



## **SOUTH BEND COMMON COUNCIL**

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### **MEETING AGENDA**

Monday, April 24, 2017

7:00 P.M.

1. **INVOCATION- REV. MARY L. HUBBARD, SENIOR PASTOR AT FIRST UNITED METHODIST CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE** **TIME: \_\_\_\_\_**

BILL NO.

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

[13-17](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF COTTER AND KENDALL STREETS, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[14-17](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2605 AND 2623 WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

8. **BILLS ON THIRD READING**

BILL NO.

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

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[14-17](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2605 AND 2623 WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

**9. RESOLUTIONS**

**10. BILLS ON FIRST READING**

BILL NO.

[21-17](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: FIRST EAST/WEST ALLEY NORTH OF WESTERN AND SOUTH OF WAYNE RUNNING APPROXIMATELY 118' FROM THE EAST RIGHT-OF-WAY OF SOUTH TAYLOR STREET

[23-17](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: FIRST NW ALLEY RUNNING N APPROXIMATELY 170' AND 14' WIDE FROM INDIANA AVE., W. OF HIGH STREET AND E. OF MARIETTA STREET

[24-17](#) FIRST READING ON AN ORDINANCE TO AMEND, CORRECT, AND REPLACE ORDINANCE NO. 10497-17 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 49.5 FEET, NORTH OF THOMAS STREET AND SOUTH OF WASHINGTON STREET

**11. UNFINISHED BUSINESS**

BILL NO.

[17-19](#) 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 3575 PORTAGE ROAD, SOUTH BEND, INDIANA 46628

**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:** APRIL 20, 2017  
**SUBJECT:** COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, APRIL 24, 2017** at:

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

**4:00 P.M.**      **ZONING & ANNEXATION**      **OLIVER DAVIS, CHAIRPERSON**

1. [Bill No. 04-17](#)- Amending the Zoning Ordinance for property located at: 1248 and 1258 N. Twyckenham Drive
2. [Bill No. 13-17](#)- Amending the Zoning Ordinance for property located at: Southeast corner of Cotter and Kendall Streets
3. [Bill No. 14-17](#)- Amending the Zoning Ordinance for property located at: 2605 and 2623 Western Avenue

Council Vice-President Oliver Davis 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**      **OLIVER DAVIS, VICE-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





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

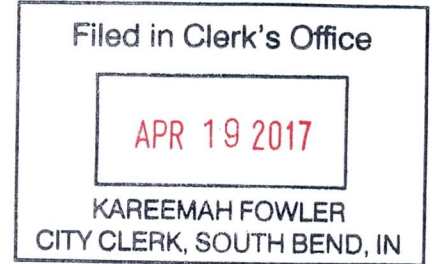
Angela M. Smith  
Deputy Director

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

April 19, 2017

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

RE: Bill # 04-17  
Rezoning: APC#2810-16 - 1248 & 1258 Twyckenham



Dear Council Members:

The Area Plan Commission held a public hearing on April 18, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, April 24, 2017.

**Ordinance & Petition Amendments:**

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

Petition:

- 1.) The property address for 1305 White Oak was removed.
- 2.) The ownership changed following the transfer of the property.
- 3.) The variances were modified to match the revised site plan submitted.

A Copy of the revised petition is attached.

**Public Hearing Summary:**

There was 1 person that spoke in favor of the proposed rezoning. They noted the owner had met with the neighborhood to address several items, however they still had concerns regarding student housing, non-residential owners, fear that the switch to multi-family will continue south along Twyckenham, the look and feel of the buildings, and the easement to White Oak. They indicated that they appreciated the willingness to save as many existing trees as possible.

There was 1 person that spoke in opposition to the proposed rezoning. They expressed concerns about setting a precedent on the south side of SR-23 and it continuing south on Twyckenham, continuing vacant multi-family development similar to the north side, the height of the buildings adjacent to single story homes, privacy, noise, traffic, and setback of Unit 9.

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

Sincerely,

Angela M. Smith,  
Deputy Director

CC: Aladean DeRose



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

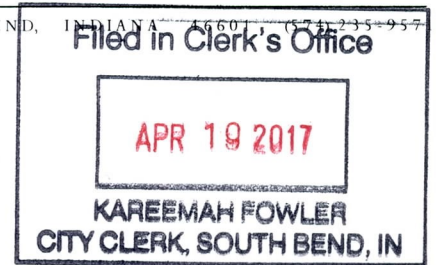
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601, (574) 235-9577

Wednesday, April 19, 2017

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



RE: A proposed ordinance of Cantinas Properties LLC to zone from SF1 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, property located at 1248 and 1258 N. Twyckenham Drive, City of South Bend - APC# 2810-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Cantinas Properties LLC was legally advertised on April 6, 2017 and that the Area Plan Commission at its public hearing on April 18, 2017 took the following action:

Upon a motion by Oliver Davis, being seconded by John DeLee and unanimously carried, a proposed ordinance of Cantinas Properties LLC to zone from SF1 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, property located at 1248 and 1258 N. Twyckenham Drive, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to the following written commitments: 1) The southern two units along Twyckenham should be setback a minimum of 20' from the property line; and 2) A cross-access easement be provided at the east end of the project for future access to Lot 36 of Wooded Estates Subdivision; and 3) No dwelling unit shall be located on the south or east side of the Community Drive for the real estates parcels. Rezoning the property to MF1 Urban Corridor Multifamily District to allow for the development of single family townhomes will provide a buffer and transition from the university related uses to the north and the single family homes to the south. The strong urban design principles of the Northeast Neighborhood Zoning Overlay ensure the development is appropriately integrated into the overall character of the neighborhood.

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

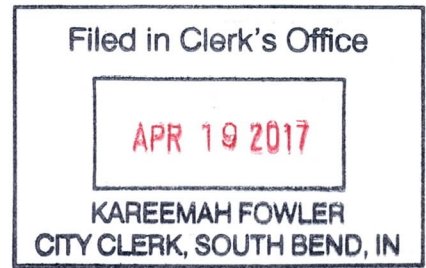
CC:

Cantinas Properties LLC  
Danch, Harner & Associates, Inc.

**Staff Report**

4/6/2017

APC # 2810-16  
Owner: Cantinas Properties LLC  
Location: 1248 and 1258 N. Twyckenham Drive  
Jurisdiction: City of South Bend  
Public Hearing Date: 4/18/2017



**Requested Action:**

The petitioner is requesting a zone change from SF1 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and seeking 6 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site are two single family homes.
- North: To the north across S.R. 23 is a vacant lot zoned U University.
- East: To the east are single family homes zoned SF1 Single Family & Two Family District.
- South: To the south is a single family home zoned SF1 Single Family & Two Family District.
- West: To the west across Twyckenham is a single family home zoned SF1 Single Family & Two Family District.

**District Uses and Development Standards:**

The MF1 District is established to protect, promote and maintain the development of urban style multifamily dwellings and to provide for limited public and institutional uses that are compatible with a multifamily residential neighborhood. The development standards are designed to promote the establishment of: multifamily dwelling projects (including apartment, townhouse or row house style developments); and, high density two family dwelling developments located along a block face, in developed areas of the community which are served by a full range of public amenities.

**Site Plan Description:**

The preliminary site plan includes 9 townhomes. In order to break up the massing, the project is broken up in to 2 buildings. The building that fronts S.R.23 has 3 units. The building that fronts Twyckenham has 6 units. In addition to the parking provided within the attached 2-stall garages for each unit, 9 visitor parking spaces are provided behind the buildings. The petitioner is proposing a 6' privacy fence starting at the front building façade on S.R.23 and continuing along the side and rear property lines. Additional landscaping is provided to add additional buffering to the single family homes to the east and south.

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

In the late 1980's and early 1990's, several properties along S.R. 23 were converted to office uses, with a commercial node located at the intersection of S.R. 23 and Edison. Twyckenham has remained single family residential.

**4. Conservation of Property Values:**

With proper buffering, screening, and site design, adjacent property values should not be adversely affected.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow for the redevelopment of the site for medium density residential supported by the pedestrian connection with Notre Dame.

**Combined Public Hearing**

This is a combined public hearing procedure, which includes a rezoning and 6 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 requirement that the height and massing shall be no more than twice the height and massing of the immediately abutting building to nine times the massing
- 2) from the requirement that all front doors and mailboxes be oriented toward and visible from the primary street to allow for a stand-alone mailbox for all units
- 3) from the maximum driveway width of 12' at the front property line to a width of 20'
- 4) from the maximum allowed height for a decorative fence of 3' along front and side property lines that face a primary street and 5' along the side and rear property lines to allow a maximum 6' high solid decorative vinyl or wood fence, except within the 10' front yard as shown
- 5) from the required maximum building setback of 10' to 25';
- 6) to be allowed to have a covered porch and balcony to encroach into the required 6' interior yard around buildings and be allowed to be as close as 5' to a front property line as shown

**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 proposed development variances have no impact on 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 buffering and site design, the use and value of adjacent properties should not be impacted. The additional setbacks along Twyckenham and the variations in the front façade will allow the property to better integrate in to the neighborhood and minimize the impact on use and value of adjacent properties.

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

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

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

STATEMENT OF PURPOSE AND INTENT

Insert purpose from the petition

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

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

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

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

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

SECTION II.

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

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

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

Attest:

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

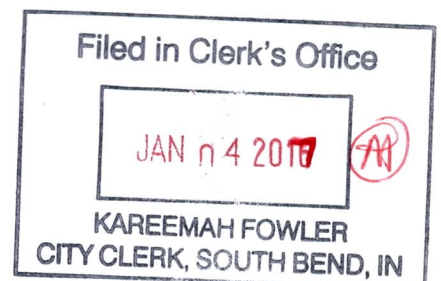
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

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

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

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

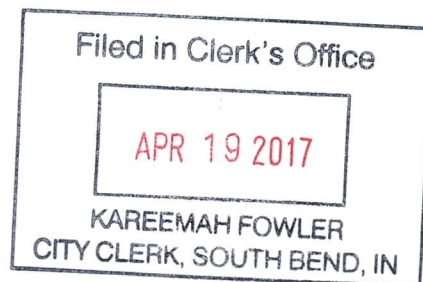
1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED



PETITION FOR ZONE MAP AMENDMENT  
City of South Bend, Indiana

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

- 1) The property sought to be rezoned is located at:  
*Address(es) - 1248, 1258 N. Twyckenham Drive, South Bend, Indiana 46617.*
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s): 018-5146-5418, 018-5146-5416, 018-5146-5417.*
- 3) Legal Descriptions: *Enter full legal description: See attached.*
- 4) Total Site Area: *Enter total acres to be rezoned: 0.83 Acres.*
- 5) Name and address of property owner(s) of the petition site:  
*Cantinas Properties Properties LLC  
5095 Hunter Valley Lane  
West Lake Village, CA 91362  
Ph. No. 1-805-795-4399  
E-Mail Address N/A*

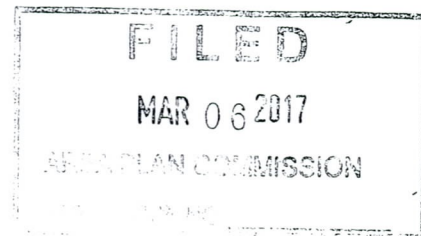


Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*N/A  
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):

*Andrew J. Pearson* 3/6/17





Requested Variances from the MF1 Zoning District/NNZO Overlay District for Parcel "A":

- 1). From the requirement that the height and massing of new multi-family buildings shall be no more than twice the massing of the immediately abutting building, including buildings on the same lot to a maximum of nine times.
- 2). From the requirement that all front doors, mailboxes be oriented towards, visible from or facing the primary street frontage for the building located at the rear of the site and allowed to have a stand- alone mailbox for all units.
- 3). From the requirement that Driveways shall be no more than twelve feet (12') wide at front property line to a maximum width of 20 feet.
- 4). From the minimum 25 ft. side and rear setback to 5 ft. for parking on the east property line.
- 5). From the maximum allowed height for a decorative fence of 3 feet along front and side property lines that face a primary street and 5 feet along the side and rear property lines to allow a maximum of a 6 feet high solid decorative vinyl or wood fence, except within the 10 ft. front yard as shown.
- 6). From the minimum 25 ft. rear yard setback to 7 ft. for a trash enclosure.

Requested Variance information:

The owners are in the process of developing the petition site to have a total of Eight (8) single-family attached townhomes. Shown on the attached site plan on Parcel "A" it is envisioned that four (4) townhomes would face Twyckenham Drive, three (3) townhomes would face S.R. 23 (South Bend Avenue) with one (1) townhome located on the interior portion of the site along the eastern side of the site. Access to the site would be off of Twyckenham Drive at the southwest corner of the property. This point allows for the maximum vehicle stacking distance from the Twyckenham Drive and S.R. 23 intersection.

The owner's representative had discussions with the Area Plan Commission staff to review the project and the process required for allowing the development to be approved as proposed. The City's Community Investment Department also provided comments and suggestions on the project. Based on those discussions it was determined that the best way to proceed with the project would be to request a rezoning of the property shown as Parcel "A" to the "MF1" Urban Corridor Multifamily zoning classification. This would allow for the proposed Townhomes. As part of the rezoning process for Parcel "A", a few variances would also be required from the "MF1" Urban Corridor Multifamily zoning classification and the NNZO Overlay district for the project as shown. The properties located along the S.R. 23 frontage and a portion of the frontage along Twyckenham Drive falls within the limits of the NNZO Overlay district. The staff asked if the Petitioners would design the entire property being rezoned to meet the development standards for the Overlay district except, where there are variances being requested for the layout shown.

More specifically the owners are requesting variances from certain standards from the MF1 Zoning District and the NNZO Overlay district standards:

- 1). From the requirement that the height and massing of new multi-family buildings shall be no more than twice the massing of the immediately abutting building, including buildings on the same lot to a maximum of nine times. This request is needed due to the existing homes which are located to the East and South of the project site. Those homes are some of the original dwellings which were built several decades ago on smaller lots. The intent is to add new Townhomes in the neighborhood on property which fronts onto two busy arterial streets.



There are a variety of sizes of homes in the area from one story modest dwelling to medium sized two story homes. The homes closest to the project site are on the small to modest size. The home to the East faces onto White Oak Drive which leaves a smaller side building façade facing S.R. 23. The proposed project consists of Townhomes that can have a maximum height of 40 feet and three stories, with common walls between the units. This type of housing based on the ordinance creates a larger overall massing than existing detached homes on smaller lots. The ratio of massing at this project site is unique in that the massing of the largest grouping of Townhomes is being done in relation to the home on the corner of S.R. 23 and White Oak Drive. This home faces White Oak and only the side façade of this home faces S.R. 23. This creates a large massing ratio difference from the allowed 2 times to a seeming high number of 9 times. If the project was allowed to compare the massing of the largest proposed Townhome building to the adjacent home on Twyckenham Drive, the variance request would have been from the allowed 2 times to just 5 times. This results in a major inconsistency due to how the adjacent homes face the public streets and the size of those homes being used for comparison purposes. Under the City Ordinances those adjacent homes can be as large as 2-1/2 stories and a height of 40 feet in the MF1 district, 35 ft. in the NNZO district, which would lower the massing ratio significantly.

The proposed project will blend with the mixture of dwelling styles, sizes and architecture in existence. The owners do not believe the approval of the proposed new Townhomes will have a negative impact in the neighborhood as they will be placed along the two existing busy arterial streets. This location does not lend itself to new single family home sites. The proposed Townhomes will also help to provide some sound mitigation from the noise on the busy streets, to the existing single family home sites located east of the project. The Petitioners do not believe approval of this request will have a negative impact on surrounding properties.

2). From the requirement that all front doors, mailboxes be oriented towards, visible from or facing the primary street frontage for the building located at the rear of the site and allowed to have a stand-alone mailbox for all units.

The NNZO Ordinance requires all building front doors, mailboxes and facades to be visible to and oriented towards the primary street frontage of the project. This requirement does not allow for the efficient placement of buildings, parking areas or driveways on sites of varying configuration and size. This does not allow for the postal service to provide mail service they usually require for townhome developments. The owners do not believe approval of this request would have a detrimental effect on any surrounding property.

3). From the requirement that Driveways shall be no more than twelve feet (12') wide at front property line to a maximum width of 20 feet. As this project does not have access to any public alley, the only driveway into the site would be from Twyckenham Drive. This location was chosen as it allows for the maximum stacking of vehicles using the intersection of S.R. 23 and Twyckenham Drive. The Community Investment Department asked that the driveway be limited to a 20 ft. width. The driveway needs to be at least 20 foot wide to allow for vehicles entering and exiting the project to do so without creating traffic conflicts on Twyckenham Drive. The Petitioners do not believe approval of this request will adverse affect on surrounding properties.

4). From the minimum 25 ft. side and rear setback to 5 ft. for parking on the east property line. The owners would like to have a parking area for visitors. The location would be at the southeast corner of the site. It would be screened from the adjacent properties by a proposed screening fence. The ordinance allows for a driveway to be located in the rear yard setback but does not refer to parking spaces. With the proposed screening , the Petitioners do not believe approval of this request will have a detrimental effect on any surrounding properties.



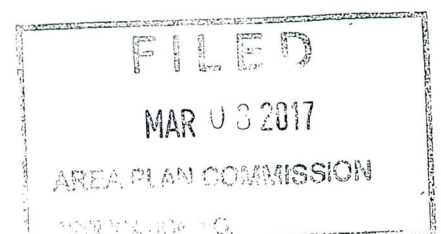
4). To be allowed to have a covered porch and balcony to encroach into the required 6 ft. interior yard around buildings up to 6 ft. as shown. This request is allow for covered porches or balconies to be located in the interior yards around buildings up to the 6 ft. width of the yard area. A 6 ft. width for a porch or balcony is a reasonable width. The ordinance allows a maximum encroachment of 5 ft. which would tend to be too narrow for use and placement of chairs. This request would still keep the location of the front covered porch or balcony no closer to the front property line than the required 10 ft. Building Setback Line. This request would also allow for the same type of structures to be located along the rear façade of the shown buildings. The Petitioners do not believe approval of this request will have a detrimental effect on any surrounding properties.

5). From the maximum allowed height for a decorative fence of 3 feet along front and side property lines that face a primary street and 5 feet along the side and rear property lines to allow a maximum of a 6 feet high solid decorative vinyl or wood fence, except within the 10 ft. front yard as shown.

This request from the NNZO design guidelines is due to the fact that there is a conflict between the City zoning ordinances and the development standards in the NNZO Overlay district. The zoning ordinance allows 6 ft. high fences, but the NNZO limits the height to 5 ft. The Petitioners would like to have 6 ft. high screening fencing, which is the standard fence height in residential neighborhoods. The proposed fencing would be a decorative type fence made out of vinyl or wood and placed as shown along the north, east and south property lines. The one foot of additional height will provide a little more screening between the proposed Townhomes and the existing single family homes to the East and South of the project site. The Petitioners do not believe approval of this request will adversely affect any surrounding property.

6). To be allowed to place a enclosed dumpster in the 25 ft. rear yard setback to a point no closer than 7 ft. from the east property line as shown. The placement of the dumpster was done to make it as accessible as possible and to still not be visible from the street. The dumpster will be in an enclosure and will also be screened on three sides by evergreens. The Petitioners do not believe approval of this request will have a detrimental effect on any surrounding properties.

The owners would ask the Commission members to agree that the approval of the above requested Variances, will not be injurious to the public health, safety, morals and general welfare of the community and 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, that the strict application of the terms of this Ordinance would result in practical difficulties in the use of the property.

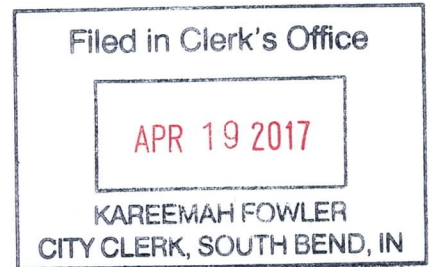




## Cantinas Properties

Cantinas Properties, LLC  
5095 Hunter Valley Ln.  
Westlake Village, CA 91362

Ashley Jones Penn at 805-795-4399 or [ashleyjones@cantinasproperties.com](mailto:ashleyjones@cantinasproperties.com)  
Brian Jones at 805-208-5716 or [brianjones@cantinasproperties.com](mailto:brianjones@cantinasproperties.com)



### Draft Written Commitments

1. The two southernmost dwelling units on the real estate parcels shall have a minimum front setback of 20 feet.
2. A cross-access easement shall be provided in the case of an approved, similar multi-family development on the adjacent lot to the east of the real estate parcels, known as 1323 White Oak and Lot 36.
3. No dwelling unit shall be located on the south or east side of the community drive for the real estate parcels.
4. The use of any dwelling unit as a residence shall be prohibited for undergraduate and graduate students, except for undergraduate and graduate students related to the owner of the unit. An undergraduate student is a person enrolled in an undergraduate program at a college or university, and a graduate student is a person enrolled in a graduate program at a college or university. To be related to the owner of the unit, the student must be a child or grandchild of the owner of the unit. If only one related student is residing in the unit, the related student may have one unrelated roommate residing in the unit for the same period the related student resides in the unit. At no time may there be more than two students residing in a unit, unless all the students residing in the unit are related to the owner of the unit.
5. A Home Owners Association ("HOA") shall be created for all dwelling units on the real estate parcels. The organizational documents governing the HOA shall include these written commitments, and the HOA shall enforce these written commitments. The HOA shall provide the designated representative of the Wooded Estates neighborhood with updated contact information on at least an annual basis, and the HOA shall make reasonable efforts to communicate with the representative of the Wooded Estates neighborhood regarding issues affecting residents of the Wooded Estates neighborhood.
6. The HOA shall make reasonable efforts to communicate with the presidents, or a deemed representative of the respective president, of the Wooded Estates HOA, NNRO, and NENC regarding enforcement of the fourth written commitment.

ARC# 2810-16  
4/18/17  
APM





Filed in Clerk's Office  
APR 19 2017  
KAREEMAH FOWLER  
CITY CLERK SOUTH BEND, IN

ACC # 2810-16  
4/18/17  
3 of 3  
AM



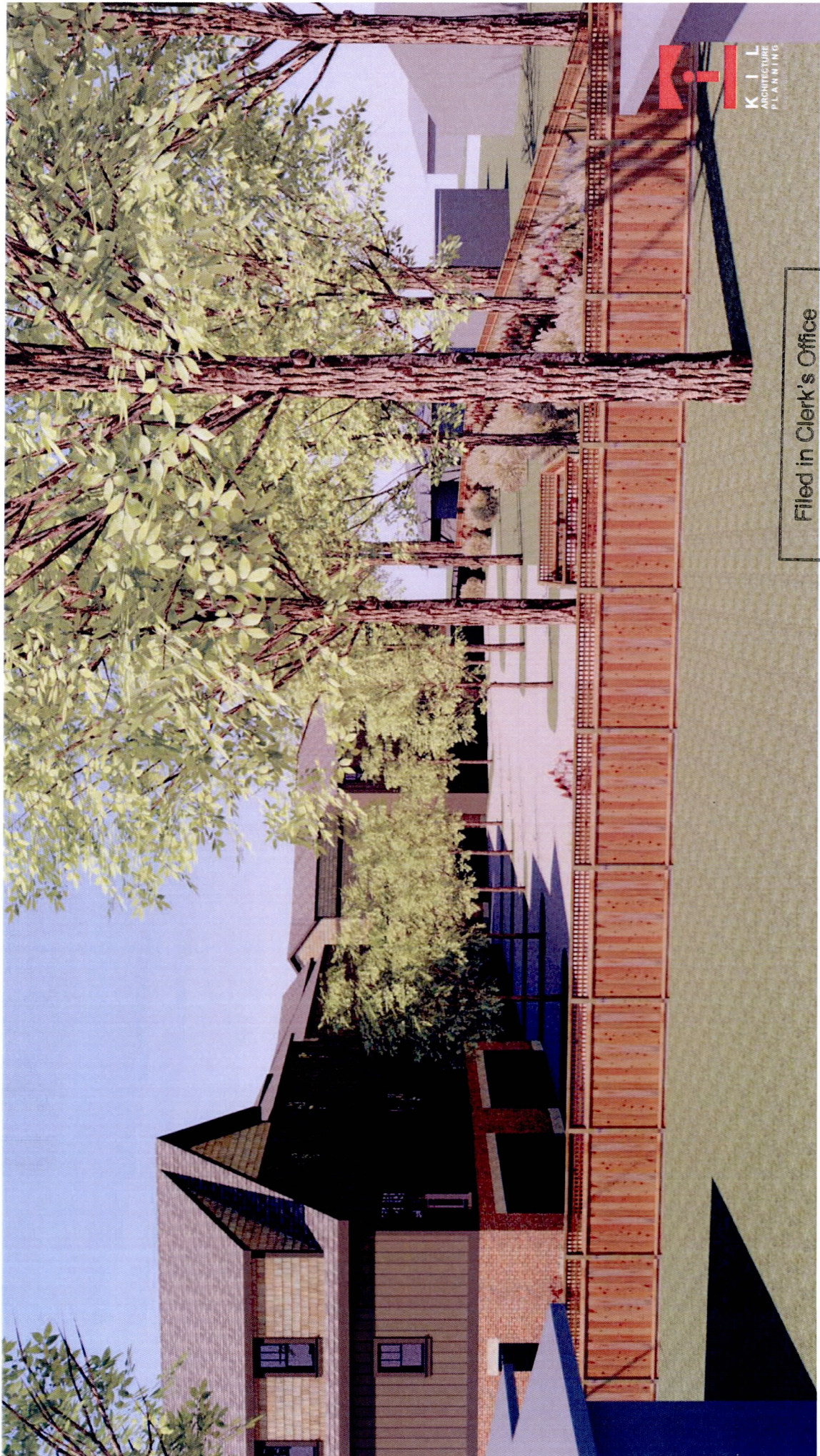
**K I L L**  
ARCHITECTURE  
PLANNING  
2017

Filed in Clerk's Office

**APR 19 2017**

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

APC# 2810-16  
4/18/17  
1 of 3  
KFM



Filed in Clerk's Office

APR 19 2017

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

ARC# 2810-16  
4/18/17  
2 of 3 JPM





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

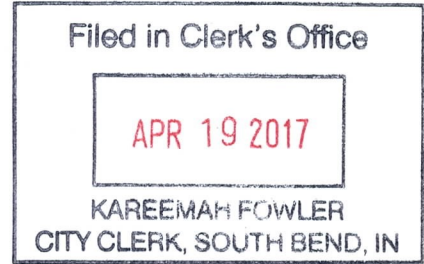
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

April 19, 2017

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



RE: APC# 2817-17  
Bill # 13-17  
Rezoning: Southeast corner of Kendall and Cotter Streets

Dear Council Members:

The Area Plan Commission held a public hearing on April 18, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, April 24, 2017.

**Ordinance & Petition Amendments:**

The following changes have been made to the above referenced petition: None

**Public Hearing Summary:**

There was nobody to speak in favor/opposition to the proposed rezoning.

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

Sincerely,

David M. Stanton, Jr.  
Planner

CC: Aladean DeRose



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI

EXECUTIVE DIRECTOR

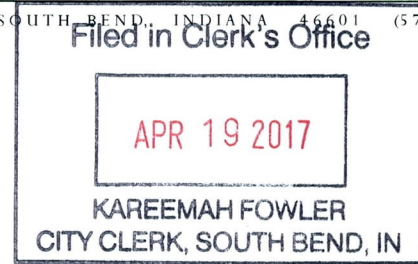
Angela M. Smith

Deputy Director

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

Wednesday, April 19, 2017

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



RE: A proposed ordinance of Martin's MO LLC to zone from PUD Planned Unit Development District to LI Light Industrial District, property located at the southeast corner of Cotter and Kendall Street, City of South Bend - APC# 2817-17.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Martin's MO LLC was legally advertised on April 6, 2017 and that the Area Plan Commission at its public hearing on April 18, 2017 took the following action:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Martin's MO LLC to zone from PUD Planned Unit Development District to LI Light Industrial District, property located at the southeast corner of Cotter and Kendall Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to the written commitments shown in Exhibit A as filed with the petition. Rezoning this site to LI Light Industrial will allow for the expansion of an existing business in a manner that is consistent with the intent and design established for Ignition Park.

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

Sincerely,

[Handwritten signature of Lawrence P. Magliozzi]

Lawrence P. Magliozzi

Attachment

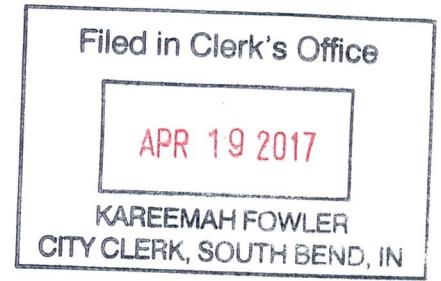
CC: Martin's MO LLC

City of South Bend Department of Community Investment, C/O Tim Corcoran

**Staff Report**

4/6/2017

APC # 2817-17  
Owner: Martin's MO LLC  
Location: the southeast corner of Cotter and Kendall Street  
Jurisdiction: City of South Bend  
Public Hearing Date: 4/18/2017



**Requested Action:**

The petitioner is requesting a zone change from PUD Planned Unit Development District to LI Light Industrial District.

**Land Uses and Zoning:**

- On site: On site is a vacant lot.
- North: To the north across Cotter is Ignition Park, zoned PUD Planned Unit Development District.
- East: To the east is Data Realty, zoned PUD Planned Unit Development
- South: To the south is a vacant lot, zoned LI Light Industrial District.
- West: To the west, across Kendall is the Martin's Corporate Headquarters, zoned GI General Industrial.

**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:**

This 2.83 acre site is currently vacant. The preliminary site plan does not show any development, but will need to meet all the development standards for the LI Light Industrial District.

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

In 2010, this area was rezoned from General Industrial to PUD Planned Unit Development for the Ignition Park PUD. The PUD was updated in 2013.

**Traffic and Transportation Considerations:**

Cotter, Kendall, and Ignition Drive each have 2 lanes.

**Utilities:**

The site will be served by municipal water and sewer

**Agency Comments:**

Community Investment offers a favorable recommendation. The rezoning is consistent with the industrial land use shown on the City Plan Future Land Use Map and would allow Martin's the flexibility to expand its existing corporate headquarters/distribution center.

**Analysis:**

Rezoning this site to LI Light Industrial will allow for the expansion of an existing business in a manner that is consistent with the intent and design established for Ignition Park.

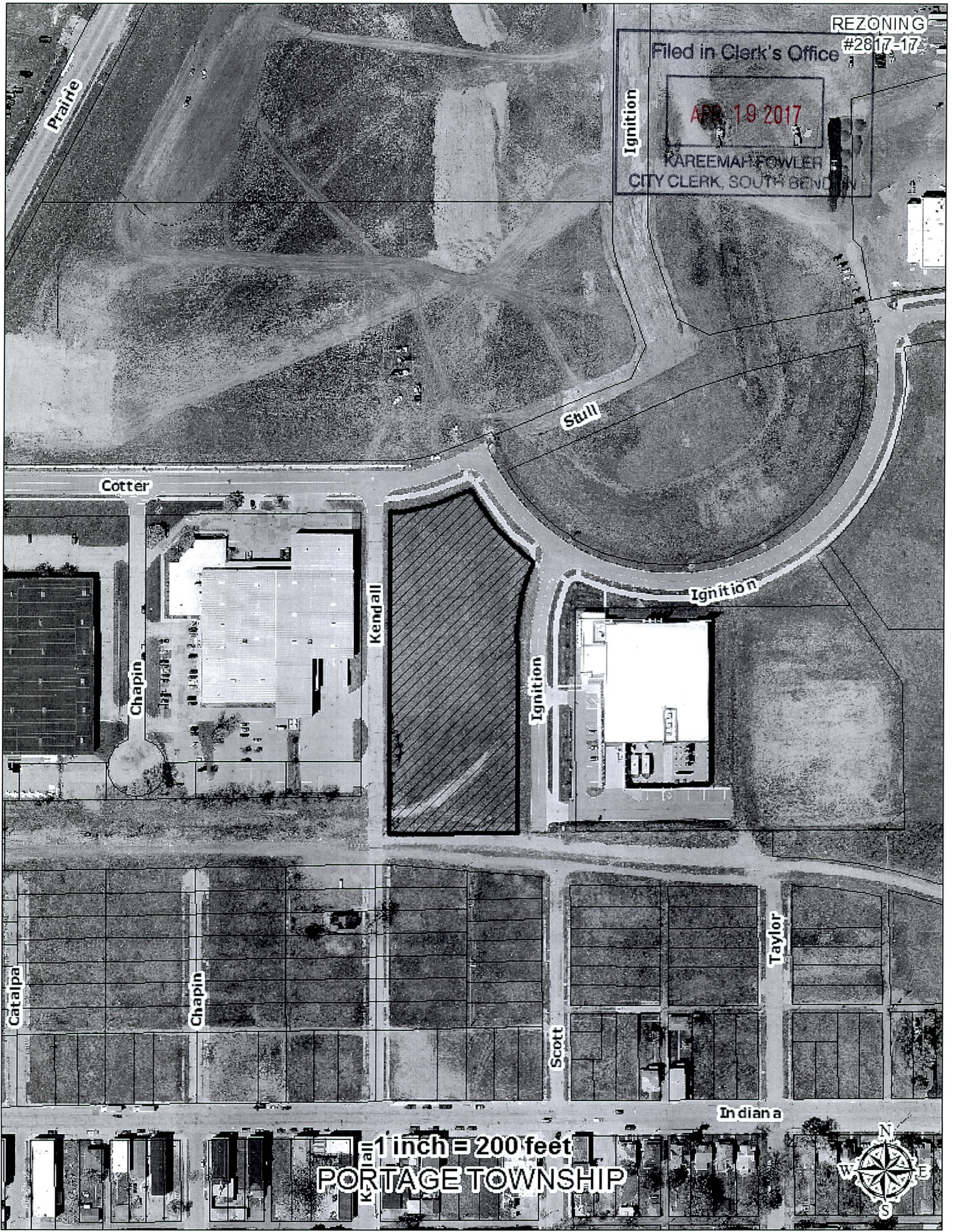
REZONING

#2817-17

Filed in Clerk's Office

APR 19 2017

KAREEMA FOWLER  
CITY CLERK, SOUTH BEND, IN



1 inch = 200 feet  
PORTAGE TOWNSHIP





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

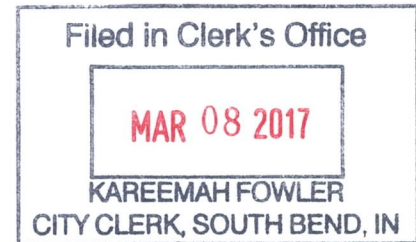
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

March 6, 2017

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



RE: Southeast corner of Cotter and Kendall Streets  
APC#2817-17

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 March 13, 2017 Council meeting, and set it for public hearing at your April 24, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the April 18, 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, appearing to read "D. Stanton".

David M. Stanton, Jr.  
Planner

CC: Adriana Rodriguez

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

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF COTTER AND KENDALL STREETS, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Expansion of corporate headquarters-distribution center and related uses

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

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

Lot 3 of Ignition Park Major Subdivision, Section 1

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

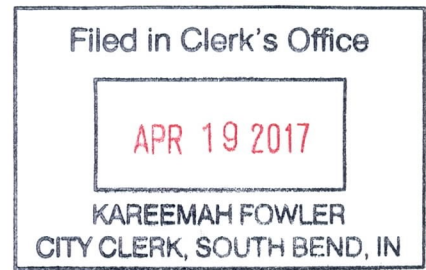
\_\_\_\_\_  
Mayor, City of South Bend, Indiana

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

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



**EXHIBIT "A"**



COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE CITY OF SOUTH BEND ZONING ORDINANCE

In accordance with I.C. 36-7-4-1015, the Owner of the real estate located in St. Joseph County, Indiana which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

Lot 3 of Ignition Park Major Subdivision, Section 1

STATEMENT OF COMMITMENTS:

1. **Permitted Uses:** Primary uses for the rezoned area will be limited to the following:

Educational Use: School – Commercial, Trade, Industrial or Business, limited to adults ages 18 and over. Consistent with applicable law, this limitation regarding schools shall not limit the Company's ability to employ interns, from time to time, who are under age 18.

Food Sales & Service: Cafeteria/Delicatessen.

Industrial Uses: Assembly or blending of previously manufactured parts, sub-assemblies or components; Cleaning, testing or repairing of goods, materials or products; Data processing or analysis; Engineering or research laboratories; Manufacture, processing, refining or fabrication of goods, materials or products; warehousing; wholesaling; distribution centers.

Office / Professional Services: Construction Companies (any type, office only); Contractors (any type, office only); Corporate Headquarters (office only); Manufacturers Representative.

Public Facilities: Parking Lot – Commercial.

Utilities: Public Utility Substation.



2. **Architectural Standards:** Any addition to an existing building will utilize building materials that are compatible and harmonious with the materials used on the existing building. Any new construction of a primary building or major addition to an existing building will utilize building materials and design that is compatible with buildings within Ignition Park.

For any new construction of a primary building or major addition to an existing building, each façade will employ at least three different materials, each covering a minimum of twenty percent (20%) of the total surface area of the façade. The three materials to be used on the façade will be a combination of any of the following:

- Metal panel (aluminum, zinc, copper, steel, etc.),
- Solid resin material suitable for exterior construction (Trespa or similar),
- Brick or brick masonry units,
- Glazed concrete masonry units,
- Natural or cast stone (limestone, granite, marble, sandstone, etc.),
- Glass curtainwall,
- Exposed concrete (architectural precast) with architectural patterning and/or textures,
- Terra cotta and/or clay tile rain-screen systems.

3. **Building Height:** The height for any building will be no more than ninety (90) feet above grade.
4. **Parking and Loading Areas:** Any off-street parking or off-street loading area will be located no less than fifty (50) feet from the right-of-way line of Ignition Circle or Ignition Drive South. Any off-street loading area will be located no less than fifty (50) feet from the right-of-way line of Cotter Street.
5. **Screening of Parking and Loading Areas:** Any parking or loading areas will be effectively screened from view from the right-of-way line of Ignition Circle or Ignition Drive South through the use of buildings, screen walls, landscaping, landscaping berms, or combination thereof.
6. **Mechanical Equipment:** Any mechanical equipment (e.g., HVAC systems and related components; pedestals for electrical, telephone or cable service; above-ground water and gas utility meters; and the like) will be screened as follows:
- Roof Mounted – Any roof mounted mechanical equipment will be screened based on an elevation view of the building on all sides.
  - Ground Mounted – Any ground mounted mechanical equipment will be screened on all sides by the building; screen walls or fences of a material and color which is compatible with the primary building; or, evergreen or densely twigged hedge plants (with or without mounding) of a height at time of planting which is not less than the height of the mechanical equipment to be screened.



7. **Outdoor Operations and Storage:** Any uses and operations, except for off-street parking and off-street loading and delivery, will be conducted within completely enclosed buildings.
8. **Fences:** No fences will be placed between the front façade of the primary building and the front lot line or in a required side yard. Any fences in a required rear yard will not exceed six (6) feet in height above grade.
9. **Signs:** No off-premise signs will be installed. Any freestanding identification sign(s) will be limited to a monument sign. The number, surface area, setback, height, and other standards for any on-premise signs will be in compliance with the GI District standards in the City of South Bend Zoning Ordinance.
10. **Lighting/Dark Sky Compliance:** Other than any low intensity / low output architectural or accent lighting (including ground mounted up-lighting), any outdoor lighting fixtures, including freestanding or wall fixtures, will be full cutoff as defined by the City of South Bend Zoning Ordinance.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Area Plan Commission of St. Joseph County made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition # \_\_\_\_\_ pursuant to the City of South Bend Zoning Ordinance, and shall continue in effect until: (i) the real estate is rezoned; or, (ii) modified or terminated by the Area Plan Commission of St. Joseph County.

These COMMITMENTS may be enforced jointly or severally by:

1. The Area Plan Commission of St. Joseph County;
2. The City of South Bend, Indiana;
3. Owners of all parcels of ground adjoining the real estate within three-hundred (300) feet of the subject parcel and all owners of real estate within the area included in the petition who were not petitioners for approval; and
4. The City of South Bend Attorney, Zoning Administrator, appropriate enforcement official, and other specially affected persons designated in such commitments.



The undersigned hereby authorizes the Executive Director of the Area Plan Commission of St. Joseph County to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon final approval of petition #\_\_\_\_\_.

IN WITNESS WHEREOF, Owner has executed this instrument this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Martin's MO LLC

By\_\_\_\_\_

Printed\_\_\_\_\_

Title\_\_\_\_\_



STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

SS:

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, a(n) \_\_\_\_\_, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signature \_\_\_\_\_

Printed \_\_\_\_\_

County of Residence \_\_\_\_\_

My Commission expires: \_\_\_\_\_

This instrument was prepared by \_\_\_\_\_.



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:  
*Southeast corner of Cotter and Kendall Streets  
South Bend, IN 46601*
- 2) The property Tax Key Number(s) is/are: *018-8021-084905*
- 3) Legal Descriptions: *Lot 3 of Ignition Park Major Subdivision, Section 1*
- 4) Total Site Area: *2.83 acres +/-*
- 5) Name and address of property owner(s) of the petition site:  
*Martin's MO LLC  
c/o Martin's Super Markets, Inc., Manager  
Attention: Gregory L. Freehauf  
PO Box 2709  
South Bend, IN 46680-2709  
(574) 239-1818  
gfreehauf@martins-supermarkets.com*

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*Name  
Address  
City, State Zip Code  
Phone number with Area Code  
E-Mail Address*

Name and address of additional property owners, if applicable:

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

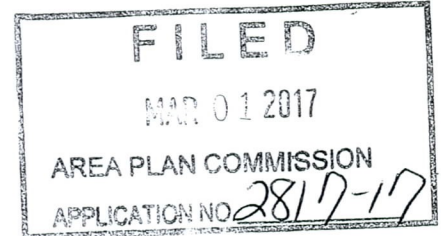
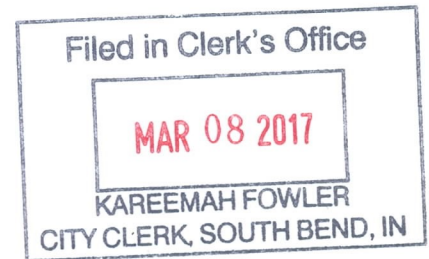
From: PUD Planned Unit Development District      Additional zoning district, if applicable

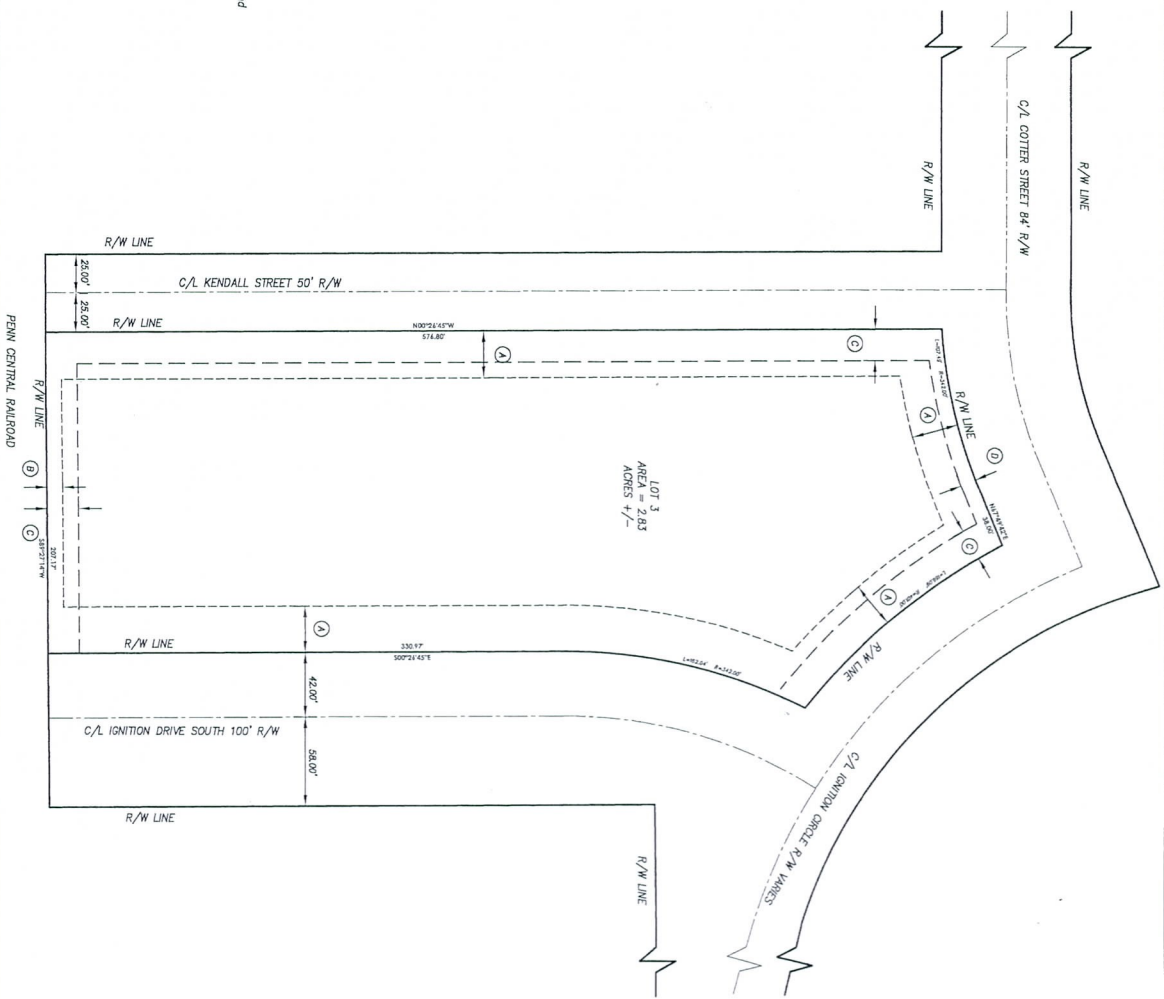
To: LI Light Industrial District

- 8) This rezoning is requested to allow the following use(s): *Expansion of corporate headquarters-distribution center and related uses*

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

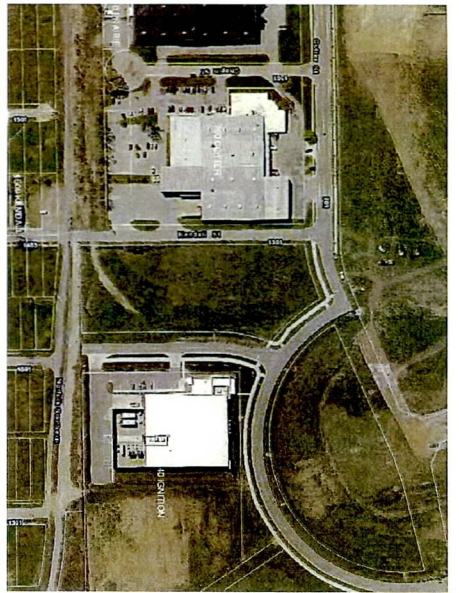
- 1) *List each variance being requested. (None)*
- 2) A statement on how each of the following standards for the granting of variances is met:
  - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community; *Insert text*
  - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *Insert text*





- LEGEND**
- (A) 30' Front Yard Setback
  - (B) 10' Side Yard Setback
  - (C) 20' Backyard & Utility Easement
  - (D) 10' Fronting & Utility Easement

**NOTES:**  
 1. Development will meet all development standards of the South Bend Zoning & Subdivision Ordinance.



SITE AERIAL

FOR CITY USE  
 LOCATION: SOUTH BEND, IN  
 PROJECT: PRELIMINARY SITE PLAN FOR LOT 3, IGNITION PARK MAJOR SUBDIVISION  
 DRAWN BY: RME  
 DATE: 03-22-2018  
 CHECKED BY: PCK  
 DATE: 03-22-2018  
 PROJECT: IGNITION PARK MAJOR SUBDIVISION  
 SHEET: 1 OF 1



DEPARTMENT OF PUBLIC WORKS  
 DIVISION OF ENGINEERING  
 CITY OF SOUTH BEND, INDIANA

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**PRELIMINARY SITE PLAN**  
 IGNITION PARK MAJOR SUBDIVISION  
 SECTION 1, LOT 3

NO.	DATE	BY	REVISIONS

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

**FILED**  
 MAR 01 2017  
 AREA OF PLAN COMMISSION  
 2817-17

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:  
*Southeast corner of Cotter and Kendall Streets  
South Bend, IN 46601*
- 2) The property Tax Key Number(s) is/are: *018-8021-084905*
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- 4) Total Site Area: *2.83 acres +/-*
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*Martin's MO LLC  
c/o Martin's Super Markets, Inc., Manager  
Attention: Gregory L. Freehauf  
PO Box 2709  
South Bend, IN 46680-2709  
(574) 239-1818  
gfreehauf@martins-supermarkets.com*

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*Name  
Address  
City, State Zip Code  
Phone number with Area Code  
E-Mail Address*

Name and address of additional property owners, if applicable:

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

From: 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): *Expansion of corporate headquarters-distribution center and related uses*

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

- 1) *List each variance being requested. (None)*

- 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: *Insert text*

(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: *Insert text*





LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

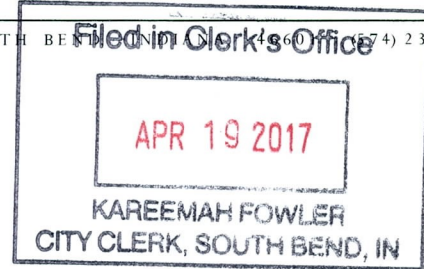
Angela M. Smith  
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

Wednesday, April 19, 2017

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



RE: A proposed ordinance of Daixy Torres to zone from MU Mixed Use District to GB General Business District and seeking the following variance(s): 1) from the minimum 30' rear residential bufferyards to 10' for the proposed parking area and dumpster enclosure; 2) from the required landscaping of required perimeter yards to landscaping as shown on the site plan; 3) from the required foundation landscaping to none; 4) from the required off-street parking area screening on the east and north to none; 5) from the required 24' minimum width of a maneuvering aisle for off-street parking area to 21'; and 6) from the required minimum depth of a parking space of 20' to 18', property located at 2605 & 2623 Western Avenue, City of South Bend - APC# 2819-17.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Daixy Torres was legally advertised on April 6, 2017 and that the Area Plan Commission at its public hearing on April 18, 2017 took the following action:

Upon a motion by Oliver Davis, being seconded by Elizabeth Maradik and unanimously carried, a proposed ordinance of Daixy Torres to zone from MU Mixed Use District to GB General Business District, property located at 2605 & 2623 Western Avenue, City of South Bend, is WITHDRAWN from any further consideration 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: Daixy Torres

# DHA

**Danch, Harner & Associates, Inc.**

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009

1643 Commerce Drive ■ South Bend, IN 46628

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



RE: Rezoning Petition for 2605 & 2623 Western Avenue,  
South Bend, Indiana;

Dear Mr. Magliozzi:

On behalf of our clients, we are requesting the withdrawal of their Rezoning Petition for the properties located at 2605 and 2623 Western Avenue, South Bend, Indiana.

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

Sincerely,

*Michael J. Danch*

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

File No. 170116 "C" Md



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

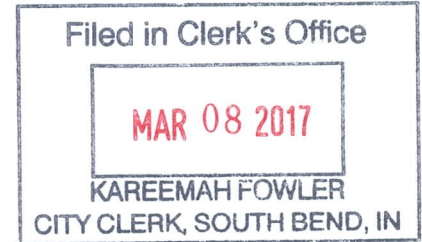
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

March 7, 2017

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



RE: Rezoning for 2605 and 2623 Western Avenue  
APC# 2819-17

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 March 13, 2017 Council meeting, and set it for public hearing at your April 27, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the April 18, 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, appearing to read "DMS", written over a horizontal line.

David M. Stanton, Jr.  
Planner

CC: Adriana Rodriguez

# **DHIA**

---

***Danch, Harner & Associates, Inc.***

---

Land Surveyors    ■    Professional Engineers

Landscape Architects    ■    Land Planners

Office: (574)234-4003 / (800)594-4003    ■    Fax: (574)234-4009

---

1643 Commerce Drive    ■    South Bend, IN 46628

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

March 3, 2017

RE: Rezoning Petition for 2605 & 2623 Western Avenue,  
South Bend, Indiana;

Dear Council Members:

Our clients are requesting the approval of a Rezoning Petition for the properties located at 2605 and 2623 Western Avenue, South Bend, Indiana.

This requested Rezoning would allow for the approval of an automotive sales and repair facility. This use is being relocated from another location on Western Avenue to this new site. As part of the relocation process the Petitioner will be making improvements to the existing buildings and adding new landscaping, fencing and screening plant material to create buffer zones within the site.

Our clients believe the improvements proposed for the properties would be a compatible use in the surrounding mixed use neighborhood.

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

Sincerely,

*Michael J. Danch*

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

File No. 170116 "C" Md

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2605 AND 2623 WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT  
Automotive Sales and Repair

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:

Lots # 816, 817, 818, 819, 820 and the vacated alley located between said Lots # 816 and 817 all as shown in the plat of "Summit Place 3<sup>rd</sup> Addition" as recorded in the records of the St. Joseph County, Indiana Recorder's Office.

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

Be and the same is hereby established as GB General Business 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

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

PETITION FOR ZONE MAP AMENDMENT  
City of South Bend, Indiana

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

- 1) The property sought to be rezoned is located at:  
*Address(es) -, 2605 & 2623 Western Avenue, South Bend, Indiana 46619.*
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s):018-4034-1216, 018-4034-1218*
- 3) Legal Descriptions: *Enter full legal description: See attached.*
- 4) Total Site Area: *Enter total acres to be rezoned: 0.60 Acres.*
- 5) Name and address of property owner(s) of the petition site:  
*Daixy Torres  
2617 Western Avenue  
South Bend, Indiana 46619  
Ph. No. 574-288-5830  
E-Mail Address N/A*

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*N/A*

*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: MU Mixed Use District N/A

To: GB General Business District

- 8) This rezoning is requested to allow the following use(s): *Insert intended use(s): Automotive Sales & Repair*

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):

*Daisy Jones*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



REQUESTED VARIANCES:

- 1). From the minimum 30 ft. Side Residential Bufferyard and Type “B” Landscaping along the East property line to allow within 10 ft. of the property line a proposed parking area and a 8 ft. high solid screening fence and landscaping as shown;
- 2). From the minimum 30 ft. Rear Residential Bufferyard and Type “B” Landscaping along the North property line to allow within 10 ft. of the property line a proposed parking area, dumpster and a 8 ft. high solid screening fence and landscaping as shown;
- 3). From the minimum allowed parking aisle width of 24 ft. to a minimum of 21 ft.;
- 4). From the requirement of providing perimeter landscaping to perimeter landscaping along south property line (Western Avenue);
- 5). From the requirement of providing foundation landscaping to no foundation landscaping;

The Petitioner and their tenant of the shown real estate desire to take the existing old automotive repair facility and automotive sales facility and renovate the buildings. They propose to add improvements to the vehicle sales area, add landscaping and screening fence along the north and east buffer yards and improve the streetscape along Western Avenue. The building shown has existed for decades and is located in an area of mixed uses along the Western Avenue business corridor. The uses range from residential homes to the north, one residential and mixed uses to the east, mixed uses to the south and commercial use to the west. The Petitioners’ tenant did have an automotive sales and repair facility located several blocks to the west on Western Avenue. They desire to move to this location and are presently in the process of buying of the property. This property was previously used for an automotive sales and repair service for several years. This is based on a review of available aerial photography back to 1998. That use was allowed per the zoning codes. Then several years back as part of an update to the Western Avenue corridor land uses, the City revised the zoning classification for properties fronting on Western Avenue. This property was rezoned to the MU Mixed Use zoning classification. At the time it appears the previous automotive use was grandfathered in for the property. But then at some point, the owner/tenant stopped or closed the automotive use. The use was closed long enough that the grand fathered legal conforming use status was lost. The owner/tenant may not have understood that they had lost the ability to continue to use the property for an automotive use. The owner’s tenant now desires to purchase the property on a land contract and would like to make renovations to the buildings and the property and continue to have an automotive sales area and a repair shop. After discussions with the various city agencies it was determined that in order to now use the property for the proposed automotive use, it would require a rezoning of the property. The choices available were to either request rezoning to CB Community Business District with approval of a Special Exception Use and some variances or rezone to the GB General Business District with some variances. The choice was to go to the GB General Business District and request approval of a few variances. The attached site plan details the proposed layout for the property with the existing buildings and the vehicle sales area and related landscape improvements. Based on the shown plan the following variances are required for the shown site plan:

The first and second Variance requests are from the minimum 30 ft. Side and Rear Residential Bufferyard and Type "B" Landscaping along the east and north property lines to allow within 10 ft. of the property lines a proposed parking area, dumpster and a 6 ft. high solid screening fence as shown. This property is located in an area between the Western Avenue on the south and a public alley on the north. There is an existing home to the east of the property which is owned by the proposed tenant. Presently there is an existing metal fence which will be removed and replaced with an 8 ft. high vinyl screening fence. This will create a new clean buffer between the Petitioner's property and the existing residential homes to the north and the east. There will also be added a landscape screen of evergreen trees to increase the size of the buffer area and provide a natural landscape area in addition to the screening fence. The result will be a barrier between the vehicle display area and the adjacent residential uses. The owners do not believe approval of this variance request would be detrimental to surrounding properties.

Third variance request is from the minimum allowed parking aisle width of 24 ft. to a minimum of 21 feet. This request is to allow for flexibility in the aisle width of the driveways within the site. The owners would use the required 24 ft. aisle width for the main driveway in the site to access the shown buildings and the sales office. The use of a 21 ft. wide driveway would be limited to the back aisle driveway and the north aisle driveway where the display area for vehicles for sale would be located. The vehicles in this area would be accessed by the sales person to bring the vehicle out for inspection by the customer. The full aisle width would not be needed in these areas. The owners do not believe approval of this variance request would be detrimental to surrounding properties.

The fourth Variance request is from the requirement of providing perimeter landscaping to perimeter landscaping only along south property line (Western Avenue). The site plan shows there will be trees added along the Western Ave. streetscape as required by ordinances. The request is to have no required perimeter trees along the east and north property lines since that is here evergreen trees being used for screening will be located. Along the west the area is very limited due to the location of the existing building. They do not believe approval of this variance request will have a negative impact on any surrounding properties.

The last variance request is from the requirement of providing foundation landscaping to foundation landscaping as shown. The owners are working with the existing buildings. As this will be an automotive sales and repair facility the placement of foundation landscaping in the area where there is access to the garage doors would make landscaping beds impractical. The site plan does show foundation plantings along the south portion of the west building where the impact from the street would be greatest. They do not believe approval of this variance request would be detrimental to any adjacent properties.

The owners would ask the Commission members to agree that the approval of the above requested Variances, will not be injurious to the public health, safety, morals and general welfare of the community and 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, that the strict application of the terms of this Ordinance would result in practical difficulties in the use of the property.

LEGAL DESCRIPTION:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS : LOTS # 816, 817, 818, 819, 820 AND THE VACATED ALLEY LOCATED BETWEEN SAID LOTS # 816 AND 817 ALL AS SHOWN IN THE PLAT OF "SUMMIT PLACE 3<sup>RD</sup> ADDITION" AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE.

CONTAINING 0.60 ACRES MORE OR LESS.

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

# PRELIMINARY SITE PLAN

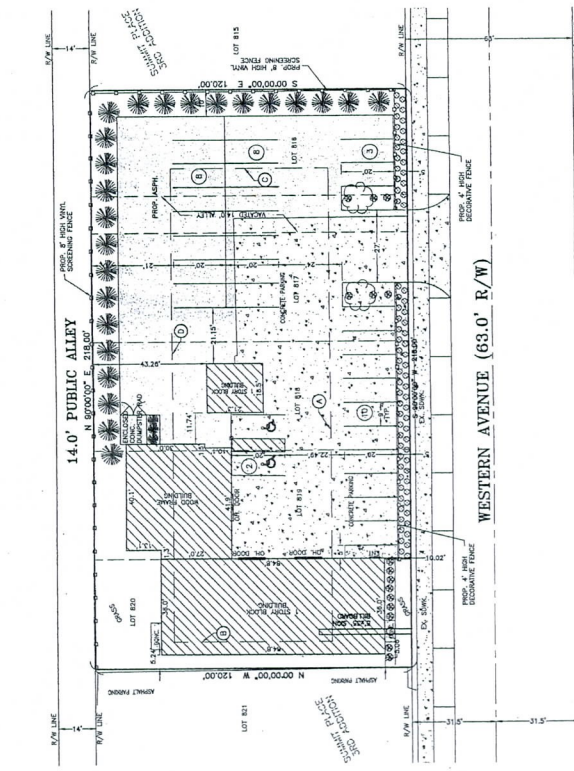
PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 2 EAST,  
CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



TABLED DATA BRANCH "A"

1. SITE AREA	8.69 ACRES
2. PROPOSED LAND USE	RESIDENTIAL
3. EXISTING LAND USE	RESIDENTIAL
4. LOT AREA	10,000 SQ. FT.
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2. PROPOSED LAND USE: RESIDENTIAL
3. EXISTING LAND USE: RESIDENTIAL
4. LOT AREA: 10,000 SQ. FT.
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- SETBACKS LEGEND:**
- (A) 30' FRONT-YARD SETBACK
  - (B) 10' SIDE-YARD SETBACK
  - (C) 30' SIDE RESIDENTIAL BUFFERWARD
  - (D) 30' REAR RESIDENTIAL BUFFERWARD

**SUBMITTERS & ENGINEERS:**  
 DANIEL HANCOCK & ASSOCIATES, INC.  
 1000 W. 10TH AVENUE  
 SOUTH BEND, INDIANA 46612  
 PH: 765.233.4000  
 FAX: 765.233.4001

DATE	DOWN BY	CHECKED BY	DATE	BY
1/1/20	MJD	MJD	1/1/20	MJD
FILE #	170016	PREL. MARKS	170016	MJD

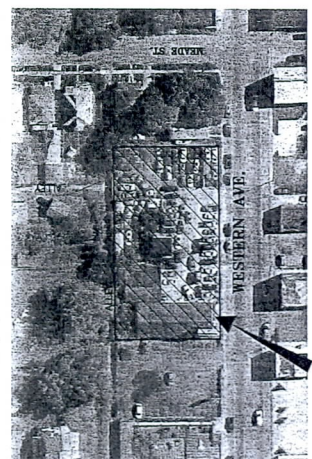
### REVISIONS

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**DHA**  
 Daniel Hancock & Associates, Inc.  
 Land Surveyors & Professional Engineers  
 1000 W. 10TH AVENUE, SOUTH BEND, INDIANA 46612  
 PH: 765.233.4000 FAX: 765.233.4001



**LEGAL DESCRIPTION:**  
 THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, LOCATED BETWEEN SAID LOTS # 816 AND 817 ALL AS SHOWN IN THE PLAT OF "SKAMMIT PLACE 3RD ADDITION" AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, CONTAINING 0.60 ACRES MORE OR LESS.  
 SUBJECT TO ALL LEGAL EASEMENTS, ENCUMBRANCES AND RESTRICTIONS OF RECORD.



**SATELLITE PHOTO:**  
 N.T.S.

THIS PLAN IS THE PROPERTY OF DANIEL HANCOCK & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DANIEL HANCOCK & ASSOCIATES, INC. ALL UNDESIRABLE DETAILS MUST BE FIELD VERIFIED BY THE SURVEYOR. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF DANIEL HANCOCK & ASSOCIATES, INC.

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  
3575 Portage Road, South Bend, Indiana 46628**

**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:

3575 Portage Road, South Bend, Indiana 46628

in order to permit

Automotive Sales and Service.

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

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

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

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

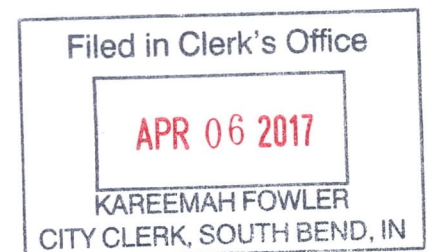
**SECTION V.** The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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

~~PRESENTED~~

~~NOT APPROVED~~

~~APPROVED~~





2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein because of the existing commercial surrounding uses including as stated above, automotive repair service, gasoline sales and large parking areas servicing large retail users.
3. The proposed use will be consistent with the character of the district in which is located and the land uses authorized therein because there is mixture of the type of commercial users present as stated above.
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan because this area is shown for commercial users. The plan does not specially exclude the proposed automotive sales and service facility.



APPLICANT SIGNATURE

Friday, April 7, 2017

Michael J. Danch – Owner’s Representative



**AREA BOARD OF ZONING APPEALS**  
125 S. Lafayette Blvd. Suite 100, South Bend, Indiana 46601  
574-235-9554 · (Fax)574-235-5541 ·  
[building@southbendin.gov](mailto:building@southbendin.gov)  
[www.southbendin.gov](http://www.southbendin.gov)

**NOTICE TO ADJACENT PROPERTY OWNERS:**

You are hereby notified that a public hearing will be held by the Area Board of Zoning Appeals on Wednesday, the 3rd day of May, 2017, at 1:30 p.m. in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana.

A petition is on file by GMS Realty, Inc.

Seeking:

Approval of a Special Exception to allow for automotive sales and service.

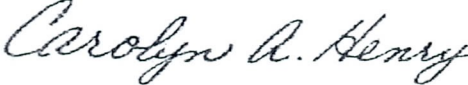
On property commonly described as:

3575 Portage Road, South Bend, Indiana 46628.

Said public hearing will be held as authorized by the applicable Zoning Ordinance and Chapter 138, Acts of 1957 of the General Assembly of the State of Indiana.

As a property owner within the immediate appeal area, this notice is sent to you as a courtesy. Sometimes, for reasons beyond our control, property owners within the immediate area of the subject property will not receive a copy of this notice. If you know of someone who should have received notice but didn't, please inform them of this hearing. Any persons desiring to oppose or support this petition will be heard at the time of the hearing.

AREA BOARD OF ZONING APPEALS



\_\_\_\_\_  
Carolyn A. Henry  
Secretary to the Board

PROPERTY OWNERS WITHIN 300-FT

GMS REALTY INC  
PO BOX 4056  
SOUTH BEND, IN 46634  
025-1014-024304

1ST SOURCE CORPORATION  
P O BOX 1602  
SOUTH BEND, IN 46634  
025-1014-0244

NOTRE DAME FEDERAL CREDIT UNION  
PO BOX 7878  
NOTRE DAME, IN 46556  
025-1014-024305

MEIJER STORES LIMITED PARTNERSHIP  
ATTN: PROPERTY TAX DEPT  
2929 WALKER AVE NW  
GRAND RAPIDS, MI 49544  
025-1014-0243

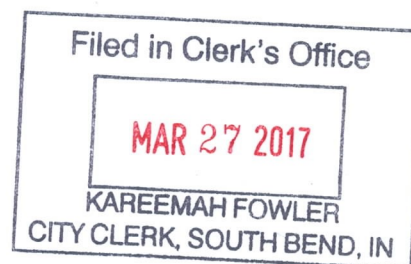
TDM DEVELOPMENT LLC  
2640 GOLDEN GATE PKWY STE 102  
NAPLES, FL 34105  
025-1024-068301

KANE PROPERTIES LLC  
3545 N BENDIX DR  
SOUTH BEND, IN 46628  
025-1014-024004

ALDI (INDIANA) LP  
197 E DIVISION RD  
VALPARAISO, IN 46383  
025-1014-024307

BARNES DEVELOPMENT COMPANY LLC  
1000 ENTERPRISE DR  
ALLEN PARK, MI 48101  
025-1014-024310

December 30, 2016



City Engineering Department

We, Kevin and Shelly Baumgartner would like to submit a Petition for Closure (Vacation) of Pubic Rights-of Way. This is pertaining to the alley between our property at 316 South Taylor Street and the property owned by CS&L The Communication REIT.

The alley runs approximately three feet from our house. We would like to obtain rights to the alley in order to put a gate at the east entrance. Our reason for doing this is a matter of safety and privacy. The alley is often used by people attending baseball games at Four Winds Field because the surrounding vacant lots are used as parking even though cones are placed at the entrance to prevent this. It is also used as a street for traffic on a near daily basis. Another concern is the heavy amount of pedestrian traffic which again is an issue of privacy and safety.

Gating in this area would provide much needed safety and privacy. It would prevent the alley from being used as a short cut for auto and pedestrian traffic. Its extremely close proximity to our property is a true cause for concern.

The alley crosses another alley which runs north and south. There would still be a T shape alley access behind our property. By gating rather than fencing the rear portion of the alley would keep it accessible if necessary.

CS&L has agreed to our request. Please see the attached copy of our most recent correspondence which is a signed agreement from the Senior Vice President of Operations. Also attached is a photo of the the properties.

Thank you for your consideration in this matter.

Sincerely,

Kevin and Shelly Baumgartner  
315 South Taylor Street  
South Bend, IN 46601  
574-234-6182



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

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

*FIRST EAST/WEST ALLEY NORTH OF WESTERN AND SOUTH OF WAYNE RUNNING APPROXIMATELY 118' FROM THE EAST RIGHT-OF-WAY OF SOUTH TAYLOR 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:

*FIRST EAST/WEST ALLEY NORTH OF WESTERN AND SOUTH OF WAYNE RUNNING APPROXIMATELY 118' FROM THE EAST RIGHT-OF-WAY OF SOUTH TAYLOR 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:

<i>018-3012-0409</i>	<i>018-3012-0412</i>	<i>018-3048-184101</i>
<i>018-3012-0422</i>	<i>018-3012-0408</i>	<i>018-3012-0406</i>
<i>018-3012-0411</i>	<i>018-3012-0424</i>	<i>018-3012-0421</i>
<i>018-3012-041101</i>	<i>018-3012-041201</i>	<i>018-3048-1842</i>
<i>018-3012-0407</i>	<i>018-3012-042001</i>	<i>018-3012-0410</i>

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

A concern for public safety and property protection along the alley as the home is positioned extremely close to the alley.

**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:*

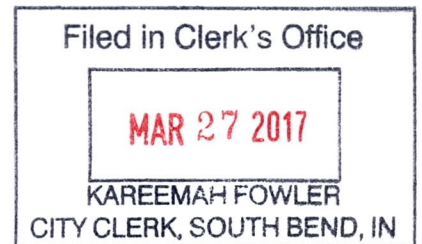
\_\_\_\_\_  
Kareemah N. Fowler, City Clerk  
Office of the City Clerk

*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



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

Filed in Clerk's Office

MAR 27 2017

KAREEMAH FOWLER

CITY CLERK, SOUTH BEND, IN

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

DATE: 12-30-16

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

A. THE ALLEY DESCRIBED AS:

Between 316 S. Taylor St and 318 S. Taylor St South Bend  
Alley 3012 / E. 1/2 N.E. 1/4 Sec. 11 T. 37N. R. 2.E

B. THE STREET DESCRIBED AS:

NAME (signed & printed)	ADDRESS	LOT #
<u>Shelly Baumgartner</u> <u>Shelly Baumgartner</u>	<u>316 S. Taylor St. / South Bend / 46601</u>	<u>0411</u>
<u>Jeff Small</u> <u>signature attached</u>	<u>318 S Taylor St / South Bend / 46601</u>	<u>0412</u>

**CONTACT PERSON (S)**

NAME: Shelly Baumgartner

ADDRESS: 315 S. Taylor St  
South Bend, IN 46601

PHONE: 234-6182 hm  
288-9800 wk  
340-4445 cell

**RETURN TO:**

OFFICE OF THE CITY CLERK  
JOHN VOORDE, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
574-235-8221

November 30, 2015

CITY OF SOUTH BEND  
OFFICE OF THE CITY CLERK  
ROOM 455, COUNTY-CITY BUILDING  
SOUTH BEND, INDIANA 46601

Attn: City Engineering Office

To whom it may concern:

CS&L The Communications REIT has agreed to vacate rights to our portion of the alley way between our property at 318 South Taylor Street and 316 South Taylor Street, giving all rights to Kevin and Shelly Baumgartner.

We have agreed to do so in order to make it possible for Kevin and Shelly Baumgartner to construct a gate in the alley between the two properties at the rear of the Baumgartner's property. This will result in more security and privacy for both properties.

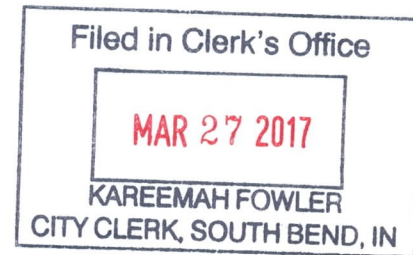
We have no reservations regarding the vacating of our portion of the alley rights.

Sincerely,



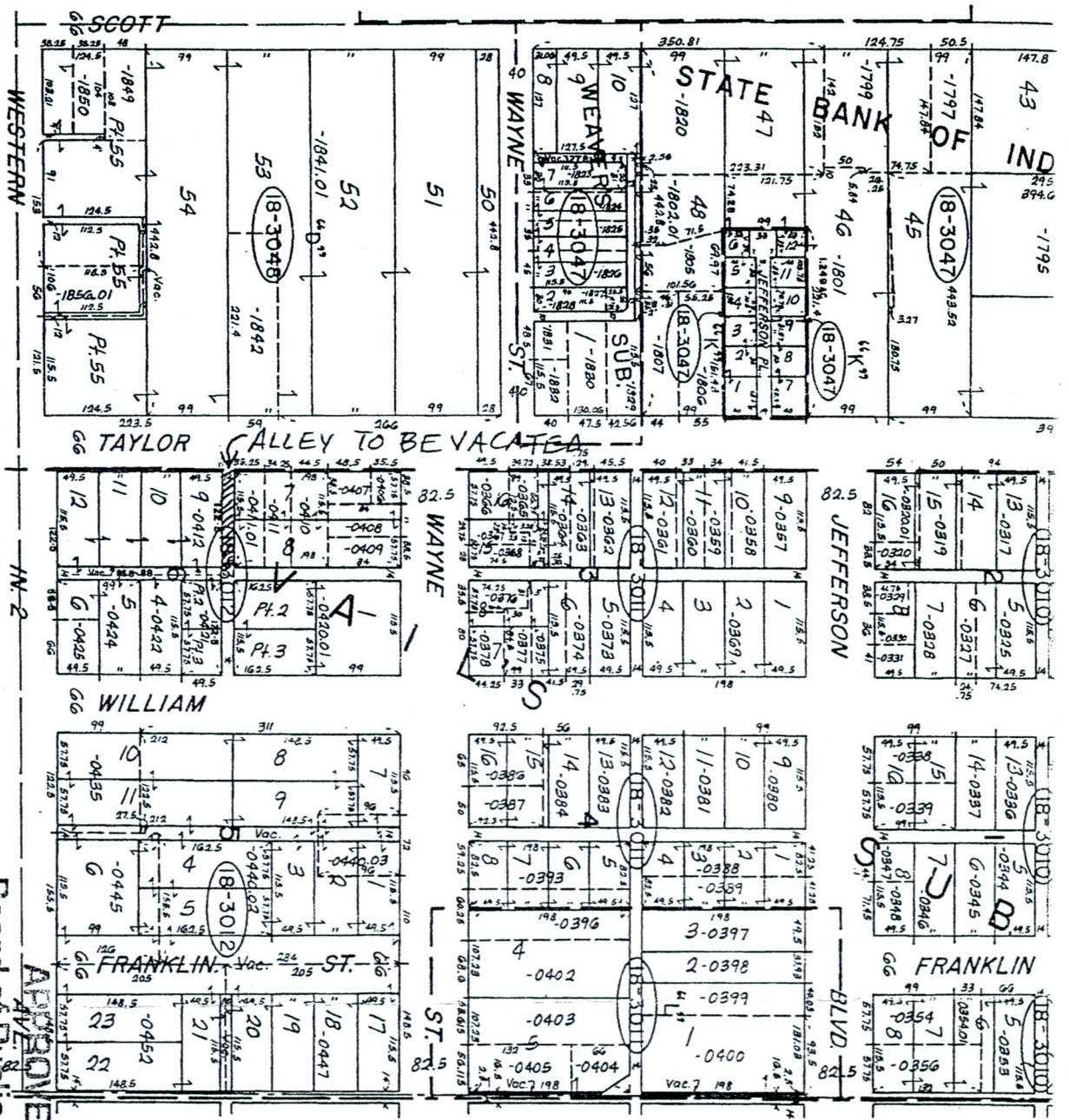
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Jeff Small  
Senior Vice President of Operations  
CS&L The Communications REIT





660 FT



PORTAGE TWP.  
 E. 1/2 NE. 1/4 SEC. 11 T. 37N. R. 2E.

Filed in Clerk's Office  
**MAR 27 2017**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

APPROVED  
 Board of Public Works  
 Copyright 1986 THE SIDWELL COMPANY

8-11D  
 SCALE: 1" = 100'

PURPOSE:  
 TRAFFIC VERY  
 CLOSE TO HOUSE  
 IS "DANGEROUS"  
 OWNER:  
 Kevin + Shelly  
 Baumgartner  
 315 S. Taylor  
 South Bend, IN  
 46601  
 (594) 234-6182




Filed in Clerk's Office  
 APR 19 2017  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN



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

**Alley Vacation Radius Map**

Properties within 150'

 150' Buffer

Date Prepared: 4/4/2017

**Kevin and Shelly Baumgartner**

1st EW Alley N of Western and S of Wayne running approximately 118' from the E ROW of S. Taylor Street.

Filed in Clerk's Office  
**APR 19 2017**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

OwnerName	OwnerCity	OwnerState	OwnerZIP	LegalDesc	ParcelldCounty	PropState	PropZIP	OwnerAddress
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	38 1/2 FT Side 74 1/2 FT N Side Lot 8 & 10 FT S End Of 38 1/2 X 84 FT Ne Pt Lot 8 Vails Sub Block 6	018-3012-0409	IN		227 W Jefferson Blvd 1400
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	Lot 4 & E 1/2 Vac Alley W & Adj Vails Sub Block 6	018-3012-0422	IN		227 W Jefferson Blvd 1400
BAUMGARTNER KEVIN T & SHELLY A	South Bend	IN	46601	N 341-4 Of S 69 1/2 Lots 7 & 8 Vails Sub Blk 6	018-3012-0411	IN		315 S Taylor St
BAUMGARTNER KEVIN & SHELLY	South Bend	IN	46601	S 351-4 Ft Lots 7 & 8 Vails Sub Block 6	018-3012-041101	IN	46601	316 S Taylor St
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	38 1/2 S End 74 N End 38.5 W End Of Side Lot 7 & 10 S End 38.5 Nw Pt Lot 7 Vails Sub Blk 6	018-3012-0407	IN		227 W Jefferson Blvd 1400
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	Lots 10 Thru 12 & W 1/2 Vac Alley E & Adj Vails Sub Block 6 07/08 Split to 041201 5052WD 7/18/06	018-3012-0412	IN		227 W Jefferson Blvd 1400
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	19 1/2 E Side 74 W End & 19 1/2 S & Adj Lot 7 19 1/2 W Side 74 N End & 10x19 1/2 S & Adj Lot 8 Vails Blk 6	018-3012-0408	IN		227 W Jefferson Blvd 1400
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	Lot 5 & W 49.5 Lot 6 & E 1/2 Vac Alley W & Adj Vails Block 6	018-3012-0424	IN		227 W Jefferson Blvd 1400
CSL REALTY LLC	Little Rock	AR	72211	Lot 9 & W 1/2 Vac Alley E & Adj Vail's Sub 07/08 Split from 0412 5052WD 7/18/06	018-3012-041201	IN	46601	10802 Executive Center Dr
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	Lots 1, 2 & 3 Vails Sub Of Block 6	018-3012-042001	IN		227 W Jefferson Blvd 1400
ST PATRICK CHURCH DIOCESE OF FT WAYNE	South Bend	IN	46601	Bo1 50 51 52 & W 1/2 Lot 53 & Lot 54 & 55 Ex Nw Parcels 48x 108 & 38.25 X 25 X 104 & Mid Pt E 1/2 62 X 118.5	018-3048-184101	IN	46601	309 S Taylor
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	35 1/2 Ft & 38.5 Ft Nw Cor Lot 7 Vails Sub Block 6	018-3012-0406	IN		227 W Jefferson Blvd 1400
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	3 Rds S End Ea Lots 2 & 3 & E 1/2 Vac Alley W & Adj Vails Sub Block 6	018-3012-0421	IN		227 W Jefferson Blvd 1400
BAUMGARTNER KEVIN & SHELLY % BAUMGARTNER	South Bend	IN	46601	59 Ft S Side E 1/2 Lot 53 Bank Out Lot 53	018-3048-1842	IN	46601	315 S Taylor
DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND	South Bend	IN	46601	44 1/2 Ft Mid Pt Ea Lots 7 & 8 Vails Sub Blk 6	018-3012-0410	IN		227 W Jefferson Blvd 1400



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

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

1<sup>st</sup> NW alley running N approximately 170' and 14' wide from Indiana Ave., W. of High Street and E. of Marietta 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:

1<sup>st</sup> NW alley running N approximately 170' and 14' wide from Indiana Ave., W. of High Street and E. of Marietta 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:

*LOTS 018-7029-1145, 018-7029-1144, 018-7029-1131, 018-7029-1130*

Section IV. The purpose of the vacation of the real property is to conjoin the property owners two properties.

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*

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

Filed in Clerk's Office  
**APR 06 2017**  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



## SOUTH BEND COMMON COUNCIL

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

DATE: 4/6/17

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

first Northwest alley running north  
approximately 170' and 14' wide from Indiana ave  
west of High Street and east of Marietta Street

2. THE STREET DESCRIBED AS:

Indiana Ave.

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
1.	<u>N/A</u>		
2.			
3.			

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

JENNIFER M. COFFMAN  
CHIEF DEPUTY/ CHIEF OF STAFF

ALKEYNA M. ALDRIDGE  
DEPUTY/ DIRECTOR OF POLICY

JOSEPH R. MOLNAR  
ORDINANCE VIOLATION CLERK

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**

February 14, 2017

Andrew Pich  
717 E Indiana  
South Bend, IN 46613

RE: Alley Vacation – 1<sup>st</sup> Half of the North/South Alley West of High Street, North of East Indiana Avenue, East of Marietta (Preliminary Review)

Dear Mr. Pich:


The Board of Public Works, at its February 14, 2017, 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.

The Board noted the vacation would create a "t" intersection with the east/west alley and a taper needs to be installed to allow for turning radius. Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this partial alley subject to you installing a taper at the intersection of the two alleys.

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

Sincerely,

  
Linda M. Martin, Clerk

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





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

**DATE SENT: 11/16/2016**

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

**FROM:**

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

---

**APPLICANT:** **Andrew Pich**

---

**LOCATION:** **Partial Section of 1<sup>st</sup> N/S Alley West of High St., North of E Indiana Ave and E of Marietta**

---

**DATE DUE:** **December 6, 2016**

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**FAX OR E-MAIL TO:** **235-9171 / [lmartin@southbendin.gov](mailto:lmartin@southbendin.gov)**

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

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

**COMMENTS:**

---

By \_\_\_\_\_ Date \_\_\_\_\_

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



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

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

Submission Date:	11/15/16		
Applicant Name:	ANDREW PICH	Phone #:	574-993-1873
		Email:	flufnuckle@gmail.com
Property Address:	717 and 721 E. INDIANA		
Applicant property information:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial
Describe the general alley location with boundaries (ex. Church Pl, between E. Colfax Ave & E. LaSalle Ave):	1st NS ALLEY W OF HIGH ST, N OF E. INDIANA AVE, E OF MARIETTA		
Is your property adjacent to the alley of interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Do you own all adjacent properties to the alley of interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If no, use the attached table to provide the following information for all affected property owners: Name, Address, Consent for the proposed alley vacation			
Reason for street/alley vacation and proposed use:			
ALLEY DIVIDES OWNERS' TWO LOTS			
Does the existing alley provide garage access to other property owners?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Does the alley receive daily traffic excluding your own use?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

**OFFICE USE ONLY:**

Board Recommendation for the proposed alley vacation:     Yes     No

Board of Public Works Authorized Signatures:

*[Handwritten signatures]*

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## Elizabeth Horvath

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**From:** Matt Longfellow  
**Sent:** Wednesday, November 23, 2016 11:52 AM  
**To:** Elizabeth Horvath  
**Cc:** Toy Villa; Roger Nawrot; Donna C. Hanson  
**Subject:** RE: Alley Vacation - Andrew Pich  
**Attachments:** engineering\_response.pdf

Engineering gives this an unfavorable recommendation, because:

1. 717 E. Indiana would require alley to access their back garage, and per county records 717 and 721 (either side of alley) are owned by two separate people.

**From:** Elizabeth Horvath  
**Sent:** Wednesday, November 16, 2016 3:46 PM  
**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>  
**Subject:** Alley Vacation - Andrew Pich

Please provide your recommendations.

*Lizzy Horvath*

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



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## Elizabeth Horvath

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**From:** Eugene Eyster  
**Sent:** Friday, January 20, 2017 11:44 PM  
**To:** Elizabeth Horvath  
**Subject:** Re: Second Request - Alley Vacation - Andrew Pich

Ms. Horvath,  
The Police Department would have no recommendation regarding this request.

Lt. Eyster

Sent from my iPad

On Jan 20, 2017, at 08:53, Elizabeth Horvath <[lhovath@southbendin.gov](mailto:lhovath@southbendin.gov)> wrote:

Please provide your recommendations.

*Lizzy Horvath*

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



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<Alley Vacation - Andrew Pich.pdf>

#2671

7015	199-0603	153.08	50	119.32
200	198A-0604	153.07	50	69.32
	196A-0606	153.07		"M"
		69.14		

7015	239-0617	153.08	38	39
240	238-0618	153.07	38	39
	237-0620	153.07	38	39
	236-0621	153.07	38	39
	235-0622	153.07	38	39

195	194	193	191	190	222-0654	223-0655	224	225
153	153	153	153	153	153	153	153	153
153	153	153	153	153	153	153	153	153
153	153	153	153	153	153	153	153	153

235	234	233-0664	232-0665	231	230	229-0668	228-0669	227	226	225
153	153	153	153	153	153	153	153	153	153	153
153	153	153	153	153	153	153	153	153	153	153
153	153	153	153	153	153	153	153	153	153	153

AVE. 60

77-1158	76-1157	75-1156	74-1155	73-1154	72-1153	71-1152
153	153	153	153	153	153	153
153	153	153	153	153	153	153
153	153	153	153	153	153	153

36-1172	37-1171	38-1170	39-1169	40-1168	41-1167	42-1166
152.09	152.09	152.09	152.09	152.09	152.09	152.09
152.09	152.09	152.09	152.09	152.09	152.09	152.09
152.09	152.09	152.09	152.09	152.09	152.09	152.09

MARIETTA

68-1135	67-1134	66-1133	65-1132	64-1131	63-1130	62-1129	61-1128	60-1125	59-1124
153	153	153	153	153	153	153	153	153	153
153	153	153	153	153	153	153	153	153	153
153	153	153	153	153	153	153	153	153	153

43-1148	44-1149	47-1147	48-1146	49-1145	50-1144	51-1143	52-1142	55-1139	56-1138
152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59
152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59
152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59	152.59

INDIANA AVE

AVE. 60

HIGH

DEED #2774  
 SE TWP.  
 13 T.37N. R.2E.

ANDREW PICH  
 717 E. INDIANA  
 SOUTH BEND,  
 46613

DEED #2695

574-993-1873

## Elizabeth Horvath

---

**From:** Federico Rodriguez  
**Sent:** Thursday, November 17, 2016 12:42 PM  
**To:** Elizabeth Horvath  
**Subject:** RE: Alley Vacation - Andrew Pich

Un-favorable S.B.F.D due to reason # 2.

**Federico (Chico) Rodriguez**  
**Fire Marshal**  
**Office: (574) 235-7564**  
**Mobile: (574) 876-6734**  
**1222 S. Michigan Street**  
**City of South Bend, In 46601**  
[frodrigu@southbendin.gov](mailto:frodrigu@southbendin.gov)



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**From:** Elizabeth Horvath  
**Sent:** Wednesday, November 16, 2016 3:46 PM  
**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>  
**Subject:** Alley Vacation - Andrew Pich

Please provide your recommendations.

*Lizzy Horvath*  
Secretary  
Department of Public Works  
227 W. Jefferson Blvd., Suite 1316  
South Bend, IN 46601  
574-235-9251 Ex. 3168  
[lhovath@southbendin.gov](mailto:lhovath@southbendin.gov)

## Elizabeth Horvath

---

**From:** Michael Bronstetter  
**Sent:** Thursday, November 17, 2016 1:23 PM  
**To:** Elizabeth Horvath  
**Subject:** RE: Alley Vacation - Andrew Pich

This vacation would not hinder Solid Waste's operation.

Thanks,



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

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---

**From:** Elizabeth Horvath  
**Sent:** Wednesday, November 16, 2016 3:46 PM  
**To:** Pete Kaminski <[pkaminsk@southbendin.gov](mailto:pkaminsk@southbendin.gov)>; Michael Bronstetter <[mbronste@southbendin.gov](mailto:mbronste@southbendin.gov)>; Matt Longfellow <[mlongfel@southbendin.gov](mailto:mlongfel@southbendin.gov)>; Chris Dressel <[cdressel@southbendin.gov](mailto:cdressel@southbendin.gov)>; Federico Rodriguez <[frodrigu@southbendin.gov](mailto:frodrigu@southbendin.gov)>; Larry Magliozzi <[lmaglioz@co.st-joseph.in.us](mailto:lmaglioz@co.st-joseph.in.us)>; Eugene Eyster <[eeyster@southbendin.gov](mailto:eeyster@southbendin.gov)>  
**Subject:** Alley Vacation - Andrew Pich

Please provide your recommendations.

*Lizzy Horvath*

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



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INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

DATE SENT: 11/16/2016

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

FROM: Linda M. Martin, Clerk *LM*

SUBJECT: REQUEST FOR RECOMMENDATION – ALLEY VACATION

---

APPLICANT: Andrew Pich

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LOCATION: Partial Section of 1<sup>st</sup> N/S Alley West of High St., North of E Indiana Ave and E of Marietta

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DATE DUE: December 6, 2016

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FAX OR E-MAIL TO: [235-9171](tel:235-9171) / [lmartin@southbend.in.gov](mailto:lmartin@southbend.in.gov)

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

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

COMMENTS:

Our ownership records show a discrepancy in property owner. - ONE OWNER *Jm*

By Keith Chapman, Planner Date 11/22/16



## Elizabeth Horvath

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**From:** Chris Dressel  
**Sent:** Tuesday, February 07, 2017 1:51 PM  
**To:** Elizabeth Horvath  
**Cc:** Tim Corcoran  
**Subject:** RE: Second Request - Alley Vacation - Andrew Pich

Recommended for approval since it does not violate the relevant state statutes under IC 36-7-3-13

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

---

**From:** Elizabeth Horvath  
**Sent:** Friday, January 20, 2017 8:53 AM  
**To:** Eugene Eyster; Pete Kaminski; Chris Dressel  
**Subject:** Second Request - Alley Vacation - Andrew Pich

**Please provide your recommendations.**

*Lizzy Horvath*

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



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**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE TO AMEND, CORRECT, AND REPLACE ORDINANCE NO. 10497-17 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 49.5 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.

On February 13, 2017 this Council Passed Ord. No. 10497-17 to vacate an alley right of way. However, the legal description of the described property was subsequently discovered to be incomplete, describing only a portion of the property to be vacated. This ordinance amends and corrects the legal description by including the complete legal description of the alley to be vacated and it replaces Ordinance No. 10497-17 by vacating the correctly described 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:

E/W alley from east right of way of Laurel Street a distance of 144 feet and width of 49.5 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 – Northern Indiana Historical Society, 018-3054-2092 – Northern Indiana Historical Society, 018-3054-2085 – Northern Indiana Historical Society, 018-3054-2085 – Northern Indiana Historical Society

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

**SECTION V.** This Ordinance supersedes and replaces Ordinance No. 10497-17.

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

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

Attest:

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

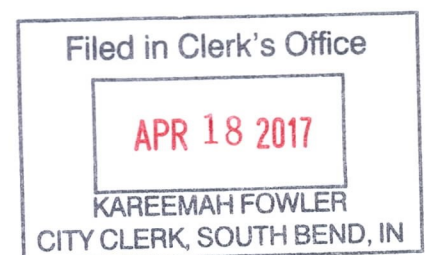
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m.

Attest:

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

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

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



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ORDINANCE No. 10497-17

Passed by the Common Council of the City of South Bend, Indiana \_\_\_\_\_

\_\_\_\_\_ February 13, 20 17

Attest: Laurel T. Fowler \_\_\_\_\_ City Clerk

Attest: [Signature] \_\_\_\_\_ President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana \_\_\_\_\_

\_\_\_\_\_ February 14, 20 17

Laurel T. Fowler \_\_\_\_\_ City Clerk

Approved and signed by me February 17 20 17

[Signature] \_\_\_\_\_ Mayor

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ORDINANCE NO. 10497-17

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

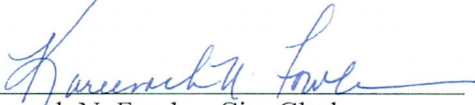
Section IV. The purpose of the vacation of the real property is for *the Northern Indiana Historical Society, Inc. to ultimately assemble land to move a historic building to the site and to interpret its history for the benefit of the public.*

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.



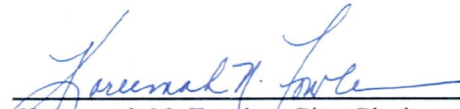
Tim Scott, Council President  
South Bend Common Council

*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 14<sup>th</sup> day of February, 2016 at 9 o'clock a. M*



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

*Approved and signed by on the 17<sup>th</sup> day of February,  
2016 at 10 o'clock a. M*



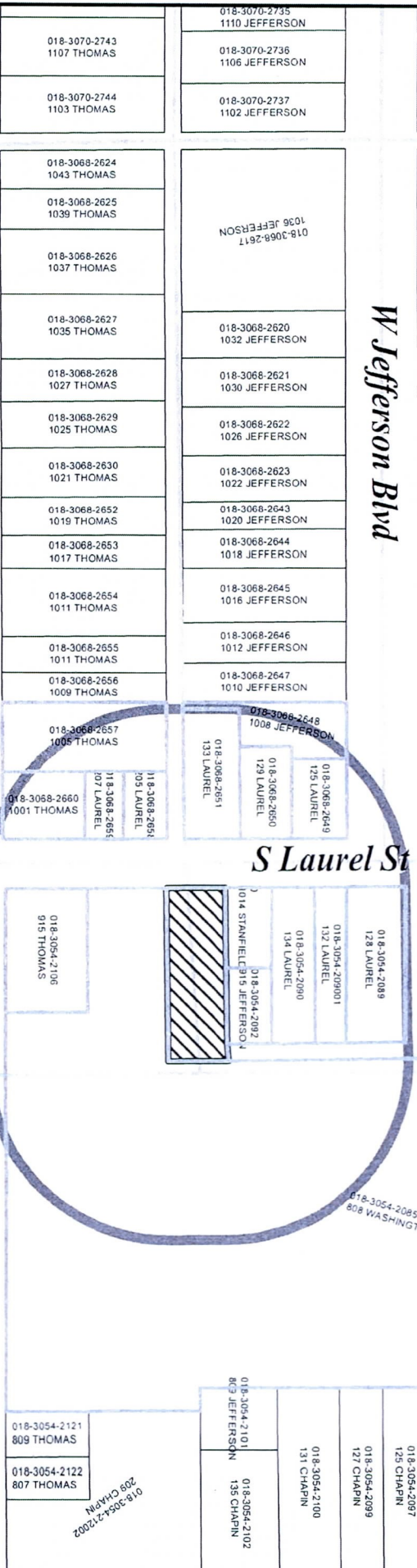
Pete Buttigieg, Mayor  
City of South Bend, Indiana

1st READING 1/23/17  
PUBLIC HEARING 2/13/17  
3rd READING 2/13/17  
NOT APPROVED  
REFERRED 1/23/17  
PASSED 2/13/17

Filed in Clerk's Office  
JAN 19 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

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

PARCEL ID	PROP. ADDR	LEGAL DESCR	NAME_1	MALINGADD	MALINGCIT	MALINGZIP
018-3070-2748 1106 THOMAS	1001 THOMAS S	Lot 19 70'S End	VAH & HINES CR Bld 90	512 W Edison Rd Ste 5	South Bend	46616
018-3070-2749 1102 THOMAS	1008 JEFFERSON	Lot 18 W&L & Hines Subd Of Bld 90	VANSON BELS FARM AND LAUNDED	1005 W Thomas St	South Bend	46628
018-3068-2848	1014 STANFELD	49 R N End Ex 8 27 R E Side	ALCOA OF PROPERTIES LLC	14597 CR 40	Goshwin	46528
018-3068-2849	125 LAUREL	8 27 R E Side 48 R N End	LEBARD DANNY	125 Laurel	South Bend	46628
018-3054-2088	128 LAUREL	Lot 33 A Thomas Subd Of N R Bld 74	SOUTH BEND HERITAGE FOUNDATION	803 Lincolnway W West	South Bend	46616
018-3068-2850	129 LAUREL	40 R L&M R E Ex 39 2 R W Side	ST JOSEPH COUNTY	County City Building	South Bend	46601
018-3068-2851	132 LAUREL	N 1/2 Lot 34 A Thomas Subd Of N Part Of Bld 7	AMAYA HERMAN & GLOBA PATRICKA	132 Laurel St	South Bend	46601
018-3054-2090	133 LAUREL	49 9 R S End Lot 10 & 48 6 R E Ex 8 R W Side	HABITAT FOR HUMANITY INC	402 E LAUREL ST	South Bend	46601
018-3068-2858	205 LAUREL	S 1/2 Lot 34 & 8 9 R X 70 R W R Lot 35 Am	HOLT JERRY	134 S Laurel Street	South Bend	46617
018-3068-2859	207 LAUREL	Lot 19 Ex S 102 R W&L & Hines Subd Of Bld 90	ANDERSON SLOUS SR	1127 N Twydenham Dr	South Bend	46617
018-3054-2085	808 WASHINGTON	Lot 19 32 R L&M R W&L & Hines Subd Of Bld 90	ANDERSON SLOUS L	1127 N Twydenham Dr	South Bend	46601
018-3054-2092	915 JEFFERSON	S 50X128 BOL 35 ALL 36 837 & 38 EX 55X1	NORTHERN INDIAN HISTORICAL SOCIETY	808 W Washington	South Bend	46601
018-3054-2106	915 THOMAS	S 1/2 W 304 Lot 18 & S 1/2 Lot 19 A Thomas	GRAHAM LUCINDA	53840 Marshall Dr E	South Bend	46628



018-3070-2743 1107 THOMAS	018-3068-2624 1043 THOMAS	018-3068-2625 1039 THOMAS	018-3068-2626 1037 THOMAS	018-3068-2627 1035 THOMAS	018-3068-2628 1027 THOMAS	018-3068-2629 1025 THOMAS	018-3068-2630 1021 THOMAS	018-3068-2652 1019 THOMAS	018-3068-2653 1017 THOMAS	018-3068-2654 1011 THOMAS	018-3068-2655 1011 THOMAS	018-3068-2656 1009 THOMAS	018-3068-2657 1005 THOMAS	018-3068-2660 1001 THOMAS	018-3068-2661 1024 THOMAS	018-3068-2666 1024 THOMAS
018-3070-2744 1103 THOMAS	018-3068-2626 1032 JEFFERSON	018-3068-2621 1030 JEFFERSON	018-3068-2622 1026 JEFFERSON	018-3068-2623 1022 JEFFERSON	018-3068-2643 1020 JEFFERSON	018-3068-2644 1018 JEFFERSON	018-3068-2645 1016 JEFFERSON	018-3068-2646 1012 JEFFERSON	018-3068-2647 1010 JEFFERSON	018-3068-2648 1008 JEFFERSON	018-3068-2649 125 LAUREL	018-3068-2650 129 LAUREL	018-3068-2651 133 LAUREL	018-3068-2654 132 LAUREL	018-3068-2655 134 LAUREL	018-3068-2656 135 LAUREL
018-3070-2743 1107 THOMAS	018-3054-2089 127 CHAPIN	018-3054-2100 131 CHAPIN	018-3054-2101 809 JEFFERSON	018-3054-2102 135 CHAPIN	018-3054-2103 809 JEFFERSON	018-3054-2104 809 THOMAS	018-3054-2122 807 THOMAS	018-3054-2121 809 THOMAS	018-3054-2106 915 THOMAS	018-3054-2090 132 LAUREL	018-3054-2090 132 LAUREL	018-3054-2092 134 LAUREL	018-3054-2093 134 LAUREL	018-3054-2094 134 LAUREL	018-3054-2095 134 LAUREL	018-3054-2096 134 LAUREL
018-3070-2744 1103 THOMAS	018-3054-2088 121 CHAPIN	018-3054-2087 125 CHAPIN	018-3054-2089 127 CHAPIN	018-3054-2099 127 CHAPIN	018-3054-2097 125 CHAPIN	018-3054-2098 128 LAUREL	018-3054-2082 120 LAUREL	018-3054-2090 132 LAUREL	018-3054-2090 132 LAUREL	018-3054-2092 134 LAUREL	018-3054-2093 134 LAUREL	018-3054-2094 134 LAUREL	018-3054-2095 134 LAUREL	018-3054-2096 134 LAUREL	018-3054-2097 134 LAUREL	018-3054-2098 134 LAUREL
018-3070-2743 1107 THOMAS	018-3055-2128 914 THOMAS	018-3055-2129 912 THOMAS	018-3055-2130 910 THOMAS	018-3055-2131 908 THOMAS	018-3055-2133 904 THOMAS	018-3055-2134 902 THOMAS	018-3055-2135 813 THOMAS	018-3055-2136 812 THOMAS	018-3055-2137 810 THOMAS	018-3055-2138 217 CHAPIN	018-3055-2139 217 CHAPIN	018-3055-2140 223 CHAPIN	018-3055-2141 223 CHAPIN	018-3055-2142 223 CHAPIN	018-3055-2143 223 CHAPIN	018-3055-2144 223 CHAPIN

**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

0 55 110 220 Feet

**Alley Vacation**  
**Properties within 150'**

DESCRIPTION:  
 E/W Alley Adjacent West of Parcel: 018-3054-2085

APPLICANT Parcel ID: 018-3054-2085



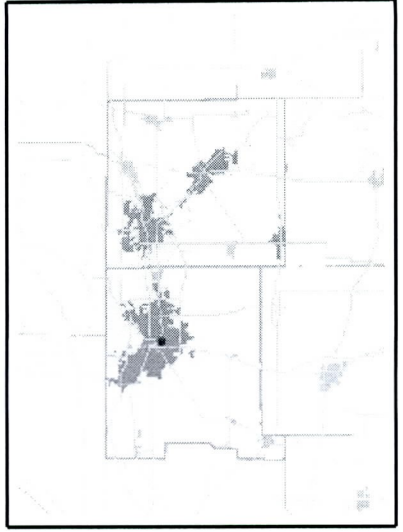
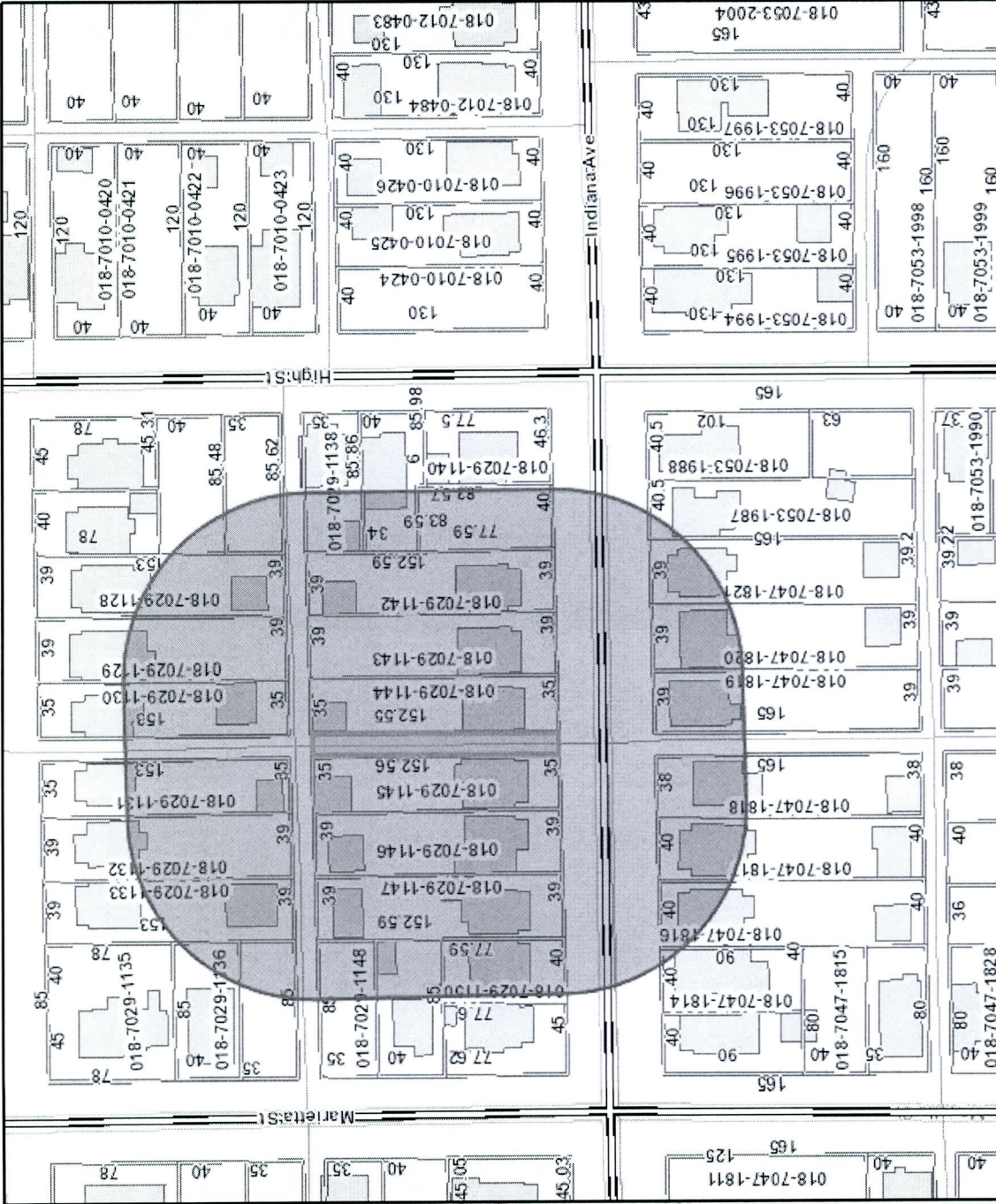
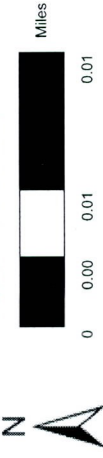
# Alley Vacation

717 E. Indiana Ave.

## Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge
- Major Roads
- Primary Roads
- Secondary Roads
- Local Roads
- Rivers
- Local Roads

1 inch = 75.00 feet



Michiana Area Council of Governments | Geographic Information System  
Elkhart and St. Joseph Counties, IN



Date Printed: 3/17/2017

Map Generated By: DCH

Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

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