



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, July 24, 2017

7:00 P.M.

1. **INVOCATION- DEACON JOHN TUGMAN, HOLY CROSS CATHOLIC CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

- 17-43 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CELEBRATING SAINT JOSEPH HIGH SCHOOL'S CLASS 3A STATE BASEBALL CHAMPIONSHIP

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

- 34-17 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4640 SOUTH MICHIGAN STREET; 237, 305, AND 313 REASOR STREET; 4637, 4701, 4707, AND VACANT PARCEL SOUTH AND ADJACENT TO 4707 FELLOWS STREET; COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

- 40-17 PUBLIC HEARING ON AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS TO PERMITTED USES IN CB COMMUNITY BUSINESS DISTRICT, CBD CENTRAL BUSINESS DISTRICT, AND GB GENERAL BUSINESS DISTRICT; AND ESTABLISHING ADDITIONAL DEVELOPMENT STANDARDS FOR MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS; AND ADDING A DEFINITION FOR MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS.

[41-17](#) PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF WILLIAMS STREET (PORTAGE AVENUE), FROM THE SOUTH RIGHT-OF-WAY OF W. NAVARRE STREET TO THE NORTH RIGHT-OF-WAY OF WEST MARION STREET FOR A DISTANCE OF APPROXIMATELY 410 FEET AND A WIDTH OF 14 FEET. BEING A PART OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

[42-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$5,000,000 FROM PARK FUND (#201).

[44-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$70,000 FROM DEPARTMENT OF COMMUNITY INVESTMENT OPERATING FUND (#211).

8. **BILLS ON THIRD READING**

TIME:_____

BILL NO.

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9. **RESOLUTIONS**

BILL NO.

[17-37](#) 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 1502 W. DUNHAM, SOUTH BEND, INDIANA 46619

[17-40](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND SUPPORTING SOLARIZE SOUTH BEND AS A CLEAN ENERGY INITIATIVE

[17-41](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, COMMITTING TO JOIN OTHER U.S. CITIES AND STATES IN EMBRACING PRINCIPLES LAID OUT IN PARIS CLIMATE AGREEMENT

10. **BILLS ON FIRST READING**

BILL NO.

[45-17](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST NORTH/SOUTH ALLEY WEST OF LAUREL STREET RUNNING SOUTH FROM JEFFERSON BLVD. TO FIRST EAST/WEST ALLEY, AND NORTH FROM JEFFERSON BLVD. TO FIRST EAST/WEST ALLEY

[46-17](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 13, ARTICLE 5, SECTION 13-75.5 OF THE SOUTH BEND MUNICIPAL CODE TO ADD DEALING IN A SYNTHETIC DRUG LOOKALIKE SUBSTANCE TO THE LIST OF PROHIBITED ACTIVITIES CONSTITUTING A DISORDERLY HOUSE

11. UNFINISHED BUSINESS

12. NEW BUSINESS

13. PRIVILEGE OF THE FLOOR

14. ADJOURNMENT

TIME: _____

Notice for Hearing and Sight Impaired Persons

Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.

Please Give Reasonable Advance Request When Possible.

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



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: JULY 20, 2017
SUBJECT: COMMITTEE MEETING NOTICE

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

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

<u>3:30 P.M.</u>	<u>PUBLIC WORKS & PROPERTY VACATION</u>	JOHN VOORDE, CHAIRPERSON
	1. Bill No. 41-17 - Frank Linerello Alley Vacation	
<u>3:40 P.M.</u>	<u>PERSONNEL & FINANCE</u>	KAREN WHITE, CHAIRPERSON
	1. Bill No. 42-17 - Regional Cities Allocation	
	2. Bill No. 44-17 - Housing Study Appropriation	
<u>4:00 P.M.</u>	<u>HEALTH & PUBLIC SAFETY</u>	JO M. BRODEN, CHAIRPERSON
	1. Bill No. 17-41 - Climate Change Resolution	
<u>4:15 P.M.</u>	<u>UTILITIES</u>	DAVE VARNER, CHAIRPERSON
	1. Bill No. 17-40 - Solarize South Bend	
	2. Light Up South Bend Update, Eric Horvath- Executive Director of Public Works	
<u>4:35 P.M.</u>	<u>ZONING & ANNEXATION</u>	OLIVER DAVIS, CHAIRPERSON
	1. Bill No. 34-17 - Rezoning at 4640 S. Michigan	
	2. Bill No. 40-17 - Indoor Storage Text Amendment	
	3. Bill No. 17-37 - Special Exception at 1502 W. Dunham	

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

INFORMAL MEETING OF THE COMMON COUNCIL

TIM SCOTT, PRESIDENT

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS

**Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible**

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

JENNIFER M. COFFMAN
CHIEF DEPUTY
DIRECTOR OF OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATIONS
BUREAU CLERK



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

COMMUNITY INVESTMENT COMMITTEE

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

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member

Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

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

Regina Williams-Preston, Chairperson

Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member

Karen White, Member

COUNCIL RULES COMMITTEE

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

Tim Scott, Member

Jo Broden, Member

Dr. David Varner, Member

Karen White, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

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

Jo Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE

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

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dave Varner, Member

Randy Kelly, Member

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

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

Randy Kelly, Chairperson

Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member

John Voorde, Member



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

PERSONNEL AND FINANCE COMMITTEE

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

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

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

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

John Voorde, Chairperson
Randy Kelly, Vice-Chairperson

Jo M. Broden, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

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

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

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

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

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

SUB-COMMITTEE ON MINUTES

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

Tim Scott
Dr. David Varner



2016 COMMON COUNCIL STANDING COMMITTEES (Rev.01-4-17)

TIM SCOTT, 1ST District Council Member

PRESIDENT

Information and Technology, Chairperson

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

REGINA WILLIAMS-PRESTON 2nd District Council Member

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

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

RANDY KELLY, 3rd District Council Member

PARC Committee, Chairperson
Community Relations Committee, Vice Chairperson
Public Works & Property Vacation, Vice Chair

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

JO BRODEN, 4TH District Council Member

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

Council Rules Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson
PARC Committee, Vice-Chairperson

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

OLIVER DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson
Utilities Committee, Vice-Chairperson

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

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

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

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

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson
Personnel & Finance Committee, Chairperson

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

JOHN VOORDE, AT LARGE Council Member

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

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



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA
CELEBRATING SAINT JOSEPH HIGH SCHOOL'S
CLASS 3A STATE BASEBALL CHAMPIONSHIP**

Whereas, the South Bend Saint Joseph High School Indians have a long and storied tradition of, among other things, athletic excellence, which brings recognition not only to the school, but also to the City of South Bend; and

Whereas, that tradition includes a 22 sport program which, before the recently completed baseball season, has captured: 16 Northern Indiana Conference League titles, 146 Indiana High School Athletic Association (IHSAA) Sectional Titles; 64 IHSAA Regional Titles; 23 IHSAA Semi-State Titles; 15 IHSAA Runner-up Titles; 9 State Championship Titles; and 9 individual IHSAA Championship Titles; and

Whereas, the 2017 Saint Joseph baseball team was coached by John Gumpf, who was named by the South Bend Tribune as the Indiana Coach of the Year; and

Whereas, that baseball team began the season with a sixteen-game winning streak and finished the season with a 25-4 record; and

Whereas, those 25 wins included a Sectional Championship, and the school's first ever baseball Regional and Semi-State Championships; and

Whereas, the season ended with a 4-0 shutout victory over Jasper High School in the IHSAA Class 3A State Championship game; and

Whereas, in winning the State Championship, the team overcame the breakdown of the team bus on the way to the championship game aided by great team chemistry, outstanding defense, and a lucky rock.

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

Section I. The South Bend Common Council proudly recognizes the 2017 Saint Joseph High School Indians baseball team for adding to the athletic tradition of the school and for bringing recognition to the South Bend community.

Section II. The Common Council wishes the players and coaches continued success in all their endeavors in the coming years.

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

Tim Scott, 1st District Council Member

Oliver J. Davis, 6th District Council Member

Regina Williams Preston., 2nd District

John Voorde, At Large Council Member

Randy Kelly, 3rd District Council Member

Gavin Ferlic, At Large Council Member

Jo Broden, 4th District Council Member

Karen L. White, At Large Council Member

Dr. David Varner, 5th District

Robert J. Palmer, Council Attorney

Attest:

Approved this ___ day of _____, 2017.

Kareemah Fowler, City Clerk

Pete Buttigieg, Mayor of South Bend, Indiana



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

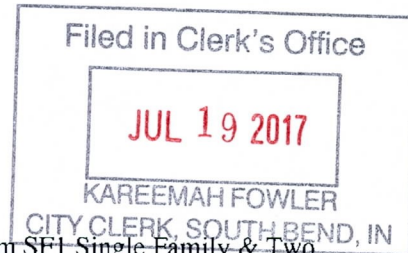
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

Wednesday, July 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 Menard, Inc. A Wisconsin Corporation to zone from SF1 Single Family & Two Family District and GB General Business District to CB Community Business District, property located at 4640 South Michigan Street; 237, 305, and 313 Reasor Street; 4637, 4701, 4707 Fellows, and vacant parcel south and adjacent to 4707 Fellows Street, City of South Bend - APC# 2829-17.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Menard, Inc. A Wisconsin Corporation was legally advertised on July 6, 2017 and that the Area Plan Commission at its public hearing on July 18, 2017 took the following action:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Menard, Inc. A Wisconsin Corporation to zone from SF1 Single Family & Two Family District and GB General Business District to CB Community Business District, property located at 4640 South Michigan Street; 237, 305, and 313 Reasor Street; 4637, 4701, 4707 Fellows, and vacant parcel south and adjacent to 4707 Fellows Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this site to CB Community Business District will allow for the reuse of an existing commercial property in a manner consistent with the Comprehensive Plan.

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: Menard, Inc. A Wisconsin Corporation

JUL 19 2017

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

APC # 2829-17
 Owner: Menard, Inc. A Wisconsin Corporation
 Location: 4640 South Michigan Street; 237, 305, and 313 Reasor Street; 4637, 4701, 4707 Fellows, and vacant parcel south and adjacent to 4707 Fellows Street
 Jurisdiction: City of South Bend
 Public Hearing Date: 7/18/2017

Requested Action:

The petitioner is requesting a zone change from GB: General Business District and SF1: Single Family and Two Family District to CB: Community Business District

Land Uses and Zoning:

On site: On site is a former retail space
 North: To the north is a retail automotive establishment zoned GB General Business District, vacant lots zoned CB Community Business District, and homes zoned SF1 Single Family and Two Family District
 East: To the east across Fellows Street are homes zoned SF1 Single Family and Two Family District
 South: To the south is the St. Joseph Valley Parkway
 West: To the west across Michigan Streets is a retail complex zoned CB Community Business District

District Uses and Development Standards:

The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts.

Site Plan Description:

The 4.15 acre site is part of a larger project to convert the retail structure adjacent to the lots currently being rezoned. A proposed 207,469 square foot retail store will be accessed by St Joseph Street. The areas being rezoned are primarily shown as retention areas on the proposed site plan. The remainder of the project area is already zoned CB Community Business District.

Zoning and Land Use History And Trends:

This area has grown as a commercial node since the 1970s. In 1971, the Common Council approved rezoning the site to "commercial," then known as the K-Mart Bright-Way Area. The adjacent property to the north was also rezoned at the same time.

Traffic and Transportation Considerations:

St Joseph Street has 2 lanes. Fellows Street has 2 lanes. Reasor Street has 2 lanes. The site is also adjacent in proximity to Ireland Road and an off ramp from the US Highway 20 and Michigan Street interchange.

Utilities:

The site will be served by municipal water and sewer

Agency Comments:

The City Engineer recommends approval subject to review and approval of sidewalks, curb cut, lighting, and overall improvements to the site. Development of the site requires City approval of a Drainage Plan and meets the requirement to store all runoff from developed areas on site, along with compliance with the City's Downspout Disconnection Program. Sidewalks will be brought up to ADA compliance. Excess sidewalk along the southern edge of the property line is to be removed and replaced with grass. Curb around the site is to be brought up to City standard. Existing approaches not used by the site are to be removed and replaced with curb, tree-lawn, and sidewalk.

The Department of Community Investment offers a favorable recommendation. The rezoning is consistent with the Michigan Street-Ireland Road regional commercial node shown on the City Plan Future Land Use Map and with surrounding commercial land uses. This rezoning will improve the appearance of a key gateway to the City, facilitate a major retail redevelopment, and provide additional services to south side residents. To further strengthen the project, DCI recommends the following: The most sensitive portion of the Menard's project is the interface with the residential properties to the east. To buffer the hardware store site and maintain the general character of the residential area, the petitioner should seek to hide the view of the lumberyard and potential eastern retention pond from Fellows Street. Acknowledging that engineering has not yet been completed to determine the pond's size or depth, DCI suggests that the pond be placed fully beyond the 25' residential setback along Fellows. While evergreens may be provided as buffer yard screening, the street edge along Fellows should have shade trees. To the extent that the area is not used for the pond, the mature trees to the east and northeast of the site should be retained. If maintained between the building and pond, these large trees may be especially helpful in screening the lumberyard wall. To support Complete Streets principles: a comfortable pedestrian route should be established between the store's front door and the proposed sidewalk along St. Joseph Street; the bicycle parking spaces should be located between the front door and the end of St. Joseph Street; and, the four driveway approach stubs along Fellows Street should be removed and in-filled with standard curb and sidewalk.

Commitments:

The petitioner is not proposing any written commitments

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (November 2006) Policy ED 1.2 Encourage reuse of abandoned and underutilized land and structures

Land Use Plan:

The Future Land Use Map identifies this area for commercial land uses

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The site is located in a regional commercial node near the intersection of Ireland Road and Michigan Street (US Highway 31). This site is adjacent to the CB Community Business District along Ireland Road and continues to develop as a regional commercial node.

3. Most Desirable Use:

The most desirable use is one that supports the commercial nature of the area.

4. Conservation of Property Values:

Due to the fact that it was formerly a retail center with the commercial nature of Ireland Road nearby, the surrounding property values should not be adversely affected. Proper buffering and limited access will help protect the surrounding residential properties on Fellows Street.

5. Responsible Development And Growth:

It is responsible development and growth to allow for the reuse of the commercial structure

Staff Comments:

The staff has no additional comments.

Recommendation:

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

Analysis:

Rezoning this site to CB Community Business District will allow for the reuse of an existing commercial structure in a manner consistent with the Comprehensive Plan.

REZONING
#2829-17

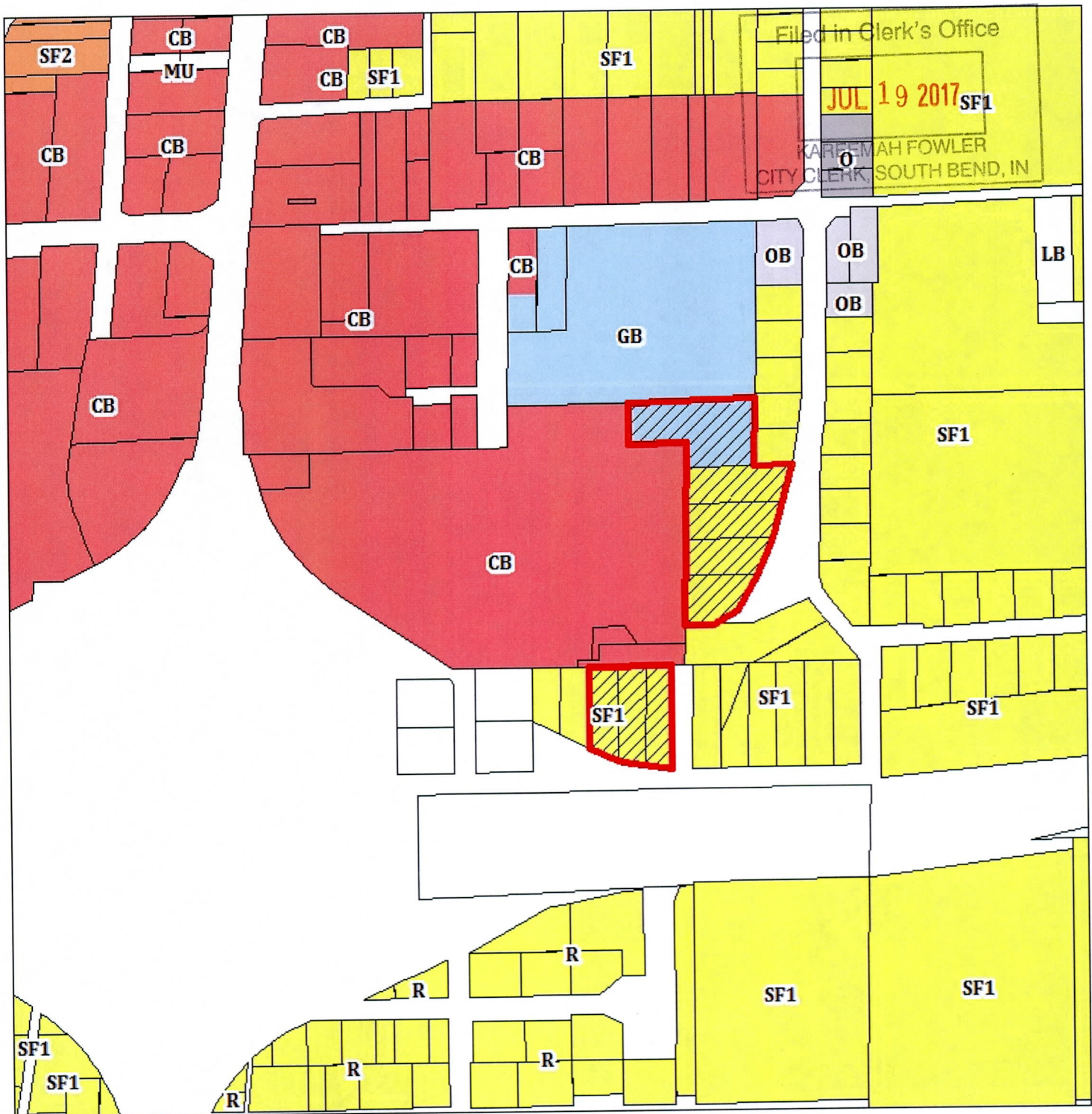
JUL 19 2017

SEE THE FULL
SOUTH PLANNING



1 inch = 400 feet
CENTRE TOWNSHIP

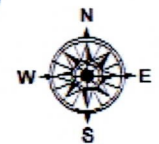




**Rezoning from: "GB" GENERAL BUSINESS DISTRICT AND "SF1"
SINGLE FAMILY AND TWO FAMILY DISTRICT to
"CB" COMMUNITY BUSINESS DISTRICT CITY OF SOUTH BEND**

MASTER ZONING KEY

- COUNTY "R" SINGLE FAMILY DISTRICT
- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "O" OFFICE DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT



1 inch = 400 feet

APC # 2829-17



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

June 5, 2017

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

RE: Rezoning for 4640 South Michigan Street, South Bend, IN
APC# 2829-17

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 June 12, 2017 Council meeting, and set it for public hearing at your July 24, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the July 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.

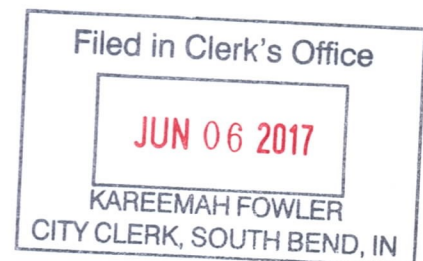
If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'DMS', written over a horizontal line.

David M Stanton, Jr.
Planner

CC: Aladean DeRose



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:

*The properties east, south, and adjacent to the former K-Mart located at 4640 South Michigan Street, namely the residences located at 237, 305, and 313 Reasor Street, a sliver of former INDOT right-of-way for Reasor Street, four (4) vacant parcels created as part of the acquisition of the Fellows Street overpass, and the southernmost portion of Gurley Leep Ford dealership. 9 parcels in total
South Bend, Indiana 46614*

2) The property Tax Key Number(s) is/are: *71-08-25-326-041.000-002 (1.38 acre / Gurley Leep (B-1)), -019.000-002 (0.74 acres / Fellows Vacant Land (B-2)), -020.000-002 (0.67 acres / Fellows Vacant Land (B-3)), -021.000-002 (0.58 acres / Fellows Vacant Land (B-3)), -022.000-002 (0.57 acres / Fellows Vacant Land (B-3)), -034.000-002 (0.034 acres and 0.49 acres / Reasor INDOT Vacation and Residence (B-4 and B-5)), -033.000-002 (0.53 acres / Reasor Residence (B-6)), -032.000-002 (0.47 acres / Reasor Residence (B-7))*

3) Legal Descriptions: *Rezoning Depiction on Exhibit A and Rezoning Legal Description on Exhibits B-1 to B-7*

4) Total Site Area: *5.464 acres*

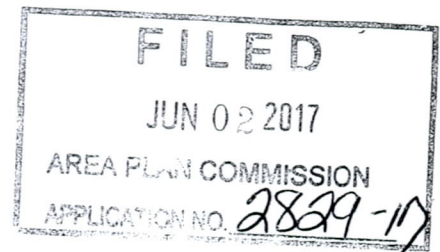
5) Name and address of property owner(s) of the petition site:

*Menard, Inc., a Wisconsin corporation
5101 Menard Drive
Eau Claire, WI 54703
715-876-2810
Attn: Tom O'Neil / toneil@menard-inc.com*

Name and address of additional property owners, if applicable:

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

Not Applicable

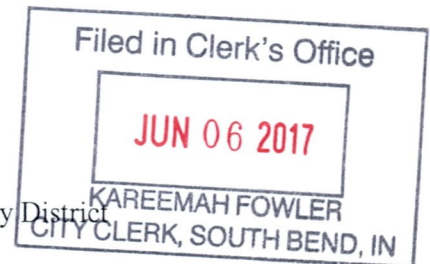


Name and address of additional property owners, if applicable:

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

From: GB General Business District SF1 Single Family Two Family District

To: CB Community Business District



8) This rezoning is requested to allow the following use(s): *Menards home improvement store*

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

1) *Not applicable*

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:

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4640 SOUTH MICHIGAN STREET; 237, 305, AND 313 REASOR STREET; 4637, 4701, 4707, AND VACANT PARCEL SOUTH AND ADJACENT TO 4707 FELLOWS STREET; COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT
Establish a new Menards Home Improvement Store

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

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

The northeast corner of US-31 and US-20 (St. Joseph Valley parkway) more particularly described as:

LOT 2 OF GURLEY LEEP MINOR SUBDIVISION; AND

LOTS 15 – 17 OF HARTMAN TERRACE, EXCLUDING ANY PORTIONS THEREOF SOLD TO THE STATE OF INDIANA; AND

A PART OF THE EAST HALF OF THE SW QUARTER OF SEC. 25, T. 37 N., R. 2 E., BEGINNING AT THE SW CORNER OF LOT 16 OF HAWBLITZEL ADDITION AMENDED PLAT; THENCE WEST 200.5' MORE OR LESS ALONG THE SOUTH LINE OF LOT 2 OF GURLEY LEEP MINOR SUBDIVISION TO THE SW CORNER OF SAID LOT 2; THENCE SOUTH 460' MORE OR LESS PARALLEL TO THE WEST LINE OF HAWBLITZEL ADDITION AMENDED PLAT, TO A POINT 114.82' MORE OR LESS NORTH OF THE NORTH LINE OF HARTMAN TERRACE; THENCE EAST PARALLEL TO THE NORTH LINE OF HARTMAN TERRACE 83.4' MORE OR LESS TO THE ROW OF FELLOWS ST.; THENCE NE AND NORTH TO THE SOUTH LOT LINE, EXTENDED, OF LOT 16 OF HAWBLITZEL ADDITION AMENDED PLAT; THENCE WEST ALONG SAID LOT LINE TO THE POINT OF BEGINNING.

be and the same is hereby established as CB COMMUNITY 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:

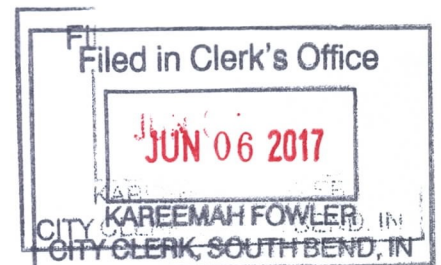
City Clerk

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





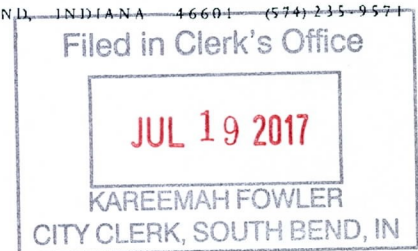
AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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, July 19, 2017



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

RE: An Ordinance initiated by the Common Council of the City of South Bend, Indiana amending Chapter 21 of the South Bend Municipal Code, Article 3 by adding Mini (self storage) Warehouse, Internal Access to permitted uses in CB Community Business District, CBD Central Business District, and GB General Business District; and establishing additional development standards for Mini (self storage) Warehouse, Internal Access; and adding a definition for Mini (self storage) Warehouse, Internal Access.

Dear Council Members:

The above referenced ordinance initiated by the Common Council was legally advertised on July 6, 2017. The Area Plan Commission at its public hearing on July 18, 2017, took the following action:

Upon a motion by John DeLee, being seconded by Mathew Peterson and unanimously carried, a proposed ordinance of the Common Council of the City of South Bend, IN, amending Chapter 21 of the South Bend Municipall Code, Article 3 by adding Mini (Self Storage) Warehouse, Internal Access to permitted uses in CB Community Business District, CBD Central Business District, and GB General Business District; and establishing additional development standards for Mini (Self Storage) Warehouse, Internal Access; and adding a definition for Mini (Self Storage) Warehouse, Internal Access is sent to the Common Council with a FAVORABLE recommendation. Updating the zoning ordinance to allow for the adaptive reuse of large vacant commercial structures or the creation of conveniently placed new storage facilities while maintaining the appearance of a retail center will promote stability and vibrancy of the commercial districts within the City.

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

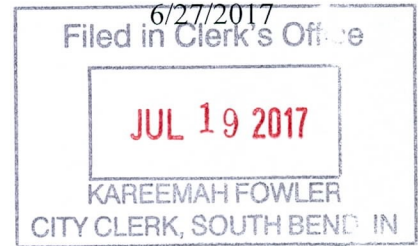
Sincerely,

Lawrence P. Magliozzi

Attachment

Staff Report

APC # 2833-17
Owner: Common Council of the City of South Bend, IN
Location: Text Amendment
Jurisdiction: City of South Bend
Public Hearing Date: 7/18/2017



Requested Action:

The requested action is a Council Initiated text change, amending the ordinance to allow for a new use identified as Mini (self storage) Warehouse, Internal Access in the CB, CBD, and GB districts and providing a definition for such use.

Staff Comments:

As larger retail facilities close or relocate their existing facilities, buildings with large foot prints are often left behind. The proposed text amendment creates a use that allows for the conversion or creation of a mini (self storage) facility in which the traditional access is shifted to a shared internal access, allowing businesses to maintain their retail store front appearance. A Mini (Self Storage) Warehouse, Internal Access is defined as a mini (self storage) warehouse having sole access to all of its individual storage spaces through common entries and internal hallways. No direct access or outward appearance of direct access to an individual storage space is provided from the building exterior and no outdoor storage area is provided on site.

The proposed text amendment allows for Mini (Self Storage) Warehouse, Internal Access as a permitted use in CB Community Business District, CBD Central Business District, and GB General Business District within the City. Additional development standards are created to encourage the building to either maintain or create the appearance of a traditional retail store.

Recommendation:

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

Analysis:

Updating the zoning ordinance to allow for the adaptive reuse of large vacant commercial structures or the creation of conveniently placed new storage facilities while maintaining the appearance of a retail center will promote stability and vibrancy of the commercial districts within the City.

Permitted Uses

	SF1	SF2	MF1	MF2	OB	MU	O	LB	CB	CBD	GB	LJ	GI
Mini (Self Storage) Warehouses w/o outdoor storage											P	P	P
Mini (Self Storage) Warehouses with outdoor storage											SEU	P	P
Mini (Self Storage) Warehouses, Internal Access									P	P	P	P	P



Filed in Clerk's Office

JUL 19 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

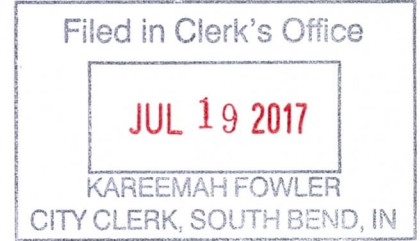
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

July 19, 2017

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



RE: Bill #40-17
Rezoning: APC#2833-17 - Text Amendment for Mini (Self Storage), Internal Access

Dear Council Members:

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

Ordinance & Petition Amendments:

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

Public Hearing Summary:

There 2 people that spoke in favor of the proposed rezoning. They spoke in favor indicating this would allow for reuse of vacant buildings, address an anticipated need as people move to urban areas, and allow for development compatible with the district in which it is located and allow properties to be easily converted in the future as market demand changes.

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

Sincerely,

Angela M. Smith
Angela M. Smith
Deputy Director

CC: Bob Palmer



City of South Bend Common Council

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

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

Tim Scott
President

Oliver Davis
Vice-President

Gavin Ferlic
Chairperson, Committee
of the Whole

Tim Scott
First District

Regina Williams Preston
Second District

Randy Kelly
Third District

Jo M. Broden
Fourth District

David Varner
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large

June 21, 2017

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

Re: Proposed Text Amendment Addressing Indoor Storage

Dear Council Members:

At the June 12, 2017 Zoning and Annexation Committee meeting, the Area Plan Commission Deputy Director updated the Council on the proposed text amendment ordinance permitting mini self-storage warehouse facilities in commercial districts.

In light of that favorable reception by the Council for this concept, and in collaboration with the Area Plan staff, we are introducing an ordinance which would move this matter forward.

The attached Bill No. 40-17 would have first reading by the Common Council at our June 26th meeting and would be referred to the Area Plan Commission so that it could be heard at their July meeting.

Thank you for your continuing support.

Most Sincerely,

Oliver Davis
6th District Council Member

Jo M. Broden
4th District Council Member

ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS TO PERMITTED USES IN CB COMMUNITY BUSINESS DISTRICT, CBD CENTRAL BUSINESS DISTRICT, AND GB GENERAL BUSINESS DISTRICT; AND ESTABLISHING ADDITIONAL DEVELOPMENT STANDARDS FOR MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS; AND ADDING A DEFINITION FOR MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS.

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Since the adoption of the ordinance, various changes have been needed to address uses not otherwise included in the ordinance. With increased demand for mini (self storage) warehouse facilities, more businesses are seeking to reuse vacant commercial space as storage facilities. These facilities do not present the same impact as traditional mini (self storage) warehouse uses because they are typically contained within the existing commercial structure with minimal change to the outward appearance of the building, allowing them to blend in with existing commercial development. The proposed ordinance establishes a framework and provisions for such uses within the existing commercial districts.

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

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.05 CB Community Business District, subsection (a) (1) Primary Uses, is hereby amended as follows:

- (F) Miscellaneous: Including but not limited to: Agriculture Seed Sales; *Artificial Lake*; *Bed & Breakfast*; Bus Station; Clinic – medical, dental or optometrists; Conference Center; Electrical / Electronics Repair; Hospital; *Hotel*; Kennel (without outdoor runs); *Mini (Self Storage) Warehouse*; *Internal Access*; Print Shop; Publishing; *Sign* Painting; Radio / Television Stations (without transmission towers); Rehabilitation Center; Sanitarium; Veterinary Hospital (may include boarding / without outdoor runs).

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

- (E) Miscellaneous: Including but not limited to: *Bed & Breakfast*; Bus, taxi, or limousine terminal, without repair; Clinic (medical, dental or optometrists); Conference Center; *Cottage Business / Residential*; Electrical / Electronics Repair; Hospital; *Hotel*; Laboratories; *Mini (Self Storage) Warehouse*; *Internal Access*; Print Shop; Publishing; Radio / TV

Stations (provided any antenna shall comply with the regulations for Communication / Utilities); Video Production Studios.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.07 GB General Business District, subsection (a) (1) Primary Uses, is hereby amended as follows:

- (E) Miscellaneous: Including but not limited to: Agriculture Seed Sales; *Artificial Lake*; Bus, Taxi, or limousine terminal, with or without repair; Conference Center; Farm Equipment – sales and service; Kennel (with indoor runs); Kennel (with outdoor runs); *Manufactured Home Sales*; *Mini (Self Storage) Warehouse, Internal Access*; *Mini (Self Storage) Warehouse without outdoor storage*; Sign Painting; Radio / Television Stations (without transmission towers); Radio / Television Stations (with transmission towers); Roadside Food Sales; Tool and Equipment Rental; Veterinary Hospital (without boarding); Veterinary Hospital (including boarding).

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.11 General Regulations for Commercial / Mixed Use Districts, subsection (f) Additional Development Standards, is hereby amended by adding a new subsection (5) as follows:

- (5) Additional Regulations for *Mini (Self Storage) Warehouse, Internal Access*.
- (A) For new construction, the minimum percentage of *front façade* surface that shall be glazed (window and door surface area) is forty (40) percent of the first- floor *façade* and twenty-five (25) percent of any floor above the first floor. Windows and doors shall have clear glass.
- (B) For renovations to existing buildings, the existing total surface area of glazed (window and door surface) areas on any floor of a *front façade* shall not be reduced. Any new entry doors or windows on the *front façade* shall have clear glass.
- (C) The surface area for each floor of the *façade* is calculated as the length of the *façade* on that floor multiplied by the average height, as measured from grade or the elevation of that floor to the elevation of the next floor or the top of the wall.

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 11 Definitions, Section 21-11.02 Definitions is hereby amended as follows:

Mini (Self Storage) Warehouse: A *building* or *structure* designed and used for the purpose of renting or leasing individual storage spaces to occupants who are to have access to such for the purpose of storing and removing personal property. Mini (Self Storage) Warehouse includes *Mini (Self Storage) Warehouse, Internal Access*.

Mini (Self Storage) Warehouse, Internal Access: A *mini (self storage) warehouse* having sole access to all of its individual storage spaces through common entries and internal

hallways. No direct access or outward appearance of direct access to an individual storage space is provided from the *building* exterior and no outdoor storage area is provided on site.

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

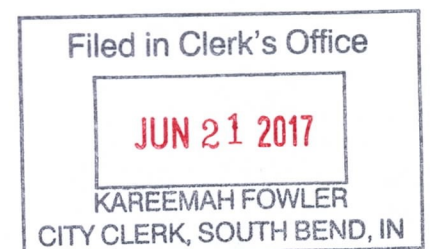
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

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



BUTLER and CROWLEY LAW OFFICE

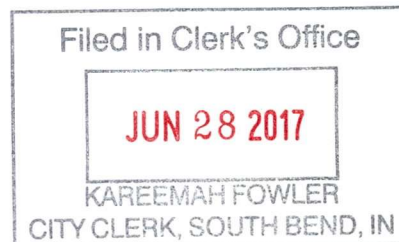
726 EAST WASHINGTON STREET
SOUTH BEND, INDIANA 46617

TELEPHONE: (574) 233-9500
FACSIMILE: (574) 233-9502

PAUL G. CROWLEY, ATTORNEY
pgcrowley@aol.com

June 27, 2017

Common Council
City of South Bend
227 W. Jefferson Blvd.
South Bend, IN 46601



Re: Alley Vacation Request
1st N/S Alley E of N. William Street from W. Marion St. To W. Navarre St.
for a distance of 419 feet and a width of 14 feet
Frank Linarello, Petitioner

Good day:

This letter is submitted on behalf of Frank Linarello, who requests that the alley between his building and his parking lot be vacated. In so doing, his tenant, Frank's Place, will be able to offer patio dining during the milder seasons of the year.

We acknowledge that we enter this petition process with one strike against us. The Board of Public Works gave an unfavorable recommendation on March 14, 2017. The principal objection was the fact that the vacation would leave a property owned by Welco RE LLC (Welsheimers) landlocked. We have since filed an easement that gives Welco access to its property.

Secondly, the Fire Department stated concerns that the distance from hydrants would be increased by the vacation. While we haven't done the math, and we concede that distances without use of the alley may be greater, we would show that the alley is not readily available for use by the fire department now and so the vacation would not actually change the status quo.

We ask that this petition be placed on the agenda of the Common Council as soon as possible. We would plan to appear at the hearing and provide evidence in support of our petition.

Thank you so much.

Best regards,

A handwritten signature in blue ink, appearing to read "Paul G. Crowley".

Paul G. Crowley

PGC:blb
cc: Frank Linarello

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

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

DATE: 6/27/17

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

A. THE ALLEY DESCRIBED AS:

LEGAL DESCRIPTION:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF WILLIAM STREET (PORTAGE AVENUE), FROM THE SOUTH RIGHT-OF-WAY OF W. NAVARRE STREET TO THE NORTH RIGHT-OF-WAY OF WEST MARION STREET FOR A DISTANCE OF APPROXIMATELY 410 FEET AND A WIDTH OF 14 FEET. BEING A PART OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

B. THE STREET DESCRIBED AS:

NAME (signed & printed)	ADDRESS	LOT #
<u><i>Frank N. Linarello</i></u> Frank N. Linarello	<u>327 Marion St., South Bend, IN 46601</u>	<u>018-1020-0852</u> <u>018-1020-85201</u> <u>018-1020-08151</u> <u>018-1020-0850</u>
<u><i>William A. Welsheimer</i></u> William Welsheimer-Welco RE LLC	<u>521 William Street, South Bend, IN 46601</u>	<u>018-1018-0719</u> <u>018-1018-0716</u>

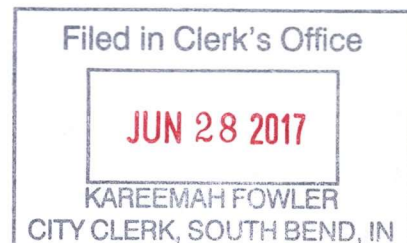
CONTACT PERSON (S)

NAME: Paul G. Crowley
BUTLER and CROWLEY LAW OFFICE

ADDRESS: 726 East Washington Street
South Bend, IN 46617

PHONE: 574-233-9500

RETURN TO:
OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK
CC: ALKEYNA ALDRIDGE
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
574-235-9221



ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF WILLIAM STREET (PORTAGE AVENUE), FROM THE SOUTH RIGHT-OF-WAY OF W. NAVARRE STREET TO THE NORTH RIGHT-OF-WAY OF WEST MARION STREET FOR A DISTANCE OF APPROXIMATELY 410 FEET AND A WIDTH OF 14 FEET. BEING A PART OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

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:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF WILLIAM STREET (PORTAGE AVENUE), FROM THE SOUTH RIGHT-OF-WAY OF W. NAVARRE STREET TO THE NORTH RIGHT-OF-WAY OF WEST MARION STREET FOR A DISTANCE OF APPROXIMATELY 410 FEET AND A WIDTH OF 14 FEET. BEING A PART OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

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:

- 323 Marion Street - Frank Linarello
- 325 Marion Street - Frank Linarello
- 326 West Navarre Street - Steve and Maria Tomasula
- 334 West Navarre Street - Welco Real Estate LLC
- 330 West Navarre Street - Daniel Chapman and Alberta Lee Henderson

- 018-1020-0852
- 018-1020-0851
- 018-1018-0714
- 018-1018-0716
- 018-1018-0715

Section IV. The purpose of the vacation of the real property is to allow for outdoor seating for the restaurant.

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

Member of the Common Council

Attest:

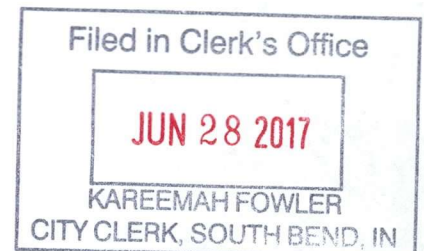
City Clerk

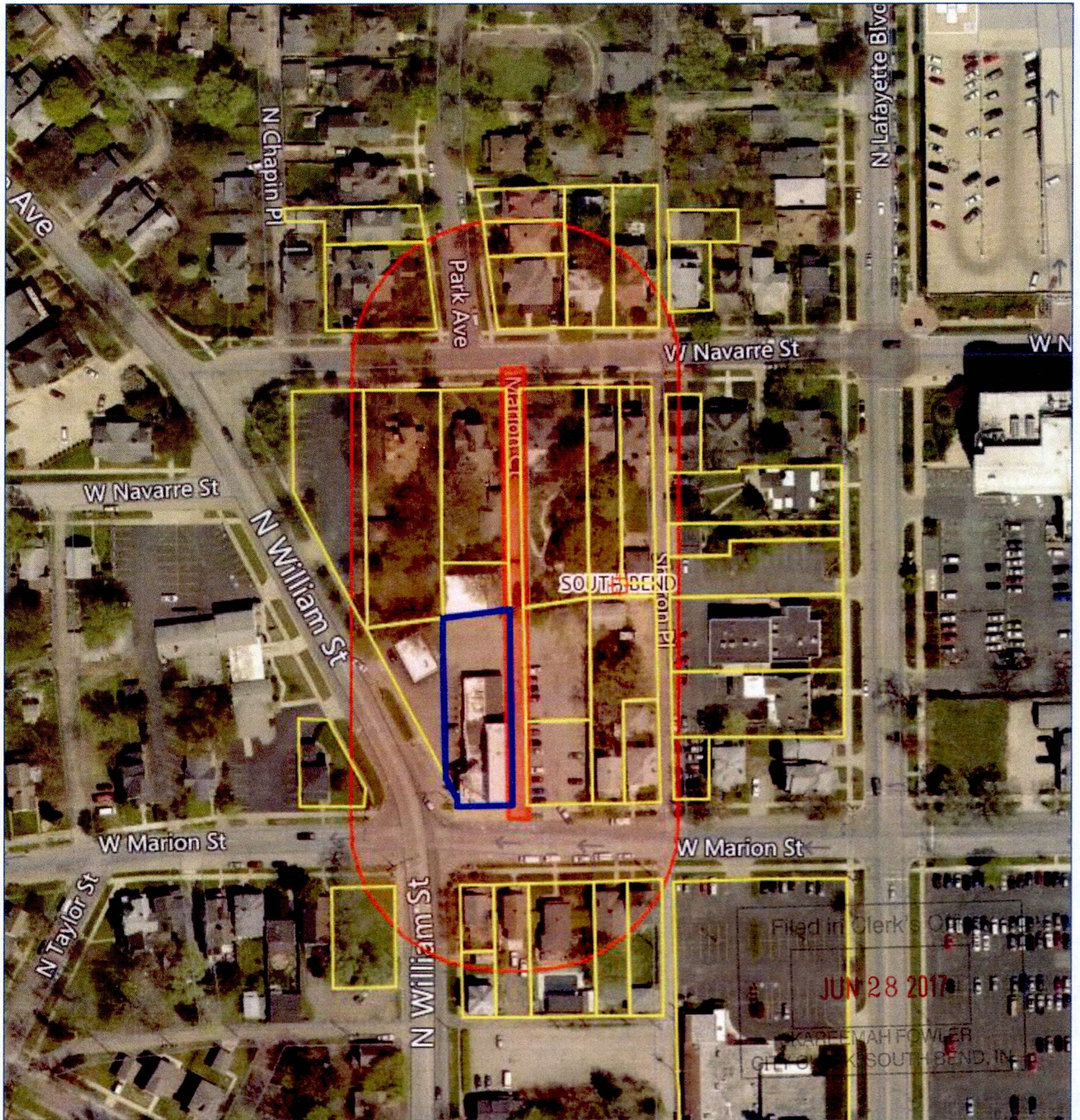
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana





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

150' Buffer
 *Address List attached

Date Prepared: 6/21/2017

Alley Vacation 150' Radius Map Frank Linarello

The alley to be vacated is the first N/S alley E of N. Williams St. from W. Marion St. to W. Navarre St. for a distance of 419 feet and a width of 14 feet.

1950

1951

1952

1953

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

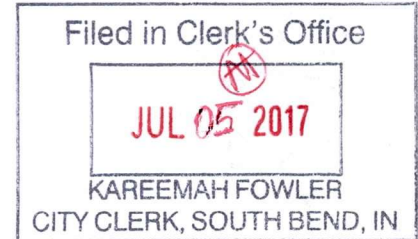


PHONE 574.235.9216
FAX 574.235.9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

July 5, 2017

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



RE: July 2017 Appropriation Ordinance – Regional Cities Allocation for Howard Park – Parks Fund

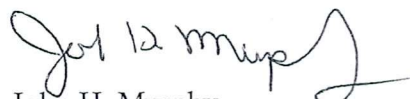
Dear President Scott,

The City Administration is requesting an additional appropriation of \$5,000,000 for improvements to Howard Park. This appropriation will be offset by a Regional Cities Grant of \$5,000,000 which will be received as invoices are paid by the city. Therefore, this appropriation request does not require taxpayer dollars for funding. These improvements are part of the overall Riverfront Parks and Trails project.

It is requested that this bill be filed for 1st reading on July 10, 2017 with 2nd reading, public hearing and 3rd reading scheduled for July 24, 2017.

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

Regards,


John H. Murphy
Administration and Finance

OK
[Handwritten initials]

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$5,000,000 FROM PARK FUND (#201).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2017 operating and capital budgets in 2016 (Ordinance #10457-16 passed on October 24, 2016) which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2017 and set apart within the following designated funds for expenditures as follows:

<u>Fund</u>	<u>Amount</u>
Park Fund (#201)	\$5,000,000

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

Member of the Common Council

Attest:


City Clerk

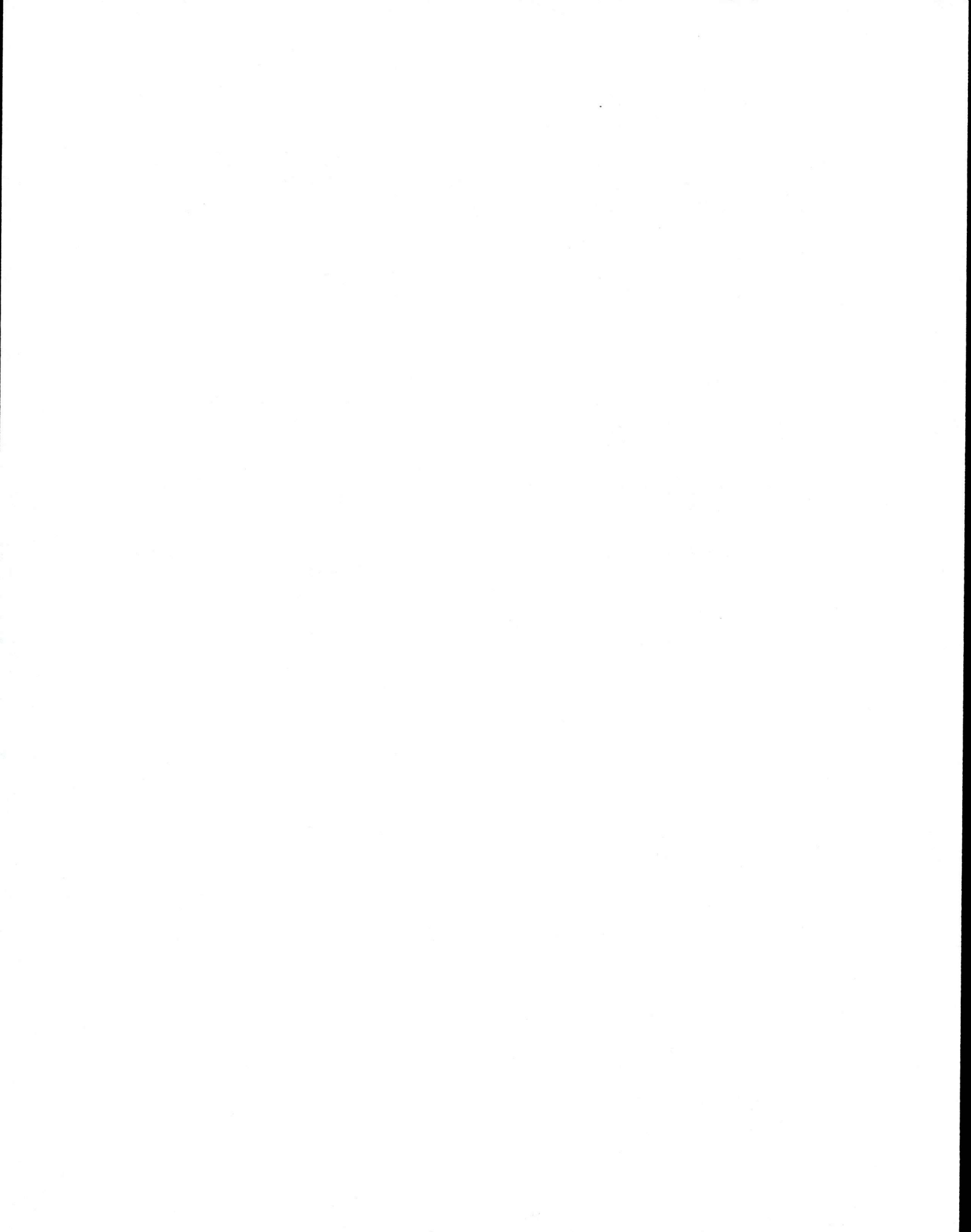
Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2017 at _____ o'clock ____ . m.

Deputy City Clerk

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

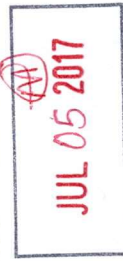
Mayor, City of South Bend, Indiana

Filed in Clerk's Office

JUL 05 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



City of South Bend, Indiana
July 2017 Additional Appropriation Requests - Civil City Funds
 (increase or decrease in total fund expenditures)
 July 5, 2017

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Budget Increase/ (Decrease)	Justification
Regional Cities Grant Projects	Regional Cities Grant Projects	Other Professional Services	Cecil Eastman	201-1111-452-31-06	1,000,000	Geo-technical, architectural, engineering costs
Regional Cities Grant Projects	Regional Cities Grant Projects	Construction	Cecil Eastman	201-1111-452-42-01	4,000,000	Various construction projects (ice rink, center, playground, etc..)
				Grand Total	5,000,000	

Filed in Clerk's Office

JUL 05 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

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



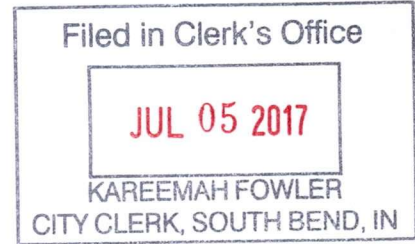
PHONE 574.235.9216
FAX 574.235.9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

July 5, 2017

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



RE: July 2017 Appropriation Ordinance – Housing Market Study – Department of
Community Investment Operating Fund

Dear President Scott,

The City Administration is requesting an additional appropriation of \$70,000 for a housing market study. The study will include research and evaluation of market activity and demographic data relating to the City of South Bend and St. Joseph County. The determination of the market potential for new and existing dwelling units in the city will be based on the housing preferences and economic capabilities of target households, the existing conditions and characteristics of the neighborhoods within the city, as well as development objectives.

It is requested that this bill be filed for 1st reading on July 10, 2017 with 2nd reading, public hearing and 3rd reading scheduled for July 24, 2017.

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

Regards,

John H. Murphy
Administration and Finance

1910
1911

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$70,000 FROM DEPARTMENT OF COMMUNITY INVESTMENT OPERATING FUND (#211).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2017 operating and capital budgets in 2016 (Ordinance #10457-16 passed on October 24, 2016) which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2017 and set apart within the following designated funds for expenditures as follows:

<u>Fund</u>	<u>Amount</u>
Department of Community Investment (#211)	\$70,000

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

Member of the Common Council

Attest:

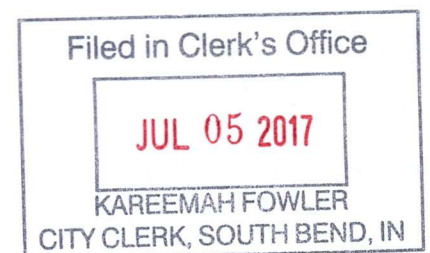
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2017 at _____ o'clock ____ . m.

Deputy City Clerk

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

Mayor, City of South Bend, Indiana



City of South Bend, Indiana
July 2017 Additional Appropriation Requests - Civil City Funds
 (increase or decrease in total fund expenditures)
 July 5, 2017

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Budget Increase/ (Decrease)	Justification
DCI Fund	Community Investment	Other Professional Services	Beth Leonard Inks	211-1001-460-31-06	70,000	Housing Market Study
				Grand Total	70,000	

Filed in Clerk's Office
JUL 05 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

AREA BOARD OF ZONING APPEALS

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

July 6, 2017

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



RE: Petition for Special Exception
Robert Burg
07/05/17

Dear Council Members:

The above referenced petition of Robert Burg was legally advertised on June 23, 2017. The Area Board of Zoning Appeals gave it a public hearing on July 5, 2017, at which time the following action was taken:

Upon a motion by Mr. Urbanski, being seconded by Mr. Leszczynski and by a unanimous vote, the petition for Special Exception to allow a tavern in a "MU" Mixed Use District, located at 1502 W. Dunham Street, Portage Township. Zoned "MU" sent to the Common Council with a **Favorable Recommendation.**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Charles C. Bulot".

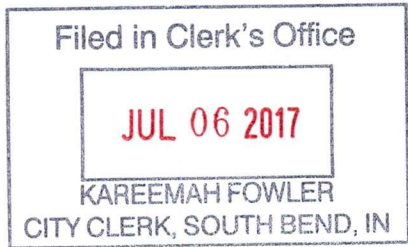
Charles C. Bulot, C.B.O. Building
Commissioner

CCB/cah

PETITION

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

BURG



FINDINGS OF FACT

1. THE PROPOSED *USE* WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, COMFORT, COMMUNITY MORAL STANDARDS, CONVENIENCE OR GENERAL WELFARE BECAUSE:
With the appropriate commitments written commitments, the proposed use should not impact public health safety or general welfare of the community.
2. THE PROPOSED *USE* WILL NOT INJURE OR ADVERSELY AFFECT THE *USE* OF THE ADJACENT AREA OR PROPERTY VALUES THEREIN BECAUSE:
Approval should not affect the use or value of adjacent properties, provided that the written commitments are fully executed. The site has been a long standing business in operation for many years. Further expansion into areas not already zoned MU Mixed Use District could have an adverse affect on the use and value of adjacent properties.
3. THE PROPOSED *USE* WILL BE CONSISTENT WITH THE CHARACTER OF THE *DISTRICT* IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:
While staff recognizes the desire to develop this property, careful consideration for the character of the area and protection of the use and value of adjacent properties needs to be considered. The proposed use is located in an area with a mix of single family, multi-family and mixed uses. The use itself is consistent with the neighborhood and the character of the area.
4. THE PROPOSED USE IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND *COMPREHENSIVE PLAN* BECAUSE:
The proposed use is compatible with the future land use plan within City Plan (November 2006) which identifies properties on between Harris and Walnut Streets as low density residential, high density residential, and mixed use.

CONDITIONS OR REVISIONS:
Click here to enter text.

DECISION

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

ADOPTED this 5TH Day of JULY, 2017

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

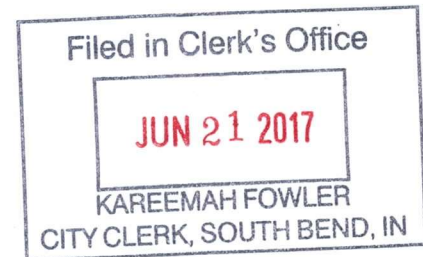
AREA BOARD OF ZONING APPEALS
125 S. Lafayette Blvd. Suite 100, South Bend, Indiana 46601
574-235-9554 · (Fax)574-235-5541 ·
building@southbendin.gov
www.southbendin.gov

PETITIONER:

Robert Burg
1502 W. Dunham
South Bend, IN 46619

PRESENTER:

James A. Masters, Attorney at Law
Nemeth, Feeney, Masters & Campiti, P.C.
350 Columbia Street
South Bend, IN 46601
Telephone: 574/234-0121
e-mail: jmastes@nfmlaw.com



PROPERTY INFORMATION:

Zoning: Commercial/MU Mixed Use
Address: 1502 W. Dunham, South Bend, IN 46619
Township: Portage
Legal Description: A lot or parcel of land twenty-six feet in width, east and west, taken off of and from the entire side of Lot Numbered Thirty-six (36) as shown on the recorded plat of Arnold, Hine and Wilson's Subdivision of a part of Bank Out Lots 100, 101, and 102 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

SPECIAL EXCEPTION & VARIANCE(S):

Seeking:

A Special Exception to operate a tavern in a MU Mixed Use District.
A Variance for a front yard fence 7 feet in height from the required 3 foot maximum height.
A Variance to zero (0) on-site parking from the required off-street 18 off-street parking spaces (occupancy limit of 55/3) and to allow use of the adjacent parking lot for off-street parking.

REASONS FOR REQUESTS:

The property had been used as a bar/tavern known as the "Dunham Inn" in a "C" Commercial District for decades prior to the zoning change effective May 7, 2004 to MU Mixed Use. The zoning change made the property a legal non-conforming use as a bar/tavern. Granting the Special Exception and variances will bring the property into compliance with the MU Mixed Use

The Special Exception will permit the property to be use as a tavern in a MU Mixed Use District.

The Variance for a front yard fence of 7 feet from the required 3 foot maximum height is required because Indiana alcoholic beverage regulations at 905 IAC 1-41-4 require a 6 foot high fence enclosing any outside area used to serve alcoholic beverages. The deck in the rear yard is approximately 1 foot above ground level. The fence on the Harris Street side of the building existed for many years prior to the zoning change was 6 feet high. The Indiana Excise Police required the fence to be raised 1 foot so it is 6 feet from the deck floor. This makes the fence 7 feet high from the ground. Under current zoning requirements, the back yard fronting Harris Street is considered a front yard and current zoning allows only a 3 foot high fence on a front yard.

The Variance for parking is required because there is no on-site off-street parking. The parking lot across Harris Street was the parking lot for the Dunham Inn and is the parking lot for the current bar business. Petitioner owns the lot. Petitioner will sign and record a written commitment to use that parking lot to met the off-street parking requirements.

SPECIAL EXCEPTION APPROVAL STANDARDS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

Granting the Special Exception and variances will bring the property into compliance with the MU Mixed Use District requirements.

2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein because:

Petitioner will sign and record a written commitment that no music will be played on the outside deck or anywhere outside of the building premises and that there will be no use of the outside deck after 11:00 p.m. The commitment also will permit use of the adjacent parking lot across Harris Street to satisfy the off-street parking requirements.

3. The proposed use will be consistent with the character of the district in which is located and the land uses authorized therein because:

The property is and has been used as a bar/restaurant, formerly under the name "Dunham Inn" for decades prior to Petitioner's ownership. The business is located in a commercial area now zoned for MU Mixed Use.

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan because:

The business is located in an area zoned for commercial uses.

VARIANCE APPROVAL STANDARDS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

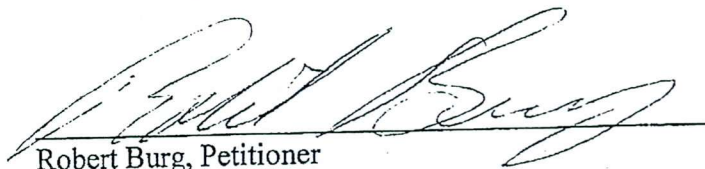
Granting the Special Exception and variances will bring the property into compliance with the MU Mixed Use District requirements.

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 because:

Petitioner will sign and record a written commitment that no music will be played on the outside deck or anywhere outside of the building premises and that there will be no use of the outside deck after 11:00 p.m. The commitment also will permit use of the adjacent parking lot across Harris Street to satisfy the off-street parking requirements.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

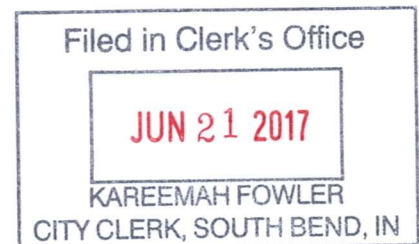
The property is and has been used as a bar/restaurant, formerly under the name "Dunham Inn" for decades prior to Petitioner's ownership. The business is located in a commercial area now zoned for MU Mixed Use. The change in the zoning classification changed the fencing and parking requirements applicable to the property even though the general use of the property as a tavern has not changed.



Robert Burg, Petitioner
Date: June 13, 2017



James A. Masters, Attorney at Law
Nemeth, Feeney, Masters & Campiti, P.C.
350 Columbia Street
South Bend, IN 46601
Telephone: 574/234-0121
Attorney for Petitioner



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
1502 W. DUNHAM, SOUTH BEND, INDIANA 46619**

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: 1502 W. Dunham, South Bend, Indiana 46619 in order to permit:

- A Special Exception to operate a tavern in a MU Mixed Use District.
- A Variance for a front yard fence 7 feet in height from the required 3 foot maximum height.
- A Variance to zero (0) on-site parking from the required off-street 18 off-street parking spaces (occupancy limit of 55/3) and to allow use of the adjacent parking lot for off-street parking.

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:

For the Special Exception:

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.

For the Variances:

1. The approval will not be injurious to the public health, safety, morals 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:

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

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.

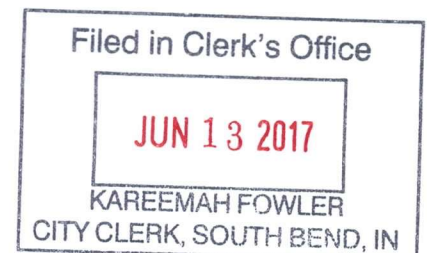
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED



Type: Filing_Fees

Payor: NEMETH FEENEY MASTERS & CAMPITI

License Number:

Address: 1502 W DUNHAM

SP EXCEPT & VARIANCES FOR ROBERT BURG

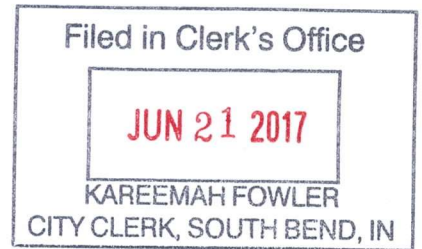
6/13/2017 12:14:37 PM

Filing_Fees \$390.00

Check 2888 \$390.00

chenry 6381

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
www.southbendin.gov



NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Area Board of Zoning Appeals will hold a public hearing in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana on the 5 day of July, 2017, at 1:30 p.m. or as soon thereafter as the matter can be heard. This hearing is for the purpose of considering a petition that was filed by:

Robert Burg

Seeking:

A Special Exception to operate a tavern in a MU Mixed Use District.
A Variance for a front yard fence of 7 feet from the required 3 feet.
A Variance from zero (0) on-site parking from the required 18 off-street parking spaces (55 occupancy limit/3) and to allow use of an adjacent parking lot for off-site parking.

On real estate commonly described as:

1502 W. Dunham South Bend IN 46619

and is legally described as follows:

A lot or parcel of land twenty-six feet in width, east and west, taken off of and from the entire side of Lot Numbered Thirty-six (36) as shown on the recorded plat of Arnold, Hine and Wilson's Subdivision of a part of Bank Out Lots 100, 101, and 102 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

Dated this 13th day of June, 2017

AREA BOARD OF ZONING APPEALS

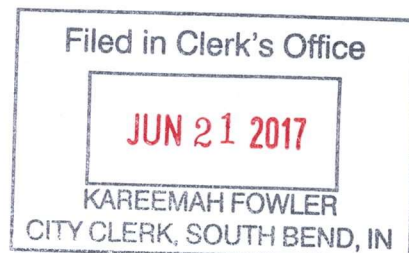
Carolyn A. Henry

Carolyn A. Henry
Secretary to the Board

AREA BOARD OF ZONING APPEALS
FILED
Date: 6/13/17

TO THE PETITIONER: It is your responsibility to complete this form correctly and deliver it to the Secretary of the Board of Zoning Appeals with the other papers at the time of original filing. Once it is signed by the Secretary, then it is your responsibility to make arrangements to have publication of notice made in a local newspaper having general circulation in St. Joseph County. Such notice must be published one (1) time, being at least ten (10) days prior to the date on which the public hearing is to be held. Proof of publication must be presented to the Board at the time of public hearing.

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
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 5 day of July, 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:

Robert Burg

Seeking:

A Special Exception to operate a tavern in a MU Mixed Use District.

A Variance for a front yard fence of 7 feet from the required 3 feet.

A Variance from zero (0) on-site parking from the required 18 off-street parking spaces (55 occupancy limit/3) and to allow use of an adjacent parking lot for off-site parking.

On property commonly described as:

1502 W. Dunham South Bend IN 46619

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

Carolyn A. Henry
Secretary to the Board

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A PETITION FOR SPECIAL USE AND VARIANCES**

In accordance with I.C. 36-7-4-1015 and South Bend Municipal Code § 21-09.03 (d), **Robert Burg**, Owner of the real estate located in the City of South Bend, Indiana which is described herein-below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

Address: 1502 W. Dunham, South Bend, IN 46619

Legal Description:

A lot or parcel of land twenty-six feet in width, east and west, taken off of and from the entire side of Lot Numbered Thirty-six (36) as shown on the recorded plat of Arnold, Hine and Wilson's Subdivision of a part of Bank Out Lots 100, 101, and 102 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

STATEMENT OF COMMITMENTS:

1. No music will be played on the outside deck or anywhere outside of the building premises
2. There will be no use of the outside deck after 11:00 p.m. on any day.
3. Permission is hereby granted to patrons and other persons going to the bar/tavern business at 1502 W. Dunham Street to use the parking lot described as follows for parking:

Lot Numbered Eleven (11) as shown on the plat of J.B. Arnold's Subdivision of part of Bank Out Lots 100 and 101 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 3, page 10.

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 Board of Zoning Appeals of St. Joseph County made at a public hearing after proper notice has been given.

The COMMITMENTS contained in this instrument shall be effective upon the approval of petition # _____ by the Area Board of Zoning Appeals and the South Bend Common Council and shall continue in effect until: (i) the real estate is rezoned; or, (ii) modified or terminated by the Area Board of Zoning Appeals of St. Joseph County.

These COMMITMENTS may be enforced jointly or severally by:

1. The Area Board of Zoning Appeals 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.

The undersigned hereby authorizes his attorney to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon final approval of Special Exception and Variance Petition # _____ by the Area Board of Zoning Appeals and the South Bend Common Council..

IN WITNESS WHEREOF, Owner has executed this instrument this day of _____, 2017.

Signature _____
Printed Robert Burg

STATE OF)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared **Robert Burg**, Owner of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____, 2017.

Signature _____
Printed _____
County of Residence _____

Commission and Seal:

This instrument prepared by James A. Masters, (#9074-71) NEMETH, FEENEY, MASTERS & CAMPITI, P.C., 350 Columbia Street, South Bend, Indiana, 46601, Telephone (574) 234-0121.
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/James A. Masters

Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A PETITION FOR SPECIAL USE AND VARIANCES**

In accordance with I.C. 36-7-4-1015 and South Bend Municipal Code § 21-09.03 (d), **Robert Burg**, Owner of the real estate located in the City of South Bend, Indiana which is described herein-below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

Address: 1502 W. Dunham, South Bend, IN 46619

Legal Description:

A lot or parcel of land twenty-six feet in width, east and west, taken off of and from the entire side of Lot Numbered Thirty-six (36) as shown on the recorded plat of Arnold, Hine and Wilson's Subdivision of a part of Bank Out Lots 100, 101, and 102 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

STATEMENT OF COMMITMENTS:

1. No music will be played on the outside deck or anywhere outside of the building premises
2. There will be no use of the outside deck after 11:00 p.m. on any day.
3. Permission is hereby granted to patrons and other persons going to the bar/tavern business at 1502 W. Dunham Street to use the parking lot described as follows for parking:

Lot Numbered Eleven (11) as shown on the plat of J.B. Arnold's Subdivision of part of Bank Out Lots 100 and 101 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 3, page 10.

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 Board of Zoning Appeals of St. Joseph County made at a public hearing after proper notice has been given.

The COMMITMENTS contained in this instrument shall be effective upon the approval of petition # _____ by the Area Board of Zoning Appeals and the South Bend Common Council and shall continue in effect until: (i) the real estate is rezoned; or, (ii) modified or terminated by the Area Board of Zoning Appeals of St. Joseph County.

These COMMITMENTS may be enforced jointly or severally by:

1. The Area Board of Zoning Appeals 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.

The undersigned hereby authorizes his attorney to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon final approval of Special Exception and Variance Petition # _____ by the Area Board of Zoning Appeals and the South Bend Common Council..

IN WITNESS WHEREOF, Owner has executed this instrument this day of _____, 2017.

Signature _____
Printed Robert Burg

STATE OF)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared **Robert Burg**, Owner of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____, 2017.

Signature _____
Printed _____
County of Residence _____

Commission and Seal:

This instrument prepared by James A. Masters, (#9074-71) NEMETH, FEENEY, MASTERS & CAMPITI, P.C., 350 Columbia Street, South Bend, Indiana, 46601, Telephone (574) 234-0121.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law./s/James A. Masters

Garage

24'

Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

32'

Deck

Harris ST

Bar

1502 Dunham

Dunham ST

Filed: 6/21/17 1:53 PM

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

South Harris Street

018-3085-3458

018-3085-3457

018-3085-3456

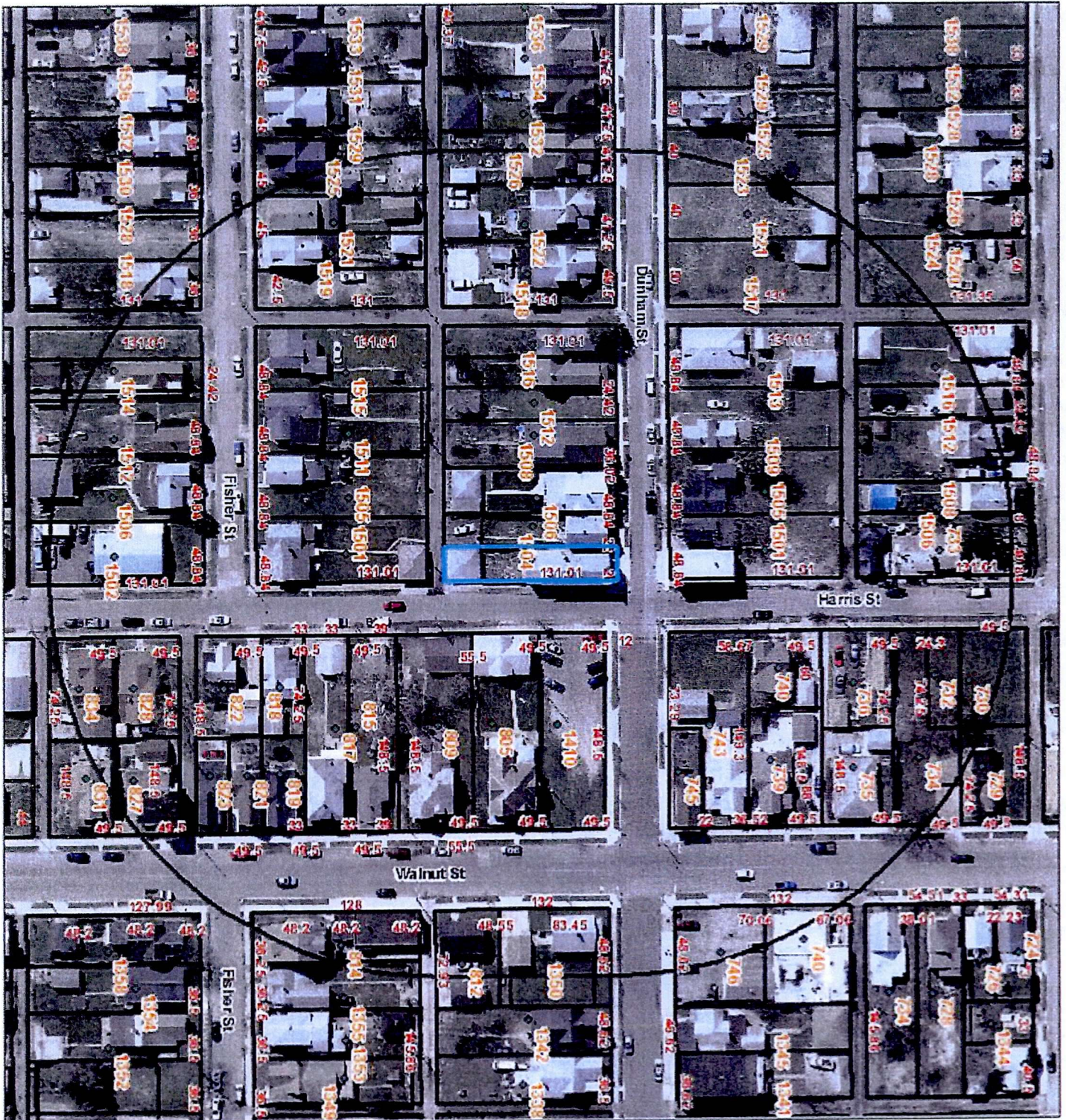
018-3085-3455


West Dunham Street

018-3085-3460

018-3085-3461

20





 Created: 2010
 File: 20100615_1000000000.dwg
 As prepared by:
 R. Joseph C. O'Connell, City Clerk
 217 W. Jackson Blvd.
 South Bend, Indiana 46601
 Phone: (574) 248-8333

COMMISSIONER BOARD OF COUNTY COMMISSIONERS
 OF THE COUNTY OF SOUTH BEND, INDIANA
 1 inch = 100 feet



Filed in Clerk's Office
JUN 21 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

LENTYCH THOMAS J & MARLENE A

745 S. Walnut
South Bend IN 46619

DOBOSZ JOSEPH & DONNA MARIE BUTLER

818 S Harris St
South Bend IN 46619

HERMAN GLENNADINE T AND HERMAN SHARON ANN

827 S Walnut St
South Bend IN 46619

JACKSON DANISHA L

2050 Cornwall Ct
South Bend IN 46614

**HARRIS CYNTHIA J
SEE TRANSFER NOTE**

834 HARRIS ST
South Bend IN 46619

DELGADO FERNANDO & MARIA

735 S Walnut St
South Bend IN 46619

MARTINEZ RAMIRO C

717 #2 Walnut St
South Bend IN 46619

1512 LAND TRUST 2/2004 PROB DEED

1512 Fisher
South Bend IN 46619

PERRY JOHN L

1124 Coleman Dr
South Bend IN 46619

WOODING KEVIN AND CAYE LINNIE

821 S Walnut
South Bend IN 46619

MARTINEZ HOMERO GONZALEZ

736 Harris
South Bend IN 46619

MONIQUE INC

3019 S Michigan St
South Bend IN 46614

E AND J FREEDOM INVESTMENTS LLC

2637 E 3rd Street
Los Angeles CA 90033

GUZICKI DANIEL R

1517 W Fisher St
South Bend IN 46619

EQUITY HOLDING GROUP LLC THE

1805 hilltop dr ste 209
Redding CA 96002

KUCHARSKI JOHN C JR AND MONICA

805 S Walnut St
South Bend IN 46619

TROWBRIDGE JASON

29680 Santa Cruz Drive
Elkhart IN 46514

HORRALL PETER

PO Box 611
Niles MI 49120

LENTYCH THOMAS AND MARLENE

823 S Walnut St
South Bend IN 46619

ROXI RENTALS LLC

817 S Walnut St
South Bend IN 46619

HERNANDEZ MIGUEL
PO Box 11700
South Bend IN 46634

BERGER GIDEON AND NEOMI

623 E Lasalle Ave
South Bend IN 46617

PLONKA DAVID E

4039 YORK RD
South Bend IN 46614

AREVALO J GUADALUPE & ROSA MARIA

740 Walnut
South Bend IN 46619

ANM RENTALS LLC

2236 Miller Ct
Mishawaka IN 46544

BARRIOS EUGENIO

1531 Elwood St
South Bend IN 46628

BOTELLO JUAN M

5203 W Sample St
South Bend IN 46619

LOPEZ JONATHAN A AND MICHAEL S

1506 Fisher
South Bend IN 46619

DOBOSZ JOSEPH & DONNA MARIE BUTLER

818 S Harris St
South Bend IN 46619

NAVARRO ANA MARIA

815 S Walnut St
South Bend IN 46619

KLAUDUSZ ESTHER K

1359 Fisher
South Bend IN 46619

TANNER CHADD

55889 Bristol St
South Bend IN 46619

**PAGE JOHN OLIVER & LORETTA
MARIE**

809 S Walnut St
South Bend IN 46619

1522 DUNHAM STREET LLC

26801 Jackson Rd
South Bend IN 46619

BRAVO NICOLAS

1514 W Dunham
South Bend IN 46619

LR COMFORT PROPERTIES LLC

56883 Oak Rd
South Bend IN 46619

LENTYCH THOMAS J AND MARLENE A

743 S Walnut
South Bend IN 46619

SEVERSON GREGORY

7301 Baymeadows Way
Jacksonville FL 32256

KAMINSKI IRENE AND ERNEST .

26336 WHIPPOORWILL DR
South Bend IN 46619

HERNANDEZ CAROLINA S

1501-1503 Dunham St
South Bend IN 46619

**ACUNA AMALIA AKA ACUNA AMELIA
AND GUEVARA JACQUELINE**

1355 Fisher
South Bend IN 46619

GUZICKI JILLIAN

1515 Fisher
South Bend IN 46619

BURG ROBERT

1502 W Dunham
South Bend IN 46619

BAUTISTA ARMANDO JR & MARIA

1518 Dunham St
South Bend IN 46619

**SWINEHART WILLIAM & JANE
SWINEHART**

P O Box 1234
Mishawaka IN 46546

BURG ROBERT

1504 W Dunham
South Bend IN 46628

AGUILAR OLIVA FKA CANALES OLIVIA

740 Harris
South Bend IN 46619

BLACK-JONES SONYA T

3610 Generations Dr W Bldg F
South Bend IN 46635

CUTTING WANDA L

324 W 13TH ST
Mishawaka IN 46544

**AREVALO J GUADALUPE & ROSA
MARIA**

740 Walnut
South Bend IN 46619

**STACHOWIAK MAXINE REV LIVING
TRUST MAXINE STACHOWIAK**

1501 Fisher St
South Bend IN 46619

OTOLSKI THOMAS

1511 Fisher
South Bend IN 46619

ROWE SHANNON

1526 W Dunham St
South Bend IN 46619

R AND S TIGER LLC

1431 Portage Ave
South Bend IN 46616

MURILLO MA G

1508 Dunham
South Bend IN 46619

BURG ROBERT

1502 W Dunham
South Bend IN 46628

DELGADO JOSE D AND VICTOR M

739 S Walnut St
South Bend IN 46619

KAMINSKI DUANE E

26336 WHIPPOORWILL DR
South Bend IN 46619

**ROJAS TIBURCIO AND MORALES
CIRILA**

1505 Dunham
South Bend IN 46619

LANDA ISIDRO JR

9613 S Normandie Ave
Los Angeles CA 90044

GARCIA ALFREDO

1524 Poland St
South Bend IN 46619

LANDA ISIDRO JR

9613 S Normandie Ave
Los Angeles CA 90044

MARTINEZ YESENIA

1546 Poland St
South Bend IN 46619

FORD RICKY DALE & TONI MARIE

733 S Harris
South Bend IN 46619

GARCIA JORGE

13666 SR23
Granger IN 46530

LANDA ISIDRO JR

9613 S Normandie Ave
Los Angeles CA 90044

**WAGNER DEANNA C AND HILL
ANGELA M**

1508 Poland
South Bend IN 46619

LANDA ISIDRO JR

9613 S Normandie Ave
Los Angeles CA 90044

VANBROCKLIN DONALD L

1516 W Poland St
South Bend IN 46619

VANBROCKLIN RON E

1506 W Poland
South Bend IN 46619

Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

St. Joseph County

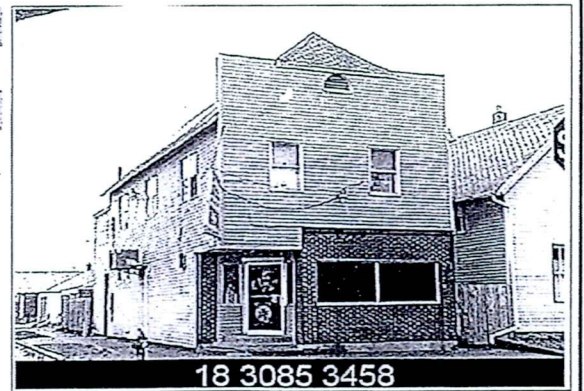
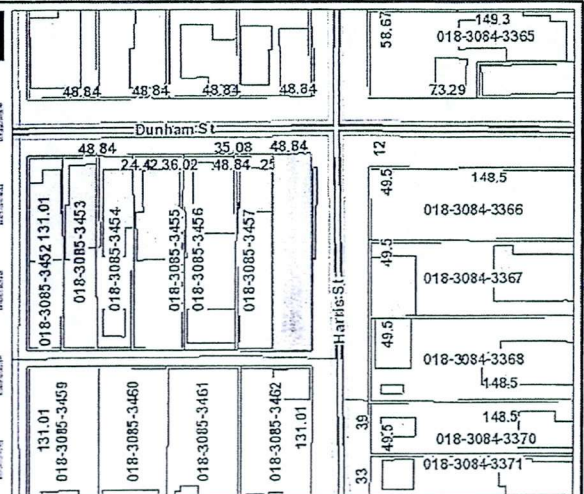
Property Information

Subject Property:	1502 W DUNHAM ST, SOUTH BEND 46619
Parcel ID:	018-3085-3458
State ID:	71-08-11-353-013.000-026
Owner(s):	BURG ROBERT
Mailing Address:	1502 W Dunham , South Bend IN 46628
Assessed Usage:	COMMERCIAL RESTAURANT, CAFE, OR BAR
Township:	18
Municipality:	SOUTH BEND
Tax District:	18

Property Assessment Information

Land Value:	\$3,500.00
Improved Value:	\$58,100.00
Assessed Year:	2018
Acres:	0.08

Legal Description: 26 Ft E Side Lot 36 Arnold Hine & Wilsons Sub Div



Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized.

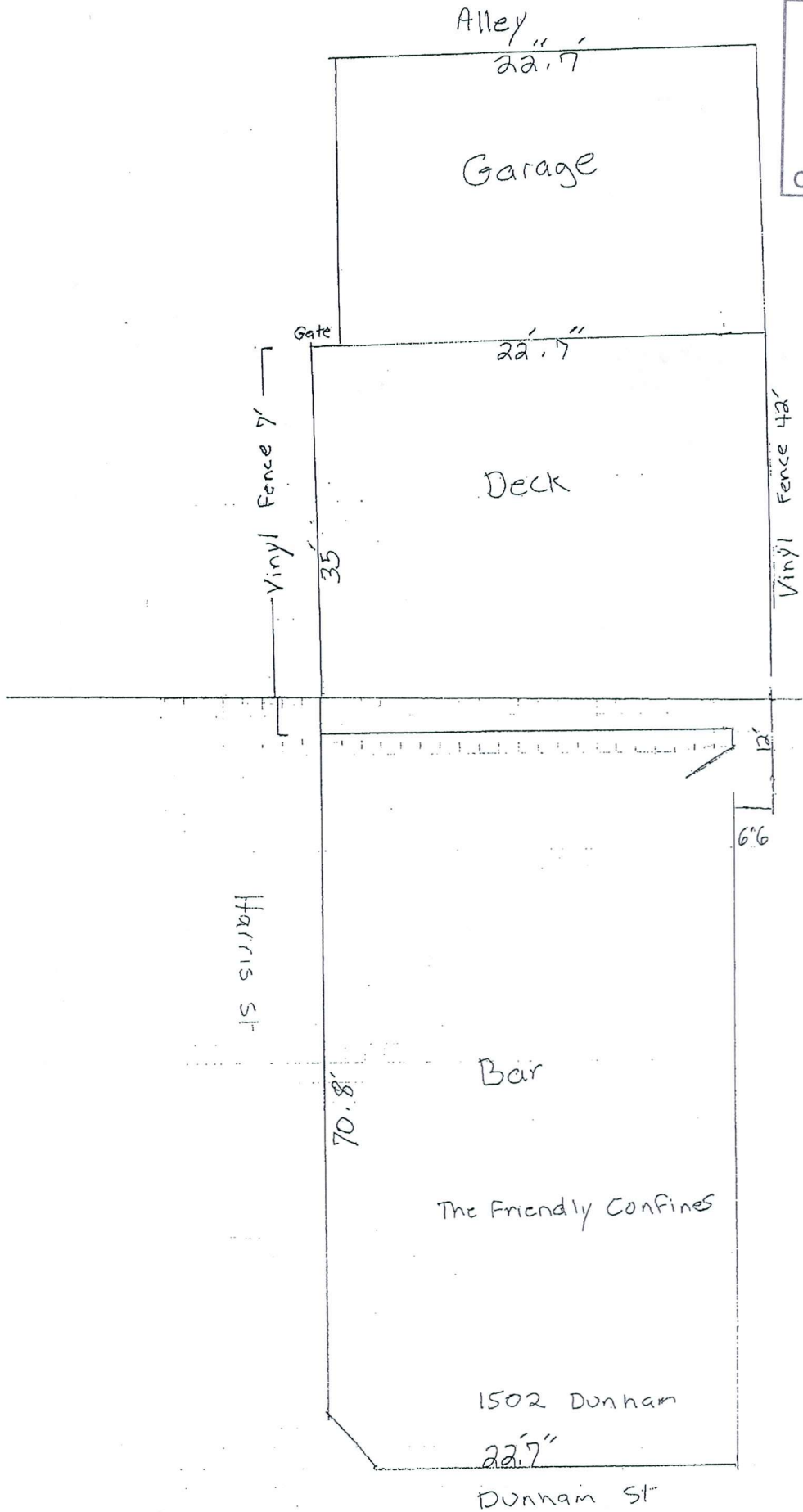
Date Printed: June 13, 2017



Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN





DEVELOPMENT
PROPERTY
FOR SALE



Filed in Clerk's Office
JUN 21 2011
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



DEBRA ANN
PARKING
NO STANDING

UN





Bill No. 17-40

RESOLUTION NO. _____-17

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND SUPPORTING SOLARIZE SOUTH BEND AS A CLEAN ENERGY INITIATIVE

Whereas, the Common Council of the City of South Bend unanimously approved a resolution “In Support of a Reasonable Transition to Cleaner Sources of Energy for South Bend” on Sept. 12, 2016, calling for increased renewable energy for local residents, businesses, and organizations, and

Whereas, solar energy systems installed by the end of 2017 will provide the most financial value to South Bend residents due to recent state policy changes, and

Whereas, Solarize South Bend is a short-term, local, community-driven initiative that brings together groups of potential solar energy customers through widespread outreach and education, and

Whereas, Solarize initiatives have been implemented in Indiana communities of Bloomington and Columbus, as well as across the country, and

Whereas, Solarize initiatives in other communities have helped strengthen the local solar energy industry and created jobs, and

Whereas, Solarize initiatives simplify the complex process of going solar, making it less risky, confusing, and expensive for both consumer and installer, and

Whereas, residents and businesses who sign up for solar installations by a specific deadline will have access to negotiated group rates below market prices, and

Whereas, historically, Solarize initiatives lower the cost of solar energy systems 10 to 15 percent, and

Whereas, the City of South Bend is updating zoning, permitting, and inspection policies and processes in preparation for increased solar energy installation, and

Whereas, the City of South Bend will soon be designated as a solar-friendly “SolSmart” community for these efforts by the Department of Energy, and

Whereas, the Solarize initiative is led by a network of volunteer experts and supported with staff and resources of the Michiana Area Council of Governments (MACOG).

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

Section I. The Common Council of the City of South Bend supports and endorses the Solarize South Bend initiative.

Section II. The Common Council encourages residents and businesses to consider purchasing solar panels through Solarize South Bend.

Section III. The Common Council urges the administration of the City of South Bend to assist with community outreach and education in support of Solarize South Bend, and

Section IV. The Common Council requests MACOG track solar installations installed during the initiative and provide updates to the Council, the City administration, and the public on the results of the Solarize South Bend initiative.

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

Tim Scott, 1st District

Oliver J. Davis, 6th District

Regina Williams Preston, 2nd District

John Voorde, At Large

Randy Kelly, 3rd District

Gavin Ferlic, At Large

Jo M. Broden, 4th District

Karen L. White, At Large

Dr. David Varner, 5th District

Council Attorney

Attest:

Approved this _____ day of July, 2017

Kareemah N. Fowler, City Clerk

Pete Buttigieg, Mayor

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, COMMITTING TO JOIN OTHER U.S. CITIES AND STATES IN EMBRACING PRINCIPLES LAID OUT IN PARIS CLIMATE AGREEMENT

WHEREAS the Paris Climate Agreement was ratified in 2016 and brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries. As such, it charts a new course in the global climate effort; and

WHEREAS on June 1, 2017, President Donald Trump indicated the United States would withdraw from the Paris Agreement; and

WHEREAS for the Paris Climate Agreement to succeed, cities around the world must take action for they will account for one third of all global carbon emission reductions; and

WHEREAS South Bend has already been directly affected by climate change, and withdrawing from the Paris Agreement would hurt our community and our economy; and

WHEREAS the city of South Bend has already pursued sustainable practices such as investment in energy efficient buildings, renewable energy, LED lighting, alternative fuels for our vehicle fleet, and keeping yard waste out of landfills; and

WHEREAS on June 2, 2017, Mayor Pete Buttigieg signed the Mayors National Climate Action Agenda, committing to his collaborative effort with other U.S. mayors to strengthen local efforts for reducing greenhouse gas emissions and to support efforts for binding federal and global policy; and

WHEREAS we join the Mayor in urging our leaders in Washington to outline a path to stable climate change, while committing to make the city of South Bend a leader this issue.

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

SECTION I. We in South Bend will join with other cities and states across the United States to embrace the principles laid out in the Paris Agreement and strengthen local efforts for reducing greenhouse gas emissions.

SECTION II. That this resolution shall be in full force and effect from and after its adoption by the Common Council.

Tim Scott, 1st District

Oliver J. Davis, 6th District

Regina Williams Preston, 2nd District

John Voorde, At Large

Randy Kelly, 3rd District

Gavin Ferlic, At Large

Jo M. Broden, 4th District

Karen L. White, At Large

Dr. David Varner, 5th District

Council Attorney

Attest:

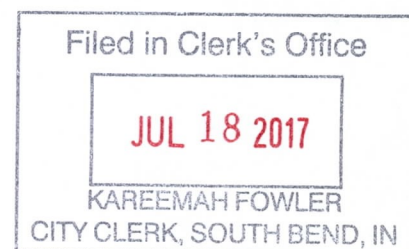
Approved this 24th day of July, 2017

Kareemah N. Fowler, City Clerk

Pete Buttigieg, Mayor of South Bend

July 17, 2017

Office of the City Clerk
Kareemah Fowler, City Clerk
455 County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601



To whom it may concern:

Attached are the documents required for the public right-of-way vacation of the alley extending from the 1100 block of W. Jefferson Blvd. north towards Washington St. and south towards Thomas St. You will find the following items to support our request:

1. Petition to Vacate
2. Ordinance
3. Envelopes addressed and stamped with certified mail for all property owners within one hundred fifty feet (150') of the right-of-way to be vacated
4. Filing fee of \$150 (check).
5. A copy of the radius map.

Please consider this letter the final requirement of "a letter briefly explaining why you are submitting a petition to vacate."

We have lived at 1102 W. Jefferson since 2001, and have acquired the properties located at 1042 W. Jefferson and 1035 W. Jefferson over the past several years. 1035 W. Jefferson is being maintained as a "pocket park" for the neighborhood, and we are in the process of major renovations to our home, which will eventually be moved to 1042 W. Jefferson. Vacation of the alleys will enhance pedestrian safety (especially considering neighborhood children often play in the park at 1035 W. Jefferson) and reduce the possibility of dumping in the alleys (which is often an issue). Further, we plan to parcel 1042 and 1102 together for simplification of the renovation process. We plan to restrict automobile traffic through both alleys, although proper access will be provided for utility vehicles as needed. We appreciate the Board of Public Works' assistance with this process and look forward to a smooth hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karl and Margaret Edmonson".

Karl and Margaret Edmonson

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

June 13, 2017

Filed in Clerk's Office

JUL 18 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Karl and Megyn Edmondson
1042 W. Jefferson Blvd.
South Bend, IN 46601

RE: Alley Vacation – North/South Alley West of Laurel Street running South from Jefferson Blvd. to 1st East/West Alley, and North from Jefferson Blvd. to 1st East/West Alley (Preliminary Review)

Dear Mr. and Mrs. Edmondson:

The Board of Public Works, at its June 13, 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.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley.

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

Sincerely,

Linda M. Martin, Clerk

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



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

SOUTH BEND COMMON COUNCIL

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

DATE: 7/17/17

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:

The first N/S alley W 585' of E. RoW of Laurel St. running N ~157' from
W. Jefferson north RoW and running S ~ 159' from W. Jefferson south RoW.

2. THE STREET DESCRIBED AS:

N/A

Abutting Property Owner(s) Signatures:

Name (print):	<u>Signature</u>	Address	Lot Number
Randy Beckman		1105 W. Jefferson Blvd.	018-3070-2728
<u>1.(Centennial Properties, LLC)</u>			

2. _____

3. _____

All other abutting properties owned by petitioner.

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

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST NORTH/SOUTH ALLEY WEST OF LAUREL STREET RUNNING SOUTH FROM JEFFERSON BLVD. TO FIRST EAST/WEST ALLEY, AND NORTH FROM JEFFERSON BLVD. TO FIRST EAST/WEST ALLEY

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:

The first N/S alley W 585' of E. RoW of Laurel St. running N-157' from W. Jefferson north RoW and running S-159' from W. Jefferson south RoW

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:

018-3070-2728 (1105 W. Jefferson)-Centennial Properties, Inc.
All other abutting properties owned by petitioner

Section IV. The purpose of the vacation of the real property is to enhance pedestrian safety, prohibit dumping , enable parceling of 1042 and 1102 W. Jefferson.

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:

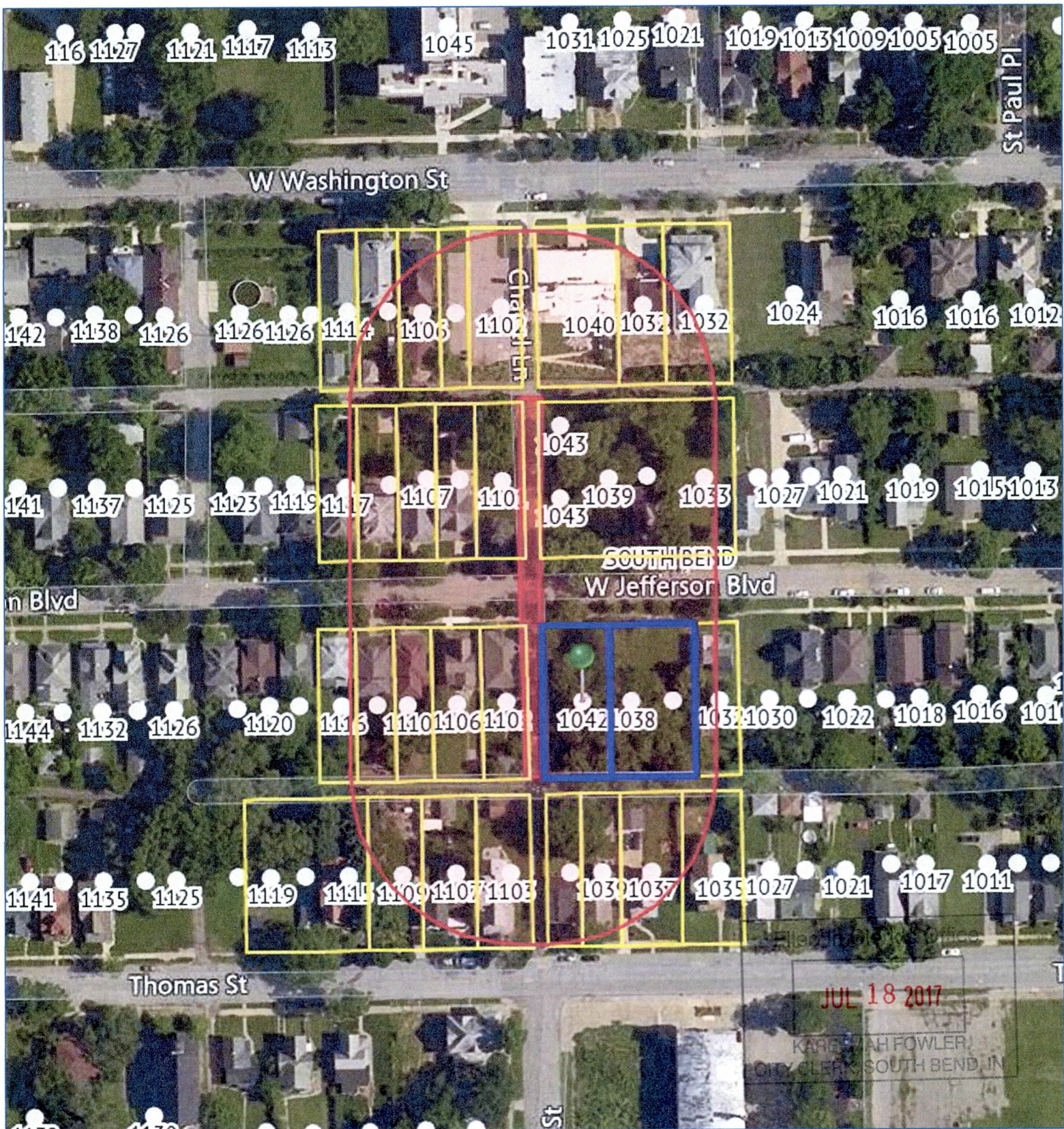
Kareemah N. Fowler, City Clerk
Office of the City Clerk

*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



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

150' Buffer

*Address List attached

Date Prepared: 7/14/2017

Alley Vacation 150' Radius Map Karl and Megyn Edmonson

The alleys to be vacated are the first N/S alley W 585' of E. RoW of Laurel St. running N ~157' from W. Jefferson north RoW and running S ~ 159' from W. Jefferson south RoW.

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA AMENDING CHAPTER 13, ARTICLE 5, SECTION 13-75.5 OF THE SOUTH
BEND MUNICIPAL CODE TO ADD DEALING IN A SYNTHETIC DRUG
LOOKALIKE SUBSTANCE TO THE LIST OF PROHIBITED ACTIVITIES
CONSTITUTING A DISORDERLY HOUSE**

STATEMENT OF PURPOSE AND INTENT

The recent proliferation within the South Bend community of products and synthetic look alike substances, specifically those used as alternatives to marijuana has resulted in death and severe injury to young persons, particularly males. The cannabis synthetic drug lookalike products, known generally as cannabinoids, or as “cannabimimetic agents” under the federal Synthetic Drug Abuse Prevention Act 21 U.S.C. 812(d) (1), “are deceptively dangerous, and their effects far more devastating than natural, plant forms of cannabis. Known short term effects include mental alteration including hallucinations, agitation, psychosis, aggression, suicidal, homicidal ideation, as well as physical effects such as acute kidney injury. The long term effects of these substances are yet unknown.

In 2014 the State of Indiana created a new category of “synthetic drug lookalike substances” to distinguish them from “synthetic drugs,” the possession, possession with intent to deliver or with intent to finance the delivery of, the manufacture, delivery, or finance with intent to deliver are all illegal under Ind. Code §35-48-4-11.5 and under IC 35-48-4-10.5. Cannabinoids would be included under this broader category of synthetic drug look alike substances. Definition at IC 35-31.5-2-321.5.

Protection of the community and youth of the City of South Bend from the harsh, devastating effects of these substances should be undertaken to the highest extent reasonably possible under law. This ordinance is intended to address the dangers to the community posed by cannabinoids and similar synthetic drug lookalike substances through civil penalty and enforcement under the City’s existing Disorderly House ordinance.

This ordinance effectuates the desired specific inclusion of a “synthetic drug lookalike substance” within the definition of violations constituting disorderly houses, and is in the best interests of the City of South Bend.

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

SECTION I. Chapter 13, Article 5, Section 13-75.5 (o) (6) of the South Bend Municipal Code shall be amended to read as follows:

South Bend Municipal Code

Sec. 13-75.5. - Disorderly houses; prohibited.

(a) *Definitions.*

- (1) For purposes of this section, *disorderly house* means a building, dwelling, establishment, premises or place where prohibited conduct occurs and it includes the outside area contiguous to and surrounding the structure such as a yard or lot under the same ownership. If the building, dwelling, establishment, premises or place is a multiple-unit dwelling or residence, hotel or motel, or commercial or office building, this definition applies only to that dwelling unit, room or suite of rooms in the hotel or motel, office rooms or suite, store, lot or yard in or on which prohibited conduct occurs.
- (2) For purposes of this section, *owner* means:
 - (a) The recorded owner of the property, as determined by the records of the St. Joseph County Assessor's Office;
 - (b) Any party with an equitable interest in the property, provided that such equitable interest is recorded; and
 - (c) The trustee of a land trust, if the land trust holds title to such property.
- (3) For purposes of this section, *occupant* means any person over sixteen (16) years of age whose domicile is the property upon which the prohibited conduct has been found to have occurred.
- (4) For purposes of this section, *vacant* means a building which is lacking the habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased.
- (5) For purposes of this section, *prohibited conduct* means activities occurring in violation of the statutes or ordinances relating to any of the following:
 - a. *Gambling*, as defined in IC 35-45-5-1;
 - b. *Battery*, as defined in IC 35-42-2-1;
 - c. *Contributing to the delinquency of a minor*, as defined in IC 35-46-1-8;
 - d. *Resisting law enforcement*, as defined in IC 35-44-3-3;
 - e. *Disorderly conduct*, as defined in IC 35-45-1-3;
 - f. *Criminal recklessness*, as defined in IC 35-42-2-2;
 - g. *Discharge of firearms*, as prohibited by Section 13-58 of the South Bend Municipal Code;

- h. *Loud and raucous noise*, as prohibited by Section 13-57 of the South Bend Municipal Code;
- i. *Failure to keep vacant property secured against entry*, in violation of Sections 6-37 or 9-2 of the South Bend Municipal Code, or IC 36-7-9 (Unsafe Building Law) or any other fire or property maintenance codes constitutes prohibited conduct regardless of whether the City has issued a citation for the violation, issued an order to secure, or taken action to abate the condition.
- j. *Failure to comply with Section 16-53, (Conditions Constituting Public Nuisances), Section 16-58, (Duties of Owners or Persons in Control of Vacant Lots), or Section 16-59, (Removal of Vegetation)* of the South Bend Municipal Code constitutes prohibited conduct whenever the City has verified with the Department of Code Enforcement that such violation has occurred at the property three (3) or more times within a calendar year. Such violation constitutes prohibited conduct regardless of whether the City has taken action to abate the condition or conduct and regardless of whether the City has issued a citation for the violation.
- k. *Violations* of any of the following Indiana statutes governing the sale, possession, delivery or receipt of alcoholic beverages:
 1. *Sales, delivery or possession* in violation of IC 7.1-5-1-1;
 2. *Illegal possession by a minor* in violation of IC 7.1-5-7-7;
 3. *Furnishing alcohol to a minor* in violation of IC 7.1-5-7-8;
 4. *Inducing a minor to possess alcohol* in violation of IC 7.1-5-7-15;
 5. *Sale or delivery of alcoholic beverages to intoxicated persons* in violation of IC 7.1-5-10-15;
 6. *Receipt of alcoholic beverages from a person who does not hold a permit* in violation of IC 7.1-5-10-5;
 7. *Purchase of alcoholic beverages from a person who does not hold a permit* in violation of IC 7.1-5-10-7; or
 8. *Visiting or maintaining a common nuisance* in violation of IC 7.1-5-10-21.
- l. *Violations* of any of the following Indiana statutes governing:
 1. *Prostitution* in violation of IC 35-45-4-2;
 2. *Patronizing a prostitute* in violation of IC 35-45-4-3; or
 3. *Promoting prostitution* in violation of IC 35-45-6-1.
- m. *Violations* of any of the *Racketeering activity* in violations of IC 35-45-6-1.
- n. *Violations* of any of the following Indiana statutes governing:
 1. *Criminal gang activity* in violation of IC 35-45-9-3;
 2. *Criminal gang intimidation* in violation of IC 35-45-9-4; or
 3. *Criminal gang recruitment* in violation of IC 35-45-9-5.

- o. *Violations* of any of the following Indiana statutes governing:
 1. Dealing in cocaine or a narcotic drug in violation of IC 35-48-4-1;
 2. Dealing in methamphetamine in violation of IC 35-48-4-1.1;
 3. Dealing in a schedule I, II or III controlled substance in violation of IC 35-48-4-2;
 4. Dealing in a schedule IV controlled substance in violation of IC 35-48-4-3;
 5. Dealing in a schedule V controlled substance in violation of IC 35-48-4-4; or
 6. Dealing in marijuana, hash oil, hashish, salvia, ~~or~~ a synthetic drug, or a synthetic drug lookalike substance such as cannabinoid in violation of IC 35-48-4-10 and IC 35-48-4-10.5, and as defined at IC 35-48-4-11.5 and IC 35-31.5-2-321.5. A cannabidiol or a substance containing cannabidiol used to treat epilepsy under IC 16-18-2-45.5 is excluded from this subpart.
 7. Use or possession of any of the substances described in subsections o.1. through and including 6., above, or the sale, use or possession of any other illicit narcotics or dangerous controlled substances.
- (b) *Public nuisance.* Whenever prohibited conduct as defined in subsection (a) of this section occurs in or upon a building, dwelling, establishment, premises or place, the City deems the building, dwelling, establishment, premises or place to be a disorderly house and a public nuisance.
- (c) *Notice to abate.* Whenever the South Bend Police Department or the Department of Code Enforcement has probable cause to believe that prohibited conduct has occurred in or upon a building, dwelling, establishment, premises or place, the City shall notify the owner of the property, and the occupants of the property that the building, dwelling, establishment, premises or place is a disorderly house and as such constitutes a public nuisance and that they must abate the public nuisance.
- (d) *Manner of serving notice.* The City shall provide notice to the owner of the property and the occupants of the property in the manner provided by IC 36-7-9-25. The City deems the owner of the property and the occupants of the property responsible for any and all prohibited conduct occurring upon the premises after receipt of the notice.
- (e) *Penalty and injunctive relief.* Whenever prohibited conduct occurs upon a property after the City has provided notice to abate the public nuisance, the City may file an action in any court of general jurisdiction against the owner and/or occupants to enjoin the nuisance and to recover a fine of not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00) with each day of violation constituting a separate offense. In determining the amount of the fine to be imposed, the court may consider the attempts of the property owners or occupants to address the public nuisance.
- (f) *Eviction proceedings as a defense.* No owner shall be liable for a violation of this section if such owner initiates an eviction proceeding within thirty (30) days of receipt of notice of the prohibited conduct set forth in this section, and diligently pursues eviction proceedings to completion.

SECTION II. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

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

Member, Common Council of the
City of South Bend

ATTEST:

Kareemah Fowler, Clerk

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

Kareemah Fowler, Clerk

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

Pete Buttigieg, Mayor