



## **SOUTH BEND COMMON COUNCIL**

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### **MEETING AGENDA**

Monday, February 13, 2017  
7:00 P.M.

1. **INVOCATION- IMAN MOHAMMED SIRAJUDDIN, ISLAMIC SOCIETY OF MICHIANA**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

[17-06](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SUPPORTING THE RENAMING OF THE FORMER MARTIN LUTHER KING, JR. BLVD TO CHARLES MARTIN SR. BLVD.

MAYOR'S ANNUAL ADDRESS TO THE COMMON COUNCIL ON FINANCES AND THE GENERAL CONDITION OF THE CITY PURSUANT TO § 2-3.1 OF THE SOUTH BEND MUNICIPAL CODE

6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE**

**TIME:** \_\_\_\_\_

BILL NO.

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

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

[07-17](#) PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: E/W ALLEY FROM EAST RIGHT OF WAY OF LAUREL STREET A DISTANCE OF 144 FEET AND WIDTH OF 12 FEET, NORTH OF THOMAS STREET AND SOUTH OF WASHINGTON STREET

8. **BILLS ON THIRD READING** **TIME:**\_\_\_\_\_

BILL NO.

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

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9. **RESOLUTIONS**

BILL NO.

[17-01](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 23464 ADAMS ROAD, SOUTH BEND, IN 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A NINE (9) YEAR REAL PROPERTY TAX ABATEMENT FOR GLC SBDC II, LLC

10. **BILLS ON FIRST READING**

BILL NO.

[08-17](#) FIRST READING ON AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21, ARTICLE 3, SECTION 21-03 OF THE SOUTH BEND MUNICIPAL CODE BY ADDING A NEW SUB-PART 21-03.06(b)(4)(C) TO INCREASE THE MAXIMUM BUILDING HEIGHT PERMITTED IN CBD DISTRICTS LOCATED BETWEEN THE ST. JOSEPH RIVER AND THE EAST RACE WATERWAY

[09-17](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1237 & 1303 IRONWOOD DRIVE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[10-17](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1905 E GOODSON COURT, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

11. **UNFINISHED BUSINESS**

BILL NO.

[17-05](#) 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 1411 CARROLL STREET, LOTS 82, 83, 84, HANEY'S ADDITION

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, 4<sup>th</sup> 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:** FEBRUARY 9, 2017  
**SUBJECT:** COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, FEBRUARY 13, 2017** at:

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

- 3:30 P.M.**     **PUBLIC WORKS & PROPERTY VACATIONS**     **JOHN VOORDE, CHAIRPERSON**  
1. [Bill No. 07-17](#)- Northern Indiana History Museum Alley Vacation
- 3:40 P.M.**     **COMMUNITY INVESTMENT**     **GAVIN FERLIC, CHAIRPERSON**  
1. Tax Abatement Briefing- *Aaron Kobb and Brian Pawlowski, DCI*
- 4:00 P.M.**     **ZONING & ANNEXATION**     **OLIVER DAVIS, CHAIRPERSON**  
1. *Substitute* [Bill No. 77-16](#)- Dollar General Rezoning at 3720 Lincoln Way West  
2. [Bill No. 78-16](#)- Waggoner Dairy Farm Rezoning at Adams & Mayflower Road

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Zoning & Annexation 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](http://www.SouthBendIN.gov)

JENNIFER M. COFFMAN  
CHIEF DEPUTY  
DIRECTOR OF OPERATIONS

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

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### **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, 1<sup>ST</sup> District Council Member**

#### **PRESIDENT**

Information and Technology, Chairperson

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

### **REGINA WILLIAMS-PRESTON 2<sup>nd</sup> 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, 3<sup>rd</sup> 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, 4<sup>TH</sup> 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, 5<sup>TH</sup> 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, 6<sup>TH</sup> 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





## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,  
SUPPORTING THE RENAMING OF THE FORMER MARTIN LUTHER KING, JR. BLVD TO  
CHARLES MARTIN BLVD**

*Whereas*, in every community, there are individuals who prove to be agents of change, uniquely gifted with the ability to motivate others in heroic ways. Charles E. Martin, Sr. was such an individual, remarkable not only in the number of lives he influenced, but also in the ways he influenced them; and

*Whereas*, Charles Martin was born August 3, 1943 in Jackson, Tennessee. He and five brothers and sisters were raised in South Bend by his parents, James and Luvinia Martin. Charles Martin graduated from Central High School in 1963, from Ball State University in 1967, and was a teacher and coach at LaSalle High School from 1967 to 1970. He joined the Michiana YMCA in 1970 and became Director of the Urban Youth Services program in 1972; and

*Whereas*, for the next 22 years, Charles Martin operated an extensive educational network to motivate minority young people to achieve academic excellence. His work with the YMCA and South Bend Community Schools provided him daily contact with thousands of youth who benefited from his programs, including the Academic Contract and Outstanding Minority Student Award; and

*Whereas*, Charles Martin's motto was "Touch a life every day," and he practiced it through personal contact and local community organizations, including the Martin Luther King, Jr. Foundation, Leaders & Positive Role Models, Ladies of Distinction, Kappa Alpha Psi fraternity, the South Bend School Boosters, Big Brothers/Big Sisters, the Kiwanis Club, and many other organizations. He was named a Sagamore of the Wabash by Governor Orr in 1987 and Governor Bayh in 1990, and was inducted into the South Bend Hall of Fame in 1990. Charles Martin passed away June 2, 1994. Several months earlier, he learned that the building that became the Charles Martin Youth Center would be named in his honor. The Center was dedicated August 2, 1995, and has become the embodiment of Charles Martin's dedication to youth.

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

Section I. The Common Council of the City of South Bend, Indiana is pleased to support the street renaming of the former Martin Luther King, Jr. Blvd to Charles Martin Blvd.

Section II. Charles Martin's legacy of advocating for youth and community, lives on in the lives he touched. Mr. Martin recognized the connection between education and a better life and strived to reach out to children and teach them the importance of academic schooling.

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

\_\_\_\_\_  
Tim Scott, 1<sup>st</sup> District

\_\_\_\_\_  
Oliver J. Davis, 6<sup>th</sup> District

\_\_\_\_\_  
Regina Williams Preston, 2<sup>nd</sup> District

\_\_\_\_\_  
John Voorde, At Large

\_\_\_\_\_  
Randy Kelly, 3<sup>rd</sup> District

\_\_\_\_\_  
Gavin Ferlic, At Large

\_\_\_\_\_  
Jo M. Broden, 4<sup>th</sup> District

\_\_\_\_\_  
Karen L. White, At Large

\_\_\_\_\_  
Dr. David Varner, 5<sup>th</sup> District

\_\_\_\_\_  
Council Attorney

*Attest:*

*Approved this \_\_\_\_\_ day of February, 2017*

\_\_\_\_\_  
Kareemah, Fowler, City Clerk

\_\_\_\_\_  
Pete Buttigieg, Mayor of South Bend





LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

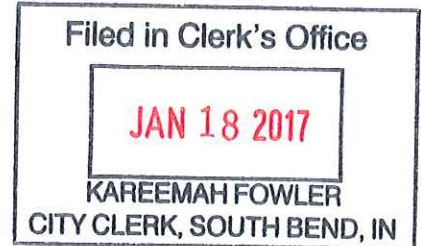
Angela M. Smith  
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

Wednesday, January 18, 2017

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



RE: A public hearing on a proposed ordinance of Geno L. & Josephine A. Benassi to zone from SF1 Single Family & Two Family District to MU Mixed Use District, property located at 3720 Lincolnway West, City of South Bend - APC# 2806-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Geno L. & Josephine A. Benassi was legally advertised on January 5, 2017 and that the Area Plan Commission at its public hearing on January 17, 2017 took the following action:

Upon a motion by Adam DeVon, being seconded by Phil Sutton and carried, a proposed ordinance of Geno L. & Josephine A. Benassi to zone from SF1 Single Family & Two Family District to MU Mixed Use District, property located at 3720 Lincolnway West, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property MU Mixed Use will allow for infill development that compliments the transition from the more intense commercial uses west of the site to the single family residential to the east.

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

CC: Geno L. & Josephine A. Benassi  
A & R Engineering, LLC Attn: Whitney L. Briggs  
Zarembo Group, LLC Attn: John Wojtila, P.E.



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

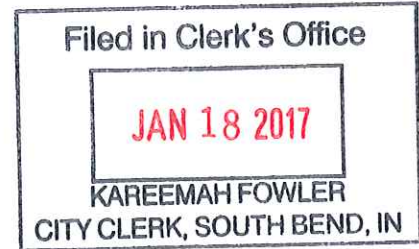
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

January 18, 2017

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



RE: Bill # 77-16  
Rezoning: APC#2806-16 – 3720 Lincolnway West

Dear Council Members:

The Area Plan Commission held a public hearing on January 18, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 23, 2017.

**Ordinance & Petition Amendments:**

Changes to the ordinance were provided in our previous letter dated: January 4, 2017

**Public Hearing Summary:**

There were 2 people that spoke in opposition to the petition. Their concerns included whether there was a need for the use, the “block building” design, drainage, property maintenance/trash, whether sidewalks would be included where no others exist in this area, and how the size and location of the building on the lot would impact the restaurant to the east.

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



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

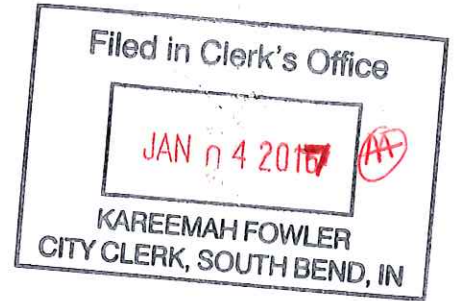
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

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



RE: Bill #77-16  
Rezoning: APC#2806-16  
3720 Lincolnway West

Dear Council Members:

The Area Plan Commission will hold a public hearing on January 17, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 23, 2017.

**Ordinance:**

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

Ordinance:

- 1.) Legal Description was updated to more accurately reflect the property location.

A Copy of the revised Ordinance is attached.

A summary of public comment be provided after the Area Plan Commission Meeting.

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

Sincerely,

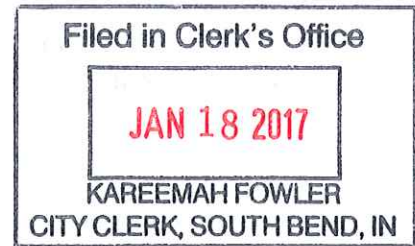
Angela M. Smith  
Deputy Director

CC: Adriana Rodriguez

**Staff Report**

1/5/2017

APC # 2806-16  
Owner: Geno L. & Josephine A. Benassi  
Location: 3720 Lincolnway West  
Jurisdiction: City of South Bend  
Public Hearing Date: 1/17/2017



**Requested Action:**

The petitioner is requesting a zone change from SF1 Single Family & Two Family District to MU Mixed Use District and seeking 2 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a single family home.
- North: To the north across Lincolnway are single family homes zoned SF2 Single Family & Two Family and businesses zoned LB Local Business.
- East: To the east is a restaurant zoned LB Local Business District.
- South: To the south are single family homes zoned SF1 Single Family & Two Family District.
- West: To the west is a business zoned GB General Business.

**District Uses and Development Standards:**

The MU Mixed Use District is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district.

**Site Plan Description:**

The development of the 2 acre site will include of a 9,100 square foot retail store located in such a manner that the corner entrance and at least 50% of the building façade is located within the maximum setback allowed for the Mixed Use District. The proposed parking includes 32 spaces located adjacent to the retail store. Although not shown on the current site plan, the site will comply with the current landscape standards established in the South Bend Zoning Ordinance.

**Zoning and Land Use History And Trends:**

The property to the west was rezoned to General Business in 1995. The remainder of the parcels located at the intersection of Sheridan and Lincolnway were rezoned in the early to mid 1990's, creating a commercial node.

**Traffic and Transportation Considerations:**

Lincolnway West has two travel lanes with a center turn lane, on-street parking, and a bike lane.

**Utilities:**

The site will be served by municipal water and sewer.

**Agency Comments:**

The City Engineer commented that prior to final site approval, the following would be required: utility verification; approval of sidewalk, curb cut, lighting, and overall site improvement plans; approval of a drainage plan; and any verifications if required. Also noted was that the maximum allowed throat width of a commercial property curb cut is 24 feet.

The Department of Community Investment commented that the rezoning falls at the east edge, and is consistent with, the mixed-use node at Lincolnway West and Sheridan, as defined by the West Side Main Streets Plan. The plan calls for this area to transition to a more urban character with buildings along the street and parking located in less visible locations. Given that and the street's design guidelines, the building should be designed to create a more active street frontage. Community Investment supports the variance from the minimum façade height, but suggests that a taller building entry element be used. They also offer a favorable recommendation on the variance from the maximum square foot area to 9,100 square feet to meet the business model standards of a national retailer.

**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:**

The petition is consistent with the West Side Main Streets Plan (2014). The property is adjacent to the Sheridan Node which states development should transition to a more urban character where building fronts line the street and parking is located to the rear where it is not visible from the street.

**Land Use Plan:**

The Land Use Plan of the West Side Main Streets Plan identifies this area as part of the Lincolnway & Sheridan Mixed-Use Node.

**Plan Implementation/Other Plans:**

City Plan, South Bend Comprehensive Plan (November 2006) Policy LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

**2. Current Conditions and Character:**

This single family property is one of a few isolated residential uses among an otherwise commercial section of the Lincolnway corridor.

**3. Most Desirable Use:**

The most desirable use for the land is one which is compatible with the mixed use commercial located along the corridor.

**4. Conservation of Property Values:**

With proper landscaping, the residential properties to the south should not be affected.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow for this property to be developed in a

commercial nature consistent with the character of the area and the comprehensive plan.

**Combined Public Hearing**

This is a combined public hearing procedure, which includes a rezoning and 2 variances from the development standards. The Commission will forward the rezoning to the Council with or without a recommendation and either approve or deny the variances.

**The petitioner is seeking the following variance(s):**

- 1) from the required minimum front façade height of 22' to 18';
- 2) from the required maximum gross floor area of 8,000 sq.ft. for a retail use to 9,100 sq.ft.

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

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

The modest variation in building height and size should not impact the public health, safety and general welfare of the community.

**(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;**

With proper screening, the use and value of the single family properties to the south should not be adversely affected. The properties to the east and west are existing commercial uses.

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

The proposed building size is based on a pre-designed square footage calculation that has been optimized for the store's success. The strict application would force the developer to alter their proven layout model.

**Staff Comments:**

Staff has no additional comments.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variances.

**Analysis:**

Rezoning this property MU Mixed Use will allow for infill development that compliments the transition from the more intense commercial uses west of the site to the single family residential to the east.



REZONING  
#2806-16

Filed in Clerk's Office

JAN 18 2017

KAREEMAH FOWLER  
CITY CLERK SOUTH BEND, IN

Chicago

Illinois

Elwood

Sheridan

Lincoln

1 inch = 100 feet  
PORTAGE TOWNSHIP








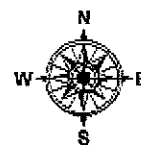
St John



**Rezoning from: CITY OF SOUTH BEND  
"SF1" SINGLE FAMILY & TWO FAMILY DISTRICT  
to "MU" MIXED USE DISTRICT**

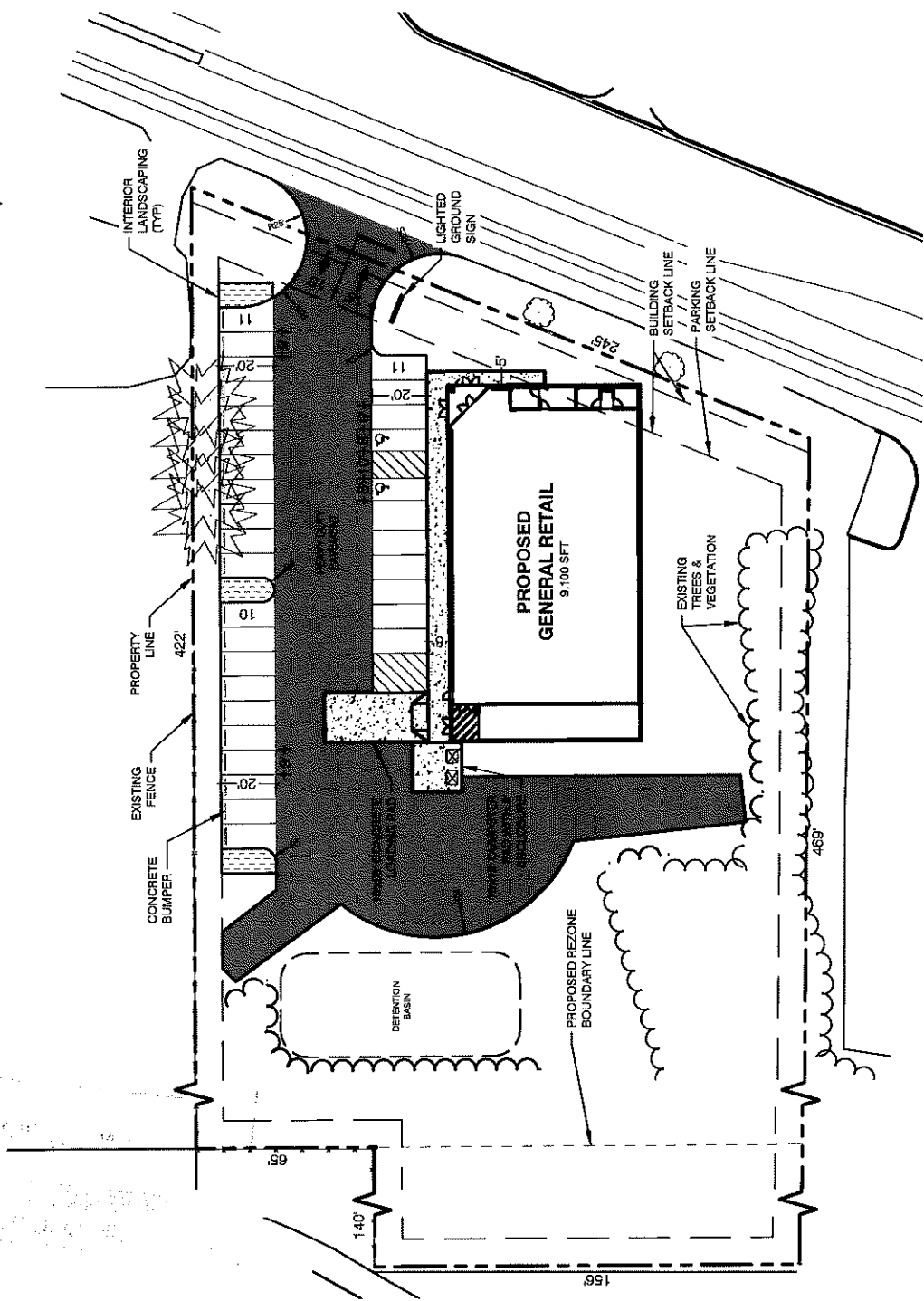
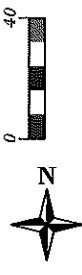
**MASTER ZONING KEY**

-  SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
-  SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
-  SOUTH BEND "GB" GENERAL BUSINESS DISTRICT



1 inch = 100 feet

**APC # 2806-16**



CONCEPTUAL SITE PLAN  
12.23.16

**SITE DATA**

- PROPERTY INFORMATION:**  
 PARCEL #: 018-2183-7240 & 018-2183-72901  
 SITE AREA: 106,222 SF (2.44 ACRES)  
 REZONE AREA: 84,294 SF (1.94 ACRES)  
 OWNER: BENASSI, GENO L AND JOSEPHINE A  
 2512 MARSHALL DR  
 MISHAWAKA, IN 46544  
 DEVELOPER: ZAREMBA GROUP, LLC  
 14600 DETROIT AVENUE  
 CLEVELAND, OH 44107  
 PHONE: (216) 221-6600
- ZONING:** SF1, SINGLE FAMILY AND TWO FAMILY RESIDENTIAL\*  
 \*RE-ZONE REQUIRED (MU)  
 ADJUTING PROPERTY CURRENTLY ZONED:  
 NORTH: SF2, SINGLE AND TWO FAMILY RESIDENTIAL  
 SOUTH: SFT, SINGLE AND TWO FAMILY RESIDENTIAL  
 EAST: GB, GENERAL BUSINESS  
 WEST: LB, LOCAL BUSINESS  
 PROPOSED LAND USE = RETAIL STORE
- SETBACKS**  
 FRONT = 5' / 20' (MIN / MAX)  
 SIDES = 5'  
 REAR = 10'  
 PARKING = 20' (FRONT ONLY)
- PARKING:**  
 REQUIRED = (8.5) PARKING SPACES PER (1000) SF GFA.  
 (3.5 x 9,100 SF / 1000 SF) = 32  
 PROVIDED = STANDARD 9'x20' SPACES = 30  
 BARRIER FREE SPACES = 2  
 TOTAL PROVIDED = 32
- BUILDING:**  
 PROPOSED BUILDING HEIGHT: 18' (SINGLE-STORY)  
 MAXIMUM HEIGHT PERMITTED: 40'  
 MINIMUM FRONT FACADE HEIGHT: 22'\*  
 PROPOSED BUILDING FOOTPRINT: 9,100 SFT  
 MAXIMUM GROSS FLOOR AREA PERMITTED: 8,000 SFT\*  
 PROPOSED TOTAL BLDG COVERAGE: 8.6%  
 PROPOSED REZONE BLDG COVERAGE: 10.8%  
 \*VARIANCES REQUIRED
- LANDSCAPING:**  
 COMPLY WITH CURRENT STANDARDS OF SECTION 21-07.01 OF THE  
 CITY OF SOUTH BEND ZONING ORDINANCE
- STORM WATER DETENTION:**  
 COMPLY WITH CITY OF SOUTH BEND REQUIREMENTS.



**DOLLAR GENERAL**

REV	DATE	DESCRIPTION

**DOLLAR GENERAL**  
LINCOLN WAY  
SOUTH BEND, IN

PROJECT NO.	2017034.01
DATE	JAN 18 2017
CONTRACTOR	KAREEMAH FOWLER
RECORD	CITY CLERK SOUTH BEND, IN
MARK	
COL	



**KEYED NOTES**

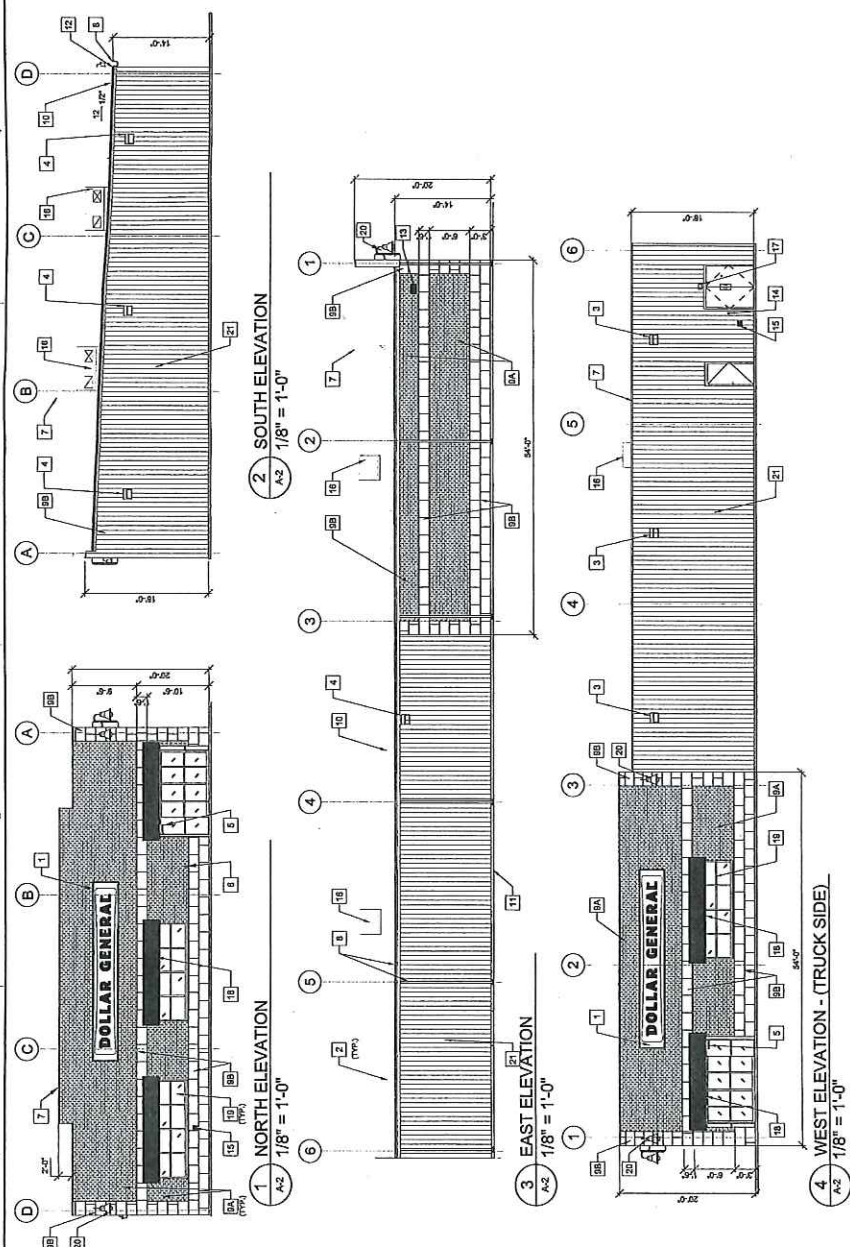
1. SIGN PUBLISHED AND INSTALLED BY DOLLAR GENERAL, CORP. CENTERED ON FRONT OF BUILDING. CONTRACTOR IS TO PROVIDE ADEQUATE BLOCKING AS REQUIRED BY SIGN MANUFACTURER. EXTERIOR CANOPY SIGN SHALL BE SUPPORTED BY THE FACE OF THE CANOPY. COORDINATE THE PROPER SIGNAGE TO BE USED WITH DOLLAR GENERAL.
2. PRE-ENGINEERED METAL BUILDING ICE GUARD FULL LENGTH.
3. WALL PACK 16'-0" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
4. WALL PACK 12'-0" A.F.F. TO TOP OF WALL PACK. (REQUIRED) REFER TO ELECTRICAL DRAWING E-2 FOR ADDITIONAL INFORMATION.
5. ADDRESS NUMBER ABOVE DOOR. MINIMUM HEIGHT FOR ADDRESS NUMBERS TO BE 6".
6. RECEIPTABLE REFER TO ELECTRICAL DRAWING ET FOR ADDITIONAL INFORMATION.
7. TRIM - SEE SHEET E-3 FOR COLOR.
8. GUTTER AND DOWNSPOUT - SEE SHEET E-3 FOR COLOR. SEE ELECTRICAL DRAWING E-2 FOR ADDITIONAL INFORMATION. GUTTER BLOCKS WHERE NO SIDEWALK IS PROPOSED.
9. NICHHA - FLYING SOUTH BRICK COLOR: CRIMSON.
10. NICHHA - SANDSTONE II. COLOR: AUTUMN BROWN.
11. STANDING SEAM METAL ROOF: GALVALUME FINISH.
12. FINISH GRADE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 8" BELOW FINISHED FLOOR AT ALL NON PAVED AREAS.
13. MINIMUM EAVE HEIGHT IS 14'-0" A.F.F.
14. VENT FOR BATHROOM EXHAUST. REFER TO MECHANICAL DRAWING M-1 FOR ADDITIONAL INFORMATION.
15. REFER TO ELECTRICAL DRAWING E-1 FOR ADDITIONAL INFORMATION.
16. WALL HYDRANT. REFER TO PLUMBING DRAWING P-1 FOR ADDITIONAL INFORMATION.
17. ROOFTOP HVAC UNITS. FOUR REQUIRED. SEE MECHANICAL SHEET M-1 FOR MORE INFORMATION.
18. OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIVING DOORS @ 8'-0" A.F.F.
19. METAL AWNING BY GENERAL CONTRACTOR. COLOR: BROWN.
20. 14'-0" W x 6'-0" T FOWIN BRAND FAIR GLAZING WINDOWS. FRAME COLOR: DARK BRONZE.
21. DECORATIVE GOOSENECK LIGHTS @ 14'-0" A.F.F. TO BOTTOM. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
22. PRE-FINISHED METAL WALL PANELS BY PERMS. COLOR: LIGHT STONE.

**GENERAL NOTES**

1. G.C. TO CAULK AND SEAL ALL PENETRATIONS.
2. G.C. TO CAULK ALL DISSIMILAR ITEMS AND GAPS.
3. ADDRESS NUMBERS TO BE SHOWN ABOVE MAIN DOOR.
4. G.C. TO INSTALL WALK EXTERIOR LOCAL JURISDICTIONAL REQUIREMENTS. SURFACE OR FLUSH MOUNT.

**FILED IN CLERK'S OFFICE**  
JAN 18 2017  
KAREEMAH FOWLER  
CITY CLERK SOUTH BEND, IN

AR# 2806-16  
1-17-17 APN



EXTERIOR FINISHES	PRE-ENGINEERED METAL BUILDING SYSTEM		STATE BUILDING SYSTEMS		METAL BUILDING SYSTEMS		PRE-ENGINEERED METAL BUILDING SYSTEMS		METAL BUILDING SYSTEMS	
	UPPER PORTION AT THE BUILDING	LOWER PORTION AT THE BUILDING	UPPER PORTION AT THE BUILDING	LOWER PORTION AT THE BUILDING	UPPER PORTION AT THE BUILDING	LOWER PORTION AT THE BUILDING	UPPER PORTION AT THE BUILDING	LOWER PORTION AT THE BUILDING	UPPER PORTION AT THE BUILDING	LOWER PORTION AT THE BUILDING
DOWN SPOUTS										
EDGE AND SEAM METAL WALL PANELS & TRIM (OPTIONAL) TO BE PAINTED.										
NICHHA PANELS. MONOTECH IS SHEET A2 AND ACTIVATOR CAN ON SHEET A3. PANELS TO BE ON SHEET A3.										
PLATE METAL DOOR AT STOREFRONT										
BUILDING PERMIT WALL AND CANOPY										
STANDING SEAM METAL ROOF PANELS										
ICE GUARD										

**PRE-ENGINEERED METAL BUILDING NOTES**

1. THE PREMANUFACTURED METAL BUILDING STRUCTURE, CONCRETE FOUNDATION, AND ROOF SHALL BE PROVIDED BY THE CONTRACTOR. ALL MATERIALS, FINISHES, AND COMPONENTS SHALL BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
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**EXTERIOR FINISHES**

UPPER PORTION AT THE BUILDING

LOWER PORTION AT THE BUILDING

STATE BUILDING SYSTEMS

METAL BUILDING SYSTEMS

PRE-ENGINEERED METAL BUILDING SYSTEMS

**NOTES:**

1. REFER TO SHEET F-1 FOR ADDITIONAL INFORMATION ON RECOMMENDED NATIONAL ACCOUNT.
2. NATIONAL ACCOUNT AND CONTACT INFORMATION SUBJECT TO CHANGE.

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3720 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Construct a retail store.

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

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWN 37 NORTH, RANGE 2 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS: BEGINNING AT THE FOUND RIGHT-OF-WAY MONUMENT AND THE NORTHEAST CORNER OF LOT 4 OF ROCKSTROH'S SURVEY, ST. JOSEPH COUNTY RECORDS, INDIANA; THENCE S 00°20'40" W A DISTANCE OF 328.69 FEET TO A POINT; THENCE S 89°37'05" W A DISTANCE OF 222.30 FEET TO AN IRON FOUND WITH '910004' CAP; THENCE N 00°21'06" W A DISTANCE OF 422.14 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF LINCOLNWAY WEST; THENCE S 67°55'57" E A DISTANCE OF 244.80 FEET TO THE NORTHEAST CORNER OF LOT 4 OF ROCKSTROH'S SURVEY, ST. JOESPH COUNTY RECORDS, INDIANA AND TO THE POINT OF BEGINNING. CONTAINS 84,291.2 SQUARE FEET OR 1.935 ACRES.

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

SECTION II.

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

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

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

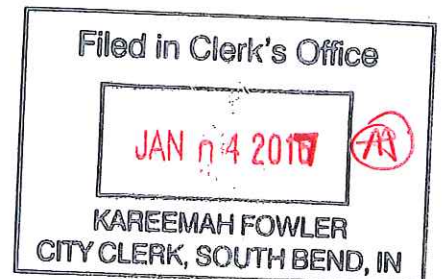
Presented by me to the Mayor of the City of South Bend, Indiana on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

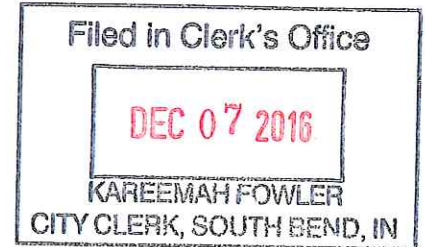
1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED



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:  
*3720 Lincoln Way West  
South Bend, IN 46628*
- 2) The property Tax Key Number(s) is/are: *71-08-04-201-003.000-026 & 71-08-04-201.002.000-026*
- 3) Legal Descriptions: *See Attached*
- 4) Total Site Area: *1.9 acres*
- 5) Name and address of property owner(s) of the petition site:  
*Geno L and Josephine A Benassi  
2512 Marshall Drive  
Mishawaka, IN 46544*



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

- 6) Name and address of contingent purchaser(s), if applicable:  
*Zaremba Group, LLC  
14600 Detroit Avenue  
Cleveland, OH 44107  
216-221-6600  
JWojtila@zarembagroup.com*

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

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

From: *SF-1, Single Family Two Family District*

To: *MU Mixed Use District*

- 8) This rezoning is requested to allow the following use(s): *General retail store*

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

1) *(1) Reduction of the minimum front façade height from 22-ft to 18-ft, and (2) an increase in maximum gross floor area from 8,000 SF to 9,100 SF. (Section 21-03.02 MU Mixed Use District, (4), Building Height (A) and (B), page 6)*

- 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 front façade height and maximum gross floor area requirements are irrelevant in regards to public safety and general welfare, therefore the reduction of the façade height and increase in maximum floor area requirement poses no threat to these aspects of the community. Furthermore, granting the two variances will benefit the public by providing public goods and employment opportunities to the local 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: *The adjacent properties to the west and east are commercial uses, and to the north are commercial and residential uses, therefore, the proposed general retail business conforms to this area of mixed uses and will not affect the adjacent uses and values in a negative manner.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *The proposed general retail building are standard prototypes that allow the store to operate as intended and would create hardship on the owner and the customer if the variances were not granted.*

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:

*AR Engineering, LLC - Whitney L. Briggs  
4664 Campus Drive, Suite 106  
Kalamazoo, MI 49008  
269-830-1311  
Whitney@ARengineeringllc.com*

*Zaremba Group, LLC - John Wojtila, P.E.  
14600 Detroit Ave., Suite 1500  
Cleveland, OH 44107  
216-226-5160  
JWojtila@zarembagroup.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):

*Richard C Benassi PR*  
*OF ESTATE OF GENO Benassi*  
*FOR GENO & JOAN Benassi*  
*DECEASED 8-2-1990*





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) 255-9571

Filed in Clerk's Office  
JAN 18 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

Wednesday, January 18, 2017

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

RE: A public hearing on a proposed ordinance of Waggoners Dairy Farms, Inc. to zone from PUD Planned Unit Development District to LI Light Industrial District, property located at a 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway, City of South Bend - APC# 2807-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Waggoners Dairy Farms, Inc. was legally advertised on January 5, 2017 and that the Area Plan Commission at its public hearing on January 17, 2017 took the following action:

Upon a motion by Oliver Davis, being seconded by Steve Vojtko and carried, a proposed ordinance of Waggoners Dairy Farms, Inc. to zone from PUD Planned Unit Development District to LI Light Industrial District, property located at a 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway, City of South Bend, is sent to the Common Council with a NO RECOMMENDATION.

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: Waggoners Dairy Farms, Inc.  
GLC Portage Prairie III, LLC  
Abonmarche Consultants, LLC



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

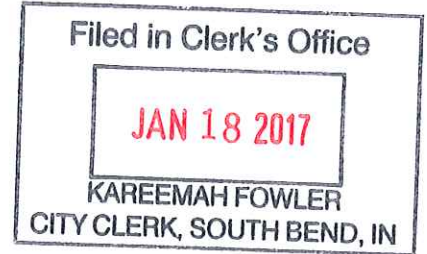
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

January 18, 2017

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



RE: Bill # 78-16  
Rezoning: APC#2807-16 – An 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway.

Dear Council Members:

The Area Plan Commission held a public hearing on January 18, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 23, 2017.

**Public Hearing Summary:**

There was 1 person that spoke in favor of the petition stating that development would retain a local business and add new jobs to the area.

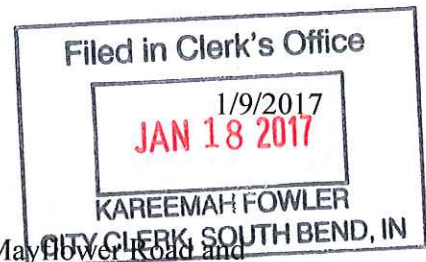
There were 6 people that spoke in opposition to the project. Their concerns included the affect on use and value of their properties, change in character of the area, traffic, lighting, encroaching on residential and natural features in the area, increased trash or litter on the roadways, and changes from the mixed use uses originally proposed.

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



**Staff Report**

APC # 2807-16  
Owner: Waggoners Dairy Farms, Inc.  
Location: A 119.89 acre tract of land near the corner of Mayflower Road and Adams Road abutting the St. Joseph Valley Parkway  
Jurisdiction: City of South Bend  
Public Hearing Date: 1/17/2017

**Requested Action:**

The petitioner is requesting a zone change from PUD Planned Unit Development District to LI Light Industrial District and seeking 5 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a farm field.
- North: To the north is a farm field located in the State of Michigan.
- East: To the east are single family homes zoned R: Single Family (County).
- South: To the south across Adams Road is the Ameriplex at 80/90 Industrial Park zoned PUD Planned Unit Development
- West: To the west across St. Joseph Valley Parkway is a farm field zoned PUD Planned Unit Development (City) and R: Single Family District (County)

**District Uses and Development Standards:**

The LI Light Industrial District is established to provide for development of office/warehouse, warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts.

**Site Plan Description:**

The entire area to be rezoned is 119 acres. The proposed site plan for Lot A includes a 315,000 square foot industrial facility with associated parking and loading docks. The plan allows for future expansion to the north.

**Zoning and Land Use History And Trends:**

The site was zoned to PUD Planned Unit Development in 2005. This quadrant of the development allowed for a hotel and restaurant park (CB uses and standards); and a research and development park or "opportunity site" (O or LI uses and standards). At the time, the PUD District included a time frame under which secondary approval must be granted. That timeline was never met, so the PUD expired.

**Traffic and Transportation Considerations:**

Adams Road and Mayflower Road have two lanes.

**Utilities:**

The site will be served by municipal water and sewer.

With proper screening and by limiting the potential negative impact of increased traffic, surrounding property values should not be adversely impacted.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow for the development of this site consistent with previous approvals and recent market demands.

**Combined Public Hearing**

This is a combined public hearing procedure, which includes a rezoning and 5 variances from the development standards. The Commission will forward the rezoning to the Council with or without a recommendation and either approve or deny the variances.

**The petitioner is seeking the following variance(s):**

- 1) from the required minimum front residential bufferyard of 50' to 10' for an interior access drive
- 2) to allow a trash container to be located between the front façade of the primary building and the front lot line
- 3) from the required landscaping of required perimeter yards of 1 shade tree every 40' to 1 shade tree every 60'
- 4) from the required foundation landscaping to none on the façade oriented to the Limited Access Highway;
- 5) to allow off-street loading between the front lot line and the front façade

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

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

If access to the site is restricted and all other provisions of the Ordinance are met, the petition should not be injurious to public health, safety, or general welfare.

**(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;**

With the proposed screening and restricted access, the use and value of adjacent properties should not be adversely affected. The proposed use is consistent with the uses that were anticipated when the PUD was first approved for the property in 2005 and with the development standards established for the industrial park to the south.

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

The location of the property with multiple frontages and geometry of the site create a practical difficulties in strict application of the Ordinance.

**Staff Comments:**

Mayflower Road is not currently equipped to handle large volumes of vehicular or truck traffic. In order to encourage and limit truck traffic to use Dylan Drive, limiting access to Mayflower is encouraged at this time. Depending on how the balance of the site develops,

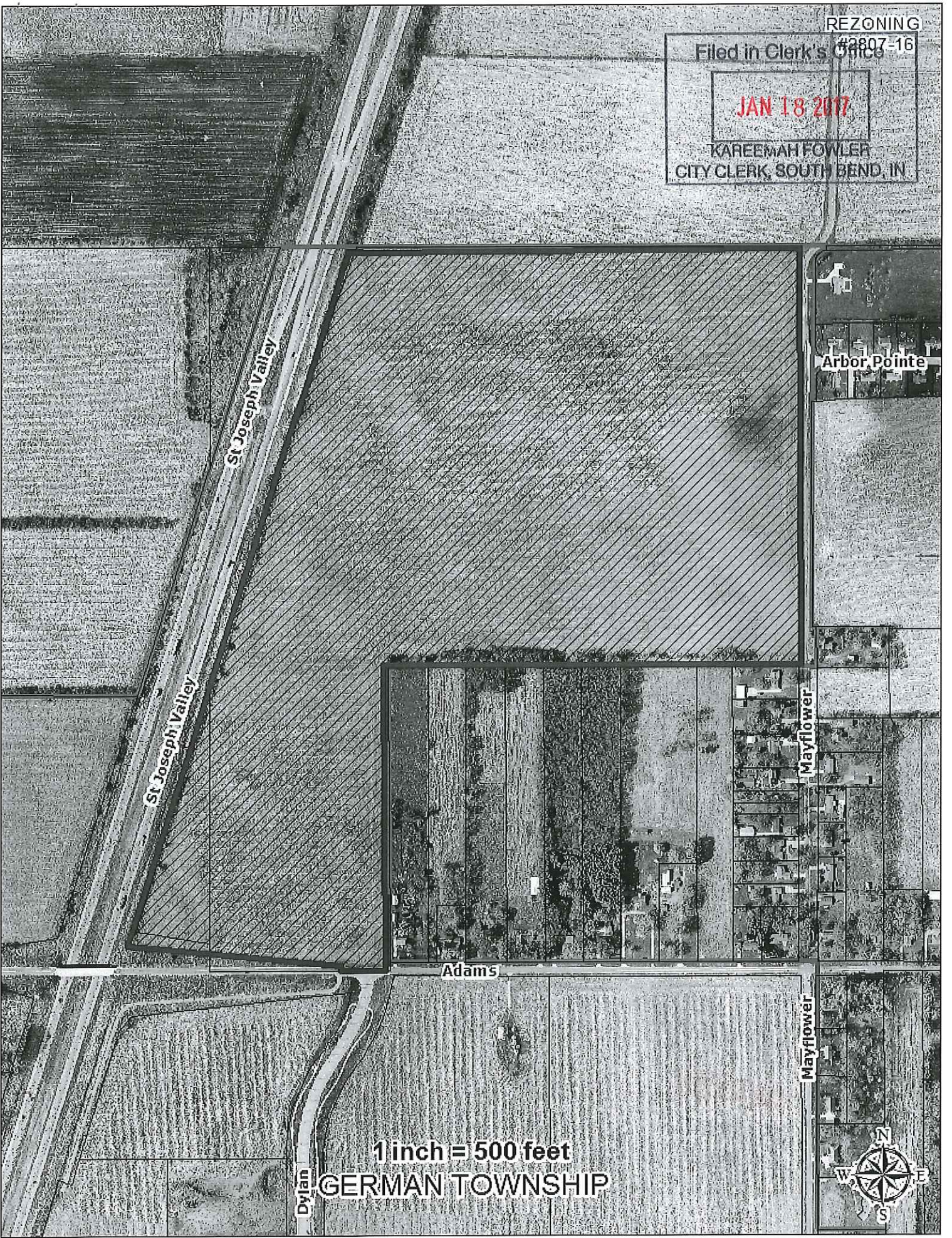
REZONING

#2807-16

Filed in Clerk's Office

JAN 18 2017

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



Arbor Pointe

Mayflower

Adams

Mayflower

Dylan

1 inch = 500 feet

GERMAN TOWNSHIP





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

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

STATEMENT OF PURPOSE AND INTENT

Construct an industrial building.

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

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

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

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

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

SAID DESCRIBED TRACT CONTAINING 118.953 ACRES, MORE OR LESS;

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

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

SECTION II.

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

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

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk



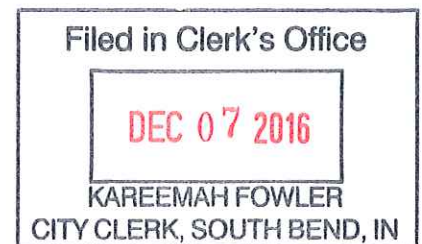
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

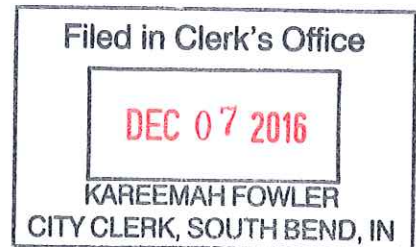
1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
DEFERRED  
RESID



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:  
*50929 Orange Road and 50501 Mayflower Road  
South Bend, IN 46628*
- 2) The property Tax Key Number(s) is/are: *025-1001-0008 and 025-1002-001301*
- 3) Legal Descriptions: *See Attached.*
- 4) Total Site Area: *119.0 Acres +/-*
- 5) Name and address of property owner(s) of the petition site:  
*Waggoners Dairy Farm, Inc. (c/o Martha Norquist)  
52129 SR 933  
South Bend, IN 46637  
Tel: (574) 277-2341  
marthanorquist@icloud.com*



Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*GLC Portage Prairie III, LLC  
112 West Jefferson Boulevard  
South Bend, IN 46601  
Tel: (574) 855-5700  
jsmoke@greatlakescapital.com*

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

- 7) It is desired and requested that this property be rezoned:  
From: **PUD Planned Unit Development District**      Additional zoning district, if applicable  
To:    **LI Light Industrial District**

- 8) This rezoning is requested to allow the following use(s): *Light Manufacturing and Assembly with Office*

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

1) *Section 21-04.11(a)(3)(C) - Relief to allow trash containers to be located between the front façade of the primary building and the front lot line, whereas this Section prohibits same.*

*Section 21-04.01(b)(3)(D) - Relief to allow an interior access drive to traverse a Side Residential Bufferyard, whereas this Section allows only landscaping.*

*Section 21-07.01(b) (1)(A) & (B) - Relief to provide a spacing of one (1) deciduous shade tree every 60' and one (1) deciduous ornamental tree every 60' in portions of a front yard along a Limited Access Highway, whereas one (1) tree every 40' is required, to allow visibility of building-mounted signage.*

*Section 21-07.01(c)(1)(B) - Relief to provide no foundation landscaping on those portions of the building oriented toward the front yard abutting a Limited Access Highway, whereas this Section requires foundation landscaping to be continuous.*

*Section 21-07.05(c)(2)& (3) - Relief to allow loading spaces in the front yard, whereas loading is not permitted in the front yard.*

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:

*Section 21-04.11(a)(3)(C) - Although in a front yard, trash containers will all have lids and be screened on three sides by a wall or fence compatible with building materials and on the fourth side by a gate which will keep trash free from rodents and other animals and birds attracted to trash and which will ensure safety.*

*Section 21-07.01(b) (1)(A) & (B)- Signage is to be building-mounted, hence set back over 400' from the travel lanes of the highway, thus not distracting to motorists.*

*Section Section 21-07.01(b)(2)- Providing a single row, instead of a double row, will keep tree limbs from extending into traveled way of the interior access drive, thus adding to public safety.*

*Section 21-07.01(c)(1)(B) - There is neither a benefit nor harm to public health, safety, or morals if relief is granted from this Section.*

*Section 21-07.05(c)(2)& (3) - There is neither a benefit nor harm to public health, safety, or morals if relief is granted from this Section.*

*Section 21-07.05(c)(2)& (3)- View of the truck loading doors will be effectively screened with new landscaping on the Owner's property along the limited access highway.*

(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 proposed use is consistent with uses that were anticipated when a PUD was first approved for the subject property in 2005. The view of the building-mounted signage, trash containers, and loading docks will be effectively screened and set back well beyond minimum yard requirements, thus allowing for development of adjacent properties to proceed as zoned and property values to be otherwise unaffected by the development of the subject property.*

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Because the subject property is situated on a corner lot (defined by St. Joseph Valley Parkway and Adams Road on the west and south, respectively), there is no "rear yard" by definition, only "side yards". One of the two side yards is adjacent to residential property. The other side yard, due to site geometry, is the lot line with the shortest dimension. The combination of these factors contribute to the need for some relief from strict application of certain, but not all requirements. Those requirements for which relief is sought are being mitigated by landscaping, by building orientation, and by building placement on 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:

*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. (c/o Brian McMorrow)  
750 Lincoln Way East  
South Bend, IN 46601  
Tel: (574) 314-1022  
bmcorrow@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):

*Waggoner Dairy Farms*  
*Walter Waggoner Waggoner V.P.*  
*Ellen Waggoner Ryberg V.P.*

Filed in Clerk's Office

DEC 07 2016

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

LEGAL DESCRIPTION:

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 8, SAID CORNER BEING MARKED BY A HARRISON MONUMENT; THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS EAST, ALONG THE SOUTH LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8, A DISTANCE OF 607.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 56 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE NORTH RIGHT OF WAY OF ADAMS ROAD AND SAID EASTERN LIMITED ACCESS RIGHT OF WAY; THENCE THE NEXT FOUR (4) CALLS ALONG SAID LIMITED ACCESS RIGHT OF WAY LINES: 1) NORTH 84 DEGREES 29 MINUTES 04 SECONDS WEST, A DISTANCE OF 930.31 FEET, 2) NORTH 17 DEGREES 36 MINUTES 26 SECONDS EAST, A DISTANCE OF 2399.45 FEET, 3) NORTH 20 DEGREES 28 MINUTES 11 SECONDS EAST, A DISTANCE OF 100.12 FEET, 4) NORTH 17 DEGREES 09 MINUTES 22 SECONDS EAST, A DISTANCE OF 633.91 FEET TO THE NORTH LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8 AND THE MONUMENTED INDIANA STATE LINE; THENCE NORTH 89 DEGREES 31 MINUTES 15 SECOND EAST, ALONG SAID NORTH LINE A DISTANCE OF 1959.26 FEET TO THE NORTH QUARTER CORNER OF SAID FRACTIONAL SECTION 8; THENCE SOUTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, ALONG THE EAST LINE OF SAID WEST HALF OF FRACTIONAL SECTION 8, A DISTANCE OF 1795.25 FEET TO THE NORTHEAST CORNER OF CHEROKEE GARDENS AND WAGNER'S REPLAT OF CHEROKEE GARDENS RECORDED IN PLAT BOOK C, PAGE 2, AND PLAT BOOK 24, PAGE W, RESPECTIVELY, SAID CORNER LYING NORTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, A DISTANCE OF 1320.00 FEET FROM THE SOUTH QUARTER OF SAID FRACTIONAL SECTION 8, SAID SOUTH QUARTER CORNER BEING MARKED BY A RAILROAD SPIKE; THENCE NORTH 89 DEGREES 55 MINUTES 05 SECONDS WEST, ALONG THE RESPECTIVE NORTH LINES OF SAID WAGNER'S REPLAT AND CHEROKEE GARDENS, A DISTANCE OF 1806.60 FEET TO THE NORTHWEST CORNER OF

SAID CHEROKEE GARDENS; THENCE SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, ALONG THE WEST LINE OF SAID CHEROKEE GARDENS, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF SAID FRACTIONAL SECTION 8; THENCE NORTH 89 DEGREES 55 MINUTES 03 SECONDS WEST, A DISTANCE OF 191.36 FEET TO THE POINT OF BEGINNING;

SAID DESCRIBED TRACT CONTAINING 118.953 ACRES, MORE OR LESS;

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

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**

December 22, 2016

Filed in Clerk's Office

JAN 18 2017

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

Brandon Anderson  
The History Museum  
808 W Washington  
South Bend, IN 46601

RE: Alley Vacation – E/W Portion of Jefferson, North of Thomas St., South of Washington, East of Laurel (Preliminary Review)

Dear Mr. Anderson:

The Board of Public Works, at its December 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, per IC 36-7-3-13, 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 this vacation would create a dead-end north/south alley and limit access to the vacant lot at 915 Jefferson Blvd.

Therefore, the Board of Public Works submitted a favorable 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

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

Filed in Clerk's Office

JAN 18 2017

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

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

DATE: 1/5/2017

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

A. THE ALLEY DESCRIBED AS:

E/W PORTION OF JEFFERSON, NORTH OF THOMAS ST.,  
SOUTH OF WASHINGTON, EAST OF LAUREL

B. THE STREET DESCRIBED AS:

\_\_\_\_\_  
\_\_\_\_\_

NAME (signed & printed)

ADDRESS

LOT #



808 W. WASHINGTON ST.

BRANDON J. ANDERSON  
NORTHERN IN. HISTORICAL SOCIETY

S 50'X128' BOL 35, ALL 36 & 37 & 38 EX 55'X123' S PT ALSO LOTS  
13 THR 17 & N1/2 LOTS 18 & 19 & W 40' LOT 10 & LOTS 29 THRU  
& IICL LOT 32 & VAC JEFFERSON BLVD & PT VAC ALLEY &  
ALL BEING PT OF A THOMAS SUB BOL 74 cons 2082 2007

CONTACT PERSON (S)

NAME:

BRANDON J. ANDERSON

ADDRESS:

808 W. WASHINGTON  
SOUTH BEND, IN 46601

PHONE:

574.339.4111

RETURN TO:

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



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

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

*EW ALLEY FROM EAST RIGHT OF WAY OF LAUREL STREET A DISTANCE OF 144 FEET AND WIDTH OF 12 FEET, NORTH OF THOMAS STREET AND SOUTH OF WASHINGTON 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:

*EW ALLEY FROM EAST RIGHT OF WAY OF LAUREL STREET A DISTANCE OF 144 FEET AND WIDTH OF 12 FEET, NORTH OF THOMAS STREET AND SOUTH OF WASHINGTON STREET*

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:

018-3054-2091  
018-3054-2092  
018-3054-2085  
018-3054-2085

Section IV. The purpose of the vacation of the real property is *for the Northern Indiana Historical Society, Inc. to ultimately assemble land to move a historic building to the site and to interpret its history for the benefit of the public.*

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:*

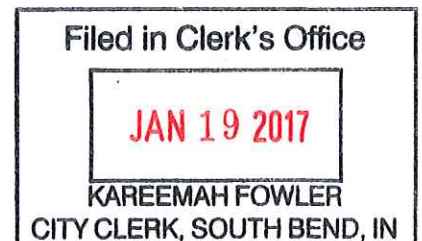
\_\_\_\_\_  
Kareemah N. Fowler, City Clerk  
Office of the City Clerk

*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



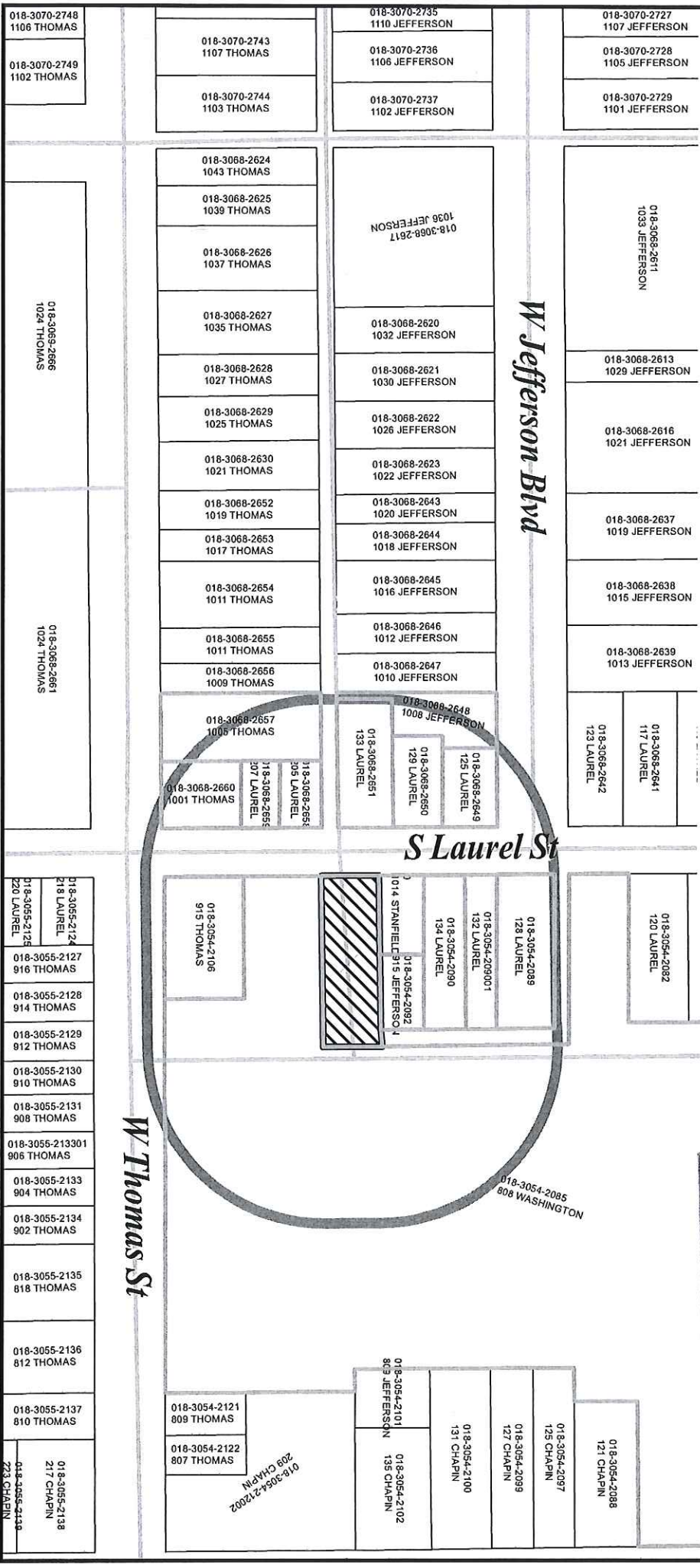
PARCEL ID	PROP. ADDR	LEGALDESCR	MAP E 1	MALINGSAD	MALINGSCT	MALINGZIP
018-3068-2660	1001 THOMAS	Lot 19 705' End, Wall & Hines Cr Bol 90				
018-3068-2657	1005 THOMAS	Lot 18 Wall & Hines Sub Cr Bol 90				
018-3068-2648	1008 JEFFERSON	49 Ft N End Ex & 27 Ft E Side Lot 11 & 39.2 Ft				
018-3068-2649	1014 STANFIELD					
018-3054-2089	125 LAUREL	827 Ft E Side 49 Ft N End Lot 11 & 49 Ft N E				
018-3068-2650	128 LAUREL	Lot 33 A Thomas Sub Cr N R Bol 74				
018-3054-2090	129 LAUREL	40 Ft Md R Ex 39.2 Ft W Side Lot 11 & 40 Ft M				
018-3068-2651	132 LAUREL	N 1/2 Lot 34 A Thomas Sub Cr N Part Cr Bol 7				
018-3054-2092	133 LAUREL	49.6 Ft S End Lot 10 & 49.6 Ft E S R W Side				
018-3068-2658	134 LAUREL	S 1/2 Lot 34 & 3.9 Ft X 70 Ft N W R Lot 35 Am				
018-3068-2659	205 LAUREL	Lot 19 Ex S 102 Ft Wall & Hines Sub Cr Bol 90				
018-3054-2085	207 LAUREL	Lot 19 32 Ft Md R Wall & Hines Sub Cr Bol 90				
018-3054-2092	915 JEFFERSON	S 50' X 128' BOL 35, ALL 36 837 & 38 EX 55' X 1				
018-3054-2106	915 THOMAS	S 1/2 W 3/4 Lot 18 & S 1/2 Lot 19 A Thomas				
		GRAHAM, LINDA				
		53940 Marshall Cr E				
		South Bend				
		46528				
		018-3068-2613				
		1029 JEFFERSON				
		018-3068-2616				
		1021 JEFFERSON				
		018-3068-2637				
		1019 JEFFERSON				
		018-3068-2638				
		1015 JEFFERSON				
		018-3068-2639				
		1013 JEFFERSON				
		018-3068-2641				
		117 LAUREL				
		018-3068-2642				
		123 LAUREL				
		018-3068-2648				
		1008 JEFFERSON				
		018-3068-2649				
		125 LAUREL				
		018-3068-2650				
		125 LAUREL				
		018-3068-2651				
		133 LAUREL				
		018-3068-2654				
		1008 JEFFERSON				
		018-3054-2089				
		128 LAUREL				
		018-3054-2090				
		134 LAUREL				
		018-3054-2092				
		1014 STANFIELD 915 JEFFERSON				
		018-3054-2100				
		131 CHAPIN				
		018-3054-2102				
		135 CHAPIN				
		018-3054-2097				
		125 CHAPIN				
		018-3054-2099				
		127 CHAPIN				
		018-3054-2101				
		809 JEFFERSON				
		018-3054-2102				
		135 CHAPIN				
		018-3054-2088				
		121 CHAPIN				

Filed in Clerk's Office  
**JAN 18 2017**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

*W Jefferson Blvd*

*S Laurel St*

*W Thomas St*



**Legend**

- Vacated Area
- Buffer (150')
- Street Centerline
- Parcel

Date Prepared: 12/8/2016

City of South Bend  
 Dept. of Public Works  
 227 W Jefferson Blvd. #1316  
 South Bend, IN 46601  
 Phone: (574) 235-9251  
 Fax: (574) 235-9171

**Alley Vacation Properties within 150'**

DESCRIPTION:  
 EW Alley Adjacent West of Parcel: 018-3054-2085

APPLICANT Parcel ID: 018-3054-2085



RESOLUTION NO. \_\_\_\_\_

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

**23464 Adams Road, South Bend, IN 46628**

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

**GLC SBDC II, LLC**

---

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

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

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

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

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

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

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

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

South Bend, Indiana, as follows:

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

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

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

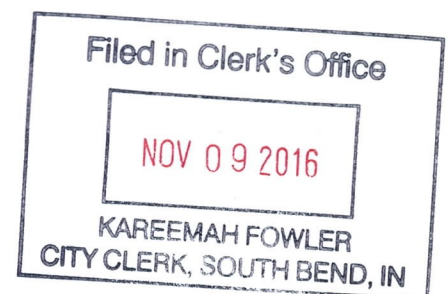
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Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED





# City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd  
South Bend, Indiana 46601-1830

(574) 235-9321  
Fax (574) 235-9173  
TDD: (574) 235-5567  
<http://www.southbendin.gov>

Tim Scott  
President

February 6, 2017

Oliver Davis  
Vice-President

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

Gavin Ferlic  
Chairperson, Committee  
of the Whole

Tim Scott  
First District

Re: Proposed ordinance to amend the text of Section 21-03.06(b) (4) of  
the South Bend Zoning Ordinance

Regina Williams Preston  
Second District

Dear Ms. Fowler:

Randy Kelly  
Third District

On Friday February 3, 2017 I along with Council members Oliver J. Davis and Gavin Ferlic submitted for filing and inclusion on the South Bend Common Council's agenda for its February 13th regular meeting a proposed ordinance amending Section 21-03.06(b) (4) of the South Bend Zoning Ordinance to increase the maximum building height permitted in the area of the City lying between the St. Joseph River and the East Race Waterway. This proposed ordinance followed the Common Council's adoption of Resolution No. 4615-17 on January 9, 2017, expressing its support for the Commerce Center project and its intent "to consider reasonable alterations to the . . . Zoning Ordinance concerning building height limitations so as to promote development in the City and to protect the public interest."

Jo M. Broden  
Fourth District

David Varner  
Fifth District

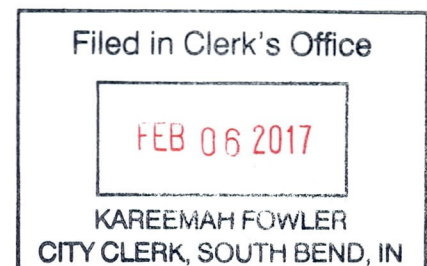
Oliver Davis  
Sixth District

Gavin Ferlic  
At Large

A slightly revised version of that same ordinance is attached in which the title has been changed to reflect that this ordinance is initiated by the Common Council consistent with the titles in similar ordinances amending the South Bend Zoning Ordinance, and also identifying the newly added subpart. Also revised slightly is the Statement of Purpose and Intent to refer to the date of adoption of the most recent version of South Bend's Zoning Ordinance. In all other ways the ordinance is identical to the original

John Voorde  
At Large

Karen White  
At Large





Kareemah Fowler  
Page -2-  
February 6, 2017

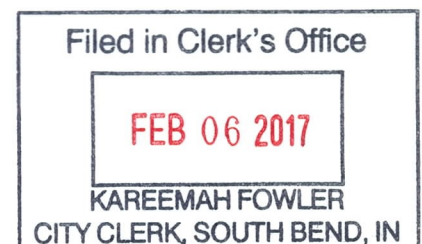
We, as well as representatives of the City administration, will be present at the Committee and Council meetings to support this proposed, revised ordinance.

Thank you for your assistance.

Sincerely,

Tim Scott  
  
Oliver J. Davis  


Gavin Ferlic

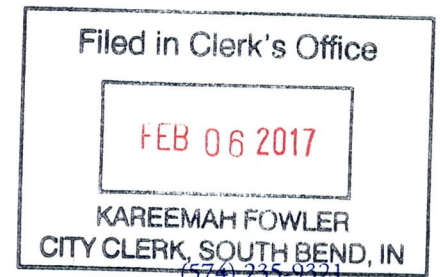






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Tim Scott  
President

February 6, 2017

Oliver Davis  
Vice-President

Larry Magliozzi  
Executive Director, Area Plan Commission of St. Joseph County  
227 W. Jefferson Blvd.  
County-City Building, Suite 1140  
South Bend, Indiana 46601

Gavin Ferlic  
Chairperson, Committee  
of the Whole

Re: Submission of proposal to amend the text of Section 21-03.06(b) (4)  
of the South Bend Zoning Ordinance—Revised version

Tim Scott  
First District

Dear Mr. Magliozzi:

Regina Williams Preston  
Second District

As you know, the South Bend Common Council adopted Resolution No. 4615-17 on January 9, 2017, expressing its support for the Commerce Center project and its intent “to consider reasonable alterations to the . . . Zoning Ordinance concerning building height limitations so as to promote development in the City and to protect the public interest.”

Randy Kelly  
Third District

Jo M. Broden  
Fourth District

On February 3, 2017 I and Council members Davis and Ferlic filed with the City Clerk’s office a proposed ordinance modifying the building height limitations stated in Section 21-03.06(b)(4) of the South Bend Zoning Ordinance. A copy of that ordinance bearing the City Clerk’s file stamp was delivered to you that date with the expectation that at its next regular meeting, on February 13, 2017, the Common Council will follow its ordinary practice and refer this proposal to the Area Plan Commission for its consideration and recommendation as provided by law. You were requested to furnish proper notices on behalf of the Area Plan Commission no later than Friday, February 10, 2017, so that the Area Plan Commission may conduct the required public hearing on the proposed ordinance at its regular meeting scheduled for February 21, 2017.

David Varner  
Fifth District

Oliver Davis  
Sixth District

Gavin Ferlic  
At Large

John Voorde  
At Large

Please accept the enclosed slightly revised version of the original ordinance for purposes of notice. The changes are solely in the title to reflect that this is a Council initiated ordinance and to identify the new subsection, and in the Statement of Purpose and Intent to refer to the original zoning ordinance. In all other ways the enclosed version is identical to the original.


Karen White  
At Large

As previously requested, please provide proper notice of this revised ordinance for hearing by the Area Plan Commission on February 21, 2017.

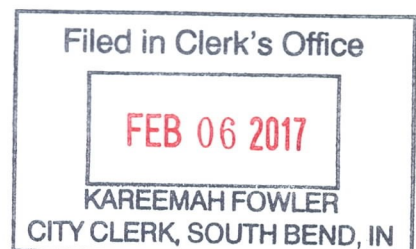
Larry Magliozzi  
Page 2  
February 6, 2017

Again, I sincerely appreciate your cooperation and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Scott", written over the word "Sincerely,".

Tim Scott  
President  
South Bend Common Council



Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_-17

**AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF  
SOUTH BEND, INDIANA, AMENDING CHAPTER 21, ARTICLE 3, SECTION 21-03  
OF THE SOUTH BEND MUNICIPAL CODE BY ADDING A NEW SUB-PART 21-  
03.06(b)(4)(C) TO INCREASE THE MAXIMUM BUILDING HEIGHT PERMITTED IN  
CBD DISTRICTS LOCATED BETWEEN THE ST. JOSEPH RIVER AND THE EAST  
RACE WATERWAY**

**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 that ordinance, the downtown area of the City of South Bend is experiencing a revitalization on a scale not seen in nearly four decades. The Common Council of the City of South Bend wishes to accommodate and encourage that growth in areas where infrastructure is already in place and able to support shovel-ready development. The Common Council finds that, due to its character and proximity, the “island” of land situated within the corporate boundaries of the City and bounded by the St. Joseph River and the East Race Waterway is a logical extension of downtown South Bend. This area’s natural amenities make it an incredibly attractive place for investments in higher-density development and place-making. Accordingly, the Common Council finds that increased development opportunities in the “island” area will promote and enhance the general welfare of the City and has determined that it is appropriate and necessary to enable such development opportunities by increasing the maximum building height permitted in the “island” area.

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

Section I. Chapter 21, Article 3, Section 21-03.06(b) (4) of the South Bend Municipal Code is amended to read as follows:

(4) *Building Height.*

(A) CBD *Districts* Located West of the St. Joseph River:

- i. Minimum Front Facade Height - in the elevation view from the *street frontage*, twenty-eight (28) feet.
- ii. Maximum *Building Height* - the lesser of one-hundred and fifty (150) feet or twelve (12) stories.

(B) CBD *Districts* Located East of the St. Joseph River, except for CBD *Districts* described in Section 21-03.06(b)(4)(C):

- i. Minimum Front Facade Height - in the elevation view from the street frontage, twenty-two (22) feet.
- ii. Maximum *Building Height* - the lesser of sixty (60) feet or five (5) stories.

(C) CBD Districts located in the area bounded by the St. Joseph River and the East Race Waterway:

- i. Minimum Front Facade Height - in the elevation view from the street frontage, twenty-two (22) feet.
- ii. Maximum Building Height - no greater than one hundred fifty (150) feet.

Section II. This Ordinance shall be in full force and effect upon its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member of the Common Council

ATTEST:

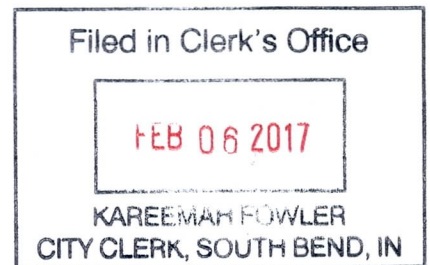
\_\_\_\_\_  
Kareemah Fowler, City Clerk

Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at \_\_\_\_\_ o'clock \_\_ .m.

\_\_\_\_\_  
Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at \_\_\_\_\_ o'clock \_\_. m.

\_\_\_\_\_  
Pete Buttigieg  
Mayor of the City of South Bend, Indiana

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





# City of South Bend Common Council

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South Bend, Indiana 46601-1830

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Tim Scott  
President

February 3, 2017

Oliver Davis  
Vice-President

Kareemah Fowler  
City Clerk

Gavin Ferlic  
Chairperson, Committee  
of the Whole

Office of the City Clerk  
227 W. Jefferson Blvd., Rm. 455  
South Bend, Indiana 46601

Tim Scott  
First District

Re: Proposed ordinance to amend the text of Section 21-03.06(b)(4) of  
the South Bend Zoning Ordinance

Regina Williams Preston  
Second District

Dear Ms. Fowler:

Randy Kelly  
Third District

Enclosed for filing and inclusion on the South Bend Common Council's agenda for its February 13th regular meeting is a proposed ordinance amending Section 21-03.06(b)(4) of the South Bend Zoning Ordinance to increase the maximum building height permitted in the area of the City lying between the St. Joseph River and the East Race Waterway. This proposed ordinance follows the Common Council's adoption of Resolution No. 4615-17 on January 9, 2017, expressing its support for the Commerce Center project and its intent "to consider reasonable alterations to the . . . Zoning Ordinance concerning building height limitations so as to promote development in the City and to protect the public interest."

Jo M. Broden  
Fourth District

David Varner  
Fifth District

Oliver Davis  
Sixth District

Gavin Ferlic  
At Large

We, as well as representatives of the City administration, will be present at the Committee and Council meetings to support this proposed ordinance.

John Voorde  
At Large

Thank you for your assistance.

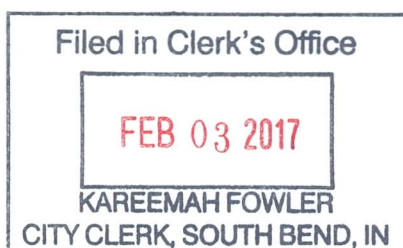
Karen White  
At Large

Sincerely,

Tim Scott

Oliver J. Davis

Gavin Ferlic





# City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd  
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Tim Scott  
President

February 3, 2017

Oliver Davis  
Vice-President

Larry Magliozzi  
Executive Director, Area Plan Commission of St. Joseph County  
227 W. Jefferson Blvd.  
County-City Building, Suite 1140  
South Bend, Indiana 46601

Gavin Ferlic  
Chairperson, Committee  
of the Whole

Re: Submission of proposal to amend the text of Section 21-03.06(b)(4)  
of the South Bend Zoning Ordinance

Tim Scott  
First District

Dear Mr. Magliozzi:

Regina Williams Preston  
Second District

As you may be aware, the South Bend Common Council adopted Resolution No. 4615-17 on January 9, 2017, expressing its support for the Commerce Center project and its intent "to consider reasonable alterations to the . . . Zoning Ordinance concerning building height limitations so as to promote development in the City and to protect the public interest." To begin that process, I have filed with the City Clerk's office a proposed ordinance modifying the building height limitations stated in Section 21-03.06(b)(4) of the South Bend Zoning Ordinance. A copy bearing the City Clerk's file stamp is enclosed for your reference. At its next regular meeting, on February 13, 2017, I expect the Common Council to follow its ordinary practice and refer this proposal to the Area Plan Commission for its consideration and recommendation as provided by law.

Randy Kelly  
Third District

Jo M. Broden  
Fourth District

David Varner  
Fifth District

Oliver Davis  
Sixth District

Please consider receiving this letter and the proposed ordinance enclosed to be your receipt of the proposal for purposes of Ind. Code 36-7-4-607(c) and make the necessary preparations for the Area Plan Commission to hold a public hearing on the proposal. Given that the law does not require the Common Council's referral of the proposed ordinance to the Area Plan Commission to precede your giving of the required notices, I respectfully request that you give the notices promptly, and no later than Friday, February 10, 2017, so that the Area Plan Commission may conduct the required public hearing on the proposed ordinance at its regular meeting scheduled for February 21, 2017, by which time I expect the Common Council will have acted formally to refer the proposal to the Area Plan Commission. I sincerely appreciate your cooperation and assistance.

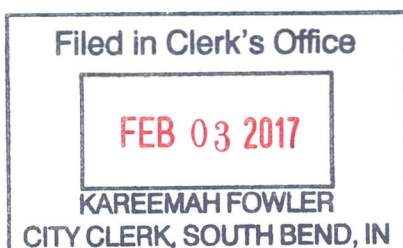
Gavin Ferlic  
At Large

John Voorde  
At Large

Karen White  
At Large

Sincerely,

Tim Scott  
President  
South Bend Common Council





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

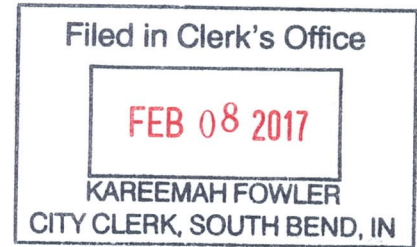
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

February 8, 2017

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



RE: Rezoning for 1237 & 1303 N. Ironwood  
APC#2816-17

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 February 13, 2017 Council meeting, and set it for public hearing at your March 27, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the March 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,

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

Angela M. Smith  
Deputy Director

CC: Adriana Rodriguez





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

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY  
LOCATED AT 1237 & 1303 IRONWOOD DRIVE, COUNCILMANIC DISTRICT NO. 4  
IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The rezoning requested is to allow for residential townhomes.

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:

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: BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF LINE OF IRONWOOD ROAD AT A POINT 640.1 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 6; THENCE CONTINUING SOUTH ALONG SAID WEST LINE A DISTANCE OF 272.10 FT. MORE OR LESS; THENCE WEST A DISTANCE OF 569.63 FT. MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF ROSEMARY LANE; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 181.10 FT. MORE OR LESS; THENCE EAST A DISTANCE OF 202.63 FT. MORE OR LESS; THENCE NORTH A DISTANCE OF 91 FT. MORE OR LESS; THENCE EAST A DISTANCE OF 367.00 FT. MORE OR LESS TO THE POINT OF BEGINNING.  
CONTAINING 3.13 ACRES MORE OR LESS.  
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

be and the same is hereby established as MFI 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

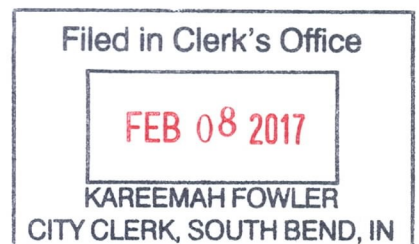
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
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) -, 1237 & 1303 N. Ironwood Drive, South Bend, Indiana 46617.*
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s):018-5151-567501, 018-5151-5674*
- 3) Legal Descriptions: *Enter full legal description: See attached.*
- 4) Total Site Area: *Enter total acres to be rezoned: 3.12 Acres.*
- 5) Name and address of property owner(s) of the petition site:

<i>First Church of Christ, Scientist, South Bend</i>	<i>Raymond &amp; Donnamae Schmidt</i>
<i>1237 N.Ironwood Drive</i>	<i>P.O. Box 6004</i>
<i>South Bend, Indiana 46617</i>	<i>South Bend, Indiana 46660-6004</i>
<i>Ph. No. 574-234-8316</i>	<i>Ph. No.</i>
<i>E-Mail Address N/A</i>	<i>E-Mail Address N/A</i>

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*Patrick Matthews*  
*P.O. Box*  
*South Bend, Indiana 46660-6037*  
*1-317-987-2780*  
*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):

*+ Sherrie G. Wolf Board Member*  
*Jeanie C. Duke MEMBER CHURCH SAC CHAIRMAN*

---



---

- (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):

*Therese R. Veldman*  
*Marianne J. Kehrer*

---



---



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**PROPERTY LEGAL DESCRIPTION:**

A PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA DESCRIBED AS: BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE (VARIABLE WIDTH) OF IRONWOOD DRIVE WHICH LIES 640' SOUTH, AND 41.80 FEET WEST, PLUS-OR-MINUS, OF THE NORTHEAST CORNER OF SAID SECTION 6; THENCE SOUTH (ALL BEARINGS ASSUMED), 272.10 FEET, PLUS-OR-MINUS, ALONG THE WEST RIGHT-OF-WAY LINE OF IRONWOOD DRIVE; THENCE WEST, 569.63 FEET, PLUS-OR-MINUS, ALONG THE SOUTH LOT LINE OF PARCEL NO. 18-5151-5675.01, 569.63 FEET, PLUS-OR-MINUS, TO THE EAST RIGHT-OF-WAY LINE OF ROASEMARY LANE (60' R/W); THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE, 181.10 FEET, PLUS-OR-MINUS TO THE SOUTHWEST CORNER OF PARCEL 18-5151-5674.03; THENCE EAST, 202.63 FEET, PLUS-OR-MINUS; THENCE NORTH, 91.00 FEET, PLUS-OR-MINUS; THENCE EAST, 367.00 FEET, PLUS-OR-MINUS TO THE POINT OF BEGINNING.

CONTAINING 3.13 ACRES MORE OR LESS.

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









LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

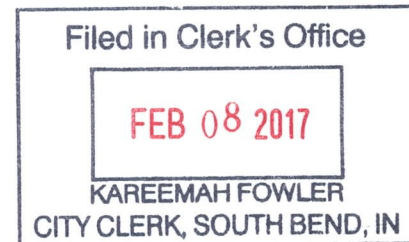
Angela M. Smith  
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

February 8, 2017

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



RE: Rezoning for 1905 Goodson  
APC#2813-17

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 February 13, 2017 Council meeting, and set it for public hearing at your March 27, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the March 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,

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

Angela M. Smith  
Deputy Director

CC: Adriana Rodriguez



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

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1905 E GOODSON COURT, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The rezoning request is to allow the property to be used as an event 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:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS : BEGINNING AT A POINT ON THE NORTH LINE OF THE PLAT OF "ROSELAND PARK" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, SAID POINT BEING LOCATED NORTH (ALL BEARINGS ASSUMED) A DISTANCE OF 16 FEET MORE OR LESS FROM THE NORTHEAST CORNER OF LOT # 17 IN SAID PLAT; THENCE WEST ALONG THE NORTH LINE OF SAID PLAT AND THE NORTH LINE OF A 16 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 300 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 219.7 FEET MORE OR LESS THE SOUTH RIGHT-OF-WAY LINE OF THE CONRAIL RAILROAD (A.K.A. PENN CENTRAL RAILROAD); THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 380 FEET MORE OR LESS; THENCE SOUTH A DISTANCE OF 215.7 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF GOODSON COURT, A 20 FOOT WIDE RIGHT-OF-WAY, THENCE ALONG SAID NORTH LINE FOR THE NEXT TWO (2) COURSES, WEST A DISTANCE OF 30 FEET MORE OR LESS AND SOUTH A DISTANCE OF 4 FEET MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID 16 FOOT WIDE PUBLIC ALLEY; THENCE WEST ALONG SAID NORTH LINE A DISTANCE OF 50 FEET MORE OR LESS TO THE POINT OF BEGINNING.  
CONTAINING 1.91 ACRES MORE OR LESS.  
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

be and the same is hereby established as CB Community 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

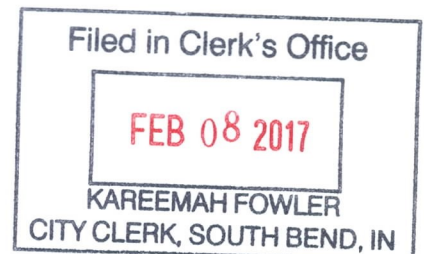
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
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



476

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:

*1905 Goodson Court  
South Bend, IN 46613*

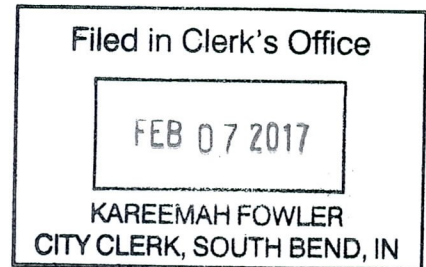
2) The property Tax Key Number(s) is/are: *71-09-18-428-003.000-026*

3) Legal Descriptions: *Parc of land 380'x219.3' Beg 689'W of W Line Ironwood Dr & 20'N of NE Cor Lot 17 Roseland Park Cont 1.57 Acres 18-37-3E*

4) Total Site Area: *1.87*

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

*David and Susan Nufer  
2409 Mishawaka Avenue  
South Bend, IN 46615  
574-255-6101  
susan.nufer@fastsigns.com*



Name and address of additional property owners, if applicable:

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

Name and address of additional property owners, if applicable:

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

From: *GI General Industrial District* Additional zoning district, if applicable

To: *CB Community Business District*

8) This rezoning is requested to allow the following use(s): *We are asking for the rezoning so we can use the property as an event center.*

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

1) *Unknown.*

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:

(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:

- (c) The strict application of the terms of this Ordinance would result in 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:
- 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:

*Susan M Nufer*  
2409 Mishawaka Avenue  
South Bend, IN 46615  
574-255-6101  
*susan.nufer@fastsigns.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):

*Susan M. Nufer 2-6-17*  
\_\_\_\_\_  
*Susan M. Nufer*  
\_\_\_\_\_  
*David A Nufer 2/6/17 2-6-17*  
\_\_\_\_\_  
*DAVID A NUFER 2.*  
\_\_\_\_\_

CERTIFIED BY:

**J.S.L. & Associates, Inc.**  
 119 S. 28TH STREET  
 SOUTH BEND, IN 46816  
 E-MAIL: jsl@jssl.com  
 PHONE: 764-292-7550

CONTRACTOR:

PROJECT NUMBER: 405 1023  
 DATE: 04-29-05  
 CITY: SOUTH BEND, INDIANA

PLAN TITLE: Preliminary Site Plan  
 PROJECT: Lyvers Auction Company

SHEET NUMBER: ONE  
 DATE: 09-18-05

**LAND USAGE:**  
 OFFICE BUILDING  
 ASPHALT DRIVE & PARKING  
 GRASSY AREAS

**BUILDING RATIO:**  
 100% S.F. = 100%  
 200% S.F. = 200%  
 400% S.F. = 400%  
 800% S.F. = 800%

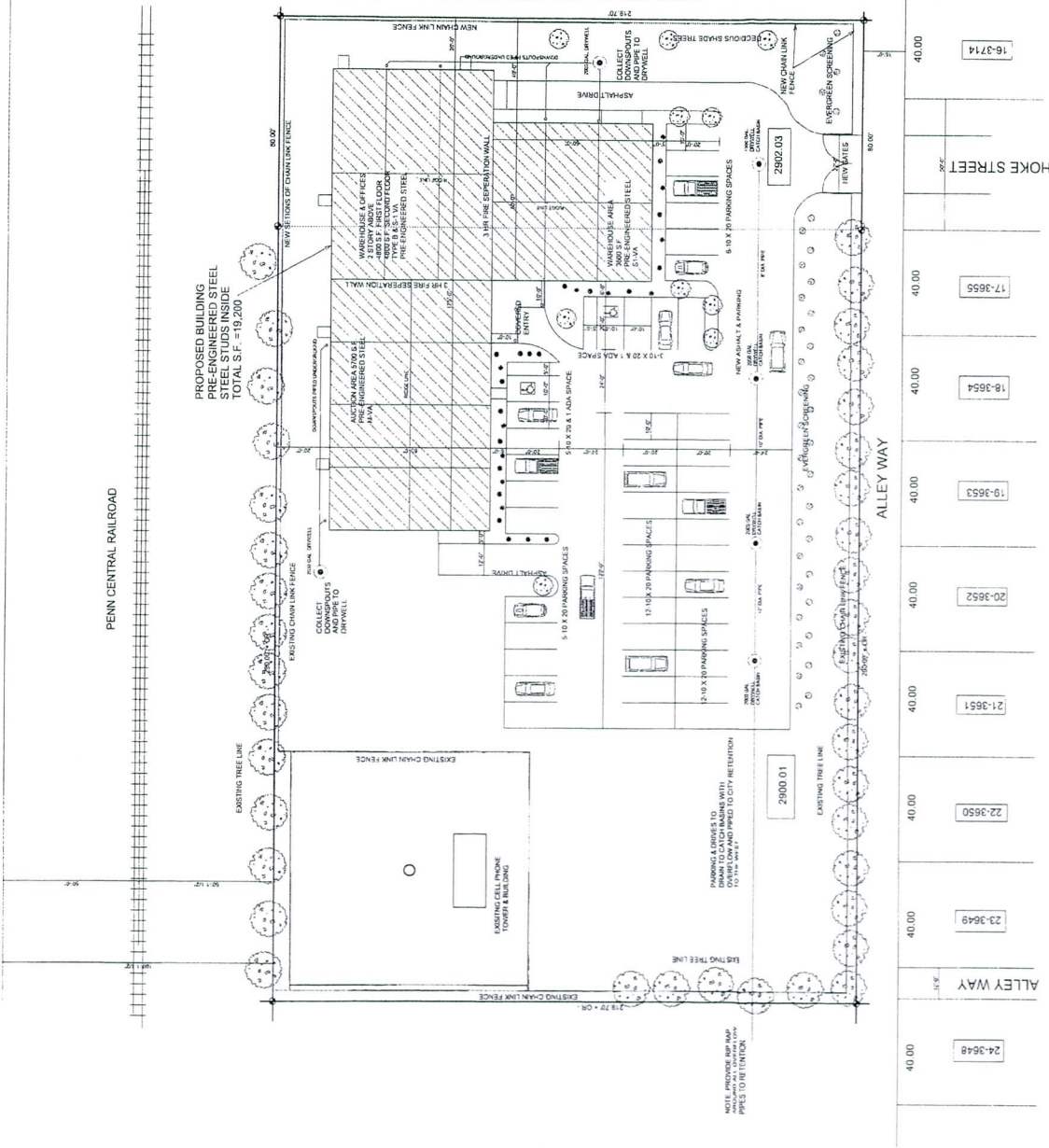
- NOTES:**
- BUILDING PROPOSED TO BE ONE STORY & TWO WIDE.
  - ALL PARKING SPACES SHALL BE 12' X 20' EXCEPT FOR HANDICAP WHICH SHALL COMPLY WITH ADA REQUIREMENTS.
  - ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
  - ENTRANCE OPENINGS SHALL BE REQUIRED TO MEET CITY COUNTY OR STATE HIGHWAY REQUIREMENTS.
  - ALL SCREENING, GREEN AREAS, & EROSION SHALL MEET THE CITY LATEST REQUIREMENTS.
  - ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH LOCAL AREA STATE CODES.
  - ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH DESIGNATED AREAS BY LOCAL OFFICIALS.
  - ALL NEW CONSTRUCTION SHALL BE FIELD STAKED BY INDIANA REGISTERED SURVEYOR.
  - REPAIR ANY EXISTING PAVEMENT & CURBS DUE TO CONSTRUCTION.
  - CONTRACTOR TO SECURE ALL PERMITS REQUIRED FOR WORK AT STREETS.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ALL UTILITIES EXPOSED DURING CONSTRUCTION.
  - FINISH GRADE TO BE 1" BELOW FINISH GRADE TO PREVENT WATER INTRUSION.
  - CONTRACTOR TO STAKE, STAKE AND REINTERPRET EVERY 10' TO 15'.
  - CONTRACTOR TO STAKE AND REINTERPRET EVERY 10' TO 15'.
  - VERIFY ALL LOCATIONS FOR UTILITY FEEDS WITH LOCAL UTILITY PROVIDERS.
  - RETENTION STORAGE SHALL BE 1 TO 4 DEEP.
  - RETENTION TANK SHALL BE FRENCED DUE TO SLOPE IF REQUIRED.
  - RETENTION TANK SHALL BE FRENCED DUE TO SLOPE IF REQUIRED.
  - FUTURE DEVELOPMENT OF SITE WILL REQUIRE ADDITIONAL PERMITS.

**PARKING RATIO:**  
 AUCTION AREA SPACES 200 S.F. 1000 X 20 S.F. 20 SPACES  
 WAREHOUSE SPACES 400 S.F. 1000 X 20 S.F. 40 SPACES  
 TOTAL SPACES REQUIRED = 40 SPACES  
 NUMBER OF SPACES SHOWN = 45 (2 A.D.A. SPACES INCLUDED)



**SITE PLAN**  
 SCALE: 1" = 20'

CONTRACTOR TO STAKE 10' X 20' S.F. 20 SPACES  
 30' X 20' S.F. 15 SPACES = 15 SPACES  
 SHOWN 11,500 GALS WITH OVERFLOW TO CITY RETENTION



THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SOUTH BEND, INDIANA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SOUTH BEND, INDIANA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SOUTH BEND, INDIANA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SOUTH BEND, INDIANA.

Filed in Clerk's Office  
**FEB 08 2017**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

**FILED**  
 FEB 06 2017  
 AREA PLAN COMMISSION  
 2813-17





**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  
1411 Carroll St., Lots 82, 83, 84, Haney’s Addition**

**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:

1411 Carroll St., South Bend, Indiana

in order to permit

an accessory parking lot in an SF2 zone, and variance from the required 16 sq. ft. to 32 sq.ft. and from the maximum 4’ height to 5’6” for a sign.

**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.

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Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED

