26-50% of Extension Cost			26
	C.	Pay for 51-75% of Extension Cost			39
	D.	Pay for 76-100% of Extension Cost			52
Sub-total Infrastructure Related:					131
Total from Applicant Section:				<u>343</u>	539
Total from Staff Section:				<u>246</u>	461
Total Public Benefit Points:				<u>589</u>	1000



**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 <u>17</u> PAY 20 <u>18</u>
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 conditions:
 Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4.1)
 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
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)	DLGF taxing district number 71-003
	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	Salaries	Number retained	Salaries	Number additional	Salaries
0.00	\$0.00			10.00	\$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

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. 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. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. 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. (See IC 6-1.1-12.1-17 below.)

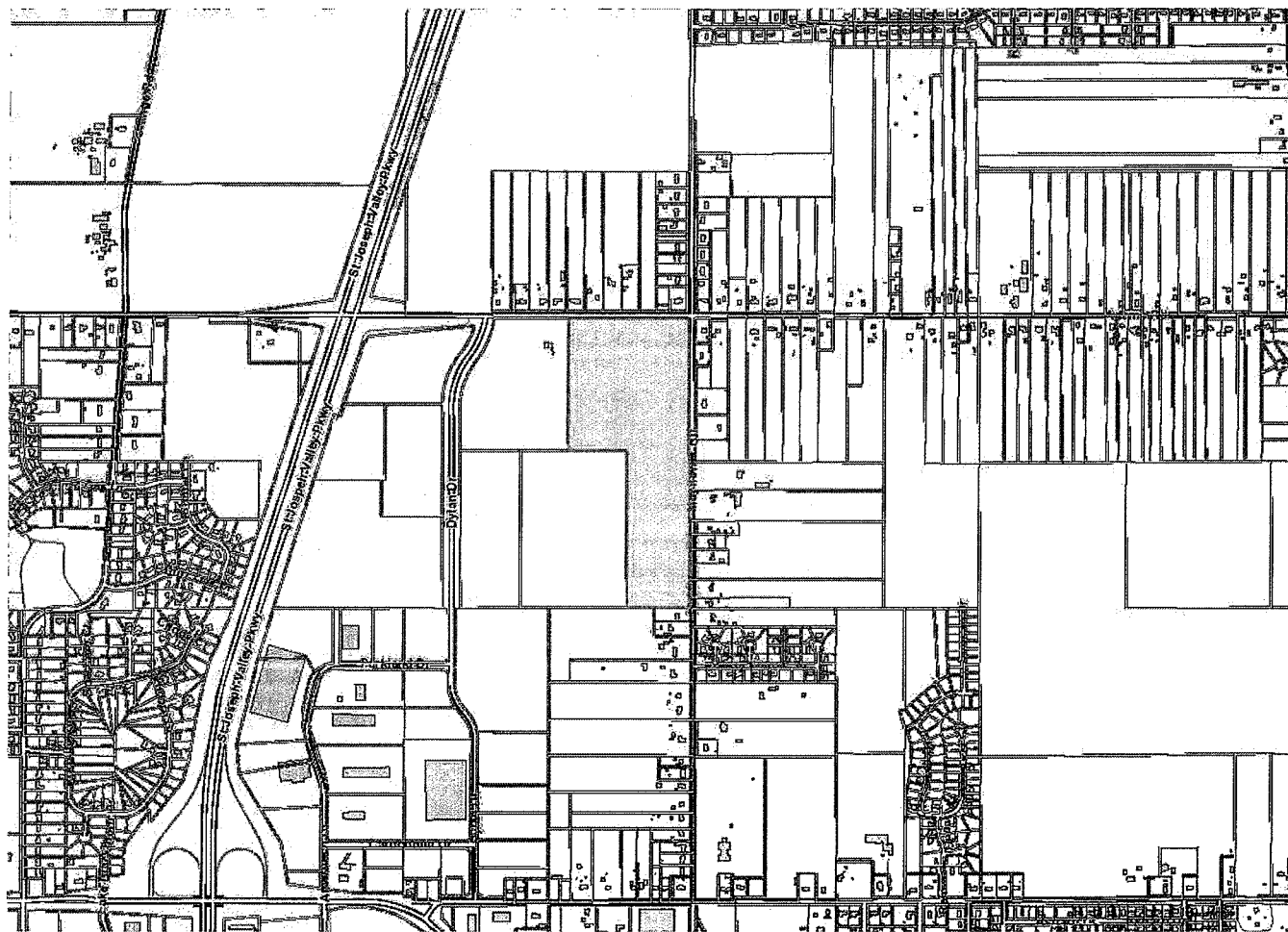
IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

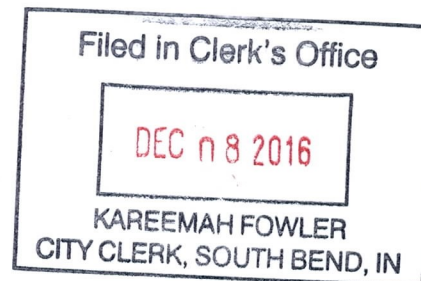
- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



AREA BOARD OF ZONING APPEALS

125 S. Lafayette Blvd.
Suite 100
South Bend, Indiana 46601
(574)235-9554
FAX: (574)235-5541



December 8, 2016

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

RE: Petition for Special Exception
TWG Development LLC
12/07/2016

Dear Council Members:

The above referenced petition of TWG Development LLC was legally advertised on November 25, 2016. The Area Board of Zoning Appeals gave it a public hearing on December 7, 2016, at which time the following action was taken:

Upon a motion by Mr. Phipps being seconded by Mr. Hawley and by a unanimous vote, the petition for Special Exception to allow Residential Uses including but not limited to Multifamily Dwellings in a "CBD" District, on property located at the southwest corner of Lafayette Blvd. and Western Ave., Portage Township. Zoned "CBD" sent to the Common Council with a **Favorable Recommendation**.

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision as shown in the Minutes of the Public Hearing, and will be forwarded to you at a later date, to be made part of this report.

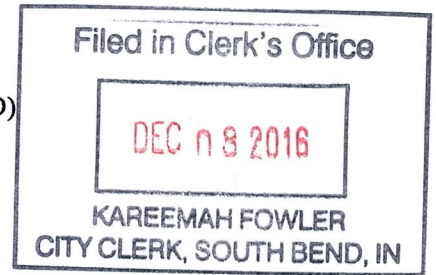
Sincerely,

Charles C. Bulot, C.B.O. Building
Commissioner

CCB/cah

PETITION

SPECIAL EXCEPTION PURSUANT 21-09.3(D)
AREA BOARD OF ZONING APPEALS
TWG DEVELOPMENT LLC



FINDINGS OF FACT

1. THE PROPOSED *USE* WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, COMFORT, COMMUNITY MORAL STANDARDS, CONVENIENCE OR GENERAL WELFARE BECAUSE:
This standard will be partially met by providing the dumpster screening and the perimeter landscape screening along the east and west boundaries. Access to the site will be reviewed by City Engineering to comply with City standards.
2. THE PROPOSED *USE* WILL NOT INJURE OR ADVERSELY AFFECT THE *USE* OF THE ADJACENT AREA OR PROPERTY VALUES THEREIN BECAUSE:
Adjacent properties are zoned for a wide variety of uses compatible with the proposed uses. Therefore, property values should not be affected in a negative manner since they will be similar value and scope. Although, as noted above, the issue of where game-day parking will be accommodated may compromise the use of adjacent areas and their property values.
3. THE PROPOSED *USE* WILL BE CONSISTENT WITH THE CHARACTER OF THE *DISTRICT* IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:
The project site is part of the Central Business District. A mix of medium and high density residential projects are in the immediate area, along with commercial and business uses. The mixed use nature of the project is compatible with the existing and future proposed uses that would allowed under the existing zoning districts.
4. THE PROPOSED *USE* IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND *COMPREHENSIVE PLAN* BECAUSE:
The proposed use is consistent with City Plan. South Bend Comprehensive Plan November 2006) Objective H 6: Stimulate housing development in the Central Business District (CBD) and Objective LU 3: Increase the urban density of the Central Business District.

CONDITIONS OR REVISIONS:
Click here to enter text.

DECISION

IT IS THEREFORE the decision of the Board that this request for Special Exception shall be passed onto the City of South Bend Common Council with a **FAVORABLE RECOMMENDATION**

ADOPTED this 7TH Day of DECEMBER, 2016

<u>MOTION</u>	<u>SECOND</u>	<u>RECUSED</u>	<u>ABSENT</u>	<u>YES</u>	<u>NO</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MICHAEL URBANSKI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RANDALL MATTHYS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KATHY SCHUTH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GERALD PHIPPS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JACK YOUNG
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROBERT HAWLEY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRENDAN CRUMLISH

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:

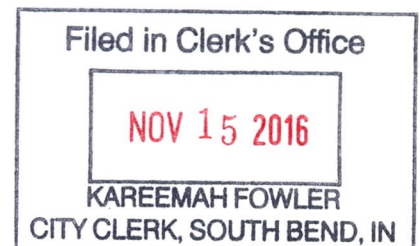
1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the 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.

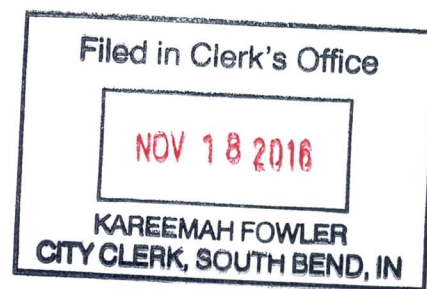
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

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



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,

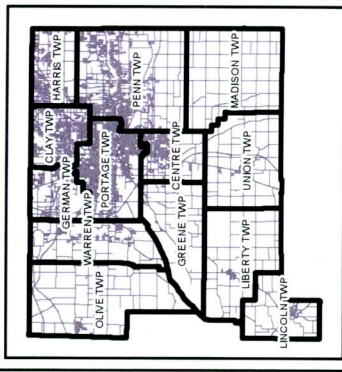
Anne E. Fischesser
Faegre Baker Daniels LLP
202 S. Michigan Street, Suite 1400
South Bend, Indiana 46601
(574) 239-1943

Attachments

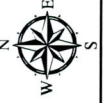


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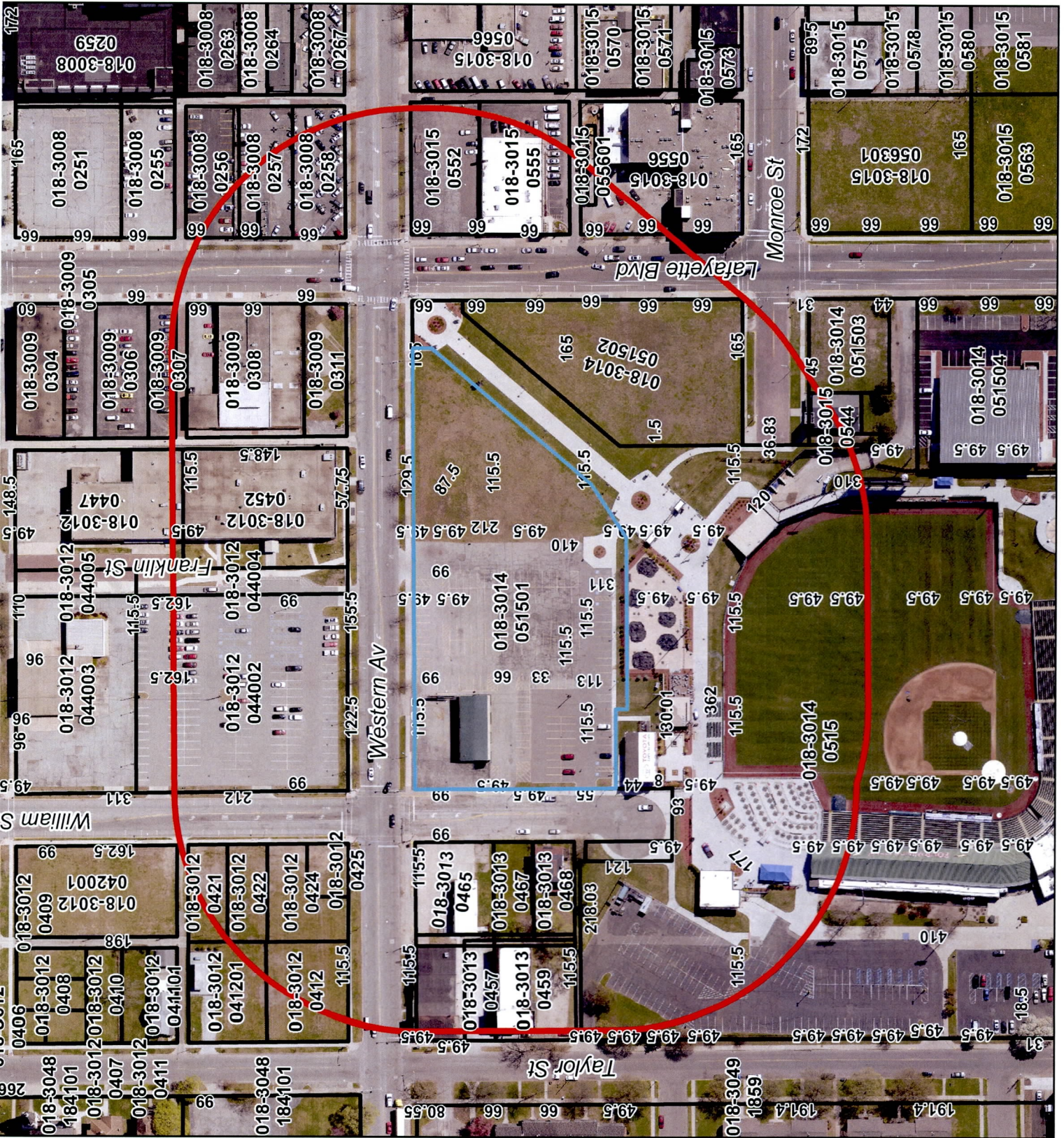
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Date Printed: 2015
Photography: Spring 2015



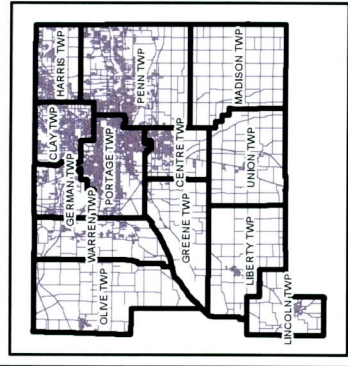
Prepared by:
St. Joseph County Auditor's Office
227 W. Jefferson Blvd.
South Bend, Indiana 46601
Phone: (574) 235-9463





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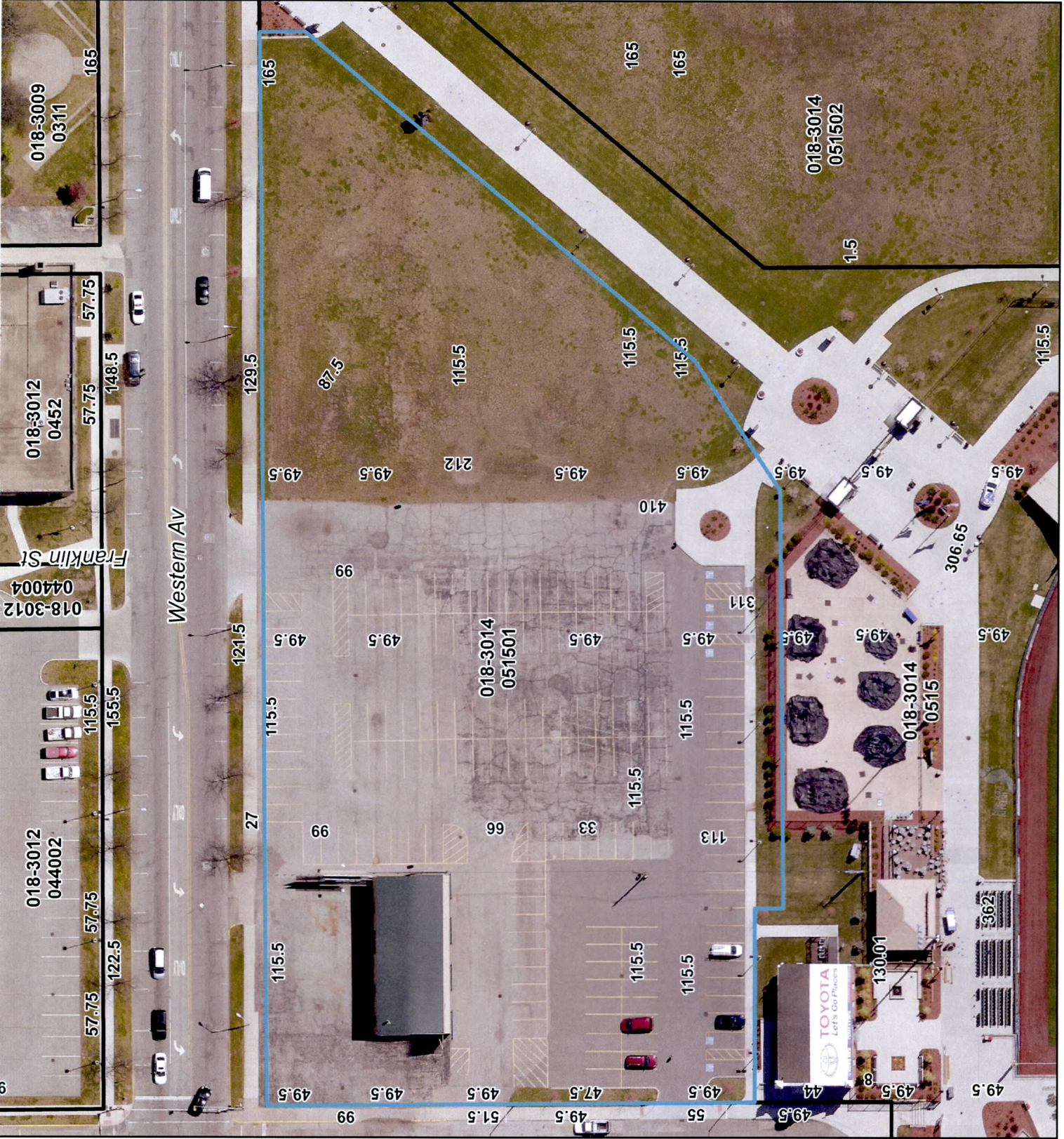
1 inch = 68.75 feet



Date Printed: 2015
Photography: Spring 2015



Prepared by
St. Joseph County Auditor's Office
227 W. Jefferson Blvd.
South Bend, Indiana 46601
Phone: (574) 235-9463





SUBSTITUTE RESOLUTION NO. 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 PLANS**

Whereas, on November 13, 2006, the South Bend Common Council adopted Resolution No. 3657-06 which approved a *20 Year Comprehensive City 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. The 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_LincolnParkRevPlan-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 various development plans and triggered many surveys, investigations, studies, maps and plats by the Redevelopment Commission. Each such plan also required Common Council Resolution action. Some of these plans 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 bi-annual updates on progress being made on all of these plans or similar, as they are developed, would be beneficial. It is recommended that the timing of such updates be incorporated into and in advance of the preparation and approval process of the annual City budget. As deemed appropriate, associated goals and objectives relative to these types of plans should be inclusive of performance measures whenever possible. Information shared in public forum(s) would be a valuable tracking tool and 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 that involves various types of plans for our neighborhoods would foster improved communication and collaboration.

Section II. The Common Council's Community Investment Committee in conjunction with the Personnel and Finance Committee and/or the Residential Neighborhoods Committee is requested to coordinate and schedule joint meetings so that the City Administration and any related departments, may provide updates on all village/neighborhood plans, all master/revitalization plans and all development areas and 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, as well as be in the best interests of our City.

Section VI. 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

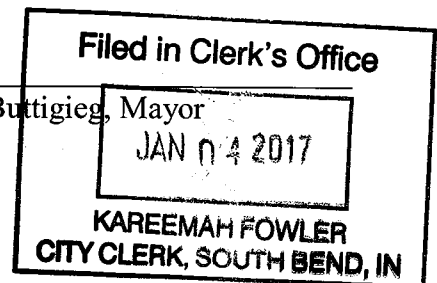
Jo Broden, 4th District Council Member

Karen L. White, At-Large Council Member

Thus: Approved this _____ day of January, 2017

Kareemah Fowler, City Clerk

Pete Buttigieg, Mayor



PRESENTED

NOT APPROVED

ADOPTED



Cobb Funeral Home

3525 S. Michigan Street
South Bend, Indiana 46614

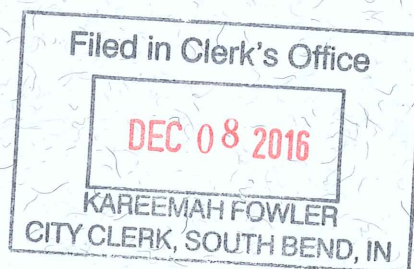
Tel: ~~574~~ 291-6500

Fax: ~~574~~ 291-9094

ROOSEVELT COBB, JR., Director

December 8, 2016

Office of the City Clerk
City of South Bend, Indiana
County-City Building
South Bend, Indiana 46601



RE: Petition to Vacate Alley

I am submitting a Petition to Vacate an alley adjacent to my business located at 3525/3533 South Michigan Street, South Bend, Indiana 46614. The description of the alley I'd like vacated is as follows: N/S Alley Between Parcels 018-8019-0825 (my property) and; 018-8019-079708. My interest is to obtain the necessary "setback" for construction of a garage; The alley will remain open and unencumbered.

Thank you, in advance, for your consideration towards my petition.

Sincerely,

Roosevelt Cobb, Jr.
COBB FUNERAL HOME
3525 South Michigan Street
South Bend, Indiana 46614
(574) 291-6500

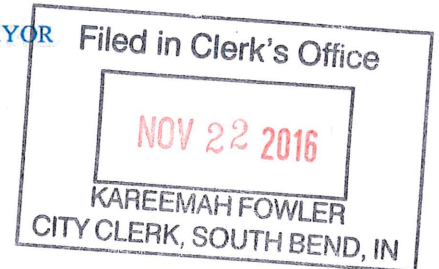
1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9251
FAX 574/235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
BOARD OF PUBLIC WORKS

November 22, 2016



Roosevelt Cobb Jr.
Cobb Funeral Homes
3525 S Michigan
South Bend, IN 46614

RE: Alley Vacation – First North/South Alley South of Sherwood between Michigan St. and Main St.
(Preliminary Review)

Dear Mr. Cobb:

The Board of Public Works, at its November 22, 2016, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were submitted:

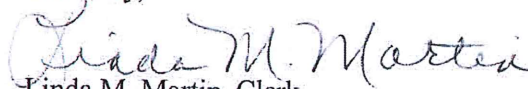
Area Plan stated that the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Engineering states they recommend unfavorable recommendations for a partial alley vacation that creates a dead-end and an easement would be needed for utility lines and poles if vacated.

Therefore, the Board of Public Works submitted an unfavorable recommendation for the vacation of this alley.

Please contact Donna Hanson at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,


Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Donna Hanson, Engineering
Alkeyna Aldridge, City Clerk's Office



**INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE SENT: 10/28/2016

TO: ✓ Pete Kaminski, Street Department
✓ Mike Bronstetter, Solid Waste
✓ Matt Longfellow, Engineering Department
✓ Chris Dressel, Community Investment
✓ Federico Rodriguez, Fire Department
✓ Larry Magliozzi, Area Plan Commission (lmaglioz@co.st-joseph.in.us or 235-9813 fax)
✓ Gene Eyster, Police Department
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk

FROM:

SUBJECT: **REQUEST FOR RECOMMENDATION – ALLEY VACATION**

APPLICANT: **Roosevelt Cobb dba Cobb Funeral Home**

LOCATION: **First N/S Alley S of Sherwood between Michigan and Main St.**

DATE DUE: **November 1, 2016**

FAX OR E-MAIL TO: **235-9171 / lmartin@southbendin.gov**

**PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:**

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

COMMENTS:

By _____ Date _____

CITY OF SOUTH BEND
DEPARTMENT OF PUBLIC WORKS
Street/Alley Vacation Form



227 W. JEFFERSON BOULEVARD PHONE 574/235-9251
 SUITE 1316 COUNTY-CITY BUILDING FAX 574/235-9171
 SOUTH BEND, INDIANA 46601 TDD 574/235-5567

THIS FORM MUST BE REVIEWED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO GRANTING A RADIUS MAP

Submission Date:	10/26/2016		
Applicant Name:	Roosevelt Cobb dba Cobb Funeral Home	Phone #:	(574) 291-6500
		Email:	cobbfuneralhome@aol.com
Property Address:	3525 S. Michigan St. South Bend, IN 46614		
Applicant property information:	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Industrial
Describe the general alley location with boundaries (ex. Church Pl, between E. Colfax Ave & E. LaSalle Ave):	Alley South of Sherwood; west of Michigan St and East of Main St.		
Is your property adjacent to the alley of interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Do you own all adjacent properties to the alley of interest?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If no, use the attached table to provide the following information for all affected property owners:	Name, Address, Consent for the proposed alley vacation		
	Calvary Temple Church (SouthGate Church) Parking Lot		
Reason for street/alley vacation and proposed use:	To obtain the necessary "set back" for construction of a garage. The Alley will remain open and unencumbered.		
Does the existing alley provide garage access to other property owners?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Does the alley receive daily traffic excluding your own use?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

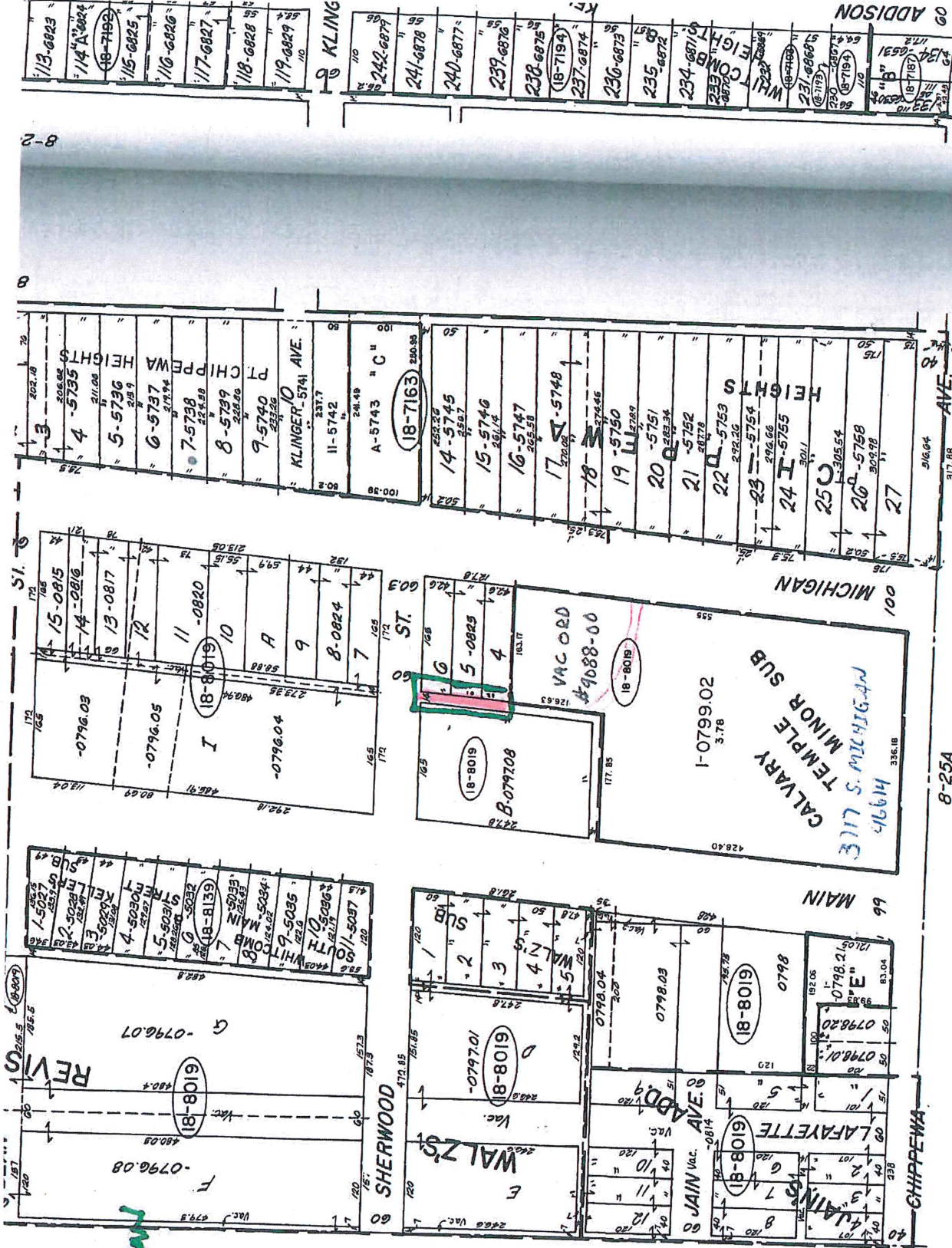
OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation: Yes No

Board of Public Works Authorized Signatures:

Handwritten signatures:
 Gary A. Gilot

**ROOSEVELT
COBB JR.
352S S. MICHIGAN
574-291-6500
(COBB FUNERAL
HOME)**



8-25A
PORTAGE TWP.
W. 1/2 SW 1/4 SEC. 24 T.37N. R.2E.

Revised Copyright 2001
Copyright 1987
THE SIDWELL COMPANY
SCALE: 1" = 100'

8-24E

8-2

8

SI.

REVIS

SHERWOOD

MAIN

MICHIGAN

CHIPPewa

AVE.

CHIPPewa

ADDITION

113-6823	114-6824	115-6825	116-6826	117-6827	118-6828	119-6829	120
121	122	123	124	125	126	127	128
129	130	131	132	133	134	135	136
137	138	139	140	141	142	143	144
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177	178	179	180	181	182	183	184
185	186	187	188	189	190	191	192
193	194	195	196	197	198	199	200

Elizabeth Horvath

From: Federico Rodriguez
Sent: Friday, October 28, 2016 9:50 AM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

Favorable S.B.F.D

Federico (Chico) Rodriguez

Fire Marshal

Office: (574) 235-7564

Mobile: (574) 876-6734

1222 S. Michigan Street

City of South Bend, In 46601

frodrigu@southbendin.gov



We deliver services that empower everyone to thrive.
Excellence | Accountability | Innovation | Inclusion | Empowerment

From: Elizabeth Horvath

Sent: Friday, October 28, 2016 9:01 AM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <lmagliozi@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>

Subject: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-9251 Ex. 3168

lhovath@southbendin.gov

Elizabeth Horvath

From: Eugene Eyster
Sent: Friday, October 28, 2016 12:31 PM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

Ms. Horvath,
The Police Department would have no objection to the approval of this submission.

Lt. E. Eyster

From: Elizabeth Horvath
Sent: Friday, October 28, 2016 9:01 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <lmagliz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

Please provide your recommendations.

Lizzy Horvath

Secretary
Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-9251 Ex. 3168
lhovath@southbendin.gov

Elizabeth Horvath

From: Michael Bronstetter
Sent: Monday, October 31, 2016 9:56 AM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

This would not hinder Solid Waste's operation.

Thanks,



Mike Bronstetter
Manager of Solid Waste Operations
(574) 235-5795
mbronste@southbendin.gov
City of South Bend
3113 Riverside Dr.
South Bend, IN 46628

We deliver services that empower everyone to thrive.
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From: Elizabeth Horvath
Sent: Friday, October 28, 2016 9:01 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

Please provide your recommendations.

Lizzy Horvath

Secretary
Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-9251 Ex. 3168
lhovath@southbendin.gov

Elizabeth Horvath

From: Chris Dressel
Sent: Tuesday, November 01, 2016 4:37 PM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

Recommended for approval.

Christopher D. Dressel, AICP
Planner
Brownfields Coordinator
Bicycle Coordinator
Department of Community Investment
(574) 235-5847
cdressel@southbendin.gov
City of South Bend
227 W. Jefferson Blvd.
South Bend, IN 46601
<http://www.southbendin.gov>

From: Elizabeth Horvath
Sent: Friday, October 28, 2016 9:01 AM
To: Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; Larry Magliozzi; Eugene Eyster
Subject: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

Please provide your recommendations.

Lizzy Horvath

Secretary
Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-9251 Ex. 3168
lhovath@southbendin.gov

Elizabeth Horvath

From: Matt Longfellow
Sent: Thursday, November 10, 2016 11:02 AM
To: Elizabeth Horvath
Cc: Patrick C. Kerr; Toy Villa; Roger Nawrot
Subject: RE: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home
Attachments: engineering checklist.pdf

Engineering gives this request an unfavorable recommendation, primarily because:

1. We do not typically approve partial alley vacations. In this case it would create a dead-end alley. Even if entire N/S alley was vacated, it would still create a dead-end alley coming E/W off Main St.
2. Additional concerns include:
 - a. Does trash service utilize this alley?
 - b. An easement will be needed for the overhead utility lines and poles if alley is vacated.

From: Elizabeth Horvath
Sent: Friday, October 28, 2016 9:01 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Roosevelt Cobb dba Cobb Funeral Home

Please provide your recommendations.

Lizzy Horvath

Secretary
Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-9251 Ex. 3168
lhovath@southbendin.gov



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 10/28/2016

TO: Pete Kaminski, Street Department
Mike Bronstetter, Solid Waste
Matt Longfellow, Engineering Department
Chris Dressel, Community Investment
Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (lmaglioz@co.st-joseph.in.us or 235-9813 fax)
Gene Eyster, Police Department
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk

FROM: Linda M. Martin, Clerk

SUBJECT: REQUEST FOR RECOMMENDATION – ALLEY VACATION

APPLICANT: Roosevelt Cobb dba Cobb Funeral Home

LOCATION: First N/S Alley S of Sherwood between Michigan and Main St.

DATE DUE: November 1, 2016

FAX OR E-MAIL TO: 235-9171 / lmartin@southbendin.gov

PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:

1. The vacation ~~would~~/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation ~~would~~/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation ~~would~~/would not hinder the public's access to a church, school or other public building or place.
4. The vacation ~~would~~/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

COMMENTS:

The Church to the south is still potentially using the alley. We encourage the City and property owners to vacate the remainder if no longer in use.

By Keith Chapman, Planner Date 11/22/16

**PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
(STREETS/ALLEYS)**

TO THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA

DATE: 12/08/2016

I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

N/S ALLEY BETWEEN PARCELS 018-8019-0825 & 018-8019-079708

B. THE STREET DESCRIBED AS:

ABUTTING 3525 / 3533 SOUTH MICHIGAN STREET, SOUTH BEND

NAME (signed & printed)	ADDRESS	LOT #
<u>MAURICE MCGEE</u> <u>COBB FUNERAL HOME</u>	<u>3525 S. MICHIGAN ST. SOUTH BEND 46614</u>	<u>018-8019-0825</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CONTACT PERSON (S)

NAME: MAURICE MCGEE / ROOSEVELT COBB

ADDRESS: 3525 S. MICHIGAN ST
SOUTH BEND, IN 46614

PHONE: (574) 532-0483 / (574) 291-6500

RETURN TO:
OFFICE OF THE CITY CLERK
JOHN VOORDE, CITY CLERK
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
574-235-9221

S

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The first North/South Alley South of Sherwood between Michigan Street and Main Street

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City. The following Ordinance vacates the above described public property.

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

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

*N/S Alley Between Parcels: 018-8019-0825 & 018-8019-079708
Applicant Parcel ID: 018-8019-0825*

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

*018-8019-079902 3717 Michigan
018-8019-079708 3717 Michigan
018-8019-0825 3533 Michigan*

Section IV. The purpose of the vacation of the real property is

To obtain the necessary "setback" for construction of a garage. The alley will remain open and unencumbered.

SECTION V. This ordinance shall be in full force and effect from and after its Passage by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

Attest:

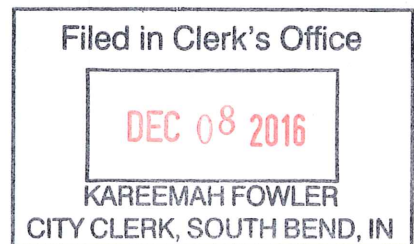
Kareemah N. Fowler, City Clerk
Office of the City Clerk

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

Kareemah N. Fowler, City Clerk
Office of the City Clerk

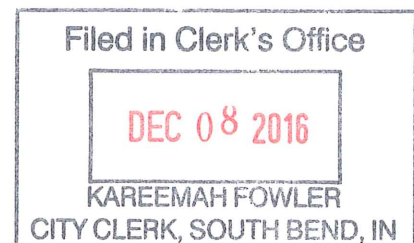
*Approved and signed by on the _____ day of _____,
2016 at _____ o'clock ____ M*

Pete Buttigieg, Mayor
City of South Bend, Indiana



parcel_Clip22

NAME_1	MAILINGADD	MAILINGCIT	MAIL MAILINGZIP
WIEGER JULIE A	3506 S Michigan St	South Bend	IN 46601
INDIANA N DISTRICT WESLEYAN CHURCH	3702 S Michigan St	South Bend	IN 46614
PARMLEE CRAIG D	3606 S Michigan St	South Bend	IN 46614
SOUTHGATE CHURCH INC	3717 S Michigan	South Bend	IN 46601
MCCARTY CHRISTINA & TRENT W	3602 S Michigan St	South Bend	IN 46614
YOST JOHN E	3518 S Michigan St	South Bend	IN 46614
CALVARY TEMPLE SOUTH BEND GOSPEL TABERNACLE INC	3717 S Michigan	South Bend	IN 46614
COBB ROOSEVELT JR	3525 S Michigan St	South Bend	IN 46614
YOST JOHN E	3518 S Michigan St	South Bend	IN 46614
INDIANA SCHOOL OF EXCELLENCE INC DBA XAVIER SCHOOL OF EXCELLANCE	3423 S Michigan St	South Bend	IN 46614
CALVARY TEMPLE	3717 S Michigan St	South Bend	IN 46614





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

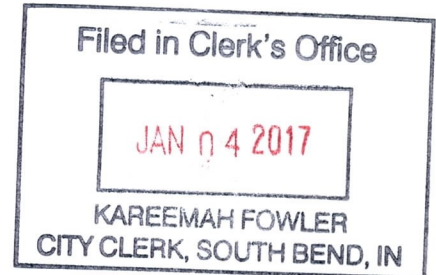
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

January 4, 2017

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



RE: APC#2808-16
A 10 ACRE TRACT LOCATED ALONG EDDY STREET AND THE WEST SIDE OF
GEORGIANA STREET BETWEEN NAPOLEAN AND HOWARD

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 January 9, 2017 Council meeting, and set it for public hearing at your February 27, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the February 21, 2017 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,

Angela M. Smith
Angela M. Smith
Deputy Director

CC: Adriana Rodriguez

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND



UNIVERSITY OF
NOTRE DAME
**Northeast Neighborhood
Redevelopment**

415 Main Building, Notre Dame, IN 46556
Phone (574) 631-9979 Fax (574) 631-4097

December 28, 2016

Re: Authorization for Zoning Approval Submission

To Whom It May Concern:

This letter authorizes Kite Realty Group (“Kite”) to pursue zoning approval for Phase II of Eddy Street Commons.

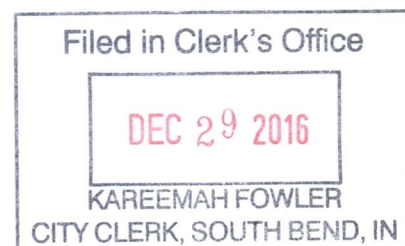
The University of Notre Dame (“University”) is the current owner of all of the land represented in the Phase II plan. The University has worked closely with Tom McGowan and Matt Gabet of Kite in developing the proposed plan. Kite has also solicited input from neighborhood residents in public meetings on December 1 and December 13, resulting in a number of material changes. The University has approved the plan that is being submitted, and we have designated Kite as our agent in seeking the required zoning approvals.

The University is currently on its annual Christmas holiday. If confirmation of this authorization is required from an officer of the University, we will be glad to provide that next week.

Thank you in advance for your consideration of a plan that we feel will be of enormous benefit to the Northeast Neighborhood, the City of South Bend, and the University of Notre Dame.

Sincerely,

Gregory P. Hakanen
Director, Northeast Neighborhood Redevelopment



cc: Thomas McGowan, President & COO, Kite Realty Group
Matt Gabet, Vice President for Operations & Special Projects, Kite Realty Group
John Affleck-Graves, Executive Vice President, University of Notre Dame
Shannon Cullinan, Vice President for Finance, University of Notre Dame

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:

1007 - 1127 Eddy St (odd); 926 - 1118 Eddy St (even); 1015 - 1125 Georgiana Ave (odd); 1024 Napoleon Blvd; 1017 - 1025 St. Vincent St (odd); 1024 St. Vincent St; 1023 Howard St; and, 1119 - 1125 South Bend Ave, all being properties located along the West frontage of Eddy Street from Napoleon Blvd on the north to Howard St on the south, all properties along the East frontage of Eddy Street starting 5 parcels south of Napoleon Blvd on the north to Howard Street / South Bend Ave / SR 23 on the South, and all properties located along the West frontage of Georgiana Ave from three parcels south of Napoleon Blvd on the North to Howard St / SR 23 on the south, all in South Bend, Indiana 46601.

2) The property Tax Key Number(s) is/are: *See Exhibit A - Tax Parcel Listing for Eddy Street Commons, Phase II.*

3) Legal Descriptions: *See Exhibit B - Legal Description for Eddy Street Commons, Phase II.*

4) Total Site Area: *Approximately 10 acres to be rezoned (See Exhibit B - Legal Description for Eddy Street Commons, Phase II for more information).*

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

*University of Notre Dame DU LAC
725 Grace Hall
Notre Dame, IN 46556-4635*

Name and address of additional property owners, if applicable:

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

*KRG Eddy Street Land, LLC
30 South Meridian Street, Suite 1100
Indianapolis, IN 46204
317-577-5600
mgabet@kiterealty.com*

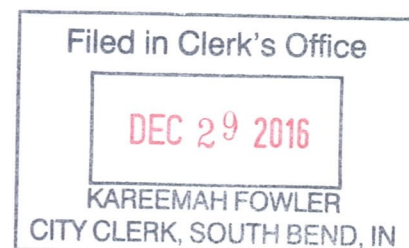
Name and address of additional property owners, if applicable:

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

From: MF1 Urban Corridor Multifamily District SF2 Single Family Two Family District

To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): *A mixed use development to be known as Eddy Street Commons - Phase II, consisting of: retail, office, flex-space, apartments, townshomes, and a community center, all as generally depicted and regulated in the Preliminary Master Plan and the Statement of Commitments filed with this petition.*



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

- 1) *See attached Exhibit C - Variances for Eddy Street Commons, Phase II.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *The variances being sought are intended to blend the proposed development with the standards applicable to Eddy Street Commons, Phase I, which have proven to not be injurious to the public health, safety, morals and general welfare of the community.*
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *It is anticipated that the use and value of area properties will be increased as a result of the proposed redevelopment of Eddy Street Commons, Phase II, in much the same way as Eddy Street Commons, Phase I has proven to be a positive impact on the use and value of surrounding properties.*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *The terms of the zoning ordinance would result in different standards being applied to Eddy Street Commons, Phase II from the standards which are applicable to Eddy Street Common, Phase I. The use of different standards will create difficulties in creating a consistent development pattern necessary to maximize overall cohesivness between Phase I and Phase II, as well as create difficulties in overall property management and long term maintenance due to the inconsistencies that would result between the Phases.*

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

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *Special Exception purusant to Section 21-03.02 (a)(2)(F) to provide the option of developing detached single family townhomes along the Georgiana Avenue frontage of Eddy Street Commons, Phase II.*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *The proposed use is consistent with the development on the east side of Georgiana Avenue, which is not injurious to the public health, safety, comfort, morals or general welfare.*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Being consistent with existing development, the proposed use will not injure or adversely affect the use or property values of area properties.*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *The proposed use is anticipated to comply with the NNZO requirements.*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The proposed use would be part of a mixed-use neighborhood designed to cater to the needs of a diverse population as suggested by the Comprehensive Plan.*

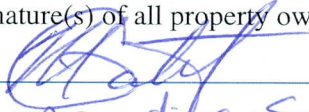
* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

*Doug Kirby, Director of Pre-Development
Kite Realty Group
30 South Meridian Street, Suite 1100
Indianapolis, IN 46204
317-578-5165
dkirby@kiterealty.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):



VP Operations + Special Projects

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT A 10 ACRE TRACT LOCATED ALONG EDDY STREET AND THE WEST SIDE OF GEORGIANA STREET BETWEEN NAPOLEAN AND HOWARD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property to MU Mixed use for a multi-use development to be known as Eddy Street Commons – Phase II, consisting of: retail, office, flex-space, apartments, townhomes, and a community center.

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 Northeast Quarter of Section 1, Township 37 North, Range 2 East and a part of the Northwest Quarter of Section 6, Township 37 North, Range 3 East of the Second Principal Meridian situated in St. Joseph County, Indiana and being more particularly described as follows: BEGINNING at the northeast corner of Lot 28 as shown on the recorded Plat of Hartman and Miller's Plat an Addition to the City of South Bend, recorded in Plat Book 7, Page 29, on File in the Office of the St. Joseph County Recorder; thence South 00 degrees 20 minutes 40 seconds East along the west line of Georgiana Street 650.08 feet to the northerly line of Outlot C of The Triangle Major Subdivision; thence North 89 degrees 44 minutes 21 seconds East along the north line of said Outlot C, 25.00 feet; thence South 00 degrees 20 minutes 40 seconds East parallel with the west line of Georgiana Street, 304.42 feet to a point that intersects with the northeasterly extension of the south line of Lot 50 in said Hartman and Miller's Plat; thence South 51 degrees 05 minutes 05 seconds West along said northeasterly extension and along the south line of said Lot 50 69.43 feet; thence North 62 degrees 23 minutes 15 seconds West 494.40 feet to the southwest corner of Lot 100 in said Sorin's Second Addition; thence continuing North 00 degrees 21 minutes 10 seconds West 411.22 feet to the northwest corner of Lot 95 in said Sorin's Second Addition; thence South 89 degrees 47 minutes 27 seconds West along the north line of St. Vincent Street 7.00 feet to the centerline of the alley lying between Lot 95 and Lot 101; thence North 00 degrees 21 minutes 10 seconds West 82.50 feet to the intersection of the north line of St. Vincent Street and the centerline of the vacated alley lying between Lot 40 and

Lot 46 in said Sorin's Second Addition; thence North 00 degrees 21 minutes 10 seconds West along the centerline of said vacated alley 409.90 feet to the south line of Napoleon Boulevard; thence North 89 degrees 46 minutes 20 seconds East along the south line of Napoleon Boulevard 172.18 feet to the northeast corner of Lot 35 in said Sorin's Second Addition; thence South 00 degrees 20 minutes 45 seconds East along the west line of Eddy Street 157.77 feet; thence North 89 degrees 50 minutes 18 seconds East 53.00 feet to a point on the east line of Eddy Street, said point being the midpoint of the west line of Lot 23 in said Hartman and Miller's Plat; thence North 89 degrees 50 minutes 18 seconds East passing through the midpoint of the east line of said Lot 23 123.97 feet to the centerline of the vacated alley lying between Lot 23 and Lot 28 in said Hartman and Miller's Plat; thence North 00 degrees 20 minutes 43 seconds West along the centerline of said vacated alley 20.00 feet to the intersection of the centerline of said vacated alley and the westerly extension of the north line of Lot 28 in said Hartman and Miller's Plat; thence North 89 degrees 50 minutes 18 seconds East along said westerly extension and the north line of said Lot 28 123.97 feet to the POINT OF BEGINNING, containing, 10.197 acres more or less.

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

SECTION II. That a Special Exception Use for *Single Family Dwellings* in a *MU Mixed Use District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

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

SECTION IV. 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, 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

JAN 04 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

DEC 29 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN**EXHIBIT B****Legal Description for Eddy Street Commons, Phase II**

A part of the Northeast Quarter of Section 1, Township 37 North, Range 2 East and a part of the Northwest Quarter of Section 6, Township 37 North, Range 3 East of the Second Principal Meridian situated in St. Joseph County, Indiana and being more particularly described as follows:

BEGINNING at the northeast corner of Lot 28 as shown on the recorded Plat of Hartman and Miller's Plat an Addition to the City of South Bend, recorded in Plat Book 7, Page 29, on File in the Office of the St. Joseph County Recorder; thence South 00 degrees 20 minutes 40 seconds East along the west line of Georgiana Street 650.08 feet to the northeast corner of Lot 43 in said Hartman and Miller's Plat; thence North 89 degrees 44 minutes 21 seconds East along the easterly extension of the north line of said Lot 43, 25.00 feet; thence South 00 degrees 20 minutes 40 seconds East parallel with the west line of Georgiana Street, 304.42 feet to a point that intersects with the northeasterly extension of the south line of Lot 50 in said Hartman and Miller's Plat; thence South 51 degrees 05 minutes 05 seconds West along said northeasterly extension and along the south line of said Lot 50 69.43 feet; thence North 62 degrees 23 minutes 15 seconds West 494.40 feet to the southwest corner of Lot 100 in said Sorin's Second Addition; thence continuing North 00 degrees 21 minutes 10 seconds West 411.22 feet to the northwest corner of Lot 95 in said Sorin's Second Addition; thence South 89 degrees 47 minutes 27 seconds West along the north line of St. Vincent Street 7.00 feet to the centerline of the alley lying between Lot 95 and Lot 101; thence North 00 degrees 21 minutes 10 seconds West 82.50 feet to the intersection of the north line of St. Vincent Street and the centerline of the vacated alley lying between Lot 40 and Lot 46 in said Sorin's Second Addition; thence North 00 degrees 21 minutes 10 seconds West along the centerline of said vacated alley 409.90 feet to the south line of Napoleon Boulevard; thence North 89 degrees 46 minutes 20 seconds East along the south line of Napoleon Boulevard 172.18 feet to the northeast corner of Lot 35 in said Sorin's Second Addition; thence South 00 degrees 20 minutes 45 seconds East along the west line of Eddy Street 157.77 feet; thence North 89 degrees 50 minutes 18 seconds East 53.00 feet to a point on the east line of Eddy Street, said point being the midpoint of the west line of Lot 23 in said Hartman and Miller's Plat; thence North 89 degrees 50 minutes 18 seconds East passing through the midpoint of the east line of said Lot 23 123.97 feet to the centerline of the vacated alley lying between Lot 23 and Lot 28 in said Hartman and Miller's Plat; thence North 00 degrees 20 minutes 43 seconds West along the centerline of said vacated alley 20.00 feet to the intersection of the centerline of said vacated alley and the westerly extension of the north line of Lot 28 in said Hartman and Miller's Plat; thence North 89 degrees 50 minutes 18 seconds East along said westerly extension and the north line of said Lot 28 123.97 feet to the POINT OF BEGINNING, containing, 10.197 acres more or less.

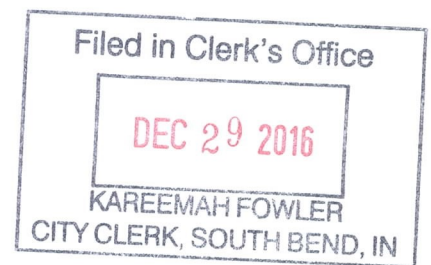


EXHIBIT A
Tax Parcel Listing for
Eddy Street Commons, Phase II

Block A

County ID	State ID	Property Address
018-5105-3689	71-08-01-279-007.000-026	1024 Napoleon Blvd
018-5105-3690	71-08-01-279-008.000-026	1127 Eddy St
018-5105-3691	71-08-01-279-009.000-026	1121 Eddy St
018-5105-3692	71-08-01-279-011.000-026	1017 St. Vincent St
018-5105-3693	71-08-01-279-010.000-026	Vacant Lot 38 Eddy St
018-5105-3694	71-08-01-279-012.000-026	1021 St. Vincent St
018-5105-3695	71-08-01-279-013.000-026	1025 St. Vincent St

Block B

County ID	State ID	Property Address
018-5101-3558.01	71-09-06-102-004.000-026	18 VAC 1100 Block Eddy
018-5101-3559	71-09-06-102-013.000-026	1125 Georgiana Ave
018-5101-3561	71-09-06-102-005.000-026	1118 Eddy St
018-5101-3562	71-09-06-102-014.000-026	18 VAC L29 40X124 Georgiana
018-5101-3564	71-09-06-102-006.000-026	1114 Eddy St
018-5101-3565	71-09-06-102-015.000-026	18 VAC L30 40X124 Georgiana
018-5101-3567	71-09-06-102-007.000-026	1112 Eddy St
018-5101-3568	71-09-06-102-016.000-026	18 VAC L31 40X124 Georgiana
018-5101-3570	71-09-06-102-008.000-026	18 VAC 1100 Block Eddy
018-5101-3571	71-09-06-102-017.000-026	1107 Georgiana Ave
018-5101-3573	71-09-06-102-009.000-026	1104 Eddy St
018-5101-3574	71-09-06-102-018.000-026	1105 Georgianna Ave
018-5101-3576	71-09-06-102-010.000-026	VAC 1000 Block Eddy
018-5101-3577	71-09-06-102-019.000-026	1103 Georgiana Ave

Block C

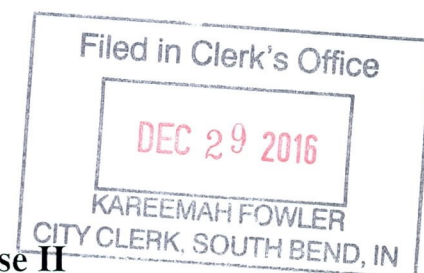
County ID	State ID	Property Address
018-5105-3696	71-08-01-283-008.000-026	1024 St. Vincent St
018-5105-3697	71-08-01-283-009.000-026	1029 Eddy St
018-5105-3697.01	71-08-01-283-010.000-026	1025 Eddy St
018-5105-3698	71-08-01-283-011.000-026	1021 Eddy St
018-5105-3699	71-08-01-283-012.000-026	1017 Eddy St
018-5105-3700	71-08-01-283-013.000-026	1013 Eddy St
018-5105-3700.01	71-08-01-283-014.000-026	1007 Eddy St
018-5105-3701	71-08-01-283-015.000-026	1023 Howard St

Block D

County ID	State ID	Property Address
018-5098-3455	71-09-06-151-001.000-026	1034 Eddy St
018-5098-3456	71-09-06-151-016.000-026	1059 Georgiana Ave
018-5098-3457	71-09-06-151-002.000-026	1030 Eddy St
018-5098-3458	71-09-06-151-017.000-026	1055 Georgiana Ave
018-5098-3459	71-09-06-151-003.000-026	1028 Eddy St
018-5098-3460	71-09-06-151-018.000-026	1051 Georgiana Ave
018-5098-3461	71-09-06-151-004.000-026	1024 Eddy St
018-5098-3462	71-09-06-151-019.000-026	1047 Georgiana Ave
018-5098-3463	71-09-06-151-005.000-026	1020 Eddy St
018-5098-3464	71-09-06-151-020.000-026	1043 Georgiana Ave
018-5098-3465	71-09-06-151-006.000-026	1018 Eddy St
018-5098-3466	71-09-06-151-021.000-026	1037 Georgiana Ave
018-5098-3467	71-09-06-151-007.000-026	1014 Eddy St
018-5098-3468	71-09-06-151-022.000-026	1033 Georgiana Ave
018-5098-3469	71-09-06-151-008.000-026	1012 Eddy St
018-5098-3470	71-09-06-151-023.000-026	1031 Georgiana Ave
018-5098-3471	71-09-06-151-009.000-026	1010 Eddy St
018-5098-3473	71-09-06-151-010.000-026	1008 Eddy St
018-5098-3474	71-09-06-151-025.000-026	1023 Georgiana Ave
018-5098-3475	71-09-06-151-011.000-026	1002 Eddy St
018-5098-3477.01	71-09-06-151-012.000-026	942 Eddy St
018-5098-3478	71-09-06-151-027.000-026	1015 Georgiana Ave
018-5098-3481	71-09-06-151-013.000-026	928 Eddy St
018-5098-3482	71-09-06-151-014.000-026	926 Eddy St
018-5098-3484	71-09-06-151-029.000-026	1119 South Bend Ave
018-5098-3485	71-09-06-151-030.000-026	1121 South Bend Ave
018-5098-3486	71-09-06-151-031.000-026	1125 South Bend Ave

EXHIBIT C

Variations for Eddy Street Commons, Phase II



Introduction:

Eddy Street Commons, Phase I was zoned to a unique PUD classification to provide for development. Petitioner proposes the development of Eddy Street Commons, Phase II in a manner that is consistent and compatible with the existing development in Eddy Street Commons, Phase I to maximize overall cohesiveness between Phase I and Phase II, as well as minimize difficulties associated with overall property management and long term maintenance that would arise due to inconsistencies in design between the Phases. However, a number of representatives of the Area Plan Commission and the City of South Bend have requested that a traditional zoning district be used for Phase II rather than another PUD. Further, the Northeast Neighborhood Overlay Zoning District did not exist at the time of the development of the PUD for Eddy Street Commons, Phase I. In order to comply with the need to provide for a consistent and compatible development while complying with the wishes of the representatives of the Area Plan Commission and the City of South Bend, a number of variances are being requested, the intent of which are to provide consistency in development patterns between Phase I and Phase II of Eddy Street Commons.

Variance Request:

Petitioner requests the following variances of Section 21-06.02 the MU – Mixed-Use District and Section 21-06.03 the NNZO – Northeast Neighborhood Overlay Zoning District of the South Bend Zoning Ordinance, to provide for the development of Eddy Street Commons, Phase II. Specifically, the following variances are being requested:

MU – Mixed-Use District

1. Section 21.03.02 (b)(1) Minimum Lot Width and Frontage to provide for a minimum lot width of twenty-five (25) feet for individual townhomes fronting along the west side of Georgiana Avenue should free-standing individual townhomes be developed rather than attached townhomes (minimum lot width and frontage of 30' required).
2. Section 21-03.02 (b)(2)(A) Front Setback to provide for a minimum front setback of zero (0) feet from existing right-of-way of Napoleon Blvd, St. Vincent Street and Howard Street in Blocks A, C and D (minimum setback of five (5) feet required).
3. Section 21-03.02 (b)(2)(B) Minimum Side Yard and Setback to provide for a minimum side residential bufferyard of zero (0) feet (minimum side residential bufferyard of fifteen (15) feet required).
4. Section 21-03 (b)(4)(B) Maximum Building Height to provide for a building height of sixty-four (64) feet, not to exceed four (4) stories plus rooftop stairway access in Blocks A and B (maximum of forty (40) feet; not to exceed three (3) stories permitted).

5. Section 21-03.02 (b)(5)(A) Maximum Gross Floor Area to provide for a single retail space of up to 8,400 square feet in gross floor area in Block A (maximum area for a single use of eight thousand (8,000) square feet of gross floor area permitted).
6. Section 21-03.02 (b)(5)(B) Maximum Gross Floor Area to provide for total residential space of approximately five-hundred thousand (500,000) square feet in gross floor area (maximum area for a single use of fifty-thousand (50,000) square feet of gross floor area permitted).
7. Section 21-07.03 (e)(3)(C) – Sign Regulations to provide for Projecting Building Identification Signs as follows: (i) up to four (4) projecting building identification signs per multi-family or mixed-use building in Eddy Street Commons, Phase II; (ii) maximum sign surface area of fifty (50) square feet per projecting building identification sign; and, (iii) minimum separation between projecting building identification signs on the same building of sixty (60) feet.
8. Section 21-07.03 (e)(4)(B) – Sign Regulations to provide for Suspended Signs for each grade-level tenant of up to ten (10) square feet (maximum of five (5) square feet permitted).
9. Section 21-07.04 - Off Street Parking Regulations, Table 21-07.04 E: Required Off-Street Parking to provide for off-street parking at a rate of 0.8 parking spaces per dwelling unit located in the mixed-use and multi-family buildings (two parking spaces per dwelling unit required). The Retail, Flexible Use Space, Robinson Center and Townhomes shall be provided with parking at rates that comply with the South Bend Zoning Ordinance.

NNZO - Northeast Neighborhood Overlay Zoning District

1. Section 21-06.03 – Northeast Neighborhood Overlay Zoning District to provide for mixed-use and multi-family buildings in Eddy Street Commons, Phase II that are consistent and compatible with those developed in Eddy Street Commons, Phase I. This request does not apply to the proposed Townhomes along Georgiana Avenue or the proposed Robinson Center.



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

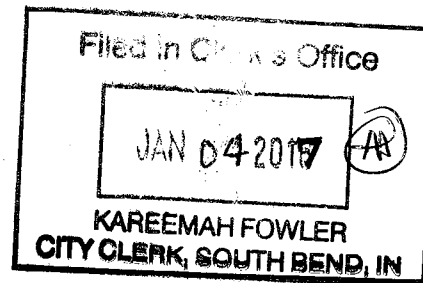
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

January 4, 2017

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



RE: APC#2809-16
3566 Douglas Road

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 January 9, 2017 Council meeting, and set it for public hearing at your February 27, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the February 21, 2017 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,

Angela M. Smith
Angela M. Smith
Deputy Director

CC: Adriana Rodriguez

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 3566 DOUGLAS ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA d

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property to CB Community Business to allow for an animal kennel with outdoor runs.

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:

LOT 1 of LaFree's Douglas Road Minor Subdivision

be and the same is hereby established as CB Community Business District.

SECTION II. That a Special Exception Use for *Kennel (with outdoor runs)* in a *CB Community Business District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

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

SECTION IV. 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, and full execution of any conditions or Commitments placed upon the approval.

Member of the Common Council

Attest:

City Clerk

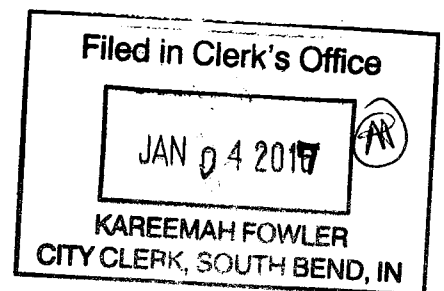
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana

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



PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

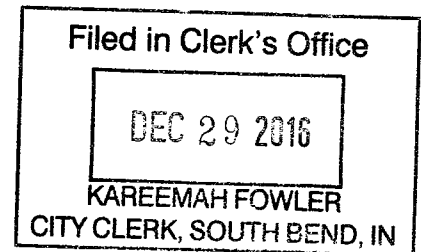
I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

- 1) The property sought to be rezoned is located at:
*3566 Douglas Road
South Bend, IN 46635*
- 2) The property Tax Key Number(s) is/are: *024-2023-054808*
- 3) Legal Descriptions: *Lot 1, LaFree's Douglas Road Minor Subdivision*
- 4) Total Site Area: *2.92 acres*
- 5) Name and address of property owner(s) of the petition site:
*Arthur and Mary Hansen
3566 Douglas Rd.
South Bend, IN 46635
574-315-0739
arthansenphoto@gmail.com*

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:
*The Crate Escape
Scott Robbins
1610 E. Wayne Street
South Bend, IN 46615
574-339-0460
scottfreerobbins@gmail.com*

Name and address of additional property owners, if applicable:



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

From: LB Local Business District N/A

To: CB Community Business District

- 8) This rezoning is requested to allow the following use(s): *Animal Kennel with Outdoor Runs*

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

- 1) *Variance to reduce the minimum off-street parking requirement.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) **The approval will not be injurious to the public health, safety, morals and general welfare of the community:** *Reducing the required off-street parking will not be injurious to the health, safety, morals and general welfare of the community. The business will operate as an animal kennel only, not a veterinarian hospital. The vast majority of customers will drop off or pick up their pets; therefore, the required 15 spaces is excessive. A total of three customer parking spaces are proposed, which is appropriate and sufficient for the proposed use. Four employee parking spaces are provided within the existing garage structures on the site. In addition, the property will comply with all ADA requirements.*

- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The requested parking variance will have no adverse affect on the use or value of adjacent areas.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *The Zoning Ordinance requires 1 parking space per 400 square feet of gross floor area for "veterinary hospitals, animal kennels, and pounds." The Ordinance does not carry provisions for a business operating solely as an animal kennel, which requires significantly less parking. Therefore, the strict application of the Ordinance imposes practical difficulties in the use of the property.*

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

1) A detailed description and purpose of the Special Exception Use(s) being requested: *We are requesting a Special Exception use to allow an Animal Kennel with Outdoor Runs. Outdoor runs will provide a much-needed and desirable service to the community, in addition to further contributing to the City's tax base through greater tax revenue and increased property value.*

2) A statement on how each of the following standards for the granting of a Special Exception Use is met:

- (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *The proposed Animal Kennel with Outdoor Runs will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. The animals will be fully contained within a fenced play area with staff supervision at all times. The outdoor play area will be screened on all sides by a 6-foot privacy fence as well as mature landscaping along the property lines. Furthermore, the outdoor play area is not located near any public land or right-of-way.*
- (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *The proposed use will not adversely affect the use of the adjacent area or property values. The outdoor play area will be contained by a 6-foot privacy fence along with significant landscaping along the property boundaries to mitigate any visual impacts. Animals playing outside will be supervised at all times and outdoor access will be monitored. There will NOT be any 'doggy doors' allowing animals to go in and out as they please. Furthermore, animals will not be allowed outside during nighttime hours; only daytime outdoor use is proposed. The residential property owner to the east of the subject property is in support of the proposed business.*
- (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: *The proposed use will not alter the character of the district in which the property is located. The property is currently zoned for commercial uses and will continue as such. An Animal Kennel would be allowed by right; the request is simply to allow supervised outdoor access to expand business services for the community.*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The proposed use will support the City of South Bend Comprehensive Plan's land use goal to ensure a "compatible mix of land uses in the community." The proposed use also supports the City's economic development goal to "promote a healthy and diversified economy that fosters a competitive business environment and offers opportunities for employment and entrepreneurship."*

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

CONTACT PERSON:

*Ty Robbins
1250 Galapago Street, Apt. 408
Denver, CO 80204*

574-339-2362
tysrobbins@gmail.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):

Mary C. Hansen

Arthur L. Hansen



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

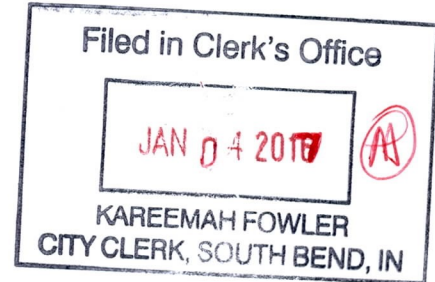
Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 233-9571

January 4, 2017

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

RE: APC#2810-16
1248 and 1258 N. Twyckenham Drive



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 January 9, 2017 Council meeting, and set it for public hearing at your February 27, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the February 21, 2017 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,

Handwritten signature of Angela M. Smith in black ink.
Angela M. Smith
Deputy Director

CC: Adriana Rodriguez

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1248 AND 1258 N. TWYCKENHAM DRIVE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Insert purpose from the petition

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 "A": THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOTS # 37, 38, 39 AND A PART OF # LOT # 40 DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 40; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT A DISTANCE OF 168.57 FEET MORE OR LISS TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT A DISTANCE 58 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 160 FEET MORE OR LESS TO THE EAST LINE OF TWYCKENHAM DRIVE; THENCE NORTH ALONG SAID EAST LINE 10 FEET MORE OR LESS TO THE POINT OF BEGINNING ALL AS SHOWN IN THE PLAT OF "WOODED ESTATES" IN PLAT BOOK # 16 ON PAGE "W-2" IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE. CONTAINING 0.83 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

be and the same is hereby established as MF1 Urban Corridor Multifamily District.

SECTION II.

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

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

Member of the Common Council

Attest:

City Clerk

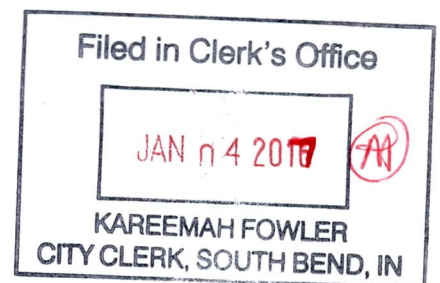
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana

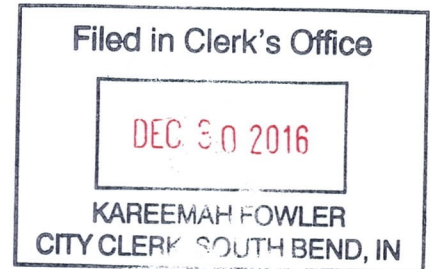
1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

- 1) The property sought to be rezoned is located at:
Address(es) -, 1248, 1258 N. Twyckenham Drive and 1305 White Oak Drive, South Bend, Indiana 46617.
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s): 018-5146-5418, 018-5146-5416, 018-5146-5417, 018-5146-5421.*
- 3) Legal Descriptions: *Enter full legal description: See attached.*
- 4) Total Site Area: *Enter total acres to be rezoned: 1.36 Acres.*
- 5) Name and address of property owner(s) of the petition site:
*Twyckenham Estates LLC
1258 N. twyckenham Drive
South Bend, Indiana 46617
Ph. No. 574-233-9871
E-Mail Address N/A*



Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:
*Cantinas Properties LLC
5095 Hunter Valley Lane
West Lake Village, CA 91362
1-805-795-4399
E-mail N/A*

Name and address of additional property owners, if applicable:

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

From: SF1 Single Family & Two Family District N/A

To: MF1 Urban Corridor Multifamily District

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

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

- 1) *List each variance being requested. See attached.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *See Attached*

- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *See Attached*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *See Attached*

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

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


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

CONTACT PERSON:

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

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

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



Daniel Fontana



Manager

Twyckenham Estates LLC

574-339-2362
tysrobbins@gmail.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):

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

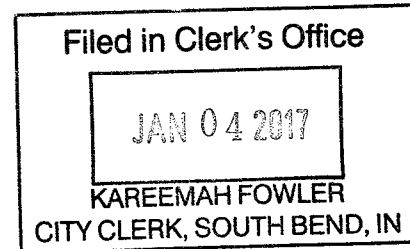


PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT

January 3, 2017

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



RE: Eddy Street Commons Phase II

Dear President Scott:

Attached for the Common Council's consideration is an ordinance and associated Development Agreement (Kite Realty Group/Eddy Street Commons Phase II) that recently passed unanimously through the Redevelopment Commission.

This development agreement outlines approximately \$150 million in investment in mixed use residential, hotel, retail, and a doubled in size Robinson Community Learning Center. This all comes with no up-front City cash investment. The TIF revenues generated from the project once it is built will go to pay the debt service in the future. It is truly a project that pays for itself. We have a phenomenal partnership with Kite Reality Group and are looking forward to seeing this project come to fruition starting in early 2017.

I have respectfully requested that this project be assigned to the Community Investment Committee ahead of the January 9th meeting so that we can have a committee meeting on the 9th and a final vote on the ordinance at the meeting on the 23rd of January. The City and developer have an aggressive timeline and want to get into the bond sales early in the year.

Thank you for your consideration. I will attend the Committee and Council meetings to address any questions.

Sincerely,

Brian Pawlowski

ORDINANCE NO. _____**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AUTHORIZING THE CITY OF SOUTH BEND, INDIANA TO ISSUE ITS TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2017 (EDDY ST. PHASE II) IN THE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS (\$25,000,000) AND APPROVING OTHER ACTIONS IN RESPECT THERETO**

STATEMENT OF PURPOSE AND INTENT

Pursuant to I.C. 36-7-11.9, I.C. 36-7-12 and I.C. 36-7-14 (collectively, the “Act”), the City of South Bend, Indiana (the “City”) is authorized and desires to issue its Taxable Economic Development Revenue Bonds, Series 2017 (Eddy St. Phase II) (the “Bonds”) in an amount not to exceed \$25,000,000 for the purpose of (i) financing the construction of a portion of Phase II of the development project commonly known as Eddy Street Commons (the “Project”) located within Allocation Area No. 2 of the area formerly known as the Northeast Neighborhood Development Area and now known as the River East Development Area (the “Area”) within the City, (ii) funding a reserve for the Bonds, and (iii) paying costs of issuance of the Bonds.

On December 29, 2016, the Redevelopment Commission of the City (the “RDC”) adopted a resolution pledging tax increment revenues generated from the Area (the “TIF Revenues”) as repayment for the Bonds, on a parity with any other bonds issued and payable from a first lien on the TIF Revenues, in accordance with and subject to the terms and conditions of a trust indenture (the “Indenture”) between the City and an institutional trustee.

Pursuant to the Act, the Economic Development Commission of the City (the “EDC”) prepared a report (the “Report”) evaluating certain aspects of the Project and submitted the Report to the Executive Director of the Area Plan Commission of St. Joseph County, Indiana, which serves as the Plan Commission for the City, and the Superintendent of the South Bend Community School Corporation to provide each the opportunity to provide written comments concerning the Report.

Further, pursuant to the Act, the EDC published notice of a public hearing to be held on the proposed issuance of the Bonds (the “Public Hearing”) and, on January 4, 2017, held a meeting and conducted the Public Hearing in accordance with the Act, and adopted a resolution making certain findings and approving the issuance of the Bonds, the Report, and the substantially final forms the Bonds and the Indenture presented at such meeting and subsequently sent its Resolution recommending issuance of the Bonds to this Council.

The Council now desires to authorize issuance of the Bonds and finds that all conditions precedent to issuance of the Bonds have been met pursuant to the Act.

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

SECTION I. Pursuant to the Act and subject to all of the terms and provisions contained in the Indenture, the Common Council hereby approves the issuance of the Bonds in the amount not to exceed \$25,000,000 for the purpose of financing the construction of the Project. All of the terms and provisions related to the Bonds referenced in I.C. 36-7-12-27 shall be as described in the Indenture and are incorporated herein by reference.

SECTION II. The Common Council approves the issuance of up to \$25,000,000 in Bonds bearing interest at an annual interest rate not to exceed six percent (6%) and maturing in not more than twenty-five (25) years, payable from TIF Revenues pledged to the payment of principal of and interest on the Bonds by the RDC of the City, on a parity with any other bonds issued and payable from a first lien on the TIF Revenues.

SECTION III. The Common Council further approves all prior actions and findings of the RDC and EDC related to the issuance of the Bonds and authorizes the President of this Common Council and the Controller to approve and execute all documents necessary to effect the issuance of the Bonds.

SECTION IV. The Common Council further approves the Report and the substantially final forms of the Bonds and the Indenture presented at this meeting and all of the terms and provisions contained in such documents.

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

Member, South Bend Common Council

ATTEST:

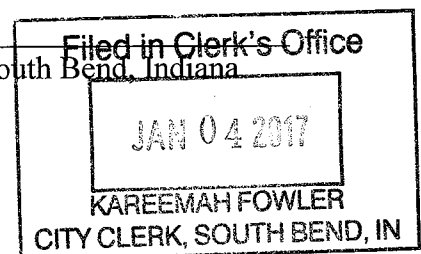
City Clerk

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

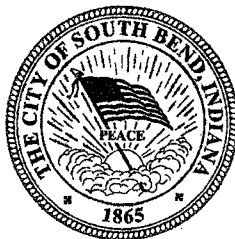
City Clerk

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

Mayor, City of South Bend, Indiana

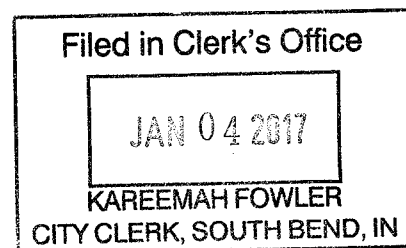


1st READING
PUBLIC HEARING
2nd READING
NOT APPROVED
DEFERRED
PASSED



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS
Eric Horvath, Director

January 4, 2017



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

Re: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA REAFFIRMING ORDINANCE 10461-16 FOR CUSTOMERS OUTSIDE THE CITY'S CORPORATE BOUNDARY

Dear President Scott:

The application of assessment fees and compact fees has been inconsistent and cumbersome. The purpose and intent of this ordinance is to reaffirm the passage on October 24, 2016 of Ordinance 10461-16 (repealing compact fees and certain assessments) as it pertains only to changes in wastewater fees for customers outside the City's corporate boundary. Enactment of this ordinance shall satisfy the notice and public hearing required under Indiana Code 8-1.5-3-8.1.

A public hearing is hereby requested for the January 23, 2017 meeting whereby wastewater customers outside of the City's corporate boundary may be heard by Council.

I look forward to discussing this ordinance at the Council's Committee meeting and at the public hearing. If you have any further questions or need additional information, please let me know.

As always, thank you for your consideration.

Sincerely,

Eric C. Horvath
City of South Bend
Executive Director Public Works

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA, REAFFIRMING
ORDINANCE 10461-16 FOR CUSTOMERS OUTSIDE THE
CITY'S CORPORATE BOUNDARY**

STATEMENT OF PURPOSE AND INTENT

The purpose and intent of this ordinance is to reaffirm the passage on October 24, 2016 of Ordinance 10461-16 (repealing compact fees and certain assessments) as it pertains only to changes in wastewater fees for customers outside the City's corporate boundary. The charges related to wastewater customers outside the City's corporate boundary proposed in Ordinance 10461-16 will be effective pending passage of this bill which first requires notice of the proposed changes to customers who are located outside the City's corporate boundary and a public hearing in front of Council. Enactment of this ordinance shall satisfy the notice and public hearing required under Indiana Code 8-1.5-3-8.1.

The changes enacted by Ordinance 10461-16, as they relate to changes in water fees for customers inside or outside the City's corporate boundary or wastewater fees for customers inside the City's corporate boundary, remain intact. The Sections stated below only address wastewater fee changes. There are no language changes from Ordinance 10461-16.

Section 1. Sections 17-79 of the City Code shall be repealed in its entirety and amended to read as follows:

Sec. 17-79. System Development Charge for Wastewater inside and outside City limits.

1. For purposes of this section "ERU" shall be defined as an equivalent residential unit which means a single family residence. For purposes of customers that are not single family residences, one ERU shall equal estimated wastewater flows of 310 gallons per day. No customer will be less than one ERU. There will be no partial ERU's. The City shall round down to the closest applicable ERU calculation at all times.

2. Except as provided in Subsections 5. and 6. of this Section, for every new connection to the South Bend Municipal Sewer Works, a system development charge of \$1,145 shall be collected per ERU and additional portion thereof to be connected. All charges shall be billed by the City at the time the application for service is filed.

3. System development charges per ERU shall also be collected from existing customers undertaking activities producing a permanent increase in wastewater flow of greater than 310 gallons per day. This subsection shall not apply to an existing customer who has, by contract, purchased reserved capacity from the City so long as the customer's flows remain within the reserved capacity. A permanent increase shall be deemed to have

occurred when the average flow rate for six (6) consecutive months exceeds the current flow rate by at least 310 gallons per day.

4. For multifamily structures (e.g., apartments, condominiums, mobile home communities), each individual unit shall be one ERU. For all other types of structures, the ERU calculation shall be based upon the ratio of Average Daily Flow as computed pursuant to 327 IAC 3-6-11 in relationship to 310 gallons per day. For structures not listed in 327 IAC 3-6-11, the ERU shall be calculated as the relationship between the Average Daily Flow reported in the sewer capacity certification for the structure and 310 gallons per day.

5. For customers with greater than 20 ERUs as calculated pursuant to subsection 4. of this Section, the ERU shall be adjusted based upon the Peaking Factor as computed herein. The Peaking Factor shall be calculated by dividing the Peak Daily Flow by the Average Daily Flow, both as reported in the sewer capacity certification. In no event will a Peaking Factor less than 2.0 be used for purposes of the adjustment described in this Subsection. The Peaking Factor divided by 4.0 (the Peaking Factor for residential connections) will be multiplied by the number of ERUs for purposes of computing the system development charge owed by the customer. The City Board of Works may execute a contract with the customer authorizing an increase to the initial System Development Charge based upon actual usage data that is collected after connection.

6. Where a prospective customer seeks to connect a new structure on property which replaces a prior structure of a similar use what was located on the same property and which was connected to the South Bend Municipal Sewer Works, no system development charge will be collected. For instance, if the prior structure was a single family structure and the new structure is to be used as a multi-family structure, a system development charge, as contemplated herein this Ordinance, shall be charged. The Board of Public Works shall make the final determination of whether the new property structure is a similar use to the prior property structure for the purposes of this subsection.

Section 3. Section 17-81 of the City Code shall be repealed in its entirety and amended to read as follows:

For wastewater collection service rendered to customers whose connection is located outside the corporate limits of the City of South Bend, a surcharge of 0% will be charged prior to January 1, 2017, five percent (5%) surcharge will be charged from January 1, 2017 through December 31, 2017, a ten percent (10%) surcharge from January 1, 2018 through December 31, 2018 and a fourteen (14%) surcharge from January 1, 2019 and beyond shall be added to the total amount billed. Notwithstanding the above, an Indiana municipality or special district organized under the laws of Indiana that is subject to this Section 17-81, who have adopted sewer rates under either Indiana Code 36-9-23 or Indiana Code 13-26-11 for the purpose of providing such sewer service, shall be qualified for a credit in the amount of five percent (5%) from January 1, 2017 through December 31, 2017, ten percent (10%) from January 1, 2018 through December 31, 2018 and fourteen percent (14%) in 2019 and beyond.

Section 4. Section 17-86(b) of the City Code shall be repealed in its entirety.

Section 6. This Ordinance shall take effect upon its passage by this Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana
this _____ day of _____, 2017.

Member, Common Council of the
City of South Bend

ATTEST:

Kareemah Fowler, Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City for his approval on the _____ day of _____, 2017, at _____ o'clock _____.m.

Kareemah Fowler, Clerk

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend, approve said Ordinance and return the same to the Clerk of the City of South Bend this _____ day of _____, 2017.

Pete Buttigieg, Mayor

PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
JAN 04 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN