



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, December 11, 2017

7:00 P.M.

1. **INVOCATION- DEACON MELVIN TARDY- SAINT AUGUSTINE PARISH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

17-81 A RESOLUTION AWARDED BY SOUTH BEND COUNCIL MEMBER AT LARGE MEMBER KAREN WHITE HONORING WILLIAM TYREL NICKS, FONDLY KNOWN AS BILLY “STIX” NICKS, FOR HIS CONTRIBUTION TO THE ARTS IN THE SOUTH BEND AND MICHIANA AREA.

17-82 A RESOLUTION OF KAREN L. WHITE COUNCILMEMBER AT LARGE OF THE SOUTH BEND COMMON COUNCIL PUBLICLY RECOGNIZING AND COMMENDING BERNICE BAUL-FREEMAN FOR HER LONGSTANDING, PASSIONATE COMMITMENT TO RACIAL AND SOCIAL JUSTICE IN THE CITY OF SOUTH BEND.

SAINT JOSEPH COUNTY WASTE MANAGEMENT DISTRICT UPDATE- RANDY PRZYBYSZ (15 MINUTES)

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

67-17 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC

DISTRICT NO. 1, FOR 24605 CLEVELAND ROAD, SOUTH BEND, INDIANA

[81-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2017

[82-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2017 OF \$49,745 FROM CONSOLIDATED BUILDING FUND—CODE ENFORCEMENT (#600), \$1,500 FROM WATER WORKS DEPOSIT FUND (#624), \$1,000 FROM WATER WORKS SINKING FUND (#625), \$4,500 FROM WATER WORKS DEBT RESERVE O&M (#629), \$30,000 FROM SEWAGE WORKS O&M RESERVE (#643), AND \$148,300 FROM CENTURY CENTER (# 670).

[83-17](#) 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 \$125,000 FROM DCI GRANT FUND (#212), \$100,000 FROM STATE SEIZED DRUG MONEY (#216), \$250,000 FROM LIABILITY INSURANCE FUND (#226), \$49,000 FROM COVELESKI STADIUM (#401), \$955,670 FROM VEHICLE-EQUIPMENT LEASING (#750), \$22,500,000 FROM EDDY ST COMMONS CAPITAL (#759), AND \$2,500,000 FROM EDDY ST COMMONS DEBT SERVICE FUND (#760).

[84-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 14, SECTION 2-170 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH VARIOUS NEW FUNDS: MORRIS PERFORMING ARTS CENTER SELF-PROMOTED EVENTS FUND (274), PARENTAL LEAVE FUND (714) AND 2017 PARKS BOND FUND (471).

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[81-17](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2017.

[82-17](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2017 OF \$49,745 FROM CONSOLIDATED BUILDING FUND—CODE ENFORCEMENT (#600), \$1,500 FROM WATER WORKS DEPOSIT FUND (#624), \$1,000 FROM WATER WORKS SINKING FUND (#625), \$4,500 FROM WATER WORKS DEBT RESERVE O&M (#629), \$30,000 FROM SEWAGE WORKS O&M RESERVE (#643), AND \$148,300 FROM CENTURY CENTER (# 670).

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9. **RESOLUTIONS**

BILL NO.

[17-74](#) 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 926 ERSKINE PLAZA, SOUTH BEND, IN 46614.

[17-76](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS JEFFERSON BLVD AND MAIN STREET, SOUTH BEND, IN 46601 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SIX (6) YEAR REAL PROPERTY TAX ABATEMENT FOR RIVER PARK LEASING CORPORATION.

[17-78](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH

BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (BANEY ANNEXATION AREA).

[17-79](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA, AND ST. JOSEPH COUNTY, INDIANA FOR THE PROVISION OF AMBULANCE SERVICES IN ST. JOSEPH COUNTY.

[17-80](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND INDIANA TO APPOINT THE BOARD OF PUBLIC WORKS AND THE DEPARTMENT OF PUBLIC WORKS AS ITS AGENTS FOR OVERSEEING THE GUARANTEED ENERGY SAVINGS CONTRACT FOR VENUES PARKS AND ARTS

10. **BILLS ON FIRST READING**

BILL NO.

[85-17](#) FIRST READING ON AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST JOSEPH COUNTY, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 9 ADMINISTRATION TO UPDATE PROCEDURES FOR ZONE MAP AMENDMENT, VARIANCES, SPECIAL EXCEPTION USES, AND WRITTEN COMMITMENTS ASSOCIATED WITH AREA BOARD OF ZONING APPEALS APPLICATIONS; ARTICLE 11 DEFINITIONS TO FURTHER DEFINE THE ZONING ADMINISTRATOR AS THE EXECUTIVE DIRECTOR OF THE AREA PLAN COMMISSION; AND ARTICLE 12 FLOODPLAIN REGULATIONS TO DESIGNATE THE BUILDING COMMISSIONER AS THE FLOODPLAIN ADMINISTRATOR.

[86-17](#) FIRST READING ON AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 10 ENFORCEMENT BY ADDING THE AREA PLAN COMMISSION TO THE DESIGNATED ENFORCEMENT STAFF.

[87-17](#) FIRST READING ON AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 13 HISTORIC PRESERVATION COMMISSION IN CONNECTION WITH THE TRANSITION OF HISTORIC PRESERVATION STAFF TO THE CITY OF

SOUTH BEND UNDER AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND AND ST. JOSEPH COUNTY.

88-17 AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 10 ENFORCEMENT BY ADDING THE AREA PLAN COMMISSION TO THE DESIGNATED ENFORCEMENT STAFF.

89-17 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS TO REVISE PERMITTED USES AND DEVELOPMENT STANDARDS.

11. **UNFINISHED BUSINESS**

BILL NO.

17-75 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 806 HOWARD STREET, PORTAGE TOWNSHIP, SOUTH BEND, INDIANA 46617.

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: DECEMBER 7, 2017
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, DECEMBER 11, 2017:**

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

- 3:10 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
1. Light Up South Bend Update Briefing- Bowman Creek
 2. [Bill No. 81-17](#)- December 2017 Transfer Ordinance
 3. [Bill No. 82-17](#)- December 2017 Appropriation Ordinance- Enterprise Funds
 4. [Bill No. 83-17](#)- December 2017 Appropriation Ordinance- Civil City Funds
 5. [Bill No. 84-17](#)- Establishing New Funds for the City of South Bend
- 3:25 P.M.** **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**
1. [Bill No. 17-74](#)- Special Exception for property at 926 Erskine Plaza
 2. [Bill No. 17-78](#)- Fiscal Plan for Baney Annexation Area
 3. [Bill No. 67-17](#)- Rezoning for 24605 Cleveland Road/ Baney Annexation Area
 4. Proposed Text Amendments Update Briefing- Mike Divita
- 3:50 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. Overview of Tax Abatement Process- James Mueller & Staff
 2. Administration Incentives Philosophy-James Mueller & Staff
 3. Update- Text Amendment and Changes to the Ordinance to the HPC and Interlocal Agreement- James Mueller & Staff
- 4:15 P.M.** **PARC** **RANDY KELLY, CHAIRPERSON**
1. [Bill No. 17-80](#)- Energy Savings Contract for Venues Parks and Arts
- 4:30 P.M.** **HEALTH & PUBLIC SAFETY** **JO BRODEN, CHAIRPERSON**
1. [Bill No. 17-79](#)-Interlocal Agreement Provision of Ambulance Services

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

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

BIANCA L. TIRADO
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATIONS
BUREAU CLERK

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**



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

SPECIAL PROCLAMATION NO. 15-2017**A SPECIAL PROCLAMATION AWARDED BY SOUTH BEND COUNCIL MEMBER AT LARGE MEMBER KAREN WHITE HONORING WILLIAM TYREL NICKS, FONDLY KNOWN AS BILLY “STIX” NICKS, FOR HIS CONTRIBUTION TO THE ARTS IN THE SOUTH BEND AND MICHIANA AREA**

Whereas, Billy “Stix” Nicks was born on December 8, 1934, the second of seven children born to Wyze and Alma Nicks, in Greenwood, Mississippi, where his parents were sharecroppers on a large cotton plantation; and

Whereas, Billy’s parents chose to move to South Bend, Indiana, where his father had relatives, in the autumn of 1944 in an attempt to escape the racial prejudices of the Deep South and in search of fairness and equality and a better life for his young family; and

Whereas, Billy attended South Bend Central High School and his friend, Jackie Ivory, gave him his nickname, “Stix,” because Billy had developed the habit of carrying a set of drumsticks with him at all times and drummed on whatever was within his reach at the time. It soon became obvious that he had a God-given talent for the drums and he purchased his first set of drums from a local pawn shop with money he’d earned working for a typewriter company; and

Whereas, Billy, being self-taught and after much practice, started his first band, “The Blue Notes,” while still in high school, and they played at weekly “sock hop” dances and local parties from 1953 to 1955, when the band was also known as “The Whopping Bopping Show Stoppers;” and

Whereas, when Billy graduated from high school in 1954, he became involved in another band called “They Rhythm Rockers,” which included another famous South Bend musician, Junior Walker, on saxophone and Fred Patton on piano and vocals, with Billy also contributing on vocals, in addition to acting as the band’s leader and, of course, drummer; and

Whereas, Billy “Stix” Nicks’ reputation as a drummer grew and he played with many other young, up-and-coming artists at various local venues, including the Morris Park Country Club, where he was approached by the mother of a young fan who admired Billy’s unique skills and asked if he would consider teaching her son. This led to young Billy’s first foray into a lifetime career of teaching drumming; and

Whereas, in 1956, Billy and The Rhythm Rockers were hired to perform at the grand opening of a teen dance party at Club 46 for WNDU-TV, which became a standing gig after they signed a contract to play for the weekly Saturday afternoon dance party television show for WNDU; and

Whereas, Billy was drafted into the U. S. Army in 1957 and, while taking a forced break from his own band, he played in the Army band as a percussionist and his tour of duty led him to Germany. When he was honorably discharged in 1959, he returned to South Bend and began playing with a long-time friend, Oscar Baby Jones, in several engagements as the “Oscar Baby Jones Jazz Quartet;” and

Whereas, in 1962, Billy joined forces with his old friend, Jackie Ivory, and “The Gents of Soul” and they recorded an LP in Chicago that was released on Atco/Atlantic records. Billy credited this event, and the tour of the southern states that followed, as the turning point in his career; and

Whereas, in 1963, Billy married Pattie Tate and they were married for nearly fifty-four years. Pattie survives, along with four children and nine grandchildren; and

Whereas, Billy also played and recorded with the Motown/Soul record label with his former bandmate “Junior Walker and The All-Stars” in 1962 and in 1966 they opened at the famed Apollo Theatre in New York City. They played many other venues, including Harvard University, the Regal Theatre in Chicago, the Uptown Theater in Philadelphia, Constitution Hall in Washington, D.C. and with many famous artists, including Wilson Pickett, Sam & Dave, The Staple Singers, Louis Armstrong, Sammy Davis, Jr., The Fifth Dimension, Marvin Gaye, Pattie LaBelle, Gladys Knight and the Pips, The Four Tops, The Isley Brothers, Dionne Warwick, and a host of others too numerous to mention; and

Whereas, in 1967, Billy organized and performed with his own trio, “The Billy Nicks Jazz Trio,” when he was not traveling with Junior Walker, and they played many reputable venues. Also in 1967, Billy signed a contract with the University of Notre Dame and became a disc jockey on his own show, “The Bill Nicks Radio Hour,” at WNDU studios, which was a colossal success; and

Whereas, Billy continued to play in the late 1960s through the mid-1970s with many famous artists, including Mary Wells, jazz legend Sonny Stitt, and blues legend Pinetop Perkins, all while still playing in his own jazz trio and with Junior Walker and The All-Stars; and

Whereas, Billy also branched off into promotions of other artists and in music publication while still continuing to teach at his own private studio, Nicks Music Studio, where he acted as the percussion and studio director, and for affiliated groups, in addition to his teaching of percussion at the University of Notre Dame; and

Whereas, one has only to look at the guestbook feature on Billy Nicks’ website to see how universally he was loved and valued as a man and a musician to know what an impact he has made on thousands upon thousands of people whose lives he has touched throughout all his years prior to his passing. In a recent South Bend Tribune “Viewpoint” article by Jeff Harrell, with whom Billy played in their “Billy ‘Stix’ Nicks & The Motown Machine” show, he called Billy “just a beautiful spirit.” This is an understatement and doesn’t even begin to describe such a talented and honorable man, but it’s a good start; and

Whereas, the name “Billy ‘Stix’ Nicks” will forever be preceded by the word “Legendary”; and

Whereas, Billy’s life and his extensive experience in the local music culture and his many contributions to the arts through his lifelong work and love of music and as a role model for other young drummers who aspire to greatness led to his 2017 induction into the South Bend Hall of Fame.

Now, Therefore, be it publicly and proudly Proclaimed as follows:

Section I. On behalf of the citizens of South Bend, Indiana and the South Bend Common Council, we proudly and publicly recognize and thank Billy “Stix” Nicks for his numerous contributions to the arts in our community and the entire music world in general.

Section II. We also look forward to Billy’s legacy as being a positive role model and inspiration to all aspiring musicians, young and old, in our community.

Section III. We wish Billy “Stix” Nicks and his family all the blessings of God to one of the most “beautiful spirits” this world has even known. Rest in peace, Billy. You are always in our hearts.

Signed and Approved this ____ day of November 2017, in the City of South Bend, County of St. Joseph, in the State of Indiana.

Karen White, Council Member At Large



Council Proclamation No. 16-2017

A PROCLAMATION OF KAREN L. WHITE COUNCILMEMBER AT LARGE OF THE SOUTH BEND COMMON COUNCIL PUBLICLY RECOGNIZING AND COMMENDING BERNICE BAUL-FREEMAN FOR HER LONGSTANDING, PASSIONATE COMMITMENT TO RACIAL AND SOCIAL JUSTICE IN THE CITY OF SOUTH BEND

Whereas, as an At Large Common Council Member of the City of South Bend, Indiana, I am humbled to honor and publicly recognize the many contributions and the public service that Bernice Baul-Freeman has rendered to the City of South Bend and its residents; and

Whereas, Mrs. Baul-Freeman worked for the Opportunities Industrial Center (OIC) of America founded by Dr. Leon Sullivan in 1984 for over fifteen (15) years, where she helped participants gain basic educational skills and helped hundreds receive their GED; and

Whereas, Mrs. Baul-Freeman has continued to serve as a Life Skills Coach to numerous at-risk youth and currently serves young adult women through the Porch Light Program operated by the Youth Service Bureau of St. Joseph County; and

Whereas, having been breast cancer free for twenty-three (23) years, Mrs. Baul-Freeman founded the Reaching Out Breast Cancer Awareness Center providing door-to-door educational services to raise breast cancer awareness and promote early detection; and

Whereas, Mrs. Baul-Freeman has voluntarily served numerous local agencies in various capacities as a constant voice for disenfranchised members of the South Bend community, including: the Minority Health Coalition, the Chronic Disease Prevention Task Force, the Michiana Cancer Survivors Society, Women In Touch, Michiana Cancer Task Force, Bridges Out of Poverty, United Community Against Drug & Alcohol Abuse, St. Joseph County Drug Coalition Board, South Bend Human Rights Commission, the Women's Concerns Committee, and Toys for Tots as a key organizer for over thirty (30) years, and is responsible for the street renaming of Dr. Martin Luther King, Dr.; and

Whereas, Mrs. Baul-Freeman has been honored with the Drum Major Award by the Martin Luther King Jr. Foundation and more recently as a City of South Bend Black History Month Honoree.

Now, Therefore, be it Proclaimed by Karen L. White Councilmember At Large of the South Bend Common Council as follows:

Section I. It is my distinct honor to publicly commend and honor the service of Mrs. Bernice Baul-Freeman for her countless contributions made to our community and her passionate commitment to racial and social justice.

Section II. On behalf of the City of South Bend, Indiana, I am most humbled to thank Mrs. Baul-Freeman for her longstanding service and commitment to our city and wish her many more years of good works in relation to racial and social justice.

Signed this _____ day of December 2017, in the City of South Bend, the County of St. Joseph, the State of Indiana.

Karen L. White, At Large Council Member
South Bend Common Council
South Bend, Indiana

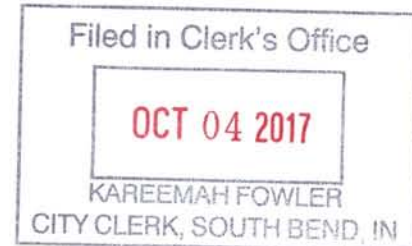


AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTORAngela M. Smith
Deputy Director

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

October 3, 2017

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601RE: Rezoning for 24605 Cleveland Road, South Bend, IN
APC# 2845-17

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 October 9th, 2017 Council meeting, and set it for public hearing at your November 27th, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the November 21st, 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'.

David M Stanton, Jr.
Planner

CC: Bob Palmer

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 24605 CLEVELAND ROAD, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

PETITIONER SEEKING TO ANNEX AND REZONE PROPERTY FROM A: AGRICULTURAL DISTRICT IN UNINCORPORATED ST. JOSEPH COUNTY TO LIGHT INDUSTRIAL DISTRICT WITHIN THE CITY OF SOUTH BEND FOR MANUFACTURING AND ASSEMBLY USES.

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

SECTION 1. That the following described real estate situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION NINETEEN (19), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE TWO (2) EAST, CONTAINING TEN (10) ACRES, MORE OR LESS, EXCEPTING THEREFROM THE SOUTH 40.00 FEET MEASURED AT RIGHT ANGLES, OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 2 EAST, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19; THENCE NORTH 89°51'49" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW ¼) A DISTANCE OF 331.51 FEET THENCE NORTH 00°24'05" WEST, 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CLEVELAND ROAD, AND TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89°51'49" WEST, BEING 40 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 328.86 FEET, TO THE EAST LINE OF THE RECORDED PLAT OF "WELLS ELECTRONICS MINOR" AS KNOWN AND RECORDED IN THE OFFICE OF THE

RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 9540132; THENCE NORTH 00°25'16" WEST, ALONG SAID EAST LINE AND ALSO ALONG THE EAST LINE OF LOT 1 IN THE RECORDED PLAT OF "FAWN DEVELOPMENT MINOR SUBDIVISION" AS KNOWN AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 9749756, A DISTANCE OF 1276.63 FEET TO THE SOUTH LINE OF LOT 2 IN THE RECORDED PLAT OF "OLIVE ROAD COMMERCE PARK AMERIPLEX MINOR SUBDIVISION" AS KNOWN AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 0157246; THENCE NORTH 89°51'00" EAST, ALONG SAID SOUTH LINE AND ALSO ALONG THE SOUTH LINE OF LOT AAA IN THE RECORDED PLAT OF "OLIVE ROAD COMMERCE PARK-SECOND REPLAT", AS KNOWN AND RECORDED IN THE OFFICE OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 0035547, A DISTANCE OF 329.28 FEET, TO THE WEST LINE OF A PARCEL OF LAND OWNED BY "31 NIMTZ LAND, LLC" AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 1704026, AND AS SHOWN ON INSTRUMENT NUMBER 1611106 - A RECORDED SURVEY; THENCE SOUTH 00°24'05" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1278.27 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

ABOVE DESCRIPTION CONTAINING 9.65 ACRES OF LAND MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND PUBLIC RIGHTS OF WAY OF RECORD

SECTION II. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above described parcel as part of the City of South Bend, Indiana.

SECTION III. Ordinance No. 9495-04, as 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 above described real estate, with the exception of all adjacent right-of-ways, in the City of South Bend, St. Joseph County, Indiana be and the same is hereby established as LI LIGHT INDUSTRIAL DISTRICT, provided, however, that the required established, and stated procedures for review of such zoning classification by the Area Plan Commission have been fully satisfied.

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

SECTION V. This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Member of the Common Council

Attest:

City Clerk

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

City Clerk

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

Mayor, City of South Bend, Indiana

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



PETITION FOR ANNEXATION AND 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:

24605 Cleveland Road
South Bend, Indiana 46628

- 2) The property Tax Key Number(s) is/are: 004-1011-018901

- 3) Legal Description(s) Please note, if the public right-of-way adjacent to the parcel is not already within City limit, the legal description MUST include the right-of-way: *THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION NINETEEN (19), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE TWO (2) EAST, CONTAINING TEN (10) ACRES, MORE OR LESS, EXCEPT THE SOUTH 40.00 FEET MEASURE AT RIGHT ANGLES, OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 2 EAST, IN ST. JOSEPH COUNTY, INDIANA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

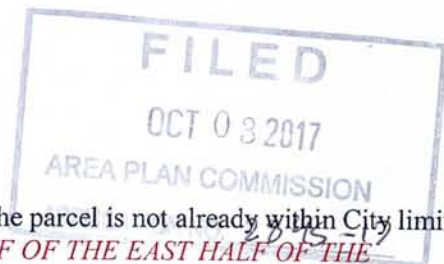
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19; THENCE NORTH 89°51'49" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) A DISTANCE OF 386.22 FEET; THENCE NORTH 00°24'05" WEST, 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CLEVELAND ROAD, AND TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89°51'49" WEST, BEING 40 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 328.86 FEET, TO THE EAST LINE OF THE RECORDED PLAT OF "WELLS ELECTRONICS MINOR" AS KNOWN AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 9540132; THENCE NORTH 00°25'16" WEST, ALONG SAID EAST LINE AND ALSO ALONG THE EAST LINE OF LOT 1 IN THE RECORDED PLAT OF "FAWN DEVELOPMENT MINOR SUBDIVISION" AS KNOWN AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 9749756 A DISTANCE OF 1276.63 FEET TO THE SOUTH LINE OF LOT 2 IN THE RECORDED PLAT OF "OLIVE ROAD COMMERCE PARK AMERIPLEX MINOR SUBDIVISION" AS KNOWN AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 0157246; THENCE NORTH 89°51'00" EAST, ALONG SAID SOUTH LINE AND ALSO ALONG THE SOUTH LINE OF LOT AAA IN THE RECORDED PLAT OF " OLIVE ROAD COMMERCE PARK-SECOND REPLAT, AS KNOWN AND RECORDED IN THE OFFICE OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 0035547, A DISTANCE OF 329.28 FEET, TO THE WEST LINE OF A PARCEL OF LAND OWNED BY "31 NIMTZ LAND LLC" AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 1704026, AND AS SHOWN ON INSTRUMENT NUMBER 1611106 - A RECORDED SURVEY; THENCE SOUTH 00°24'05" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1278.27 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

ABOVE DESCRIPTION CONTAINING 9.65 ACRES OF LAND MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD

for annexation

- 4) Total Site Area (excluding right-of-way): 9.65 Acres
- 5) Name and address of property owner(s) of the petition site:

*The Estate of Norma J. Baney
Attn: Anthony Bely, Personal Representative for the Estate
3621 Cooper Court
South Bend, Indiana 46614
574-276-2912*



Name and address of additional property owners, if applicable:

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

*31 Nimitz Land, LLC
227 S. Main Street, Suite 300
South Bend, Indiana 46601
574-217-4498
pphair@holladayproperties.com*



Name and address of additional property owners, if applicable:

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

From: A: Agricultural District (County) Additional Districts, if applicable *Not Applicable*

To: LI Light Industrial District

8) This rezoning is requested to allow the following use(s): *Manufacturing, Assembly, Distribution & Warehousing and other uses generally allowable within the Light Industrial ordinance*

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

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

1) A detailed description and purpose of the Special Exception Use(s) being requested: *Not Applicable*

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

- (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:
- (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein:
- (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and:
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan.

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

CONTACT PERSON:

*Paul Phair
227 S. Main Street, Suite 300
South Bend, Indiana 46601
574-217-4498
pphair@holladayproperties.com*



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

Signature(s) of all property owner(s):

31 NIMTZ LAND LLC
John T. Phair Manager
John T. Phair

Estate of Norma J. Baney
Anthony Bely
Anthony Bely, Personal Representative

ANNEXATION / REZONING EXHIBIT

24605 CLEVELAND ROAD

PART OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19
TOWNSHIP 38 NORTH, RANGE 2 EAST, ST. JOSEPH COUNTY, INDIANA

Filed in Clerk's Office

OCT 04 2017

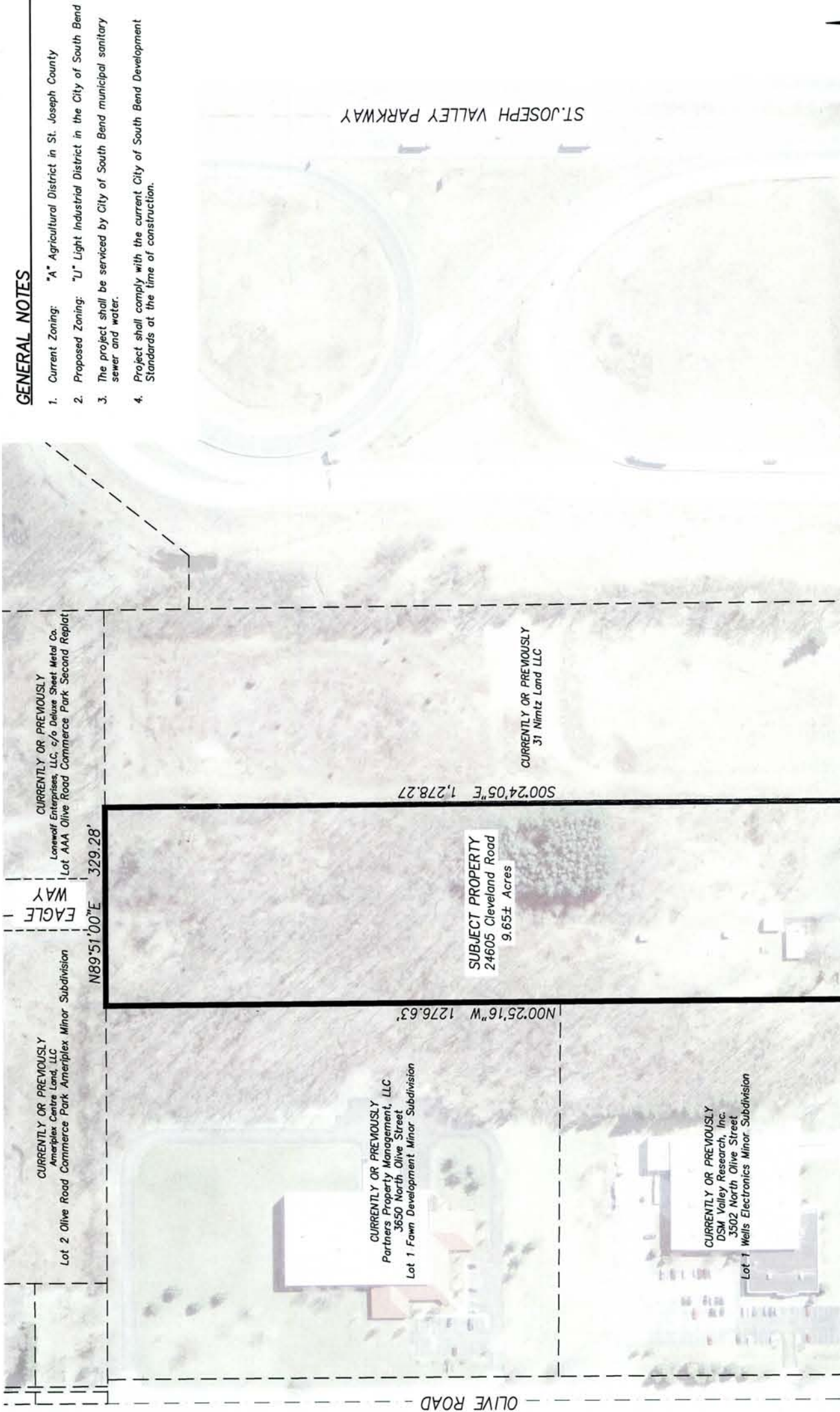
MAHARACHE
CITY CLERK, SOUTH BEND, IN

FILED

OCT 02 2017

APPLICANT'S SIGNATURE

2845-19



GENERAL NOTES

1. Current Zoning: "A" Agricultural District in St. Joseph County
2. Proposed Zoning: "U" Light Industrial District in the City of South Bend
3. The project shall be serviced by City of South Bend municipal sanitary sewer and water.
4. Project shall comply with the current City of South Bend Development Standards at the time of construction.

PROJECT
24605 CLEVELAND ROAD
NORTH SIDE OF CLEVELAND ROAD
ST. JOSEPH COUNTY, INDIANA

ANNEXATION/REZONING EXHIBIT

SHEET NO.	
DRAWN BY	
DESIGNED BY	
PM REVIEW	
SEM	
QA/QC REVIEW	
DATE	10-02-17
SCALE	

ABONMARCHE
 750 LITCHFIELD DR
 SOUTH BEND, IN 46601
 1 574 222 8700
 1 574 251 4440
 400 MARSHALL ST
 SOUTH BEND, IN 46601
 Engineering, Architecture, Land Surveying



Department of
Community Investment

Memorandum

Monday, October 9, 2017

TO: Mike Bronstetter, Environmental Services (Solid Waste)
Aladean DeRose, Legal
Ed Herman, Water Works
Kara Boyles, Engineering
Larry Magliozzi, Area Plan Commission
Jennifer Hockenhill, Administration & Finance
Federico Rodriguez, Fire
Captain Christopher Voros, Police
Randy Wilkerson and Tracy Skibins, Code Enforcement

FROM: Michael Divita, Planner

SUBJECT: Request for Service Reports
Baney Annexation Area
(100% Voluntary Annexation of Contiguous Property)

A petition for voluntary annexation of the Baney Annexation Area has been received by the City and will receive First Reading by the Common Council today, October 9, 2017.

The proposed Annexation Area consists of one parcel (24605 Cleveland Road) of about 9.65 acres and is located on Cleveland Road west of the St. Joseph Valley Parkway. The area currently contains a vacant single-family house on a wooded lot and is zoned agricultural in the County. With the annexation, the petitioner seeks rezoning to "LI" Light Industrial District to permit manufacturing, assembly, or warehousing uses.

Please complete the Service Report addressing how your Department will or can provide City services to the proposed Annexation Area, and return it to me **by October 23, 2017**. This deadline must be met so that the Legal Department can prepare the necessary resolutions in time to be considered by the Board of Public Works and the Board of Public Safety. A fact sheet, map, and an annexation schedule are attached to assist you in your review.

If you have any questions, please contact me at 235-5843 or mdivita@southbendin.gov.

cc: Mayor Pete Buttigieg
Laura O'Sullivan, Chief of Staff, Office of the Mayor
Members, South Bend Common Council
Bob Palmer, Attorney for the Common Council
James Mueller, Executive Director, Community Investment
Tim Corcoran, Director of Planning, Community Investment
Kareemah Fowler, City Clerk
Alkeyna Aldridge, Deputy City Clerk
John McNamara, County Surveyor



SERVICE REPORT CHECK LIST

- Department of Law:* 1) legal concerns, if any (if none, no report is required)
- Public Works:* 1) location, size, and capacity of sewer line(s)
2) listing of properties connected to sewer line(s)
3) any public improvements required or suggested, such as street signs, street lighting, pavement upgrade, storm drainage
4) cost, timing, and source of funds for providing those improvements (within 1 year for non-capital items and 3 years for capital items)
5) a listing of properties covered by waivers
- Water Works:* 1) location, size, and capacity of water line
2) listing of properties connected to water line(s)
3) cost, timing, and source of funds for providing those improvements (within 1 year for non-capital items and 3 years for capital items)
- Police Department:* 1) Police Beat to be assigned
2) cost, timing, and source of funds of providing any improvements
3) whether comparable response time can be maintained
- Fire Department:* 1) primary and secondary fire stations to be assigned
2) cost, timing, and source of funds of providing any improvements
3) whether comparable response time can be maintained
- Code Enforcement:* 1) Code Enforcement Area to be assigned
2) whether comparable response time can be maintained
- Area Plan:* 1) current zoning of property
2) anticipated/required zoning
3) compatibility of land uses relative to city zoning
4) copies of recorded subdivision plats, if any
- Admin/Finance:* 1) (no report necessary for this annexation)
- Environmental Services:* 1) capacity to provide solid waste service
2) cost to owner of service
3) when service can begin
- County Surveyor:* 1) verify accuracy of legal description

Baney Annexation Area

German Township

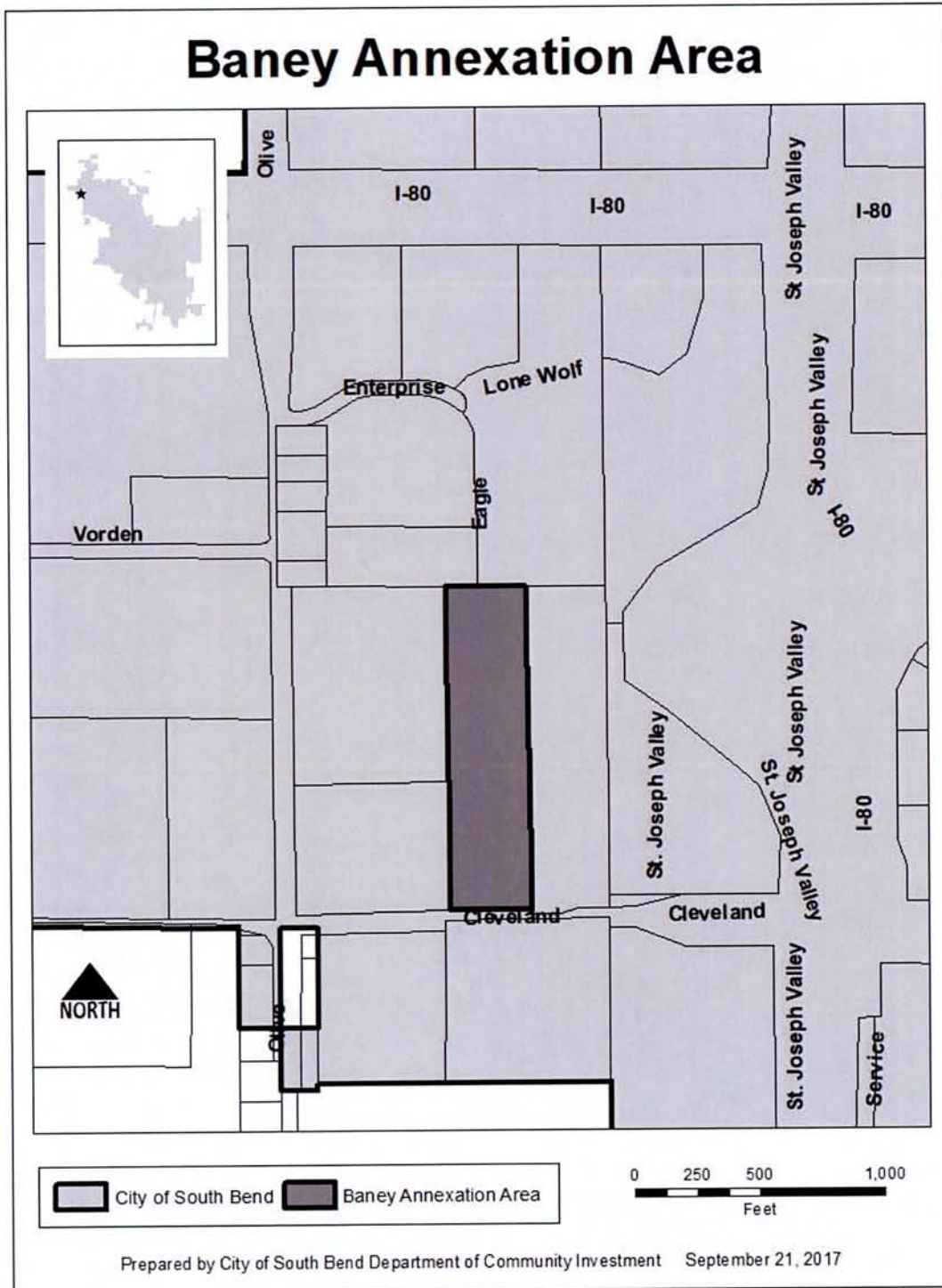
Prepared October 2017

A. Annexation Criteria (Minimum)	Analysis	Criteria Met?
1. Contiguity: At least 1/8 (12.5%) <i>and</i>	100%	Yes
2. 100% of owners signed petition <i>and</i>	100%	Yes
3. a. essential City services are/can be provided b. City is able to provide services c. territory is contiguous		Yes Yes Yes

B. General

Location:	Cleveland Road, between St. Joseph Valley Parkway and Olive Road
Address(es):	24605 Cleveland Road
Tax Key Number(s):	04-1011-018901
Subdivision(s) of Record:	None
Acres:	9.65
Current Net Assessment:	\$25,300
Current Population:	0
Proposed Population:	0
Current Land Use:	Single-Family Residential, Wooded
Proposed Land Use:	Light Industrial
Current Zoning:	"A" Agricultural District, St. Joseph County
Proposed Zoning:	"LI" Light Industrial District, City of South Bend
Council District:	1 st Council District
Scheduled Effective Date:	February 11, 2018
Comments:	The proposed Annexation Area does not include any rights-of-way; the adjacent portion of Cleveland Road is already within the city limits.

Map



Legal Description

The West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section Nineteen (19), Township Thirty-Eight (38) North, Range Two (2) East, containing ten (10) acres, more or less, excepting therefrom the south 40.00 feet measured at right angles, of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 19, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 19; thence North $89^{\circ}51'49''$ West along said South Line of the Southwest Quarter (SW $\frac{1}{4}$) a distance of 331.51 feet; thence North $00^{\circ}24'05''$ West, 40.00 feet to the North Right of Way Line of Cleveland Road, and to the point of beginning of this description; thence North $89^{\circ}51'49''$ West, being 40 feet North of and parallel with the South Line of the Southwest Quarter of said Section 19, a distance of 328.86 feet, to the East Line of the recorded plat of "Wells Electronics Minor" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 9540132; thence North $00^{\circ}25'16''$ West, along said East Line and also along the East Line of Lot 1 in the recorded plat of "Fawn Development Minor Subdivision" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 9749756, a distance of 1276.63 feet to the South Line of Lot 2 in the recorded plat of "Olive Road Commerce Park Ameriplex Minor Subdivision" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 0157246; thence North $89^{\circ}51'00''$ East, along said South Line and also along the South Line of Lot AAA in the recorded plat of "Olive Road Commerce Park-Second Replat", as known and recorded in the Office of St. Joseph County in Instrument Number 0035547, a distance of 329.28 feet, to the West Line of a parcel of land owned by "31 Nimtzt Land, LLC" and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 1704026, and as shown on Instrument Number 1611106 - A Recorded Survey; thence South $00^{\circ}24'05''$ East, along said West Line, a distance of 1278.27 feet to the aforementioned point of beginning.

Above description containing 9.65 acres of land more or less, and is subject to all easements, restrictions, and public rights of way of record.

Proposed Schedule for Baney Annexation Area

File Date	10/2/17
Council 1st Reading	10/9/17
Fiscal Plan Service Request Sent	10/9/17
Fiscal Plan Service Request Due	10/23/17
Fiscal Plan Done	11/6/17
Board of Public Works Agenda Session	11/9/17
Board of Public Works Hearing	11/14/17
Board of Public Safety	11/15/17
Council Advertisement	11/17/17
Area Plan Commission Public Hearing	11/21/17
Fiscal Plan Resolution to Clerk	12/6/17
Council 2nd Reading	12/11/17
Council 3rd Reading	1/8/18
Ordinance Advertised	1/12/18
Appeal Period Start	1/12/18
Appeal Period End	2/11/18

PETITION FOR ANNEXATION AND 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:
*24605 Cleveland Road
South Bend, Indiana 46628*
- 2) The property Tax Key Number(s) is/are: *004-1011-018901*
- 3) Legal Description(s) Please note, if the public right-of-way adjacent to the parcel is not already within City limit, the legal description MUST include the right-of-way: *THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION NINETEEN (19), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE TWO (2) EAST, CONTAINING TEN (10) ACRES, MORE OR LESS, EXCEPT THE SOUTH 40.00 FEET MEASURE AT RIGHT ANGLES, OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 2 EAST, IN ST. JOSEPH COUNTY, INDIANA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19; THENCE NORTH 89°51'49" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) A DISTANCE OF 386.22 FEET; THENCE NORTH 00°24'05" WEST, 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CLEVELAND ROAD, AND TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89°51'49" WEST, BEING 40 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 328.86 FEET, TO THE EAST LINE OF THE RECORDED PLAT OF "WELLS ELECTRONICS MINOR" AS KNOWN AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 9540132; THENCE NORTH 00°25'16" WEST, ALONG SAID EAST LINE AND ALSO ALONG THE EAST LINE OF LOT 1 IN THE RECORDED PLAT OF "FAWN DEVELOPMENT MINOR SUBDIVISION" AS KNOWN AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 9749756 A DISTANCE OF 1276.63 FEET TO THE SOUTH LINE OF LOT 2 IN THE RECORDED PLAT OF "OLIVE ROAD COMMERCE PARK AMERIPLEX MINOR SUBDIVISION" AS KNOWN AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 0157246; THENCE NORTH 89°51'00" EAST, ALONG SAID SOUTH LINE AND ALSO ALONG THE SOUTH LINE OF LOT AAA IN THE RECORDED PLAT OF " OLIVE ROAD COMMERCE PARK-SECOND REPLAT, AS KNOWN AND RECORDED IN THE OFFICE OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 0035547, A DISTANCE OF 329.28 FEET, TO THE WEST LINE OF A PARCEL OF LAND OWNED BY "31 NIMTZ LAND LLC" AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY IN INSTRUMENT NUMBER 1704026, AND AS SHOWN ON INSTRUMENT NUMBER 1611106 - A RECORDED SURVEY; THENCE SOUTH 00°24'05" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1278.27 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

ABOVE DESCRIPTION CONTAINING 9.65 ACRES OF LAND MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD

for annexation

- 4) Total Site Area (excluding right-of-way): *9.65 Acres*
- 5) Name and address of property owner(s) of the petition site:
*The Estate of Norma J. Baney
Attn: Anthony Bely, Personal Representative for the Estate
3621 Cooper Court
South Bend, Indiana 46614
574-276-2912*

100

Name and address of additional property owners, if applicable:

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

*31 Nimitz Land, LLC
227 S. Main Street, Suite 300
South Bend, Indiana 46601
574-217-4498
pphair@holladayproperties.com*

Name and address of additional property owners, if applicable:

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

From: *A: Agricultural District (County)* *Additional Districts, if applicable Not Applicable*

To: *LI Light Industrial District*

8) This rezoning is requested to allow the following use(s): *Manufacturing, Assembly, Distribution & Warehousing and other uses generally allowable within the Light Industrial ordinance*

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:

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

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:

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

1) A detailed description and purpose of the Special Exception Use(s) being requested: *Not Applicable*

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

(a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:

(b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein:

(c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and:

(d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan.

1

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

CONTACT PERSON:

*Paul Phair
227 S. Main Street, Suite 300
South Bend, Indiana 46601
574-217-4498
pphair@holladayproperties.com*

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

Signature(s) of all property owner(s):

30 NIMTZ LAND LLC
John T. Phair
Manager
John T. Phair

Estate of Norma J. Baney

Anthony Bely, Personal Representative

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



PHONE 574/ 235-9822
FAX 574/ 235-9928

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

November 20, 2017

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

RE: December 2017 Transfer Ordinance

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2017, we plan to propose adjustments during four time periods—March, June, October and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on November 27, 2017 with 2nd reading, public hearing and 3rd reading scheduled for December 11, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenhull
City Controller

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

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2017

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10457-16 and 10458-16 passed on October 24, 2016) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2017.

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

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

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

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 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
December 2017 Budget Transfers
(budget transfers between expenditure categories or departments within the same fund)
November 16, 2017

Common Council Approved - 12/17/17 - Bill No. ##

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
General Fund	Mayor's Office	Other Services / Office Equipment R&M	Jennifer Hockenhu	101-0101-413.36-02		450	Small repair and maintenance cost over budget
General Fund	Mayor's Office	Capital Lease / Principle	Jennifer Hockenhu	101-0101-413.37-11		125	Copier lease slightly more than budgeted
General Fund	Mayor's Office	Other Services / Education & Training	Jennifer Hockenhu	101-0101-413.39-70		250	Additional training for new employees
General Fund	Mayor's Office	Personnel / Unemployment Comp	Jennifer Hockenhu	101-0101-413.11-07		\$ -	Use unspent funds to cover above
General Fund	City Clerk	Supplies / Other Office Supplies	Jennifer Coffman	101-0201-411.21-04		1,000	Office supplies needed
General Fund	City Clerk	Postage	Jennifer Coffman	101-0201-411.32-02		(500)	Account has available budget
General Fund	City Clerk	Travel - Hotel	Jennifer Coffman	101-0201-411.32-23		(500)	Account has available budget
General Fund	Common Council	Supplies / Other Office Supplies	Jennifer Coffman	101-0301-411.21-04		1,500	Office supplies needed
General Fund	Common Council	Supplies / Small Office Equipment	Jennifer Coffman	101-0301-411.21-16		10,000	Off-site meeting mobile office equipment
General Fund	Common Council	Professional Services / Legal	Jennifer Coffman	101-0301-411.31-01		(11,500)	Account has available budget
General Fund	Administration & Finance	R&M Services / Office Equip R&M	Jennifer Hockenhu	101-0401-415.36-02		580	Copier maintenance
General Fund	Administration & Finance	Other Services / Dues & Memberships	Jennifer Hockenhu	101-0401-415.39-11		2,600	Diversity & Inclusion memberships
General Fund	Administration & Finance	Other Services / Education & Training	Jennifer Hockenhu	101-0401-415.39-70		4,500	Payroll & HR training
General Fund	Administration & Finance	Other Services / Misc Charges & Svcs	Jennifer Hockenhu	101-0401-415.39-89		4,500	Diversity meeting costs
General Fund	Administration & Finance	Personnel / Health Insurance	Jennifer Hockenhu	101-0401-415.11-08		(12,180)	Account has available budget
General Fund	Legal Department	Supplies / Small Office Equipment	Jennifer Hockenhu	101-0501-415.21-05		4,900	Cover the cost of office window blinds
General Fund	Legal Department	Personnel / Regular Wages	Jennifer Hockenhu	101-0501-415.10-01		(4,900)	Account has available budget
General Fund	Police Department	Operating Supplies / Uniforms	Danny Cocanower	101-0801-421.22-05		50,000	Uniforms for additional recruits
General Fund	Police Department	Operating Supplies / Other	Danny Cocanower	101-0801-421.22-24		65,000	Drug incinerator, shot guns, shot gun lights, fuming chamber
General Fund	Police Department	Other Services / Misc Charges & Svcs	Danny Cocanower	101-0801-421.39-89		20,000	Building remodel, boiler work, overhead door
General Fund	Police Department	Equip Purchases / Police Equipment	Danny Cocanower	101-0801-421.43-06		35,000	Bomb suit
General Fund	Police Department	Personnel / PER - Police	Danny Cocanower	101-0801-421.11-06		(70,000)	Account has available budget, savings from reduced number of officers
General Fund	Police Department	Personnel / Health Insurance	Danny Cocanower	101-0801-421.11-08		(100,000)	Account has available budget, savings from reduced number of officers
General Fund	Fire Department	Professional Services / Other	Danny Cocanower	101-0801-422.31-06		45,000	Cover currently encumbered expenses and additional costs anticipated to year end
General Fund	Fire Department	R&M Services / Radio Equip R&M	Danny Cocanower	101-0801-422.36-06		155,000	Additional radios
General Fund	Fire Department	Personnel / FLSA	Danny Cocanower	101-0801-422.10-07		(50,000)	Account has available budget, savings from lowered costs
General Fund	Fire Department	Personnel / FICA - Fire	Danny Cocanower	101-0801-422.11-02		(50,000)	Account has available budget, savings from lowered costs
General Fund	Fire Department	Personnel / PER - Fire	Danny Cocanower	101-0801-422.11-05		(50,000)	Account has available budget, savings from lowered costs
General Fund	Fire Department	Personnel / Health Insurance	Danny Cocanower	101-0801-422.11-08		(50,000)	Account has available budget, savings from lowered costs
Parks & Recreation	Marketing	Operating Supplies / Recreation Supplies	Jennifer Hockenhu	201-1110-452.22-23		10,000	Purchase promotional supplies using promotions services funds
Parks & Recreation	Marketing	Other Services / Promotions	Jennifer Hockenhu	201-1110-452.33-03		(10,000)	Purchase promotional supplies using promotions services funds
Parks & Recreation	Maintenance	R&M Services / Auto Equipment R&M	Jennifer Hockenhu	201-1101-452.36-03		71,000	Cost to repair vehicles higher than anticipated
Parks & Recreation	Maintenance	Personnel / Health Insurance	Jennifer Hockenhu	201-1101-452.11-08		(71,000)	Use unspent funds to cover above
Motor Vehicle Highway	Public Works - Street Dept	Equip Purchases / Furniture & Fixtures	Terri Swift	202-0607-431.43-01		12,000	Purchase signal cabinet
Motor Vehicle Highway	Public Works - Street Dept	Operating Supplies / Signals/Lights	Terri Swift	202-0607-431.22-40		(12,000)	Account has available budget
Parks - Recreation	Recreation	Other Services / Other Professional Services	Jennifer Hockenhu	203-1103-452.31-06		15,000	Original budget included contracted instructors as part time personnel instead of professional services (as required for various audits)
Parks - Recreation	Recreation	Personnel / Part Time	Jennifer Hockenhu	203-1103-452.10-09		(15,000)	
Liability Insurance	Workers Comp	Workers Compensation	Jennifer Hockenhu	226-0418-671.34-01		100,000	Cost of workers' comp higher than anticipated due to several surgeries and large claims in 2017.
Liability Insurance	Workers Comp	Refunds	Jennifer Hockenhu	226-0417-672.39-01		(100,000)	
Loss Recovery Fund	Public Works - Water Works	Contractual Services / Recycling	Roxanne Lawson	227-0640-601.39-55		24,000	Water Works has 5 additional vessels that require new granular activated carbon

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Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Loss Recovery Fund	Community Investment	Professional Services / Other	Roxanne Lawson	227-1001-460.31-06		\$ -	to be replaced. Estimated cost of South vessels 1, 2, 3, and 4 is \$115k. Olive vessel 12 is \$28k. Ignition Park soil remediation project is not going forward in 2017
Human Rights Grant Fund	Neighborhoods	Personnel / Health Insurance	Rahman Johnson	258-1009-415.11-08		16,000	Original employee in this position did not take city health insurance, therefore, it was not budgeted.
Human Rights Grant Fund	EEOC	Personnel / Wages	Rahman Johnson	258-1008-415.10-01		(16,000)	
EMS Operating Fund	EMS	Operating Supplies / Other	Danny Cocanower	288-0902-422.22-24		100,000	Cover supplies
EMS Operating Fund	EMS	R&M Services / Other Equip R&M	Danny Cocanower	288-0902-422.36-05		50,000	Cover services
EMS Operating Fund	Fire Training Center	Operating Supplies / Other	Danny Cocanower	288-0909-422.22-24		15,000	Equipment for recruits
EMS Operating Fund	Fire Training Center	R&M Services / Other Equip R&M	Danny Cocanower	288-0909-422.36-05		10,000	Repairs to equipment
EMS Operating Fund	EMS	Equip Purchases / Materials & Equipment	Danny Cocanower	288-0902-422.43-09		25,000	Additional equipment to be purchased
EMS Operating Fund	EMS	Personnel / Regular Wages	Danny Cocanower	288-0902-422.10-01		(200,000)	Account has available budget, savings from lowered costs
IT / Innovation / 311 Call Center	Information Technology	Personnel / Regular Wages	Amy Shirk	279-0672-415.10-01		90,000	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Information Technology	Personnel / Permanent Part-Time	Amy Shirk	279-0672-415.10-09		2,543	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Information Technology	Personnel / FICA - Regular	Amy Shirk	279-0672-415.11-01		6,000	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Information Technology	Personnel / PERF - Regular	Amy Shirk	279-0672-415.11-04		6,000	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Information Technology	Personnel / Health Insurance	Amy Shirk	279-0672-415.11-08		15,000	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Information Technology	Personnel / Life Insurance	Amy Shirk	279-0672-415.11-09		100	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Information Technology	Personnel / Unemployment Compensation	Amy Shirk	279-0672-415.11-07		(1,772)	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Information Technology	Personnel / Cell Phone Allowance	Amy Shirk	279-0672-415.11-24		(7,180)	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Innovation & Performance	Personnel / Regular Wages	Amy Shirk	279-0673-415.10-01		(40,165)	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Innovation & Performance	Personnel / PERF - Regular	Amy Shirk	279-0673-415.11-04		(19,486)	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Innovation & Performance	Personnel / Unemployment Compensation	Amy Shirk	279-0673-415.11-07		(1,040)	Redistribute personnel costs between departments
IT / Innovation / 311 Call Center	Innovation & Performance	Personnel / Health Insurance	Amy Shirk	279-0673-415.11-08		(50,000)	Redistribute personnel costs between departments
County Option Income Tax	Highways & Streets	Communication / Telephone	Jennifer Hockenhu	404-0617-431.32-04		76,500	Telephone costs increased due to circuit costs. IT was able to eliminate various lines to save considerable amounts going forward.
County Option Income Tax	Highways & Streets	Other Services / Misc Charges & Svcs	Jennifer Hockenhu	404-0617-431.39-89		7,500	County charges for Archives and Weights & Measures high than anticipated
County Option Income Tax	Information Technology	Operating Supplies / Other Office Supplies	Jennifer Hockenhu	404-0672-415.21-04		(358)	To use unspent funds to cover telephone costs
County Option Income Tax	Information Technology	Operating Supplies / Small Office Equipment	Jennifer Hockenhu	404-0672-415.21-05		(2,239)	To use unspent funds to cover telephone costs
County Option Income Tax	Information Technology	Operating Supplies / Computer Equipment	Jennifer Hockenhu	404-0672-415.23-25		(5,325)	To use unspent funds to cover telephone costs
County Option Income Tax	Information Technology	Other Services / Other Professional Services	Jennifer Hockenhu	404-0672-415.31-06		(38,321)	To use unspent funds to cover telephone costs
County Option Income Tax	Information Technology	R&M Services / Computer Equipment	Jennifer Hockenhu	404-0672-415.36-04		(12,163)	To use unspent funds to cover telephone costs
County Option Income Tax	Information Technology	Other Services / Education & Training	Jennifer Hockenhu	404-0672-415.39-70		(1,683)	To use unspent funds to cover telephone costs
County Option Income Tax	Information Technology	Capital / Computer Equipment & Network	Jennifer Hockenhu	404-0672-415.43-08		(1,411)	To use unspent funds to cover telephone costs
County Option Income Tax	Community Investment	Other Services / Other Professional Services	Jennifer Hockenhu	404-1001-460.31-06		(22,500)	To use unspent funds to cover telephone costs and archive costs
County Option Income Tax	Park Maintenance	Other Services / Neighborhood Partnerships	Jennifer Hockenhu	404-1101-460.39-79		3,902	Block by Block contract slightly higher than originally budgeted
County Option Income Tax	Community Investment	Other Services / Other Professional Services	Jennifer Hockenhu	404-1001-460.31-06		(3,902)	Account has available budget
County Option Income Tax	Police Department	R&M Services / Auto Equip R&M	Danny Cocanower	404-0801-421.36-03		100,000	Increased vehicle repairs due to aging fleet
County Option Income Tax	Police Department	Central Services Gasoline	Danny Cocanower	404-0801-421.22-01		(100,000)	Account has available budget
Parks Capital	Maintenance	Operating Supplies / Small Tools and Equip	Jennifer Hockenhu	405-1101-452.23-21		10,000	Cover cost of replacement motors
Parks Capital	Maintenance	Capital / Motor Equipment	Jennifer Hockenhu	405-1101-452.43-02		24,000	Cover cost of additional equipment
Parks Capital	Maintenance	Capital / Land Improvements	Jennifer Hockenhu	405-1101-452.36-09		(34,000)	Use unspent funds to cover cost of equipment and motors
Major Moves Construction	Administration & Finance	Capital Improvements / Streets & Alleys	Ron O'Connor	412-0401-415.42-03		1	INDOT payment for US 31 utility relocation
Major Moves Construction	Administration & Finance	R&M Services / Building R&M	Ron O'Connor	412-0401-415.36-01		(1)	Account has available budget
Consolidated Building Fund	Animal Care & Control	Personnel / Regular Wages	Ron O'Connor	600-1207-415.10-01		7,625	Night callouts

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Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Consolidated Building Fund	Animal Care & Control	Persomnel / Seasonal & Interns	Ron O'Connor	600-1207-415-10-03		825	Extra help needed through summer months
Consolidated Building Fund	Animal Care & Control	Office Supplies / Central Stores	Ron O'Connor	600-1207-415-21-03		90	Necessary supplies like kitty litter, gloves, etc
Consolidated Building Fund	Animal Care & Control	Office Supplies / Other Supplies	Ron O'Connor	600-1207-415-21-04		150	Additional supplies needed for daily operations
Consolidated Building Fund	Animal Care & Control	Operating Supplies / Medical	Ron O'Connor	600-1207-415-22-20		13,000	More of animals being taken in, more vaccinations and medical care being performed
Consolidated Building Fund	Animal Care & Control	Professional Services / Veterinary	Ron O'Connor	600-1207-415-31-09		3,200	More of animals being taken in, more spaying and neutering being performed
Consolidated Building Fund	Animal Care & Control	Liability Insurance	Ron O'Connor	600-1207-415-34-02		10	Increase to cover monthly allocation
Consolidated Building Fund	Animal Care & Control	Utilities / Electric	Ron O'Connor	600-1207-415-35-01		7,000	Increased utility expenses
Consolidated Building Fund	Animal Care & Control	Utilities / Trash Removal	Ron O'Connor	600-1207-415-35-03		1,000	Increased trash service expenses
Consolidated Building Fund	Animal Care & Control	Utilities / Water	Ron O'Connor	600-1207-415-35-04		1,500	Increased water usage due to flushing water maint over period of weekend
Consolidated Building Fund	Animal Care & Control	R&M Services / Office Equip R&M	Ron O'Connor	600-1207-415-36-02		225	Additional purchase
Consolidated Building Fund	Animal Care & Control	R&M Services / Auto Equip R&M	Ron O'Connor	600-1207-415-36-03		5,500	Maintenance on older fleet
Consolidated Building Fund	Animal Care & Control	R&M Services / Radio Equip R&M	Ron O'Connor	600-1207-415-36-06		50	Follow up repairs on radio equipment
Consolidated Building Fund	Animal Care & Control	Other Services / Security	Ron O'Connor	600-1207-415-39-12		500	Additional service call for malfunctioning alarm
Consolidated Building Fund	Animal Care & Control	Other Services / Bank Credit Card Chgs	Ron O'Connor	600-1207-415-39-39		100	Increased usage of credit cards for intake of animals
Consolidated Building Fund	Animal Care & Control	Other Services / Education & Training	Ron O'Connor	600-1207-415-39-70		100	Employee training costs
Consolidated Building Fund	Animal Care & Control	Other Services / Cremation Services	Ron O'Connor	600-1207-415-39-88		500	Cover cremation service costs
Consolidated Building Fund	Animal Care & Control	Persomnel / Permanent Part-Time	Ron O'Connor	600-1201-415-10-09		(15,000)	Transfer to help cover Animal Care & Control costs
Consolidated Building Fund	Code Enforcement	Persomnel / Parking Allowance	Ron O'Connor	600-1201-415-11-22		(1,875)	Transfer to help cover Animal Care & Control costs
Consolidated Building Fund	Code Enforcement	Professional Services / Collection Agency	Ron O'Connor	600-1201-415-31-39		(5,000)	Transfer to help cover Animal Care & Control costs
Consolidated Building Fund	Code Enforcement	Postage	Ron O'Connor	600-1201-415-32-02		(2,000)	Transfer to help cover Animal Care & Control costs
Consolidated Building Fund	Code Enforcement	Telephone	Ron O'Connor	600-1201-415-32-04		(2,500)	Transfer to help cover Animal Care & Control costs
Consolidated Building Fund	Code Enforcement	Travel - Hotel	Ron O'Connor	600-1201-415-32-23		(500)	Transfer to help cover Animal Care & Control costs
Consolidated Building Fund	Code Enforcement	R&M Services / Radio Equip R&M	Ron O'Connor	600-1201-415-36-06		(1,500)	Transfer to help cover Animal Care & Control costs
Consolidated Building Fund	Code Enforcement	Other Services / Education & Training	Ron O'Connor	600-1201-415-39-70		(3,000)	Transfer to help cover Animal Care & Control costs
Consolidated Building Fund	Code Enforcement	Other Services / Misc Charges & Svcs	Ron O'Connor	600-1201-415-39-89		(10,000)	Transfer to help cover Animal Care & Control costs
						\$ -	
Parking Garage	Parking Enforcement	Other Services / Other Professional Services	Jennifer Hockenthull	601-0463-645-31-06		45,000	New program through Block by Block was not originally budgeted - estimate to cover costs for remainder of the year
Parking Garage	Eddy Street	Other Services / Other Professional Services	Jennifer Hockenthull	601-0465-645-31-06		(15,900)	Use unspent funds to cover BBB
Parking Garage	Leighton Garage	R&M Services / Building R&M	Jennifer Hockenthull	601-0462-645-36-01		(29,100)	Use unspent funds to cover BBB
						\$ -	
Solid Waste Fund	Public Works - Solid Waste	Repairs & Maint / Auto Equipment	Carol Kurzhall	610-0610-791-36-03		100,000	Repair expenses trending higher than expected
Solid Waste Fund	Public Works - Recycling	SW MD Recycling Fee	Carol Kurzhall	610-0615-791-31-08		(100,000)	Budget not needed, fees now on residents' property tax bill
						\$ -	
Water Works O&M	Public Works - Water Works	Professional Services / Engineering	Roxanne Lawson	620-0640-658-31-02		35,000	Fund a portion of the design costs for Prairie Avenue Water Main Loop Project
Water Works O&M	Public Works - Water Works	Utility Services / Electric	Roxanne Lawson	620-0640-601-35-01		25,000	Distribution systems electricity costs expected to be greater than budgeted
Water Works O&M	Public Works - Water Works	Contractual Services - Other	Roxanne Lawson	620-0640-657-31-35		67,500	Increased volume in credit card transactions and customer bill production
Water Works O&M	Public Works - Water Works	Utility Services / Electric	Roxanne Lawson	620-0640-657-35-01		800	Customer Service Center utility costs higher than expected
Water Works O&M	Public Works - Water Works	R&M Services / Building R&M	Roxanne Lawson	620-0640-657-36-01		3,500	Unanticipated repair work at Customer Service Center
Water Works O&M	Public Works - Water Works	Interfund Transfer	Roxanne Lawson	620-0640-658-50-02		58,000	Transfer system development charge payments to Water Works Depr Fund 622
Water Works O&M	Public Works - Water Works	Persomnel Benefits / Health Insurance	Roxanne Lawson	620-0640-658-11-08		(45,000)	Unanticipated change in employee coverage elections
Water Works O&M	Public Works - Wastewater	Plumbing Contractors	Roxanne Lawson	620-0630-711-61-02		(100,000)	Anticipate reduction in annual expense
Water Works O&M	Public Works - Water Works	Contractual Svcs / Computer Related Svcs	Roxanne Lawson	620-0640-603-31-37		(16,000)	Anticipate unused software support budget
Water Works O&M	Public Works - Water Works	Contractual Svcs / Computer Related Svcs	Roxanne Lawson	620-0640-606-31-37		(20,000)	Anticipate unused software support budget
Water Works O&M	Public Works - Water Works	Water System Repairs	Roxanne Lawson	620-0640-606-36-61		(9,800)	Less service work performed throughout the year
						\$ -	
Century Center	Services	Persomnel / Regular Wages	Brandon Gerlach	670-0406-645-10-01		84,400	Additional funds needed to cover salaries through end of year
Century Center	Food & Beverage	Persomnel / Regular Wages	Brandon Gerlach	670-0420-645-10-01		(43,100)	Overestimated personnel costs for Food & Beverage division
Century Center	Food & Beverage	Persomnel / Hourly Wages	Brandon Gerlach	670-0420-645-10-02		(21,400)	Overestimated personnel costs for Food & Beverage division
Century Center	Food & Beverage	Persomnel / FICA - Regular	Brandon Gerlach	670-0420-645-11-01		(13,400)	Overestimated personnel costs for Food & Beverage division
Century Center	Food & Beverage	Persomnel / Health Insurance	Brandon Gerlach	670-0420-645-11-08		(6,500)	Overestimated personnel costs for Food & Beverage division
						\$ -	
Self-funded Employee Benefits	Wellness Clinic	Operating Supplies / Other	Amy Shirk	711-0425-671-22-24		20,000	Prescription costs are higher than anticipated through clinic
Self-funded Employee Benefits	Wellness Clinic	Professional Services / Other	Amy Shirk	711-0425-671-31-06		(20,000)	Clinic costs lower than budgeted
						\$ -	
Unemployment Comp	Administration & Finance	Unemployment Compensation	Amy Shirk	713-0401-671-11-07		18,000	Unemployment claims higher than expected

City of South Bend, Indiana

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Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Unemployment Comp	Administration & Finance	Outplacement Services	Amy Shirk	713-0401-671.31-25		(18,000)	Account has available budget
Equipment/Vehicle Leasing	N/A	Capital Lease - Principal	Amy Shirk	750-0000-413.37-11		186	Small payment to pay off debt service for 2015 Vehicle/Equip Lease Bond #2
Equipment/Vehicle Leasing	N/A	Equip Purchases / Motor Equipment	Amy Shirk	750-0000-413.43-02		229,814	Cover remaining vehicles to be purchased with bond funds during 2017
Equipment/Vehicle Leasing	N/A	Operating Supplies / Other	Amy Shirk	750-0000-413.22-24		(230,000)	Account has available budget
Parks Bond Capital	Parks Department	Supplies / Furniture & Fixtures	Amy Shirk	751-1101-452.21-09		6,207	Experience Lodge furniture
Parks Bond Capital	Parks Department	Operating Supplies / Other	Amy Shirk	751-1101-452.22-24		3,793	Various Park supplies
Parks Bond Capital	Parks Department	Capital / Land Improvements	Amy Shirk	751-1101-452.42-01		(10,000)	Account has available budget
Smart Streets Bond Capital	Community Investment	Paying Agent Fees	Beth Leonard	753-1001-460.38-03		1,500	Smart Streets bond fees
Smart Streets Bond Capital	Community Investment	Capital Improvements / Land	Beth Leonard	753-1001-460.42-01		(1,500)	Account has available budget
				Grand Total		\$ -	

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



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

November 20, 2017

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

RE: December 2017 Appropriation Ordinance – Enterprise Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2017, we plan to propose adjustments during four time periods—March, June, October and December.

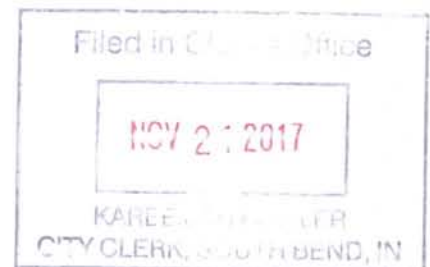
Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on November 27, 2017 with 2nd reading, public hearing and 3rd reading scheduled for December 11, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenhill
City Controller



ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2017 OF \$49,745 FROM CONSOLIDATED BUILDING FUND – CODE ENFORCEMENT (#600), \$1,500 FROM WATER WORKS DEPOSIT FUND (#624), \$1,000 FROM WATER WORKS SINKING FUND (#625), \$4,500 FROM WATER WORKS DEBT RESERVE O&M (#629), \$30,000 FROM SEWAGE WORKS O&M RESERVE (#643), AND \$148,300 FROM CENTURY CENTER (#670).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2017 operating and capital budgets in 2016 (Ordinance #10458-16 passed on October 24, 2016), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

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

<u>Fund</u>	<u>Amount</u>
Consolidated Building Fund (#600)	\$ 49,745
Water Works Deposit Fund (#624)	1,500
Water Works Sinking Fund (#625)	1,000
Water Works Debt Reserve O&M (#629)	4,500
Sewage Works O&M Reserve (#643)	30,000
Century Center (#670)	148,300
TOTAL	\$ 235,045

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:

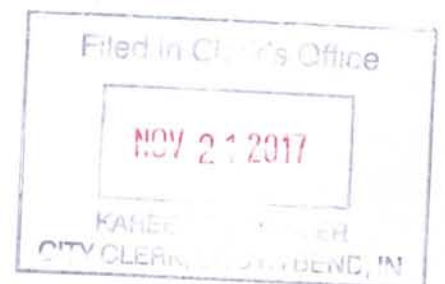
City Clerk

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
December 2017 Additional Appropriation Requests - Enterprise Funds
 (increase or decrease in total fund expenditures)
 November 15, 2017

Common Council Approved - 12/##/17 - Bill No. ##

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Consolidated Building Fund	Code Enforcement	Other Professional Services	Ron O'Connor	600-1201-415.31-06		\$ 49,745	7 emergency demolitions funded by CDBG. Demos required to be complete and invoiced prior to receiving reimbursement of CDBG funding.
Water Works Customer Deposit	Public Works - Water Works	Interfund Transfer	Roxanne Lawson	624-0640-658.50-02		\$ 1,500	Increased interest earnings need to be transferred to Fund 620
Water Works Sinking Fund	Public Works - Water Works	Interfund Transfer	Roxanne Lawson	625-0640-658.50-02		\$ 1,000	Increased interest earnings need to be transferred to Fund 620
Water Works O&M Reserve	Public Works - Water Works	Interfund Transfer	Roxanne Lawson	629-0640-658.50-02		\$ 4,500	Increased interest earnings need to be transferred to Fund 620
Sewage Works O&M Reserve	Public Works - Wastewater	Interfund Transfer	Carol Kurzhal	643-0630-415.50-02		\$ 30,000	Increased interest earnings need to be transferred to Fund 641
Century Center	Services	Personnel / Regular Wages	Brandon Gerlach	670-0406-645.10-01		6,600	Additional funds needed to cover salaries through end of year
Century Center	Services	R&M Supplies / Building Materials	Brandon Gerlach	670-0406-645.23-01		13,500	Unanticipated expenses due to an aging facility
Century Center	Services	R&M Supplies / Other Supplies	Brandon Gerlach	670-0406-645.23-99		30,000	Unanticipated expenses due to an aging facility
Century Center	Services	Professional Services / Other	Brandon Gerlach	670-0406-645.31-06		33,000	Incentive fee and professional services needed to cover cost through end of year
Century Center	Services	Commission Payments	Brandon Gerlach	670-0406-645.31-21		54,000	Increased commission payments due to increased audio sales
Century Center	Services	Other Services / Misc Charges & Svcs	Brandon Gerlach	670-0406-645.39-89		1,200	Small budget overage
Century Center	Food & Beverage	Operating Supplies / Linen & Décor	Brandon Gerlach	670-0420-645.22-72		10,000	More events than budgeted
						\$ 148,300	
				Grand Total		\$ 235,045	

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



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

November 20, 2017

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

RE: December 2017 Appropriation Ordinance – Civil City Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2017, we plan to propose adjustments during four time periods—March, June, October and December.

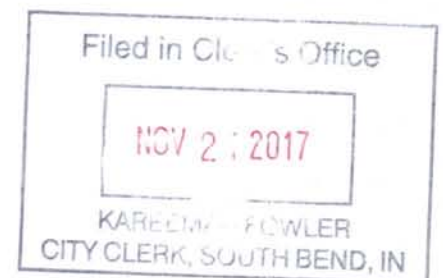
Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on November 27, 2017 with 2nd reading, public hearing and 3rd reading scheduled for December 11, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenull
City Controller



ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$125,000 FROM DCI GRANT FUND (#212), \$100,000 FROM STATE SEIZED DRUG MONEY (#216), \$250,000 FROM LIABILITY INSURANCE FUND (#226), \$49,000 FROM COVELESKI STADIUM (#401), \$955,670 FROM VEHICLE-EQUIPMENT LEASING (#750), \$22,500,000 FROM EDDY ST COMMONS CAPITAL (#759), AND \$2,500,000 FROM EDDY ST COMMONS DEBT SERVICE FUND (#760).

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>
DCI Grant Fund (#212)	\$ 125,000
State Seized Drug Money (#216)	100,000
Liability Insurance (#226)	250,000
Coveleski Stadium (#401)	49,000
Equipment/Vehicle Leasing (#750)	955,670
Eddy St Commons Capital (#759)	22,500,000
Eddy St Commons Debt Service (#760)	2,500,000
TOTAL	\$ 26,479,670

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

NOV 2 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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



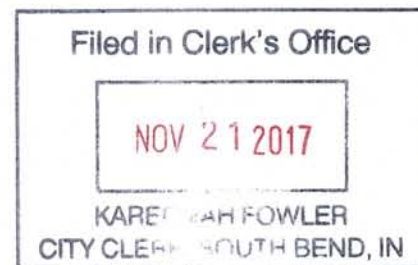
Bill No. 84-17

PHONE 574/ 235-9822
FAX 574/ 235-9928

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

November 21, 2017

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



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

Dear Council President Scott:

During the preparation and adoption of the 2018 City budget, the need has arisen to add three (3) funds to properly account for revenue and expenditures of the City of South Bend. One fund is being established to fund self-promoted events of the Morris Performing Arts Center. One fund is being established to fund a Parental Leave program for the employees of the City. One fund is being established to record the revenues and expenditures relating to the 2017 Parks Bond.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on November 27, 2017 with 2nd reading, public hearing and 3rd reading scheduled for December 11, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Hockenhill".

Jennifer C. Hockenhill
City Controller

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

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 14, SECTION 2-170 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH VARIOUS NEW FUNDS: MORRIS PERFORMING ARTS CENTER SELF-PROMOTED EVENTS FUND (274), PARENTAL LEAVE FUND (714) AND 2017 PARKS BOND FUND (471).

STATEMENT OF PURPOSE AND INTENT

During the preparation and adoption of the 2018 City Budget, the need has arisen to add three (3) Funds to properly account for revenue and expenditures of the City of South Bend. The Morris Performing Arts Center (PAC) Self Promoted Events Fund will be used for shows and events that will be self-promoted through the Morris PAC and will be funded with ticket sale revenues. The Parental Leave fund will be used to offer Parental Leave to City employees based on a new policy. The Parks Bond Fund will be used for the revenues and expenditures related to the 2017 Parks Bond to improve the City's parks and trail system. These Funds consists of Fund Numbers 274, 714, and 471 respectively, and will be effective January 1, 2018.

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

SECTION I. Effective January 1, 2018, the following funds are established, and Chapter 2, Article 14, of the South Bend Municipal Code is hereby amended to add new sections which shall read in their entirety as follows:

Section 2-170.27. Morris Performing Arts Center Self-Promoted Events Fund

The Morris Performing Arts Center Self-Promoted Events Fund (No. 274) is established to account for the revenue and expenditures related to events and activities that the Morris Performing Arts Center self-promotes or self-sponsors.

Section 2-170.28. Parental Leave Fund

The Parental Leave Fund (No. 714) is established to account for the revenues and expenditures relating to the Parental Leave policy established by the administration for the employees of the City.

Section 2-170.29. 2017 Parks Bond Fund

The 2017 Parks Bond Fund (No. 471) is established to account for the revenues and expenditures relating to the 2017 Parks Bond established to improve the parks and trails system throughout the City of South Bend.

SECTION IV. This ordinance shall be in full force and effect on January 1, 2018 after its passage by the Common Council and approval by the Mayor.

Member, South Bend Common Council

Attest:

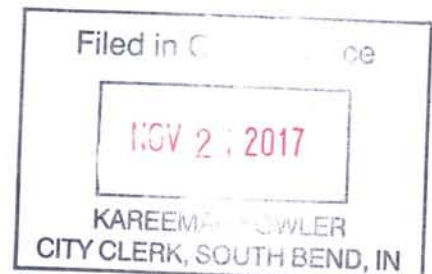
City Clerk

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

City Clerk

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

Mayor, City of South Bend, Indiana



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

SPECIAL EXCEPTION PETITION

ABZA DATE: **Wednesday, DEC 6th**, 2017

PETITIONER

Hong Tran	574-210-0947	bestnailspa@gmail.com	
_____	_____	_____	
Name	Phone	Email	
906 Erskine Plaza	South Bend	IN	46614
_____	_____	_____	_____
Address	City	ST	Zip

PROPERTY OWNER (IF DIFFERENT THAN PETITIONER)

Erskine Plaza Associates	574-271-4060	nread@cressy.com	
_____	_____	_____	
Name	Phone	Email	
3930 Edison Lakes Parkway, Suite 350	Mishawaka	IN	46545
_____	_____	_____	_____
Address	City	ST	Zip

PRESENTER (IF DIFFERENT THAN PETITIONER)

_____	_____	_____	
_____	_____	_____	
Name	Phone	Email	
_____	_____	_____	_____
Address	City	ST	Zip

PROPERTY INFORMATION

BC	SB Centre		
_____	_____	_____	
Zoning	Township		
926 S Erskine Plaza	South Bend	IN	46614
_____	_____	_____	_____
Address	City	ST	Zip

Lot 1 Erskine Plaza Minor Sec 25-37-2e

Legal Description

SPECIAL EXCEPTION

Seeking:

A special exception for adding microblading/semi-permanent tattoo services to an existing beauty salon.

REASON FOR REQUEST(S)

A special exception for adding microblading/semi-permanent tattoo services to an existing beauty salon.

APPROVAL STANDARDS

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

technicians will be current on OSHA bloodborne pathogen trainings and will have certifications for microblading procedures.

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

services will be an addition to services already being performed.

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

services will be an addition to services already being performed

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

services will be an addition to services already being performed



APPLICANT SIGNATURE

Hong Tran

Name

NOV 14, 2017

Date

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 6th day of DEC, 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:

Hong Tran

Seeking:

A special exception for adding microblading/semi-permanent tattoo services to an existing beauty salon.

On real estate commonly described as:

926 S Erskine Plaza South Bend IN 46614

and is legally described as follows:

Lot 1 Erskine Plaza Minor Sec 25-37-2e

Dated this 8th day of Nov, 2017

AREA BOARD OF ZONING APPEALS



Carolyn A. Henry
Secretary to the Board

AREA BOARD OF ZONING APPEALS
FILED
Date: 11/8/17

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 6th day of Dec., 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:

Hong Tran

Seeking:

A Special Exception for adding microblading/semi-permanent tattoo services to an existing beauty salon

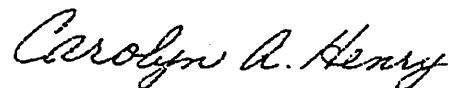
On property commonly described as:

926 S. Erskine Plaza South Bend IN 46614

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

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

AREA BOARD OF ZONING APPEALS



Carolyn A. Henry
Secretary to the Board

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**

*926 Erskine Plaza
South Bend, IN 46614*

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:

926 S Erskine Plaza South Bend IN 46614

in order to permit

A special exception for adding microblading/semi-permanent tattoo services to an existing beauty salon.

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

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

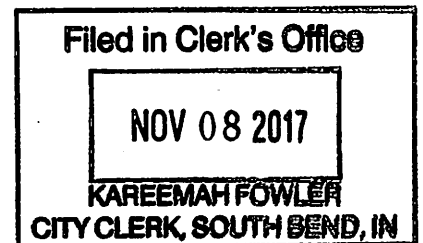
1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

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

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

Member of the Common Council





November 8, 2017

Erskine Plaza Associates, LLC
C/o Cressy Commercial Real Estate
4100 Edison Lakes Parkway, Suite 350
Mishawaka, IN 46545

RE: Permission for Zoning Variance Request – Hong Tran

To Whom It May Concern:

Please be advised that the Ownership Entity of Erskine Plaza, LLC does hereby grant permission for Hong Tran to apply for a zoning variance in order to perform microblading services within Best Nails space located at 914 Erskine Plaza.

Should you have any questions or require any additional information you may contact our Property Manager directly at (574) 485-1554 or nread@cressy.com

Best Regards

A handwritten signature in black ink, appearing to read "Nicole Read", is written over a light blue horizontal line.

Nicole Read
Property Manager | Management Services
Erskine Plaza Associates, LLC
C/o Cressy Commercial Real Estate

Type: Filing_Fees

Payor: HONG TRAN

License Number:

Address: 926 S. ERSKINE PLAZA

SPECIAL EXCEPTION FOR MIRCOBLADING

11/8/2017 1:00:58 PM

Filing_Fees \$300.00

Check 55668 \$300.00

chenry 10104

SITE PLAN
Scale: 1" = 150'

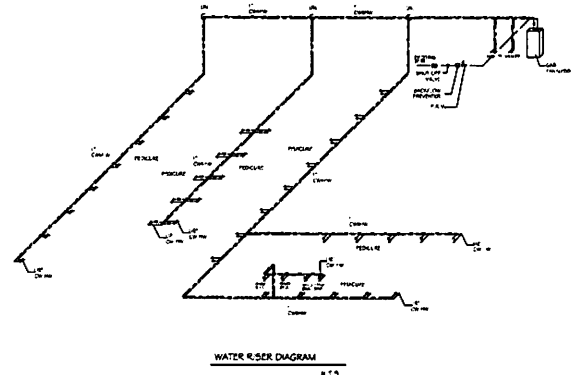
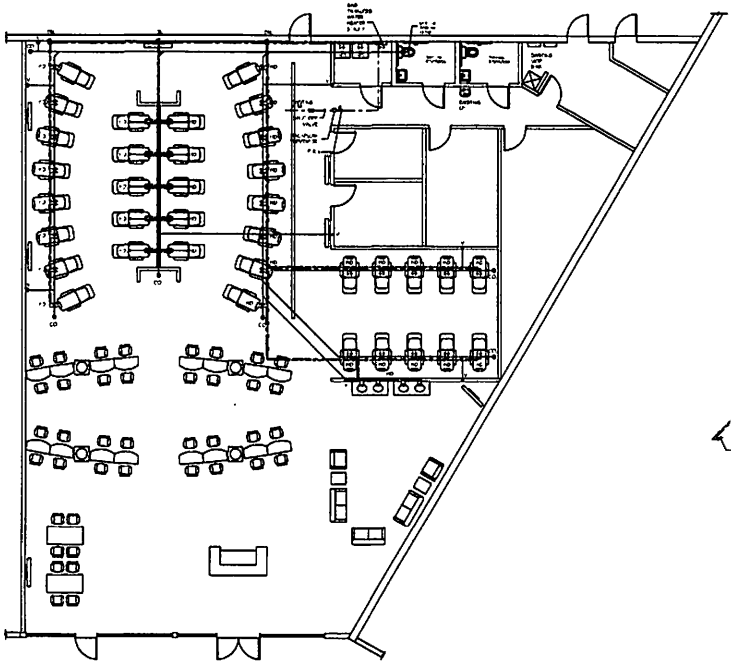


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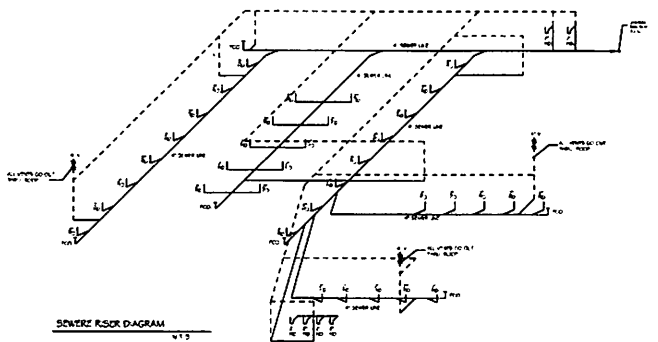
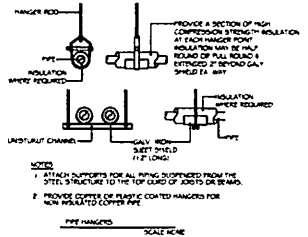
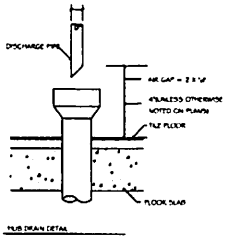
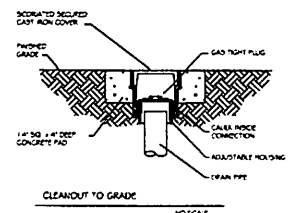
FILE NO MSMIIC-SP-WRKG	
REF. NO SITE PLAN	
DR BY ASM	CH BY TGA

STORE #11
Martin's SUPER MARKETS
 926 ERSKINE PLAZA, SOUTH BEND, IN

SHEET NAME	SITE PLAN
DATE	15 JULY 2008



- PLUMBING NOTES**
1. DRAWINGS ARE DIAGNOSTIC ONLY AND SHOW THE INTENT OF THE DESIGN. THE CONTRACTOR SHALL PROVIDE ALL MATERIALS AND LABOR TO INSTALL A COMPLETE AND OPERATING SYSTEM. THE CONTRACTOR SHALL APPLY FOR AND PAY FOR ALL REQUIRED PERMITS AND INSPECTIONS.
 2. PLUMBING SHALL CONFORM TO THE 2018 STANDARD PLUMBING CODE AND ALL STATE AND LOCAL AMENDMENTS. ALL NATURAL GAS PIPING AND CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE 2018 STANDARD GAS CODE AND STATE AND LOCAL AMENDMENTS.
 3. ALL SANITARY, WASTE AND VENT PIPE SHALL BE SCHEDULE 40 DWV PVC OR ABS PIPING AND FITTINGS.
 4. ALL HOT AND COLD WATER PIPING AND FITTING ABOVE GROUND SHALL BE RIGID TYPE K COPPER AND PIPING AND FITTINGS BELOW GROUND SHALL BE RIGID TYPE K COPPER. ALL NATURAL GAS PIPE AND FITTINGS SHALL BE SCHEDULE 40 BLACK STEEL WITH TIGHTENED FITTINGS FOR PIPES 1/2" AND SMALLER, WELDED FITTINGS FOR PIPES LARGER THAN 1/2".
 5. ALTERNATE MANUFACTURERS OF PLUMBING FIXTURES, FLOOR DRAINS, CLEANOUTS AND CREASE RECEIPTORS MAY BE USED WITH THE APPROVAL OF THE ENGINEER. EQUIPMENT CUT SHEETS SHALL BE SUBMITTED TO ENGINEER FOR APPROVAL.
 6. ALL PLUMBING FIXTURES SHALL BE NEW AND SHALL COMPLY WITH ANSI 117.1, 1360 OR LOCAL REQUIREMENT.
 7. SANITIZED GAS WATER HEATER (D)
 8. ALL WATER HEATER SHALL HAVE TRIP RELIEF VALVE WITH DISCHARGE PIPED TO 1'-0" ABOVE THE GROUND OUTSIDE OR HEAVY FLOOR DRAIN.
 9. ALL FITTING SHALL BE PLUMB FROM PIPE PLUNGERS AS MANUFACTURED BY THE GRIMMEL CO., OR EQUIVALENT, AT 10-0" O.D. MAXIMUM. PERFORATED METAL STRAITS AND WIRE SHALL NOT BE USED.
 10. ALL VENT FOR WASTE LINE TO VENT THROUGH ROOF/VENT AS NOTED.
- AIR GAP DEVICES:
 HAND BAY:
11. ALL PLUMBING OUTLETS AND CONNECTIONS SHOWN ON THIS PLAN ARE FOR FIXTURES AND EQUIPMENT SHOWN ON P.E.C. FLOOR PLAN ONLY. FOR ADDITIONAL FLOOR DRAINS AND BUILDING PLUMBING REQUIREMENTS SEE ARCHITECT GENERAL CONTRACTOR OR OWNER.
 12. PLUMBING CONTRACTOR TO CONNECT ALL WATER LINES, GAS LINES, FIRE SYSTEM SOUNDED, WASTE LINES, ETC. FOR SHOW, ETC. AND CLEAN LINES FROM ALL REFRIGERATION UNITS, ETC. (SEE NOTE #8) TO FLOOR DRAIN AND DIRECT TO INDIRECT WASTE LINES TO BE NOT SMALLER THAN PIPE OF FUTURE USER.
 13. WATER PROVIDED TO COFFEE LINE OR COFFEE MAKERS MUST NOT BE OFF WATER SOFTENED, UNLESS OTHERWISE DIRECTED. EACH EQUIPMENT MUST HAVE SEPARATE FEED AND VALVE.
 14. ALL WORK SHOWN ON FUTURE BUILDING PLAN AND OUTLINED IN ABOVE NOTES TO BE PERFORMED BY PLUMBING CONTRACTOR UNDER BUILDING CONTRACT. IF 3. THE PLUMBING CONTRACTOR'S RESPONSIBILITY TO SEE THAT HIS PHASE OF WORK MEETS AND IS INSTALLED IN ACCORDANCE WITH STANDARDS REQUIRED BY ALL GENERAL STATE AND FEDERAL LAWS INCLUDING HEALTH CODES AND ANY AND ALL CODES PRELATE TO THE JURISDICTION OF AREA WHERE JOB IS BEING INSTALLED.
 15. ALL REFRIGERATION UNITS WITHIN FACILITY MUST MEET CURRENT MEP 7 STANDARDS AND IS APPROVED.

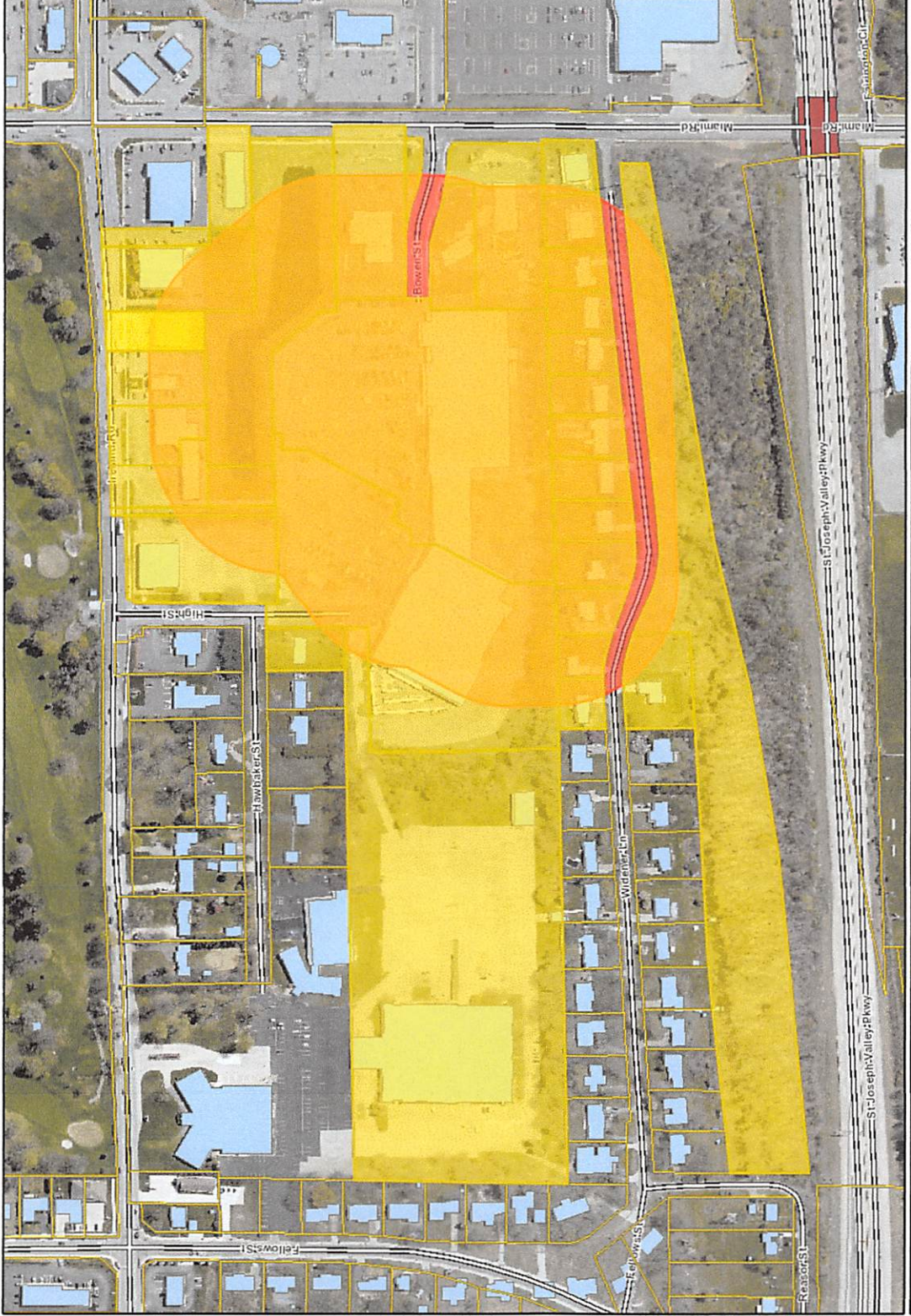
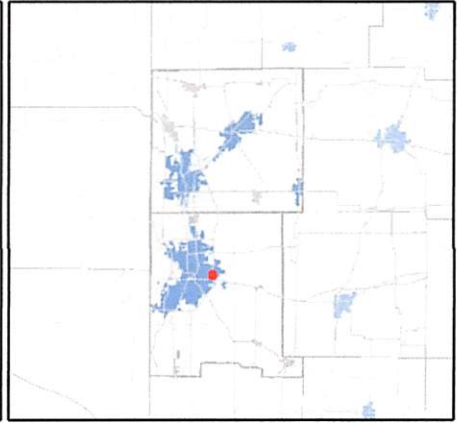


Michiana Regional GIS Website

txtSubTitle

Legend

- SJC Parcel Dimensions
- SJC Parcels
- SJC Street
- Building Footprint
- Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge



Date Printed: 11/06/2017
Map Generated By: Public
Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.
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AHARON MORDECHAI
106 N Main St
Mishawaka, IN 46544

BR ASSOCIATES INC
4201 MANNHEIM RD STE A
Jasper, IN 47546

CITY OF SOUTH BEND
1200 County City Bldg
South Bend, IN 46601

CIVIL CITY OF SOUTH BEND
227 W Jefferson Blvd Ste 1200
South Bend, IN 46601

MACDONALD BRADLEY E & MICHELLE E
STEELE JT W ROS & NOT AS TIC
1001 Widener Ln
South Bend, IN 46614

INDIANA BELL TELEPHONE CO PROPERTY
TAX DEPT SBC COMMUNICATIONS INC
One Bell Center Room 36 M 01
Saint Louis, MO 63101

MCDONALDS USA LLC
118 S Mill St
Mishawaka, IN 46544

FLOWERS STEVEN J AND GAIL J
915 Widener Ln
South Bend, IN 46614

SMITH GREGORY A & BONNIE
1914 ASPIN DR
Elkhart, IN 46514

SOUTH BEND PLAZA LLC
P O Box 57
Oolitic, IN 47451

ERSKINE PLAZA LLC % DEB TAGHON
4100 Edison Lakes Pkwy
Mishawaka, IN 46545

CHAPLA BRYAN D & DAWN V
925 E Widener Ln
South Bend, IN 46614

BISIG HAL
730 Widener Ln
South Bend, IN 46614

CIVIL CITY OF SOUTH BEND
227 W Jefferson Blvd Ste 1200
South Bend, IN 46601

WILLIS TIM S & STACY J
837 E Widener Ln
South Bend, IN 46614

ULERY MICHAEL
725 Widener Lane
South Bend, IN 46614

ST JOSEPH BANK AND TRUST CO % FIRST
AMERICAN TAX VALUATION ATTN:
KEYCORP MANAGEMENT CO
P.O. Box 560807
Dallas, TX 75356

ERSKINE PLAZA LLC % DEB TAGHON
4100 Edison Lakes Pkwy
Mishawaka, IN 46545

ANDRADE JUAN & TERESA
817 Widener Lane
South Bend, IN 46614

NATIONAL CREDIT CORP OF EASTERN MI
7091 Orchard Lake Rd Ste 300
West Bloomfield, MI 48322

IRELAND THREE LLC
51288 Golfview Ct
Granger, IN 46530

KENDALL BRYAN K AND JENNIFER L
805 Widener
South Bend, IN 46614

ILLIANA REALTY LLC
200 N Earnest Grove Pkwy
Watseka, IL 60970

COQUINA REALTY LLC
210 N Ironwood Dr
South Bend, IN 46615

DEPARTMENT OF REDEVELOPMENT CITY
OF SOUTH BEND
1200 County-City Building
South Bend, IN 46601

SUMRALL LESTER EVANG ASSOC INC
530 East Ireland Rd
South Bend, IN 46614

MARRONI JOHN N SR & ELIZABETH A
COTRUSTEES OF THE JOHN MARRONI SR &
ELIZABETH A MARRONI REVOCABLE TRUST
901 E Widener Ln
South Bend, IN 46614

CIRA JOSEPH A JR REV TRUST 1/2 INT
PANZICA JOSEPH S REV TRUST 1/2
INTEREST JOSEPH S PANZICA AS TRUSTEE
26327 Whippoorwill Dr
South Bend, IN 46619

COQUINA REALTY LLC
210 N Ironwood
South Bend, IN 46615

IRELAND THREE LLC
51288 Golfview Ct
Granger, IN 46530

AHARON MORDECHAI
106 N Main St
Mishawaka, IN 46544

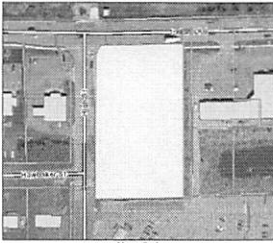
TRM PROPERTIES LLC
4100 Edison Lakes Pkwy
Mishawaka, IN 46545

TAYLOR JOSEPH L & VELMA R
829 Widener Ln
South Bend, IN 46614

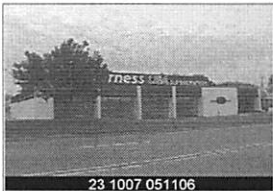
AHARON MORDECHAI
106 N Main St
Mishawaka, IN 46544

LEYES PAUL J & NANCY A
935 Widener Ln
South Bend, IN 46614

St. Joseph County	
Property Information	
Subject Property:	800 E IRELAND RD SOUTH BEND 46614
Parcel ID:	023-10074051106
State ID:	71-08-25-426-001.000-002
Owner(s):	NATIONAL CREDIT CORP OF EASTERN MI
Mailing Address:	7091 Orchard Lake Rd Ste 300, West Bloomfield MI 48322
Assessed Usage:	COMMERCIAL HEALTH CLUB
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$206,400.00
Improved Value:	\$182,700.00
Assessed Year:	2019
Acres:	1.83
Legal Description:	240' X .405' On Inland Bdg. 954' X W Nc Cor Se 1/4 Sec 25-37-2e




Not to Scale



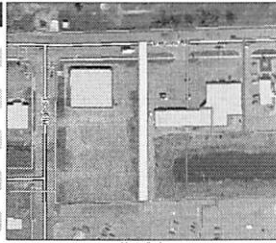
23 1007 051106

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St. Joseph County	
Property Information	
Subject Property:	926 E IRELAND RD SOUTH BEND 46614
Parcel ID:	023-10074051105
State ID:	71-08-25-426-002.000-002
Owner(s):	AHARON MORDECHAI
Mailing Address:	116 N Main St, Mishawaka IN 46544
Assessed Usage:	COMMERCIAL VACANT LAND
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$21,900.00
Improved Value:	\$0.00
Assessed Year:	2019
Acres:	0.19
Legal Description:	18' 400' On Inland Bdg 954' X W Nc Cor Se 1/4 Sec 25-37-2e




Not to Scale



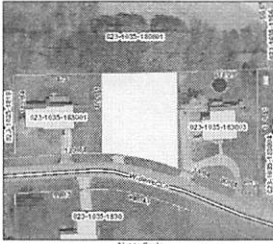
23 1007 051105

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St. Joseph County	
Property Information	
Subject Property:	757 E WIDENER LN SOUTH BEND 46614
Parcel ID:	023-1035-183002
State ID:	71-08-25-426-018.000-002
Owner(s):	SMITH GREGORY A & BONNIE
Mailing Address:	1914 ASPEN DR, Ekhart IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$9,100.00
Improved Value:	\$36,200.00
Assessed Year:	2019
Acres:	0.3
Legal Description:	Lot Eb Widener's Replat & Manor Sub




Not to Scale



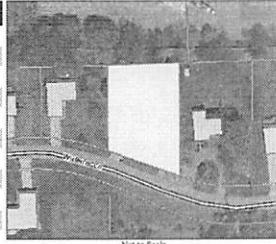
23 1035 183002

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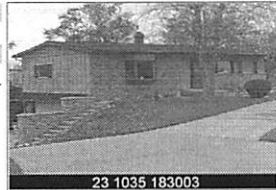
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	805 E WIDENER LN SOUTH BEND 46614
Parcel ID:	023-1035-183003
State ID:	71-08-25-426-018.000-002
Owner(s):	KENDALL BRYAN K AND JENNIFER L
Mailing Address:	805 Widener, South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$10,300.00
Improved Value:	\$97,300.00
Assessed Year:	2019
Acres:	0.41
Legal Description:	Lot Cc Widener's Replat & Manor Sub




Not to Scale



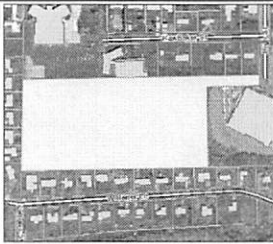
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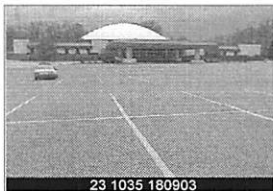
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	530 E IRELAND RD SOUTH BEND 46614
Parcel ID:	023-1035-180903
State ID:	71-08-25-426-002.000-002
Owner(s):	SUMBALL LESTER EVANG ASSOC INC
Mailing Address:	530 East Ireland Rd., South Bend IN 46614
Assessed Usage:	CHURCH CHAPEL, MOSQUE, SYNAGOGUE, TABERNACLE, OR TEMPLE THAT IS GRANTED AN EXEMPTION
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$1,712,500.00
Improved Value:	\$3,875,500.00
Assessed Year:	2015
Acres:	13.23
Legal Description:	In Tr Bdg 556' 45" S Nc Cor Se 1/4 Sec 25-37-2e cont 13.172 Acres split 12.13 to 18-1035-1810




Not to Scale



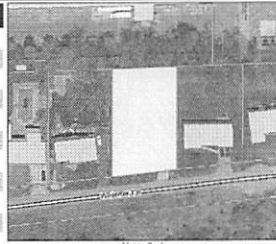
23 1035 180903

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St. Joseph County	
Property Information	
Subject Property:	925 E WIDENER LN SOUTH BEND 46614
Parcel ID:	023-1035-1835
State ID:	71-08-25-426-024.000-002
Owner(s):	CHAPLA BRYAN D & DAWN V
Mailing Address:	925 E Widener Ln., South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$8,900.00
Improved Value:	\$100,600.00
Assessed Year:	2019
Acres:	0.38
Legal Description:	Lot 27 Harold C Widener's Pro Add Sec 25-37-2e




Not to Scale



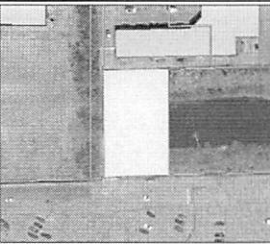
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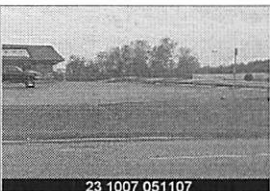
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	-
Parcel ID:	023-1007-051107
State ID:	71-08-25-426-003-000-000
Owner(s):	CIVIL CITY OF SOUTH BEND
Mailing Address:	227 W Jefferson Blvd Ste 200, South Bend IN 46601
Assessed Usage:	EXEMPT PROPERTY OWNED BY A MUNICIPALITY
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$0.00
Improved Value:	\$0.00
Assessed Year:	2019
Acres:	0.38
Legal Description:	93.26 X 130.9 (Reg 954.3 W Ne Cor & 230.49 S Of Ireland Rd Se 1/4 Sec 25-37-2e 37 Ac




Not to Scale



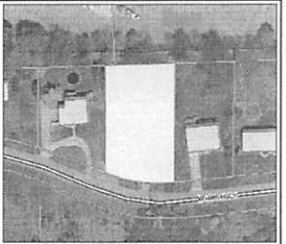
23 1007 051107

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St. Joseph County	
Property Information	
Subject Property:	817 E WIDENER LN, SOUTH BEND 46614
Parcel ID:	023-1035-18304
State ID:	71-08-25-426-019-000-000
Owner(s):	ANDRADE JUAN & TERESA
Mailing Address:	817 Widener Lane, South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$10,600.00
Improved Value:	\$95,900.00
Assessed Year:	2019
Acres:	0.52
Legal Description:	Lot Dd Widener'S Replat & Maner Sub




Not to Scale



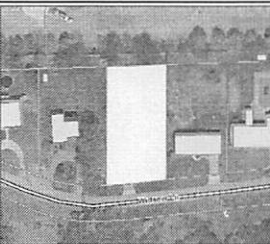
23 1035 183004

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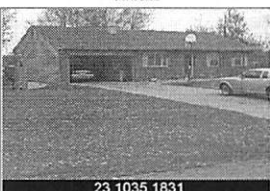
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	829 E WIDENER LN, SOUTH BEND 46614
Parcel ID:	023-1035-1831
State ID:	71-08-25-426-020-000-000
Owner(s):	TAYLOR JOSEPH L & VELMAR
Mailing Address:	829 Widener Ln, South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$9,300.00
Improved Value:	\$90,500.00
Assessed Year:	2019
Acres:	0.45
Legal Description:	101.47 X 203.38 Lot 23 H C Widener Pro Add Sec 25-37-2e




Not to Scale



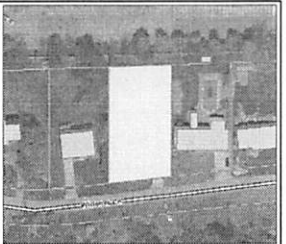
23 1035 1831

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St. Joseph County	
Property Information	
Subject Property:	837 E WIDENER LN, SOUTH BEND 46614
Parcel ID:	023-1035-1832
State ID:	71-08-25-426-021-000-000
Owner(s):	WILLIS TIM S & STACY J
Mailing Address:	837 E Widener Ln, South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$9,100.00
Improved Value:	\$87,700.00
Assessed Year:	2019
Acres:	0.45
Legal Description:	Lot 24 Harold C Widener Pro Add Sec 25-37-2e




Not to Scale



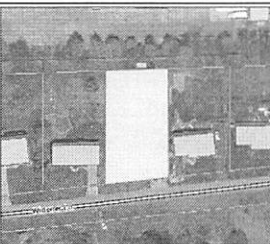
23 1035 1832

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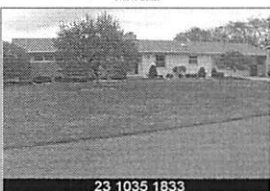
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	901 E WIDENER LN, SOUTH BEND 46614
Parcel ID:	023-1035-1833
State ID:	71-08-25-426-022-000-000
Owner(s):	MARRONI JOHN N SR & ELIZABETH A CO-TRUSTEES OF THE JOHN MARRONI SR & ELIZABETH A MARRONI REVOCABLE TRUST Pkison Ln, South Bend IN 46614
Mailing Address:	901 E Widener Ln, South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$9,200.00
Improved Value:	\$100,000.00
Assessed Year:	2019
Acres:	0.42
Legal Description:	Lot 25 Harold C Widener'S Add




Not to Scale



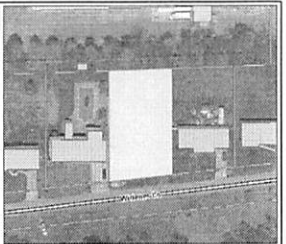
23 1035 1833

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St. Joseph County	
Property Information	
Subject Property:	915 E WIDENER LN, SOUTH BEND 46614
Parcel ID:	023-1035-1834
State ID:	71-08-25-426-023-000-000
Owner(s):	FLOWERS STEVEN J AND GAIL J
Mailing Address:	915 Widener Ln, South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$9,100.00
Improved Value:	\$96,800.00
Assessed Year:	2019
Acres:	0.4
Legal Description:	Lot 26 Harold C Widener Pro Add Sec 25-37-2e




Not to Scale



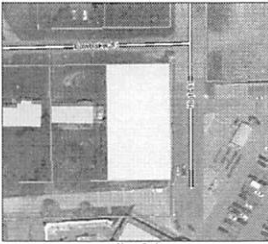
23 1035 1834

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St. Joseph County	
Property Information	
Subject Property:	748 E HAWBAKER ST., SOUTH BEND 46614
Parcel ID:	023-1035-1798
State ID:	71-08-25-402-006-000-002
Owner(s):	CITY OF SOUTH BEND
Mailing Address:	1200 County City Bldg., South Bend IN 46601
Assessed Usage:	EXEMPT PROPERTY OWNED BY A MUNICIPALITY
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$0.00
Improved Value:	\$0.00
Assessed Year:	2019
Acres:	0.46
Legal Description:	110 S X 189 45' Bkg 367.5' & 1225' W Nw Cor Se 1-4 Sec 25-37-2e




Not to Scale



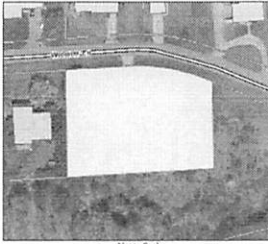
23 1035 1798

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St. Joseph County	
Property Information	
Subject Property:	730 E WIDENER LN., SOUTH BEND 46614
Parcel ID:	023-1035-1830
State ID:	71-08-25-451-011-000-002
Owner(s):	BISIG HAL
Mailing Address:	730 Widener Ln., South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$20,900.00
Improved Value:	\$86,900.00
Assessed Year:	2019
Acres:	0.87
Legal Description:	Half of S Replat Lot Ee




Not to Scale



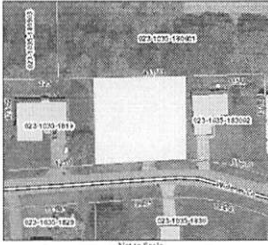
23 1035 1830

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St. Joseph County	
Property Information	
Subject Property:	725 E WIDENER LN., SOUTH BEND 46614
Parcel ID:	023-1035-183001
State ID:	71-08-25-402-017-000-002
Owner(s):	ULERY MICHAEL
Mailing Address:	725 Widener Lane., South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$9,600.00
Improved Value:	\$74,200.00
Assessed Year:	2019
Acres:	0.32
Legal Description:	Lot Aa Widener S Replat & Minor Sub




Not to Scale



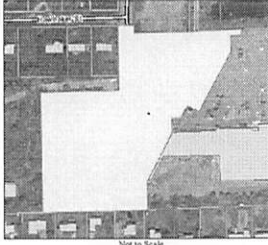
23 1035 183001

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St. Joseph County	
Property Information	
Subject Property:	4600 S HIGH ST., SOUTH BEND 46614
Parcel ID:	023-1035-180601
State ID:	71-08-25-426-013-000-002
Owner(s):	ILLIANA REALTY LLC
Mailing Address:	200 N Earnest Grove Pkwy., Watauga IL 60970
Assessed Usage:	COMMERCIAL NEIGHBORHOOD SHOPPING CENTER
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$718,600.00
Improved Value:	\$1,083,300.00
Assessed Year:	2019
Acres:	7.34
Legal Description:	Lot 2 Erskine Plaza Minor Sec 25-37-2e




Not to Scale



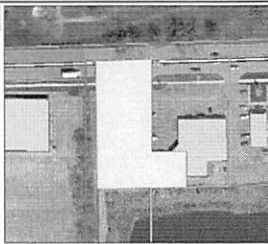
23 1035 180601

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Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	902 E IRELAND RD., SOUTH BEND 46614
Parcel ID:	023-1007-051009
State ID:	71-08-25-426-004-000-002
Owner(s):	AHARON MORDECHAI
Mailing Address:	106N Main St., Mahanaska IN 46544
Assessed Usage:	COMMERCIAL NEIGHBORHOOD SHOPPING CENTER
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$70,000.00
Improved Value:	\$152,200.00
Assessed Year:	2019
Acres:	0.67
Legal Description:	107 E & W X 230 45' N & S Bkg 836.7' W Of Ne Cor Se 1-4 E 65' X 65' E & Adj. Sec 25-37-2e




Not to Scale



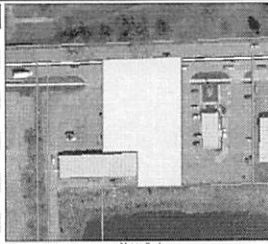
23 1007 051009

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St. Joseph County	
Property Information	
Subject Property:	910 E IRELAND RD., SOUTH BEND 46614
Parcel ID:	023-1007-051002
State ID:	71-08-25-426-005-000-002
Owner(s):	AHARON MORDECHAI
Mailing Address:	106N Main St., Mahanaska IN 46544
Assessed Usage:	COMMERCIAL NEIGHBORHOOD SHOPPING CENTER
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$72,600.00
Improved Value:	\$101,700.00
Assessed Year:	2019
Acres:	0.7
Legal Description:	146 X 230 45' Fl Bkg 690.3' W Of Ne Cor Se. Ee 65' X 65' Sw Cor Sec 25-37-2e




Not to Scale



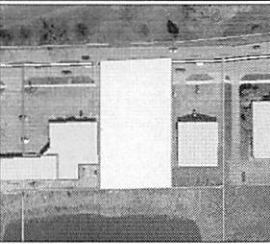
23 1007 051002

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St. Joseph County	
Property Information	
Subject Property:	920 E IRELAND RD, SOUTH BEND 46614
Parcel ID:	023-1007-05108
State ID:	71-08-25-026-006-000-002
Owner(s):	BR ASSOCIATES INC
Mailing Address:	4201 MANNHEIM RD, STE A, Jasper IN 47546
Assessed Usage:	COMMERCIAL RESTAURANT, CAFE, OR BAR
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$121,250.00
Improved Value:	\$51,700.00
Assessed Year:	2019
Acres:	0.74
Legal Description:	140.3' X 230.49' Reg. 550.03' W 5e Cor Se 1-4 Sec 25-37-2e




Not to Scale



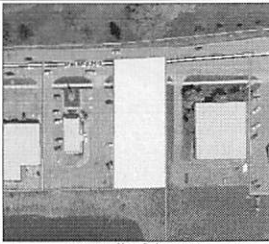
23 1007 051008

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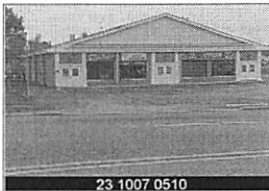
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	928 E IRELAND RD, SOUTH BEND 46614
Parcel ID:	023-1007-05110
State ID:	71-08-25-026-007-000-002
Owner(s):	IRELAND THREE LLC
Mailing Address:	51281 Golfview Ct., Granger IN 46330
Assessed Usage:	COMMERCIAL OTHER RETAIL STRUCTURES
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$100,600.00
Improved Value:	\$50,600.00
Assessed Year:	2019
Acres:	0.55
Legal Description:	100.3' X 230.49' Reg. 487W N 6 Cor Se 1-4 Sec 25-37-2e




Not to Scale



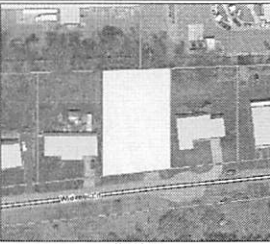
23 1007 05110

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Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	935 E WIDENER LN, SOUTH BEND 46614
Parcel ID:	023-1035-18382
State ID:	71-08-25-026-025-000-002
Owner(s):	LEVES PAUL J & NANCY A
Mailing Address:	935 Widener Ln., South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$4,500.00
Improved Value:	\$87,800.00
Assessed Year:	2019
Acres:	0.38
Legal Description:	Lot 2811 C Widener Manor Sub




Not to Scale



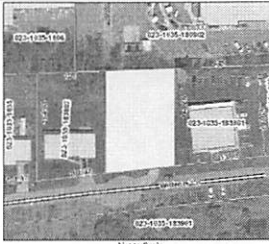
23 1035 183802

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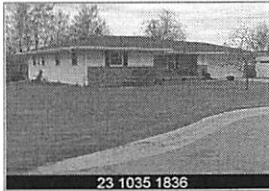
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	1001 E WIDENER LN, SOUTH BEND 46614
Parcel ID:	023-1035-1836
State ID:	71-08-25-026-026-000-002
Owner(s):	MACDONALD BRADLEY E & MICHELLE E STEELE JT W ROS & NOT AS TIC
Mailing Address:	1001 Widener Ln., South Bend IN 46614
Assessed Usage:	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$2,100.00
Improved Value:	\$90,300.00
Assessed Year:	2019
Acres:	0.36
Legal Description:	Lot 29 Harold C Wideners Pro Add Sec 25-37-2e




Not to Scale



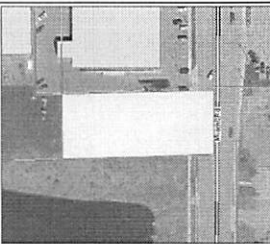
23 1035 1836

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Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	4327 MAME RD, SOUTH BEND 46614
Parcel ID:	023-1007-05105
State ID:	71-08-25-026-010-000-002
Owner(s):	CIRA JOSEPH A JR REV TRUST 1/2 INT PANZIKA JOSEPH S REV TRUST 1/2 INTEREST JOSEPH S PANZIKA AS TRUSTEE
Mailing Address:	2637 Whopeweh Dr., South Bend IN 46619
Assessed Usage:	COMMERCIAL OTHER RETAIL STRUCTURES
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$163,900.00
Improved Value:	\$101,100.00
Assessed Year:	2019
Acres:	0.6
Legal Description:	107' X 250' Reg. 250' S Of Ne Cor Se 573 Ac. Sec 25-37-2e




Not to Scale



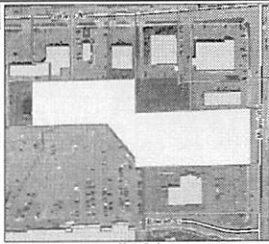
23 1007 051005

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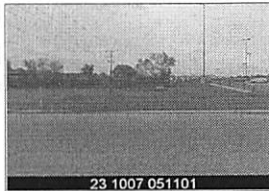
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	
Parcel ID:	023-1007-05111
State ID:	71-08-25-026-012-000-002
Owner(s):	CIVIL CITY OF SOUTH BEND
Mailing Address:	227 W Jefferson Blvd Ste 1200, South Bend IN 46601
Assessed Usage:	EXEMPT PROPERTY OWNED BY A MUNICIPALITY
Township:	SB Centre
Municipality:	
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$0.00
Improved Value:	\$0.00
Assessed Year:	2019
Acres:	3.53
Legal Description:	Irreg Tr Reg 150' S Of Ne Cor. Se (retention Basin) 3.68 Ac. Sec 25-37-2e




Not to Scale



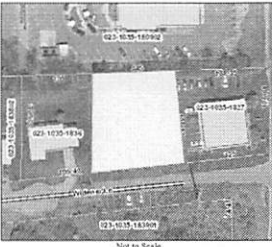
23 1007 051101

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St. Joseph County	
Property Information	
Subject Property:	1025 E WILSON LN, SOUTH BEND 46614
Parcel ID:	023-1035-18301
State ID:	71-08-25-426-037-000-002
Owner(s):	COQUINA REALTY LLC
Mailing Address:	210 N Ironwood Dr., South Bend IN 46615
Assessed Usage:	COMMERCIAL MEDICAL CLINIC OR OFFICES
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$93,100.00
Improved Value:	\$268,700.00
Assessed Year:	2019
Acres:	0.42
Legal Description:	Lot 1 Cook Miner Sub Sec 25-37-2e




Not to Scale



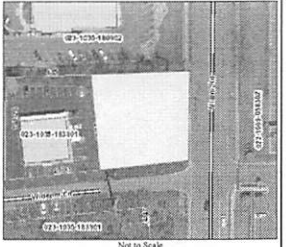
23 1035 18301

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St. Joseph County	
Property Information	
Subject Property:	4723 MAAME RD, SOUTH BEND 46614
Parcel ID:	023-1035-1837
State ID:	71-08-25-426-038-000-002
Owner(s):	COQUINA REALTY LLC
Mailing Address:	210 N Ironwood Dr., South Bend IN 46615
Assessed Usage:	COMMERCIAL OFFICE BUILDING 1 OR 2 STORY
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$102,400.00
Improved Value:	\$146,200.00
Assessed Year:	2019
Acres:	0.41
Legal Description:	Lot 2 Cook Miner Sub Sec 25-37-2e




Not to Scale




23 1035 1837

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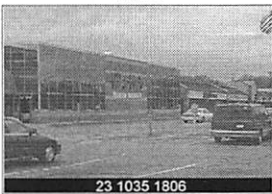
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	926 S ERSKINE PLAZA, SOUTH BEND 46614
Parcel ID:	023-1035-1806
State ID:	71-08-25-426-014-000-002
Owner(s):	ERSKINE PLAZA LLC % DEB TAGHON
Mailing Address:	4100 Edison Lakes Pkwy., Mishawaka IN 46545
Assessed Usage:	COMMERCIAL SUPERMARKETS
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$1,050,400.00
Improved Value:	\$3,154,200.00
Assessed Year:	2019
Acres:	8.08
Legal Description:	Lot 1 Erskine Plaza Moor Sec 25-37-2e




Not to Scale



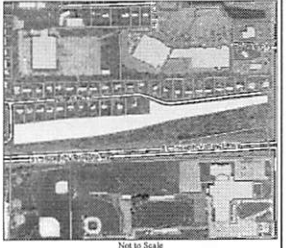
23 1035 1806

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St. Joseph County	
Property Information	
Subject Property:	-
Parcel ID:	023-1035-18301
State ID:	71-08-25-426-038-000-002
Owner(s):	DEPARTMENT OF REDEVELOPMENT CITY OF SOUTH BEND
Mailing Address:	1200 County-City Building, South Bend IN 46601
Assessed Usage:	EXEMPT PROPERTY OWNED BY A MUNICIPALITY
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$0.00
Improved Value:	\$0.00
Assessed Year:	2019
Acres:	8.64
Legal Description:	In Tr W Of Main N Of By-Pass 9 0 Ac ML Sec 14 Sec 25-37-2e




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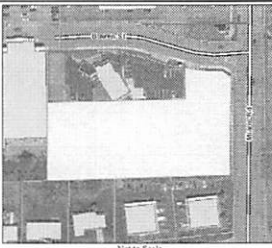
NO IMAGES AVAILABLE FOR THIS PROPERTY

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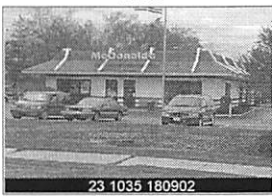
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	4711 MAAME RD, SOUTH BEND 46614
Parcel ID:	023-1035-180902
State ID:	71-08-25-426-017-000-002
Owner(s):	McDONALDS USA LLC
Mailing Address:	518 E 1800 N 3000, Mishawaka IN 46544
Assessed Usage:	COMMERCIAL RESTAURANT, CAFE, OR BAR
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$178,300.00
Improved Value:	\$635,900.00
Assessed Year:	2019
Acres:	1.74
Legal Description:	In Tr 243 073n Main Reg 534 72 S Ne Cor Se 14 Ec Ne cor for Street Sec 25-37-2e 15 16 Split 0327 10 3 2014 also # 11102 10-30-2014




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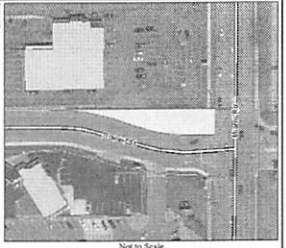
23 1035 180902

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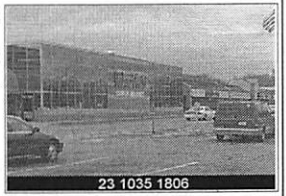
Date Printed: November 6, 2017



St. Joseph County	
Property Information	
Subject Property:	926 S ERSKINE PLAZA, SOUTH BEND 46614
Parcel ID:	023-1035-1806
State ID:	71-08-25-426-014-000-002
Owner(s):	ERSKINE PLAZA LLC % DEB TAGHON
Mailing Address:	4100 Edison Lakes Pkwy., Mishawaka IN 46545
Assessed Usage:	COMMERCIAL SUPERMARKETS
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$1,050,400.00
Improved Value:	\$3,154,200.00
Assessed Year:	2019
Acres:	0.13
Legal Description:	Lot 1 Erskine Plaza Moor Sec 25-37-2e




Not to Scale



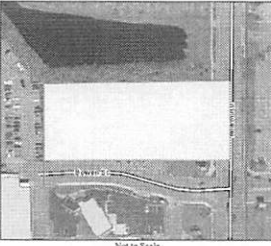
23 1035 1806

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St. Joseph County	
Property Information	
Subject Property:	4615 MIAMI RD, SOUTH BEND 46614
Parcel ID:	023-1007-051103
State ID:	71-08-25-026-015 000-002
Owner(s):	TRM PROPERTIES LLC
Mailing Address:	4100 Edison Lakes Pkwy., Mishawaka IN 46545
Assessed Usage:	COMMERCIAL OTHER RETAIL STRUCTURES
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$323,800.00
Improved Value:	\$355,800.00
Assessed Year:	2019
Acres:	1.69
Legal Description:	173.39' X 429' On Miami Rd. Beg. 556.49' S Of Ne Cor. Se 1-4 Sec. 25-37-2e. 1.657 Acres.




Not to Scale



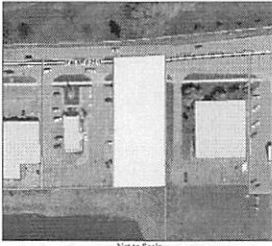
23 1007 051103

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St. Joseph County	
Property Information	
Subject Property:	128 E IRELAND RD, SOUTH BEND 46614
Parcel ID:	023-1007-0510
State ID:	71-08-25-026-017 000-002
Owner(s):	IRELAND THREE LLC
Mailing Address:	51285 Golfview Ct., Granger IN 46530
Assessed Usage:	COMMERCIAL OTHER RETAIL STRUCTURES
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$100,600.00
Improved Value:	\$80,600.00
Assessed Year:	2019
Acres:	0.55
Legal Description:	100.3' X 230.45' Beg. 450'W Ne Cor. Se 1-4 Sec. 25-37-2e




Not to Scale



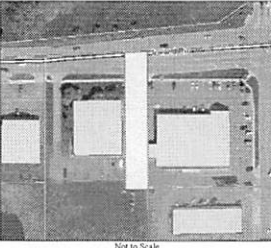
23 1007 0510

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St. Joseph County	
Property Information	
Subject Property:	
Parcel ID:	023-1007-051006
State ID:	71-08-25-026-020-000-002
Owner(s):	SOUTH BEND PLAZA LLC
Mailing Address:	P.O. Box 57, Colton IN 47451
Assessed Usage:	COMMERCIAL VACANT LAND
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$25,900.00
Improved Value:	\$0.00
Assessed Year:	2019
Acres:	0.26
Legal Description:	42.76' X 210.30' W Side Lot 2 Ameritech Walgreens Ireland Rd. Minor 02-03 Correct Errors On Replat




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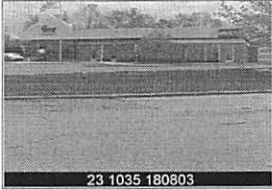
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St. Joseph County	
Property Information	
Subject Property:	4627 MIAMI RD, SOUTH BEND 46614
Parcel ID:	023-1035-180803
State ID:	71-08-25-026-016 000-002
Owner(s):	ST JOSEPH BANK AND TRUST CO % FIRST AMERICAN TAX VALUATION ATTN: KEYCORP MANAGEMENT CO
Mailing Address:	P.O. Box 568097, Dallas TX 75356
Assessed Usage:	SEE TRANSFER NOTE COMMERCIAL FULL SERVICE BANKS
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$116,100.00
Improved Value:	\$240,200.00
Assessed Year:	2019
Acres:	0.71
Legal Description:	In Tr W Of Miami Beg 903.94' S & 139.9' W Ne Cor. Se 1-4 Ex pt sold for Street. 747a. Sec. 25-37-2e 15-16 Split 10327 10-03-2014




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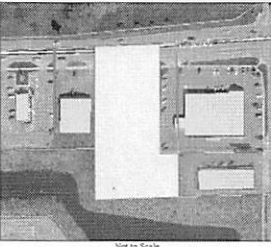
23 1035 180803

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St. Joseph County	
Property Information	
Subject Property:	1092 E IRELAND RD, SOUTH BEND 46614
Parcel ID:	023-1007-051004
State ID:	71-08-25-026-008 000-002
Owner(s):	INDIANA BELL TELEPHONE CO PROPERTY TAX DEPT SBC COMMUNICATIONS INC
Mailing Address:	One Bell Center Route 36 M01, Saint Louis MO 63102
Assessed Usage:	LOCALLY ASSESSED PROPERTY OWNED BY A TELEPHONE, TELEGRAPH, OR CABLE COMPANY-COMMERCIAL
Township:	SB Centre
Municipality:	SOUTH BEND
Tax District:	SB Centre
Property Assessment Information	
Land Value:	\$23,300.00
Improved Value:	\$133,600.00
Assessed Year:	2019
Acres:	1.47
Legal Description:	Lot 1 Ameritech Walgreens Ireland Rd Minor Sub




Not to Scale



23 1007 051004

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Date Printed: November 6, 2017



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**

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:

926 S Erskine Plaza South Bend IN 46614

in order to permit

A special exception for adding microblading/semi-permanent tattoo services to an existing beauty salon.

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

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

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

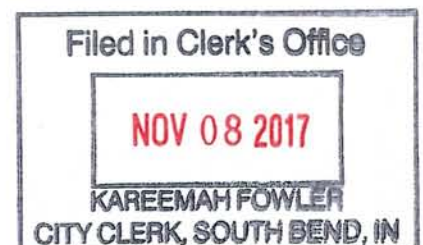
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

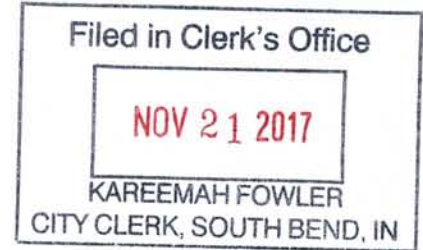
SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

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

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED





CITY OF SOUTH BEND COMMUNITY INVESTMENT

November 21, 2017

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

RE: Real Property Tax Abatement Petition for: **River Park Leasing Corp.**

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition for River Park Leasing Corp.

River Park Leasing Corporation, owned by a South Bend native and entrepreneur, is proposing the development and construction of the first new downtown office structure in decades. While exciting for that reason alone, the project is even more desirable as it will be comprised of Class A office and retail space, with premier fit and finishes offering companies and tenants the highest quality of office space. The proposed building will sit on Jefferson & Main downtown, and will be inclusive of high-end ground-floor retail topped by 5 stories of prime office space. Early renderings will be shared at committee.

It is also important to recognize the extended impact of job creation and retention this development will drive. The owner/developer can only list and be held accountable for the jobs that will be directly created in his top floor business/office. However, from the first floor retail to four additional floors of office space totaling 38,000 square feet of the building, there will be many more "indirect" jobs created and/or retained in South Bend as a result of this development.

CITY OF SOUTH BEND | COMMUNITY INVESTMENT

The owner/developer is, again, a South Bend native. It has been noted that he is pursuing this venture after witnessing a revitalization of downtown South Bend over the past 10 years. Nonetheless, a \$9,000,000.00 investment in world-class office space is a significant risk in any metropolitan area. DCI staff recommends that we partner with the developer to mitigate this risk to a reasonable degree and enable this new development in downtown South Bend. A tax abatement is a meaningful tool allowing ramp-up time for the owner/developer to bring tenants into the new retail/office building.

The Department of Community Investment's recommendation for support of this project is a 6-year, 100% tax abatement. This level of partnership and investment is supported by the petitioner's level of investment and other "points" factors from their Petition Packet, by the algorithms and computations that drive our objective analyses, and by the investment and participation levels (~15%) that we set as a meaningful benchmark for all deals. It is a good investment for the City of South Bend.

In summary the project entails the following:

- Purchase of land at \$50,000.00
- \$9,000,000.00 in Private Investment
- Six-story, 38Ksf class A retail/office space

This packet includes the following:

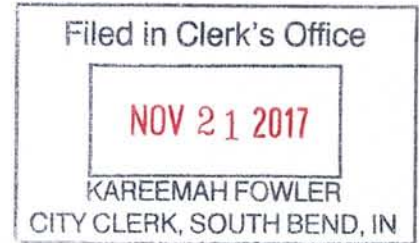
- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

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

Sincerely,



Daniel J. Buckenmeyer
Director, Business Development & Economic Resources
Department of Community Investment
City of South Bend



CITY OF SOUTH BEND COMMUNITY INVESTMENT

TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL
FROM: DANIEL BUCKENMEYER
SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
River Park Leasing Corporation
DATE: November 21, 2017

On Tuesday November 21st, 2017, a petition from River Park Leasing Corporation was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at the intersection of Jefferson Boulevard and Main Street, South Bend, IN 46601. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

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

PROJECT SUMMARY

- Construction of the approximately 37,800 sq. ft. class A office building (with first floor retail) which would further support positive impact and growth in downtown South Bend.
- This type of office development hasn't been done in over two decades. The top floor of the proposed five (5) story building will house a new start-up aimed to employ 12-20 professionals in the next 2-3 years.
- \$9,000,000 private investment in the building construction
- Land purchase from the Redevelopment Commission for \$50,000.
- Estimated taxes being abated during six year abatement period – \$1,296,000

EMPLOYMENT IMPACT

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

- Create fifteen (15) direct and permanent full time jobs within 3 years, representing a new annual payroll of \$750,000
- Create indirect full time jobs by leasing office space to tenants
- The hourly wage for managerial and administrative employees is expected at minimum \$25+

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (6) six-year real property tax abatement under section 2-84.2, Tangible Real Property Tax Abatement.

RESOLUTION NO. _____

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

Intersection of Jefferson Blvd and Main St, South Bend, IN 46601

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

River Park Leasing Corporation

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that portions of the property located at the intersection of Jefferson Boulevard and Main Street, South Bend, Indiana 46601 which is more particularly described as follows:

Lot 260AA of the record plat of the Original Town of South Bend, Jefferson and Main, Second Replat recorded on March 25, 2013, as Document No. 1308726 in the Office of the Recorder of St. Joseph County

and which has Key Number 018-3007-0231, and be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

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

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

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

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

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

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

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

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

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

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

Year 1 - 100%
Year 2 - 100%
Year 3 - 100%
Year 4 - 100%
Year 5 - 100%
Year 6 - 100%

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

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

Member of the Common Council

RESOLUTION NO. _____

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

Intersection of Jefferson Blvd and Main St, South Bend, IN 46601

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A SIX (6) YEAR REAL
PROPERTY TAX ABATEMENT FOR

River Park Leasing Corporation

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

WHEREAS, a Declaratory Resolution designated the area commonly known as the intersection of Jefferson Boulevard and Main Street, South Bend, Indiana 46601 described as follows:

Lot 260AA of the record plat of the Original Town of South Bend, Jefferson and Main, Second Replat recorded on March 25, 2013, as Document No. 1308726 in the Office of the Recorder of St. Joseph County

and which has Key Number 018-3007-0231, and be designated as an Economic Revitalization Area; and

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

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

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

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

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the

area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

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

Year 1 - 100%
Year 2 - 100%
Year 3 - 100%
Year 4 - 100%
Year 5 - 100%
Year 6 - 100%

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

Member of the Common Council

Filed in Clerk's Office

NOV 21 2017

6 YEAR

20-Nov-17

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

River Park Leasing Corp

South Bend Portage Township Real Property Tax Abatement Schedule*

South Bend Portage Township

Tax Key Number 018-3007-0231
Current Assessed Value: 0
Estimated Project Cost: 9,000,000

Assessed Value:	Current AV & Tax	Without Abatement	100% Year 1	100% Year 2	100% Year 3	100% Year 4	100% Year 5	100% Year 6
Current Assessed Value	0	0	0	0	0	0	0	0
Base Assessed Value	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000
Less Abatement Deduction	0	0	(7,200,000)	(7,200,000)	(7,200,000)	(7,200,000)	(7,200,000)	(7,200,000)
Net Assessed Value	0	7,200,000	0	0	0	0	0	0

Property Taxes:
Assume constant tax rate of

Gross Tax (tax rate x net assessed value)	5.5043%	5.5043%	5.5043%	5.5043%	5.5043%	5.5043%	5.5043%	5.5043%
Less Circuit Breaker Credit	0	396,307	0	0	0	0	0	0
Net Tax	0	(180,307)	0	0	0	0	0	0

Circuit Breaker Cap
Circuit Breaker
Debt Service
Circuit Breaker Cap

Circuit Breaker Cap	0	216,000	216,000	216,000	216,000	216,000	216,000	216,000
Circuit Breaker	0	0	0	0	0	0	0	0
Debt Service	0	216,000	216,000	216,000	216,000	216,000	216,000	216,000
Circuit Breaker Cap	0	216,000	216,000	216,000	216,000	216,000	216,000	216,000

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
1	0	216,000	216,000	216,000	0
2	0	216,000	216,000	216,000	0
3	0	216,000	216,000	216,000	0
4	0	216,000	216,000	216,000	0
5	0	216,000	216,000	216,000	0
6	0	216,000	216,000	216,000	0
Totals	0	1,296,000	1,296,000	1,296,000	0

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

City of South Bend Petition for Incentives

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



General Information		Project Name	Main modern office	Project Number
Legal name as registered with Secretary of State	River Park Leasing Corporation			
Business structure	Corporation			
Company website	none			
Proposed Project Information				
Proposed project address	SW Corner (Main and Jefferson)	Parent company name		
City, State, Zip	South Bend, IN 46601	Legal owner		
Site acreage or acreage required	.71 Acres	Is the real estate owned or leased		
Square feet of facility	Proposed New (37,783 Office/Retail)	If leased by whom		
Primary Contact Information				
Primary company contact name	Randall Hesser	Title	Secretary and Counsel	
Address of company contact	121 W. Franklin St., Suite 400	Phone	(574) 294-7491	
City, State, Zip	Elkhart, IN 46516	Email		
Senior Official Information				
Company senior official name		Title		
Address of company contact (if different from above)		Phone		
City, State, Zip		Email		
Consultant Information/Agent				
Hired business consultant/agent name	Great Lakes Capital, LLC	Consultant release (Y/N)	Yes	
Address	112 West Jefferson, Ste. 200	Local economic development partners approval (Y/N)	Yes	
City, State, Zip	South Bend, IN 46601	Email	jsmoke@greatlakescapital.com	
Project Overview				
Brief description of your company, project, and why the property is necessary for economic growth	<p>The entrepreneur and developer/building owner is a South Bend native who has seen the revitalization of downtown South Bend over the past 10 years. The developer desires to make a significant proposed investment of at least \$8.5 million to develop and construct a class A office building (with first floor retail) to further support positive impact and growth in downtown South Bend. This type of office development hasn't been done in over 2 decades. The top floor of the proposed 5 story building will house a new start-up aimed to employ 12-20 professionals in the next 2-3 years. This proposed employment will complement new employees with ground floor retail space and office users on floors 2-4. The building will have premier fit and finishes and fill a void at the top of the Class A office market, offering companies and tenants the highest quality of office space.</p>			
Certified Technology Park appropriate	N/A			
Is the project in a Tax Incremental Financing (TIF) area? If so, which?	Yes			
Certify that the Building Permit has not been issued (Y/N)	Correct - no permit	Number of residential units created by project	0	
If this is a petition for personal property tax abatement, has the equipment been installed	N/A			
Filed in Clerk's Office <div style="border: 1px solid black; padding: 5px; display: inline-block; margin: 5px 0;"> NOV 21 2017 </div> KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN				
Investment Details				
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?	
	NO			

New Project Investments								
Calendar Year	2016	2017	2018	2019	2020	2021	2022	2023
Land Acquisition			\$ 50,000					
Building Lease Payments								
Building Purchase Costs								
New Building Construction			\$ 9,000,000					
Existing Building Improvements								
New Machinery & Equipment								
Special Tooling/Retrofitting								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 0							

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2016						
2017						
2018						
2019			8	\$25+ (\$50,000/year)	\$20,000	
2020			12	\$25+ (\$50,000/year)		
2021			15	\$25+ (\$50,000/year)		
2022						
2023						
2024						
2025						
2026						
2027						

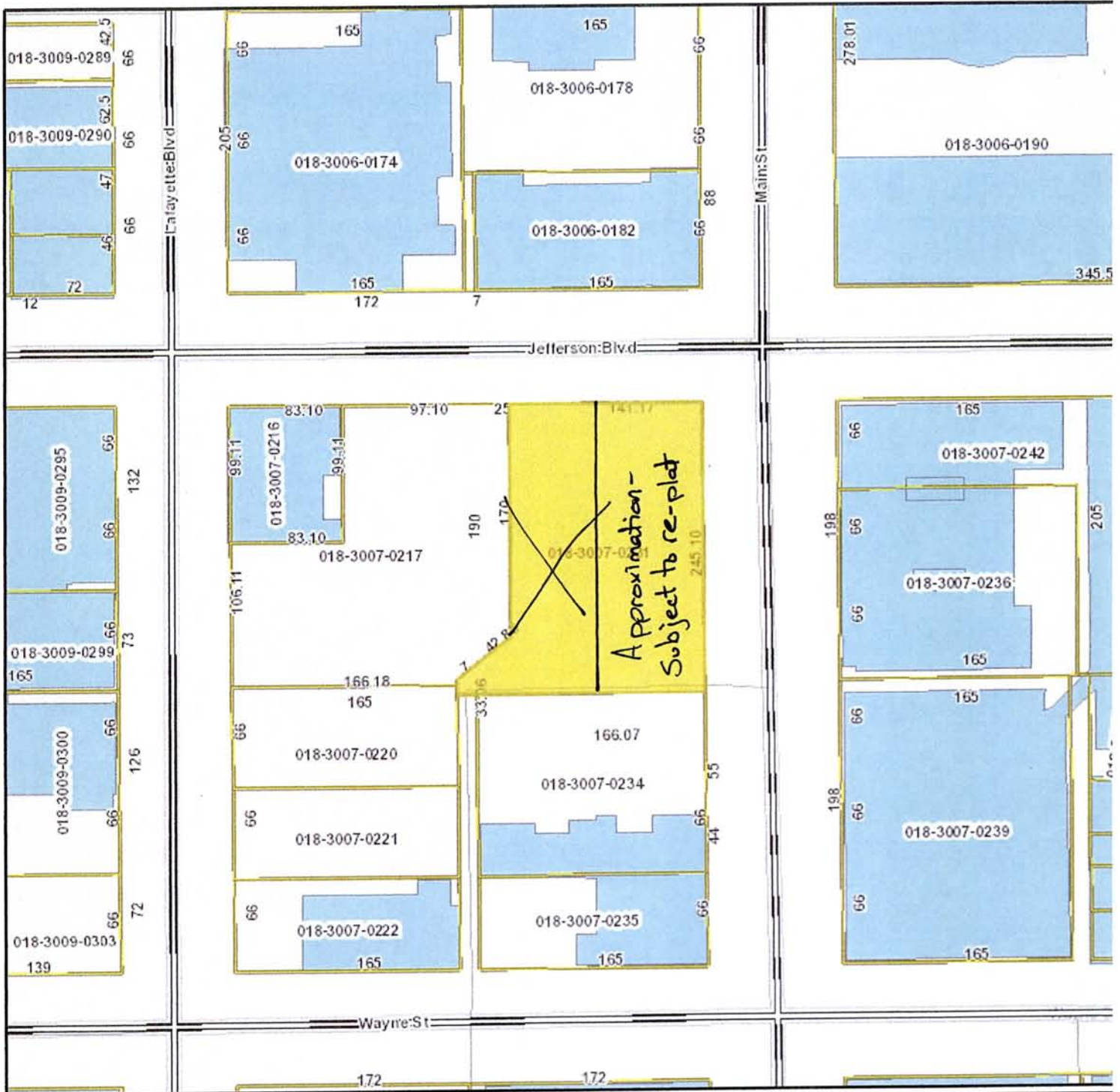
Provide hourly wage information for new employees in the following positions.		
	Full time	Part time
Laborers		
Technical		
Managerial	12 within three (3) years	
Administrative	3 within three (3) years	

Who will be the individual responsible for coordinating with WorkOne on recruiting? **Randall Hesser**

Does your company have an EEO hiring policy? **Yes** Are you an EEO employer? **Yes**

Please list the number of full time and part time minority and/or female employees for each of the last three years:							Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
Year	N/A		N/A		N/A		
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	
Black							
Hispanic							
Asian							
Indian							
Female							
Other							

For Staff Use Only Below This Line					
What is the current assessed value?	Real Property:		Personal Property:		
What is the projected assessed value?	Real Property:		Personal Property:		
What is the tax key number for this project?					
What is the six digit NAICS code?					
Please attach a Google map and street view of the location.					
Please list the amount of real and personal property taxes paid for the last five years when applicable.	Real Property Taxes:	Personal Property Taxes:			
Year One					
Year Two					
Year Three					
Year Four					
Year Five					
Please fill out the following Public Benefit Summary Information and add to total from above.					
		(Y or N)	Points	Points	
Public Benefit Item:					
Project Related:					
5	A.	Redevelop a Site that has Special Needs	Y		49
	B.	Develop Based on Local University Research			35
	C.	Achieve a Physical Element of a Plan	Y	36	36
	Sub-total Project Related:			36	120
Super Size Projects (point values are cumulative):					
6	A.	100% to 199%	Y	25	25
	B.	200% to 299%	Y	68	68
	C.	300% to 399%	Y		65
	D.	400% and Over			52
	Sub-total Super Size Projects:			93	210
Pay for Municipal Infrastructure:					
7	A.	Pay for Oversizing or Upgrading			14
	B.	Pay for 26-50% of Extension Cost			26
	C.	Pay for 51-75% of Extension Cost			39
	D.	Pay for 76-100% of Extension Cost			52
	Sub-total Infrastructure Related:				131
Total from Applicant Section:				539	
Total from Staff Section:				461	
Total Public Benefit Points:				129	



Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge

Michiana Regional GIS Website

txtSubTitle

Map Generated By: Public
Date Printed: 11/21/2017

1 inch = 74.94 feet

William Eno-Land of Environments Geographic Information Systems
Bluff and St. Joseph Counties, IN

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

Information shown on this map is not warranted for accuracy or merchantability.
Reproduction or distribution of this material is not authorized without the express written permission of MACOG.

Filed in Clerk's Office

NOV 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- 1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing...
2. The statement of benefits form must be submitted to the designating body...
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10...
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property...
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule...

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer: River Park Leasing Corporation
Address of taxpayer: c/o Randall Hesser; 121 West Franklin, Suite 400; Elkhart, Indiana 46516
Name of contact person: Randall Hesser
Telephone number: (574) 294-7491
E-mail address:

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Common Council of City of South Bend
Location of property: SW Corner of Main St. and Jefferson Blvd., South B
County: St. Joseph
DLGF taxing district number: 71-011
Description of real property improvements: Proposed investment of at least \$9,000,000 in the development and construction of a new office building...
Estimated start date: March 2018
Estimated completion date: July 2019

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Table with 6 columns: Current number, Salaries, Number retained, Salaries, Number additional, Salaries. Values: 15, 750000.

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

Table with 3 columns: REAL ESTATE IMPROVEMENTS, COST, ASSESSED VALUE. Rows: Current values, Plus estimated values of proposed project, Less values of any property being replaced, Net estimated values upon completion of project.

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds)
Estimated hazardous waste converted (pounds)

Other benefits: Taxpayer estimates that the project will result in the creation of at least 15 new full time jobs having an annual payroll of \$750,000 within three years of building completion.

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.
Signature of authorized representative: EDWARD LEWIS HANSEN
Printed name of authorized representative: EDWARD LEWIS HANSEN
Title: CEO
Date signed: Nov. 20, 2017

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

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

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

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

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

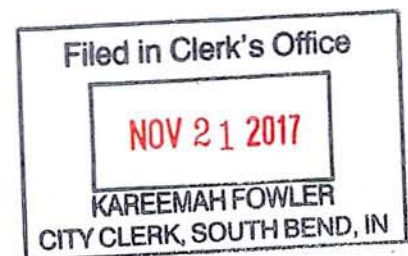
- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

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

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.





CITY OF SOUTH BEND

COMMUNITY INVESTMENT

November 29, 2017

Tim Scott, President
South Bend Common Council
4th Floor, County-City Building

**RE: A Resolution of the Common Council of the City of South Bend, Indiana,
Adopting a Written Fiscal Plan and Establishing a Policy for the Provision of
Services to an Annexation Area in German Township (Baney Annexation Area)**

Dear President Scott:

I am attaching for filing the above resolution, which is a companion to Bill No. 67-17. That bill proposes to voluntarily annex contiguous territory in German Township to the City of South Bend. This resolution provides for the Common Council's approval and adoption of the written plan and policy concerning the provision of services, both capital and non-capital, to the territory to be annexed.

This 9.65-acre annexation area contains one parcel on the north side of Douglas Road (Nimtz Parkway) west of the St. Joseph Valley Parkway. All public improvements, if any, will be required to be done at the expense of the developer.

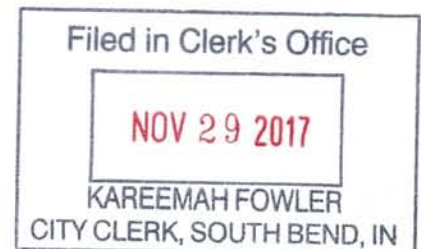
I request that the attached resolution be placed on the December 11, 2017, agenda of the Common Council meeting at which the companion Bill is given Second Reading. I will be attending the meeting, as well as the Zoning & Annexation Committee hearing, as the presenter.

If you have any questions, please feel free to contact me at 235-5843. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Divita".

Michael P. Divita, AICP
Planner



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND
ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN
ANNEXATION AREA IN GERMAN TOWNSHIP
(BANEY ANNEXATION AREA)**

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in German Township, St. Joseph County, Indiana, which is more particularly described at Section I of this Resolution; and

WHEREAS, the territory proposed to be annexed encompasses approximately 9.65 acres of land containing a single-family house which property is at least 12.5% contiguous to the current City limits, i.e., 100% contiguous, generally located on the north side of Cleveland Road (Nimtze Parkway) west of the St. Joseph Valley Parkway (24605 Cleveland Road). It is anticipated that the annexation area will be used for light industrial uses; and

WHEREAS, this development will require a basic level of municipal public services of a non-capital improvement nature, including police and fire protection, street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, sidewalks, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the South Bend Common Council now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed; (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

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

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the following described real property located in German Township, St. Joseph County, Indiana be annexed to the City of South Bend:

The West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section Nineteen (19), Township Thirty-Eight (38) North, Range Two (2) East, containing ten (10) acres, more or less, excepting therefrom the south 40.00 feet measured at right angles, of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 19, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 19; thence North $89^{\circ}51'49''$ West along said South Line of the Southwest Quarter (SW $\frac{1}{4}$) a distance of 331.51 feet; thence North $00^{\circ}24'05''$ West, 40.00 feet to the North Right of Way Line of Cleveland Road, and to the point of beginning of this description; thence North $89^{\circ}51'49''$ West, being 40 feet North of and parallel with the South Line of the Southwest Quarter of said Section 19, a distance of 328.86 feet, to the East Line of the recorded plat of "Wells Electronics Minor" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 9540132; thence North $00^{\circ}25'16''$ West, along said East Line and also along the East Line of Lot 1 in the recorded plat of "Fawn Development Minor Subdivision" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 9749756, a distance of 1276.63 feet to the South Line of Lot 2 in the recorded plat of "Olive Road Commerce Park Ameriplex Minor Subdivision" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 0157246; thence North $89^{\circ}51'00''$ East, along said South Line and also along the South Line of Lot AAA in the recorded plat of "Olive Road Commerce Park-Second Replat", as known and recorded in the Office of St. Joseph County in Instrument Number 0035547, a distance of 329.28 feet, to the West Line of a parcel of land owned by "31 Nimitz Land, LLC" and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 1704026, and as shown on Instrument Number 1611106 - A Recorded Survey; thence South $00^{\circ}24'05''$ East, along said West Line, a distance of 1278.27 feet to the aforementioned point of beginning.

Above description containing 9.65 acres of land more or less, and is subject to all easements, restrictions, and public rights of way of record.

Section II. It shall be and hereby is now declared and established that it is the policy of the City of South Bend, to furnish to said territory services of a non-capital nature, such as police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, sidewalks, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. The South Bend Common Council, shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area with the developer to pay the costs for lateral extensions and any improvements in sewer or water capacity as well as a City-approved drainage system, all in compliance with state and local law; that no additional street lighting will be necessary; that no new roads or streets will be required.

Section IV. Site planning should employ Complete Streets principles; and sidewalks should be provided along public streets and be in compliance with the Americans with Disabilities Act (ADA).

Section V. It is required as a condition of annexation that any future alterations to the property meet the City of South Bend's building and zoning requirements.

Section VI. This Resolution shall be effective from and of the date of adoption by the Common Council.

Member, South Bend Common Council

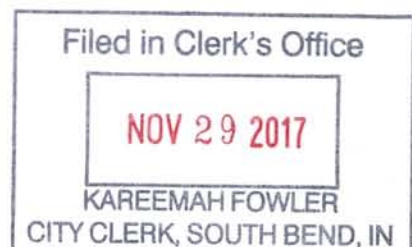


Exhibit "A"

THE CITY OF SOUTH BEND

FISCAL PLAN

BANEY ANNEXATION AREA

Prepared by
City of South Bend
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400S
South Bend, IN 46601

October 30, 2017

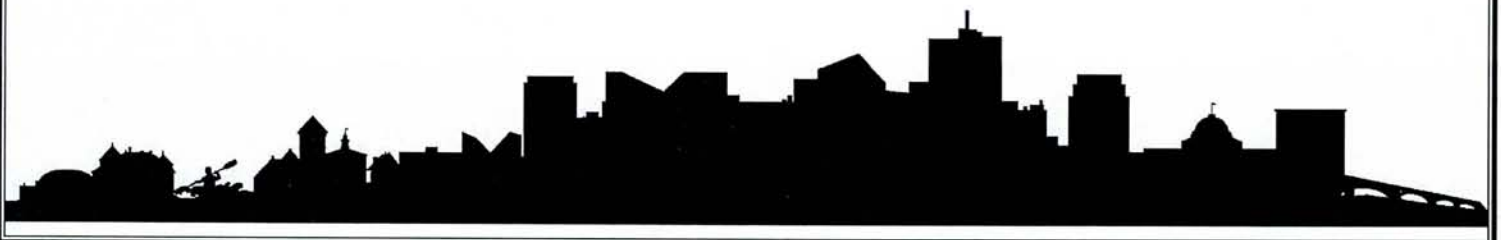


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SECTION I. INTRODUCTION

This Fiscal Plan represents the City of South Bend’s (hereinafter, “City”) policy for the annexation of property in German Township, St. Joseph County, Indiana (hereinafter, “Annexation Area”), and was developed through the cooperative efforts of the Area Plan Commission and the following City Departments:

- Legal Department
- Department of Public Works
- South Bend Fire Department
- South Bend Police Department
- Department of Code Enforcement
- Department of Community Investment
- Department of Administration & Finance

SECTION II. GENERAL DATA

A. Location

The Annexation Area is located on Cleveland Road (Nimtzy Parkway) west of the St. Joseph Valley Parkway (24605 Cleveland Road). See *Map 1*.

B. Legal Description

The Annexation Area is part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 38 North, Range 2 East, in German Township, St. Joseph County, Indiana. For a complete legal description, see Page 15.

C. Contiguity

The Annexation Area is at least 1/8 (12.5%) contiguous to the current City limits:

<i>Contiguous</i>	3,213.0 feet	100.0%
<i>Non-Contiguous</i>	0.0 feet	<u>0.0%</u>
<i>Total</i>	3,213.0 feet	100.0%

D. Size of Annexation Area

The Annexation Area is approximately 9.65 acres in area.

E. Buildings & Land Use

The Annexation Area contains one single-family house on a wooded lot. Light industrial uses, such as manufacturing, assembly, distribution, and warehousing, are proposed for the land.

F. Zoning & Subdivisions

The one property in the Annexation Area is currently zoned "A" Agricultural District in St. Joseph County. With the annexation petition, the petitioner seeks to rezone the land to "LI" Light Industrial District in the City. The Annexation Area does not fall within any subdivision of record.

G. Population

No people currently reside in the Annexation Area. After development, no residents are proposed to live in the Annexation Area.

H. Tax Rate & Impact

The tax rates used are those of 2016 payable 2017. The total tax rate for unincorporated German Township is 2.6362 per \$100 of taxable real estate. The total tax rate for South Bend German Township is 5.9486 per \$100 of taxable real estate.

Per State law, the tax caps expressed as a percentage of the gross assessed value for different classifications of property are as follows, regardless of the property's location being within South Bend or unincorporated St. Joseph County:

<i>Property Type</i>	<i>Cap</i>
Homestead Residential	1.0%
Non-Homestead Residential	2.0%
Agricultural	2.0%
Other (Commercial)	3.0%

For at least the four years after the effective date of the annexation, the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments are estimated to be approximately the same as those in effect at the time of annexation for each of the political subdivisions to which the proposed annexation applies.

Because of the relatively small size of the Annexation Area and its assessed value relative to the total size and tax base of the various political subdivisions, this annexation is expected, for at least four years after the effective date of this annexation, to have a negligible impact on the finances and tax revenues of South Bend and other political subdivisions to which the

proposed annexation applies, on the political subdivisions in St. Joseph County not part of this annexation, and on taxpayers not part of this annexation.

I. Parcel Ownership & Assessments

<i>Parcel Identification Number</i>	<i>Address</i>	<i>Parcel Owner</i>	<i>Assessed Value (Total)</i>
04-1011-018901	24605 Cleveland Road	[The Estate of] Norma J. Baney	\$101,400

Total Assessments

Land:	\$ 20,100
Improvements:	\$ 81,300
Total (Gross):	\$101,400
Total (Net):	\$ 25,300

Assessments are based on 2017 payable 2018 St. Joseph County property tax records.

J. Municipal Legislative District

The Annexation Area will be in the 1st District.

K. Hiring Plan

This annexation is not anticipated to result in the elimination of jobs for employees of any other governmental entities. The German Township Trustee has been notified of this proposed annexation.

SECTION III. MUNICIPAL SERVICES

A. Public Works

Sewer – A 36”-diameter sanitary sewer main runs along the eastbound lanes of Cleveland Road (Nimtz Parkway) adjacent to the southern end of the Annexation Area. At the north end of the Annexation Area, a 15” main is located near the centerline of Eagle Way. That main and any stub for future connection were constructed as part of the 2004 Olive Road Commerce Park Project. Extension to the Annexation Area would require an Indiana Department of Environmental Management permit. Any future sewer main extension should also anticipate connection for the parcel to the east of the Annexation Area.

Development of the site requires City approval of a drainage plan that meets the City’s requirement to store on site all runoff from developed areas. Connection to the City storm sewer is not permitted.

Water - The South Bend Water Works currently has a 12” water main that runs on the south side of Cleveland Road (Nimtz Parkway). This water main would provide sufficient capacity for the Annexation Area. Also, a 10” water main is located near the centerline of Eagle Way.

Extensions of, or taps into sanitary sewer and water lines shall be governed by state law and the rules and regulations of the South Bend Water Works and Sewer Utility. The Annexation Area will be subject to system development charges for both water and sewer services.

Street Lighting – Street lighting is provided along Cleveland Road (Nimtz Parkway) at the southern edge of the Annexation Area. Should any additional lighting be necessary, street lighting on wood poles with overhead wiring can be provided through an ongoing contract with Indiana Michigan Power. If the developer wishes to construct and dedicate additional street lighting, especially of a decorative nature or with underground wiring, the City may accept it for maintenance and operation, supported by property tax revenue.

Waivers of Annexation – No waivers of right to remonstrate against annexation are in effect for this area.

Streets – No new public streets are proposed with this annexation. The portion of Cleveland Road (Nimtz Parkway) adjacent to the Annexation Area is already within the city limits. If any changes are made to property access, including the driveway on Cleveland Road (Nimtz Parkway), a City Curb Cut Application will be required.

The petitioner may be responsible for installing sidewalks along the north side of Cleveland Road (Nimtz Parkway) adjacent to the annexation parcel as it develops.

2016 Actual Budget Report for the Department:

Expenditures:	\$13,682,549
Miles of Roadway in City:	@502
Cost per Mile:	@\$27,256
New Mileage within Area:	@0.00 miles (0 feet)
Estimated Maintenance Cost for Annexation Area per year:	@\$0

B. Police Department

The Annexation Area would be added to the existing Beat 22. Police patrols, traffic enforcement, and emergency responses will be part of the services the City will offer to this area. This proposed annexation would require officers to cover a relatively small additional area on this beat.

At this time, it is not expected that this annexation would cause calls for service to increase significantly, and it is not anticipated that it will be necessary to increase police patrols beyond the existing beat patrol. The addition of this Annexation Area will not significantly increase response time within the beat.

The cost for servicing the proposed area is not expected to impact the existing budget of the Police Department with any significance. The patrol costs would be assumed by the Police Department budget. However, this area, as well as all other areas of the City, will continually be monitored for level of service demands and other criteria that would necessitate additional resources through budgetary increases or possible shifting of existing resources, such as a beat restructure.

Police services and response time in this area can be expected to be comparable with that as in all other areas of the City. Police coverage to this area could begin immediately upon annexation.

Note: The cost of service for this Annexation Area is based on the number of parcels. Household information is provided for comparative purposes.

2016 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$38,121,438
Number of Households in City (2010):	@39,760
Cost per Household:	@\$959
Number of Parcels in City (2017):	@48,000
Cost per Parcel:	@\$794
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	1
Cost for Annexation Area per year:	\$794 (1 parcel x \$794 / parcel)

C. Fire Department & EMS

Fire Response – The South Bend Fire Department provides a fully staffed, full-time fire department. The Annexation Area will be serviced primarily by Fire Station #11, located at 3505 N. Bendix Drive, approximately 3.2 miles away. Additional Fire Department units would respond from Fire Station #7 at 1616 Portage Avenue, which is approximately 5.4 miles away.

The South Bend Fire Department does not foresee any unusual fire protection problems related to this annexation. Response times will be comparable to other areas of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Fire coverage to this area could begin immediately upon annexation. Adequate water supply will be necessary as development takes place.

Emergency Medical Response – The City will provide emergency medical response to the Annexation Area. This area will be serviced by Medic #11, which is at Fire Station #11, located at 3505 N. Bendix Drive (approximately 3.2 miles away), and Medic #4, which is at Fire Station #4, located at 220 N. Olive Street (approximately 5.7 miles away).

Response times will be comparable to other areas of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Emergency medical services are supported by user fees and would be available upon annexation.

Note: The cost of service for this Annexation Area is based on the number of parcels. Household information is provided for comparative purposes.

2016 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$34,455,772
Number of Households in City (2010):	@39,760
Cost per Household:	@\$867
Number of Parcels in City (2017):	@48,000
Cost per Parcel:	@\$718
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	1
Cost for Annexation Area per year:	\$718 (1 parcel x \$718 / parcel)

D. Code Enforcement

The Annexation Area will be added to Area 8. The Department of Code Enforcement will be able to provide services to the Annexation Area with comparable response times. The Department will respond to calls for service upon the effective date of the annexation. Full and dedicated response will be in place within one year of the effective date of the annexation.

2016 Actual Budget Report for the Department:

Expenditures:	\$3,722,813
Number of Parcels in City (2017):	@48,000
Cost per Parcel:	@\$78
Proposed Number of Parcels in Area:	1
Cost for Annexation Area per year:	\$78 (1 parcel x \$78 / parcel)

E. Environmental Services

Wastewater Treatment - Wastewater treatment services are supported by user fees and are paid through the Water Works billing system.

Solid Waste - Larger scale commercial or industrial customers are generally not served by the Bureau of Solid Waste. However, the Bureau of Solid Waste can provide service to small commercial customers at \$16.22 per month, or the prevailing rate at that time, for a 96-gallon container with service beginning on the effective date of the annexation.

F. Administrative Services

The City of South Bend provides a wide range of services other than those noted above, such as the Mayor's Office, the Legal Department, and Venues Parks & Arts.

These services are available upon the effective date of the annexation. Full and dedicated response for non-capital services will be in place within one year of the effective date of the annexation. Costs for these services have not been calculated.

The incorporation of the Annexation Area will not affect the provision of other services currently provided to this property on a countywide basis. The St. Joseph County Health Department, the St. Joseph County Public Library, the Area Plan Commission, and the St. Joseph County/South Bend Building Department are among the countywide agencies that will continue to provide the same type and level of services to the Annexation Area.

Countywide services will continue to be supported by the County and Township taxes that will remain in effect.

SECTION IV. LAND USE ANALYSIS & DEVELOPMENT CRITERIA

This proposed annexation will add one single-family house on a wooded lot to the City of South Bend. The petitioner proposes to develop the parcel for light industrial uses. The Annexation Area is presently zoned "A" Agricultural District in unincorporated St. Joseph County. A light industrial use zoned "LI" Light Industrial District in the City is located to the north. To the east and to the south are wooded parcels zoned "LI" Light Industrial District in the City. To the west are light industrial uses zoned "LI" Light Industrial District in the City.

The Annexation Area is located on Cleveland Road/Nimtz Parkway west of the St. Joseph Valley Parkway, an area designated for light industrial uses on the future land use map of *City Plan*, South Bend's comprehensive plan. Generally, a combination of light industrial uses and undeveloped wooded and agricultural land is found in the surrounding area. The site has excellent access to the St. Joseph Valley Parkway and the Indiana Toll Road.

The petitioner proposes to redevelop the site for light industrial uses, possibly including uses such as manufacturing, assembly, distribution, and warehousing. The preliminary site plan does not provide a proposed layout but notes that the project shall meet the City's development standards.

As part of its site planning, the petitioner should consider physical connections to adjoining parcels as appropriate. To the extent possible, mature trees and other natural features of the Annexation Area should be preserved, especially along the project's perimeter. The site design should orient buildings to public streets. The site should be laid out to minimize conflicts among vehicles and pedestrians, both on site and at access points from public streets.

Any improvements or future changes must meet the City's applicable building, zoning, and subdivision ordinances.

SECTION V. FISCAL IMPACT

- 1) Essential city services can be made available to the residents (and territory) of the Annexation Area in a timely and comparable fashion per the requirements of State law and this fiscal plan.
- 2) The City is financially able to support city services to the territory sought to be annexed.
- 3) Required improvements made by the petitioner and/or owner of the parcel(s) must be made in accordance with the standards of the City of South Bend.
- 4) Required improvements made by the City, if any, will be completed within the time frames provided by State law and this fiscal plan.
- 5) All figures are estimates. Final cost of capital expenditures, if any, will not be determined until bids are publicly solicited, contracts are awarded, and projects are closed out.
- 6) Property tax revenue and land assessment estimates are based on a combination of 2016 payable 2017 tax information, assessments of comparable developments, estimates of units built, estimates of unit values and land assessments, and tax abatements or adjustments, if any. Tax rates are subject to change every year, and property tax revenues may be subject to tax caps.
- 7) Department expenditures and revenues are derived from the City of South Bend Budget.
- 8) The estimated costs to provide services, noted in Section III, Municipal Services, is a City-wide average based on a particular budget year. In the case of the proposed development in the Annexation Area, some of these services may not be required or possibly requested for many years. Hence, the cost of providing services over the first five years should be evaluated with this in mind.

TABLE 1

Summary Table – Estimated Fiscal Impact

Expenditures	Capital (Est.)	Non-Capital Per Year (Est.)	Notes	5-Year Total
Street Construction	\$0			\$0
Sewer Extension	\$0		Connection at petitioner's expense	\$0
Water Extension	\$0		Connection at petitioner's expense	\$0
Street Lights	\$0			\$0
Street Maintenance	\$0	\$0		\$0
Police	\$0	\$794		\$3,970
Fire	\$0	\$718		\$3,590
Code	\$0	\$78		\$390
Approximate 5-Year Expenditures				\$7,950

Revenues	Notes	Total (Est.)	5-Year Total
Property Taxes (to City)	Year 1	\$685	\$89,955
	Year 2	\$535	
	Year 3	\$535	
	Year 4	\$44,100	
	Year 5	\$44,100	
MVH/LRSA	Estimated at revenue per mile of \$22,520	\$0	\$0
Approximate 5-Year Revenues			\$89,955

Revenue estimate based on \$25,500 net assessment and capped tax rate of 1% of \$101,600 gross assessment in Year 1; \$20,300 net assessment and capped tax rate of 3% of \$20,300 gross assessment in Years 2 and 3; and \$2,100,000 net assessment and capped tax rate of 3% of \$2,100,000 gross assessment, first taxable in Year 4.

SECTION VI. APPROVAL

Approved by the City of South Bend Common Council this _____ day of _____,
2017.

Filed in Clerk's Office
NOV 29 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

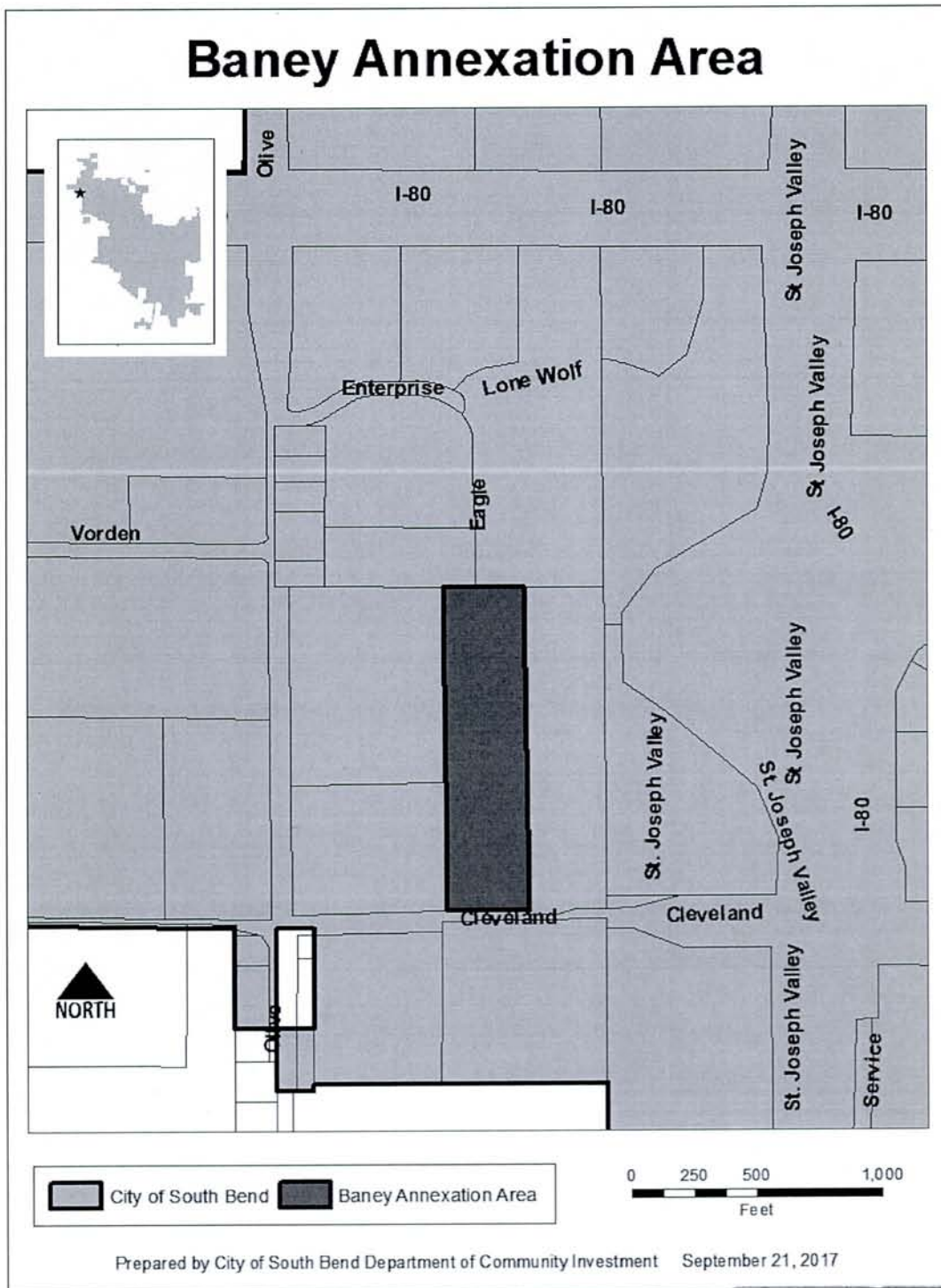
LEGAL DESCRIPTION

The West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section Nineteen (19), Township Thirty-Eight (38) North, Range Two (2) East, containing ten (10) acres, more or less, excepting therefrom the south 40.00 feet measured at right angles, of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 19, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 19; thence North $89^{\circ}51'49''$ West along said South Line of the Southwest Quarter (SW $\frac{1}{4}$) a distance of 331.51 feet; thence North $00^{\circ}24'05''$ West, 40.00 feet to the North Right of Way Line of Cleveland Road, and to the point of beginning of this description; thence North $89^{\circ}51'49''$ West, being 40 feet North of and parallel with the South Line of the Southwest Quarter of said Section 19, a distance of 328.86 feet, to the East Line of the recorded plat of "Wells Electronics Minor" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 9540132; thence North $00^{\circ}25'16''$ West, along said East Line and also along the East Line of Lot 1 in the recorded plat of "Fawn Development Minor Subdivision" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 9749756, a distance of 1276.63 feet to the South Line of Lot 2 in the recorded plat of "Olive Road Commerce Park Ameriplex Minor Subdivision" as known and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 0157246; thence North $89^{\circ}51'00''$ East, along said South Line and also along the South Line of Lot AAA in the recorded plat of "Olive Road Commerce Park-Second Replat", as known and recorded in the Office of St. Joseph County in Instrument Number 0035547, a distance of 329.28 feet, to the West Line of a parcel of land owned by "31 Nimtz Land, LLC" and recorded in the Office of the Recorder of St. Joseph County in Instrument Number 1704026, and as shown on Instrument Number 1611106 - A Recorded Survey; thence South $00^{\circ}24'05''$ East, along said West Line, a distance of 1278.27 feet to the aforementioned point of beginning.

Above description containing 9.65 acres of land more or less, and is subject to all easements, restrictions, and public rights of way of record.

MAP 1



Filed in Clerk's Office

NOV 29 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

1222 S. MICHIGAN STREET
SOUTH BEND, INDIANA 46601-2821



Bill No. 17-79

PHONE 574/ 235-9255
FAX 574/ 235-9305

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
SOUTH BEND FIRE DEPARTMENT

STEPHEN F. COX
FIRE CHIEF



December 5, 2017

Mr. Tim Scott
President, South Bend Common Council
227 W. Jefferson Blvd., Suite 400 S
South Bend, Indiana 46601

RE: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA, AND ST. JOSEPH COUNTY, INDIANA, FOR THE PROVISION OF AMBULANCE SERVICES IN ST. JOSEPH COUNTY

Dear President Scott:

Attached for filing, please find the above-referenced resolution to be considered by the Common Council at its December 10, 2018 meeting. This resolution approves a two-year interlocal agreement with St. Joseph County for the City of South Bend to provide ambulance service for those portions of St. Joseph County which do not otherwise have ambulance service available. Following the expiration of the initial two-year term, the agreement is set to automatically renew for successive one-year periods unless terminated by either party.

The area to be served is referenced in the agreement and depicted in one of the accompanying exhibits, but is generally described as all unincorporated portions of St. Joseph County, except for the cities of South Bend and Mishawaka, property which is owned or operated by the University of Notre Dame, and any other municipal corporation or location within St. Joseph County in which ambulance service is already provided.

I will be presenting this agreement to the Common Council, along with Assistant Chiefs Todd Skwarczan and Andy Myer. Your favorable consideration is requested. Please do not hesitate to contact me if you need additional information.

Sincerely,

Stephen F. Cox, Fire Chief
South Bend Fire Department

JAMES LUCCKI ASST. CHIEF OPERATIONS	TODD L. SKWARCAN ASST. CHIEF SERVICES	ANDREW J. MYER ASST. CHIEF EMS	JOHN CORTHIER ASST. CHIEF TRAINING	FEDERICO RODRIGUEZ, JR FIRE MARSHAL
--	--	-----------------------------------	---------------------------------------	--



RESOLUTION NO. _____

**A RESOLUTION OF
 THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA
 APPROVING AN INTERLOCAL AGREEMENT BETWEEN
 THE CITY OF SOUTH BEND, INDIANA, AND ST. JOSEPH COUNTY, INDIANA
 FOR THE PROVISION OF AMBULANCE SERVICES IN ST. JOSEPH COUNTY**

WHEREAS, the City of South Bend, Indiana, has a long and successful history of providing emergency medical services to its residents; and

WHEREAS, St. Joseph County, Indiana, wishes to provide the very best emergency medical services to its residents and believes that such services can be provided by the City of South Bend; and

WHEREAS, Indiana Code 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

WHEREAS, commencing in December 1997, the City of South Bend has provided emergency medical services within certain areas of St. Joseph County under successive interlocal agreements, and the parties wish to continue this relationship; and

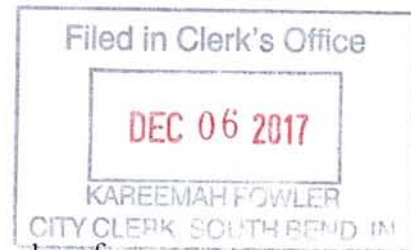
WHEREAS, the Executives of the City of South Bend and St. Joseph County have reached an agreement as to the respective rights and responsibilities to be assumed in the continuation of this relationship, the terms of which are set forth in the Interlocal Agreement attached to this Resolution.

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

Section I. The Common Council of the City of South Bend, Indiana, has considered and hereby ratifies, confirms, and approves the Interlocal Agreement attached to this Resolution, governing the provision of ambulance services in St. Joseph County, Indiana, by the City of South Bend, Indiana.

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

Member, Common Council



INTERLOCAL AGREEMENT

This Interlocal Agreement (this “Agreement”) is made as of the ___ day of _____, 2017, by and between the Board of Commissioners of St. Joseph County, Indiana (the “County”) and the City of South Bend, Indiana (the “City”) (each a “Party,” and together the “Parties”).

WHEREAS, for many years, the Parties have executed interlocal agreements authorizing the City to provide ambulance services to certain unincorporated areas located within St. Joseph County, the most recent iteration of which is scheduled to expire on December 31, 2017; and

WHEREAS, the Parties desire to continue the City’s provision of ambulance services in the County and agree that the operations provided for in this Agreement have been and will continue to be in the best interests of their respective communities; and

WHEREAS, the Parties are governmental entities and political subdivisions organized and existing pursuant to the laws of the State of Indiana; and

WHEREAS, Ind. Code 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

WHEREAS, the Parties agree that it is desirable, advantageous, and in the public interest to enter into an Agreement for joint and cooperative action as embodied herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, and pursuant to the authority granted the parties under Ind. Code 36-1-7, the County and City agree as follows:

Article I. Statutory Authority; Purpose and Duration of Agreement

Section 1.01. Authority. The Parties make this Agreement under the authority and subject to the terms and provisions of the Interlocal Cooperation Act, Ind. Code 36-1-7 (the “Act”). The Parties agree that, upon its full approval by the City and the County (and their respective fiscal bodies), this Agreement will satisfy each requirement of Section 4(a) of the Act, exempting it from the necessity of approval by the Indiana Attorney General.

Section 1.02. Purpose. Pursuant to Section 3(a)(2) of the Act, the Parties agree that the purpose of this Agreement is to enable the provision of ambulance services by the City to those portions of St. Joseph County, Indiana, that do not otherwise have ambulance services available.

Section 1.03. Duration. Pursuant to Section 3(a)(1) of the Act, the Parties agree that this Agreement shall become effective on January 1, 2018, and will continue until December 31, 2019; provided, however, that this Agreement shall thereafter automatically renew for successive one (1) year terms unless terminated as provided herein.

Section 1.04. Termination. Pursuant to Section 3(a)(4) of the Act, the Parties agree that either Party may terminate this Agreement by the adoption of a resolution by its executive, no later than July 1 of the calendar year such Party wishes to be the final calendar year of this Agreement, resolving to terminate this Agreement as of December 31 of that calendar year. The Parties recognize that due to the types of services provided, the supplies and equipment required, and the number of qualified personnel needed to carry out the terms of this Agreement, timely communication and notice regarding renewal of this Agreement is of the essence.

Article II. Administration; Service Area

Section 2.01. Joint Board. Pursuant to Section 3(a)(5)(b) of the Act, the Parties agree that this Agreement shall be administered through a joint board consisting of six (6) members (the "Joint Board") who shall be:

- a) The three (3) County Commissioners of St. Joseph County, Indiana; and
- b) The Mayor of the City of South Bend, the South Bend Fire Chief, and the South Bend City Controller.

The Joint Board shall meet annually or as otherwise mutually agreed.

Section 2.02. Service Area. The Parties agree that the service area governed by this Agreement is described as all unincorporated portions of St. Joseph County, except for the cities of South Bend and Mishawaka, property which is owned or operated by the University of Notre Dame and is served by South Bend under a separate contract with Notre Dame, and any other municipal corporation or location within St. Joseph County in which ambulance service is already provided (the "Unincorporated County"). The Unincorporated County is generally depicted in the attached Exhibit "A," which is incorporated into this Agreement.

Article III. Financing; Staffing; Equipment

Section 3.01. Funding. For the year 2018, the County shall pay to the City an annual payment of One Million Eight Hundred Eight Thousand Nine Hundred Sixty-Six Dollars (\$1,808,966.00) payable in twelve (12) monthly payments of One Hundred Fifty Thousand Seven Hundred Forty-Seven Dollars (\$150,747.00) per month. For the year 2019, the County shall pay to the City an annual payment of One Million Eight Hundred Thirty-One Thousand Three Hundred Seventy-Five Dollars (\$1,831,375.00) payable in twelve (12) monthly payments of One Hundred Fifty-Two Thousand Six Hundred Fifteen Dollars (\$152,615.00) per month.

Section 3.02. Renewal Funding. The Parties agree that for each additional year after 2019 in which the Agreement is renewed pursuant to Section 1.03 (each "Renewal Year"), the annual payment from the County to the City shall reflect the City's labor costs based upon the collective bargaining agreement with Local 362 International Association of Firefighters that is in effect during the Renewal Year, as well as the salary ordinance passed by the South Bend Common

Council for the sworn and non-sworn members of the South Bend Fire Department. The funding for each Renewal Year shall be calculated in the same manner used to determine the payments set forth in Section 3.01, and the total payment for each Renewal Year shall be paid in twelve (12) equal, monthly installments. The City shall notify the County within a reasonable time prior to each Renewal Year of the total payment to be made for that year in accordance with this section.

Section 3.03. Accounting. The Parties agree that the City Controller of the City of South Bend has the duty to receive, disburse, and account for all monies generated under this Agreement in accordance with applicable laws.

Section 3.04. Staffing and Equipment. The Parties agree that the County shall own and supply the City with one (1) advance support vehicle with all necessary equipment, and two (2) heavy duty ambulances with all necessary equipment (the "Vehicles"), including any additional equipment required by the ALS Committee of St. Joseph County. The City shall be solely responsible for proper staffing and operation of the Vehicles. Upon termination of this Agreement, there shall be no change in the ownership of the Vehicles, and the City shall enable the return of the Vehicles to the County's possession by December 31 of the year in which this Agreement is terminated.

Section 3.05. Equipment Maintenance; Costs; Billing. The Parties agree that the City shall perform all routine preventative maintenance and repairs ("Maintenance") on the Vehicles through its Division of Central Services ("Central Services") at a fixed labor rate of Seventy Dollars (\$70.00) per hour (the "Labor Rate"). The rate charged to the County by the City for parts shall be the standard rate established by Central Services and paid by all Central Services customers. The Parties agree that the Labor Rate may be amended from time to time, by written agreement of the Parties. The City shall bill the County monthly for all Maintenance, including labor for Maintenance and parts, and fuel for the Vehicles. Supporting documentation shall be provided to the County along with any bill, and payment shall be due no later than thirty (30) days after the date of billing. In the event that a major repair or replacement of the Vehicles is needed, it shall be County's responsibility, except if such damage is solely caused by a willful act or gross negligence of a City employee.

Section 3.06. Equipment Housing. The Parties agree that at the commencement of this Agreement the Vehicles shall be housed at:

- a. 5303 York Road; or
- b. 3505 North Bendix Drive.

In the event that either station is not available for any reason, the County shall be responsible for providing alternative housing for the Vehicles.

Article IV. User Fees and Collections; Liability

Section 4.01. User Fees. Unless modified by the Joint Board, the City may charge user fees for ambulance/medical services in accordance with § 93.05 of the St. Joseph County Code, as set forth in the attached Exhibit "B," which is incorporated into this Agreement.

Section 4.02. Collections and Remittances. The Parties agree that the City shall make reasonable efforts to collect from the ambulance patients served under this Agreement all user fees charged under Section 4.01, and shall remit to the County within thirty (30) days of receipt all user fees collected, except as otherwise provided herein. The Parties further agree that the City will provide monthly reports to the County detailing user fees collected, payments made, and service runs completed pursuant to this Agreement, and the City shall remit to Liberty Township Ambulance Service, the town of Walkerton, Union North Ambulance Service, and New Carlisle Ambulance Service fifty percent (50%) of any user fees collected for an ALS assist, prior to remitting to the County the remaining fifty percent (50%) of the user fees collected for that service.

Section 4.03. Indemnification for Non-City Driver. The Parties recognize that under certain circumstances, proper medical procedure may necessitate that the two (2) persons assigned by the City to an ambulance serving the Unincorporated County provide simultaneous medical care to a patient, further requiring that the ambulance be driven by an EVOC-certified individual who is not a City employee. The County therefore agrees to indemnify, defend, and hold harmless the City from any and all claims, actions, causes of action, demands, rights, liens, damages, medical expenses, costs, loss of service, other expenses, compensation, and judgments whatsoever, in the event of a vehicle accident or other occurrence related to operation of a vehicle under such circumstances.

Section 4.04. Liability. Pursuant to Ind. Code § 36-1-7-7, each party shall be solely and completely responsible for the acts and omissions of its respective employees, volunteers, officers, agents, and all other such persons acting in performance of this Agreement. This provision shall not apply to any claims, actions, causes of action, demands, rights, liens, damages, medical expenses, costs, loss of service, other expenses, compensation, or judgments arising out of or caused by instances covered in Section 4.03, or pertaining to the development, adoption, implementation, operation, maintenance or use of the St. Joseph County Public Safety Communications Center.

Article V. General Provisions

Section 5.01. Amendment. The Parties, by mutual agreement in writing, may amend, modify and supplement this Agreement. The failure of any Party to enforce at any time any provision of this Agreement shall not be construed to be a waiver of such provision, nor in any way to affect the validity of this Agreement or any part hereof or the right of such party thereafter to enforce each and every such provision. No waiver of any breach of this Agreement shall be held to constitute a waiver of any other or subsequent breach.

Section 5.02. Assignment. No Party may assign this Agreement or any of its rights, interests, obligations, or duties hereunder, whether by operation of law or otherwise, without the express written consent of the other Party.

Section 5.03. Severability. Should any part of this Agreement be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect, and shall not render any other section herein, nor this Agreement as a whole, invalid. Those rights, interests, obligations, and duties hereunder, which by their nature should survive, shall remain in effect after termination, suspension, or expiration hereof.

Section 5.04. Non-Discrimination. Pursuant to Ind. Code § 22-9-1-10, neither the City, the County, nor any of their contractors or subcontractors shall discriminate against any employee or applicant for employment, to be employed in the performance of any work under this Agreement with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of this Agreement.

Section 5.05. Counterparts. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same Agreement.

Section 5.06. Governing Law and Jurisdiction. This Agreement shall be governed by the laws of the State of Indiana, and any dispute relating to the subject of or arising out of this Agreement shall be subject to the sole and exclusive jurisdiction of the Circuit and Superior Courts of St. Joseph County, Indiana.

Section 5.07. Further Assurances. The Parties agree that they will each undertake in good faith, as permitted by law, any action and execute and deliver any document reasonably required to carry out the intents and purposes of this Agreement.

Section 5.08. Exhibits. All exhibits described herein and attached hereto are incorporated into the Agreement by reference.

Section 5.09. Entire Agreement. This Agreement, as it may be amended from time to time, encompasses the entire agreement of the Parties concerning its subject matter, and no understanding, discussion, negotiation, or agreement will be binding on the Parties unless it is set forth herein.

[Signature page follows.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

ST. JOSEPH COUNTY, INDIANA

CITY OF SOUTH BEND, INDIANA

Andrew T. Kostielney, President of the
Board of Commissioners

Pete Buttigieg, Mayor

Deborah Fleming, D.M.D., Vice President of
the Board of Commissioners

ATTEST:

Kareemah Fowler, City Clerk

Dave Thomas, Member of the
Board of Commissioners

ATTEST:

Michael J. Hamann, St. Joseph County
Auditor

APPROVED pursuant to St. Joseph County
Council Resolution No. _____:

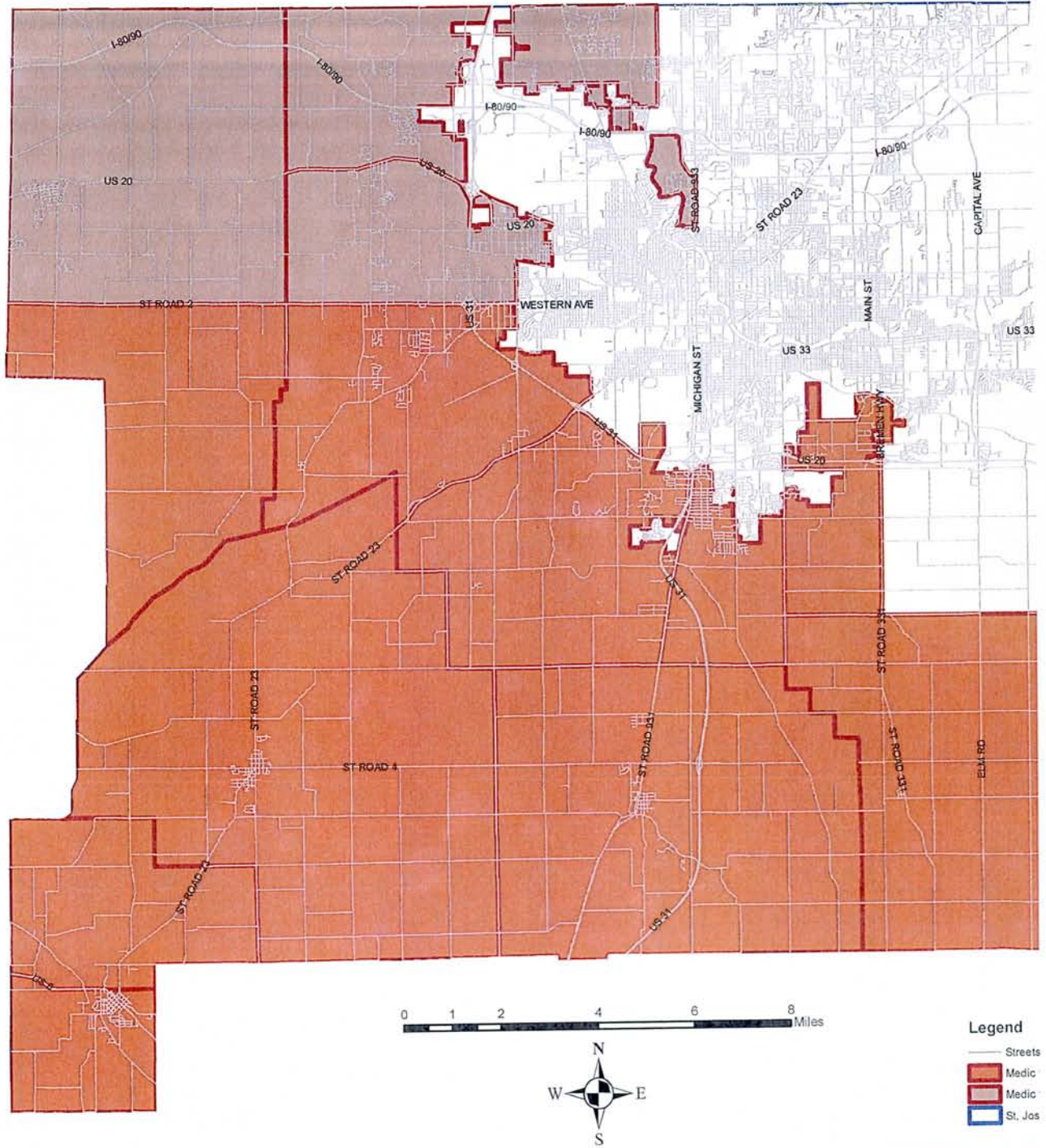
APPROVED pursuant to South Bend
Common Council Resolution No.
_____:

Rafael Morton, President of the
St. Joseph County Council

Tim Scott, President of the South Bend
Common Council

South Bend Fire Department - Medics 10 & 11 Coverage (2 Unincorporated Areas of St. Joseph County)

Document Path: I:\Projects\GIS\Fire\SBFD_AmboCov2017_Medics_10_11_anno.mxd



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

[Print](#)

Saint Joseph County, IN Code of Ordinances

§ 93.05 FEES AND COLLECTIONS.

(A) A user fee shall be charged for all ambulance/medical services provided by the county, either through direct administration, by contractual services, or by any other mode, as established by the St. Joseph County Commissioners by specification and/or contract.

(B) Notwithstanding any fees established by division (A) above, the maximum user fee to be charged any user shall not exceed the fee schedule per the City of South Bend Ordinance No. 9340-02.

(C) The fees established shall be charged per patient run occurrence; provided, however, that when more than two members of an immediate family residing at the same address are transported by the same ambulance per incident, the basic fee, mileage fee and emergency fee shall only be billed for two persons.

(D) It will be permissible for an ambulance service to offer membership applications to residents of St. Joseph County.

(1981 Code, § 10.20.050) (Ord. 32-76, passed - - 1976; Ord. 14-88, passed - -1988; 37-94, passed - -1994; Ord. 97-02, passed 9-10-2002)

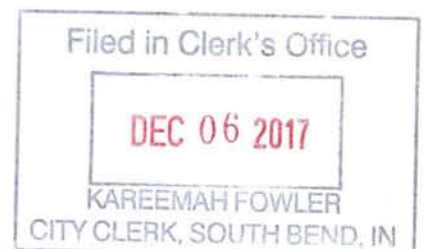


Exhibit B

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND INDIANA
TO APPOINT THE BOARD OF PUBLIC WORKS AND THE DEPARTMENT OF PUBLIC
WORKS AS ITS AGENTS FOR OVERSEEING THE GUARANTEED ENERGY SAVINGS
CONTRACT FOR VENUES PARKS AND ARTS

Whereas, the City of South Bend desires to implement a program to replace old or failing equipment with energy-efficient and reliable equipment across many facilities in the Department of Venues Parks and Arts; and

Whereas, these upgrades will decrease energy consumption and greenhouse gas emissions; reduce utility, operations, and maintenance budgets; and improve the quality of our parks and public spaces; and

Whereas, pursuant to Indiana Code §36-1-12.5-5 the Common Council is authorized to enter into an agreement to participate in a utility efficiency program or a guaranteed savings contract in order to implement energy savings measures; and

Whereas, in 2015, the City of South Bend executed a guaranteed savings contract for a similar project at the Century Center, resulting in significant energy cost savings and operational improvements, and over-performing guaranteed savings by 14.6% in its first year.

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 hereby believes that the following guidelines and policies are in the best interests of the City of South Bend Indiana in order to advance potential energy efficiencies and energy savings at Venues Parks and Arts facilities:

1. The Board of Public Works and the Department of Public Works of the City of South Bend Indiana shall be the authorized agents for the South Bend Common Council for purposes of meeting the provisions required of Indiana Code §36-1-12.5-5 and other Indiana laws leading up to the final review of and the execution by the South Bend Common council of a Guaranteed Energy Savings Contract for implementing a program to replace old or failing equipment with energy-efficient and reliable equipment across many facilities in the Department of Venues Parks and Arts. Such authorization would include without limitation the preparation of specifications and evaluation criteria, advertisement for proposals, opening of proposals, evaluating proposals, rejecting non responsive proposals, and making advisory recommendations to the Common Council.
2. The Board of Public Works and the Department of Public Works shall make an advisory recommendation to the South Bend Common Council concerning the selection of a company to contract with for a Guaranteed Energy Savings Contract, with the South Bend Common Council retaining the sole and exclusive authority to enter into such a contract.
3. The Board of Public Works and the Department of Public Works are authorized to supervise all work done on the Guaranteed Savings Contract concerning the Century Center including the power to authorize change orders and amendments.
4. The Board of Public Works and the Department of Public Works shall report to the South Bend Common Council via the Parks Recreation Cultural Arts Entertainment Committee and at a regular Common Council meeting under Special Business as requested by the Council.

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

Member of the Common Council



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

December 6, 2017

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

RE: Text Amendment RE: Transfer of Zoning Administration and Updating Rezoning Procedures
APC# 2850-17

Dear Council Members:

Enclosed in an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your December 11, 2017 Council meeting, and set it for public hearing at your January 8, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the December 19, 2017 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

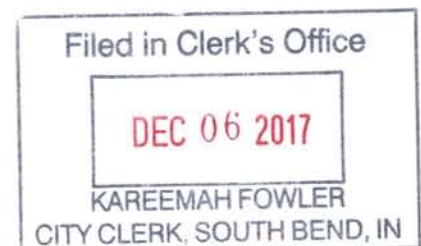
If you have any questions, please feel free to contact our office.

Sincerely,

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

Angela M. Smith
Deputy Director

CC: Bob Palm



ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST JOSEPH COUNTY, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 9 ADMINISTRATION TO UPDATE PROCEDURES FOR ZONE MAP AMENDMENT, VARIANCES, SPECIAL EXCEPTION USES, AND WRITTEN COMMITMENTS ASSOCIATED WITH AREA BOARD OF ZONING APPEALS APPLICATIONS; ARTICLE 11 DEFINITIONS TO FURTHER DEFINE THE ZONING ADMINISTRATOR AS THE EXECUTIVE DIRECTOR OF THE AREA PLAN COMMISSION; AND ARTICLE 12 FLOODPLAIN REGULATIONS TO DESIGNATE THE BUILDING COMMISSIONER AS THE FLOODPLAIN ADMINISTRATOR.

STATEMENT OF PURPOSE AND INTENT

Historically the Building Commissioner has also served as the Zoning Administrator for the City of South Bend, with the Building Department providing the appropriate staff functions associated with these responsibilities. Throughout the state, these responsibilities are usually assigned to the planning staff. The Building Department and Area Plan Commission staffs have worked closely to establish a process and timeline by which these responsibilities will transfer to the Area Plan Commission on January 1, 2018. As such, various changes to the South Bend Zoning Ordinance need to be amended to accurately reflect responsibilities and procedures.

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 9 Administration, Section 21-09.05 (e) Zoning Ordinance Amendment Procedures, subsection (2) Zone Map Amendments, is hereby amended as follows:

- (A) A proposal for zone map change(s) (a/k/a rezoning petition) shall be completed in its entirety. It shall be filed in the office of the ~~City Clerk, Room 455 County City Building, South Bend, Indiana 46601~~ Area Plan Commission, along with all the required documents as outlined in the application adopted by the Area Plan Commission ~~a proposed form of rezoning ordinance on 8 1/2" x 11" paper, and cover letter.~~ Said ordinance shall comply with all requirements as to form, including but not limited to having a "Statement of Purpose and Intent." Said proposed rezoning ordinance must set forth in the title the commonly known address of the subject property, as well as the Councilmanic District within which the subject property is located. The petitioner shall include with said filing, a written list which sets forth all of the names, addresses and tax key numbers of all property owners for properties located within three hundred feet (300') of the petitioned property. Notice shall be given by the *Area Plan Commission* to any of ~~South Bend's Neighborhood Based Organizations whose boundaries~~

~~include and/or are contiguous to the subject property. The Petitioner shall file business size (No. #10) envelopes with pre-paid postage addressed to all property owners within three hundred feet (300') of the petitioned property; and a location map (if available) which is drawn to scale of the petitioned property and which includes street names printed in 8 1/2" x 11" format. For all rezoning proposals, the Petitioner shall file seventeen (17) proposed site plans, of which six (6) will be used by Area Plan; and the remaining eleven (11) being used by the Council and Clerk's Office for informational purposes only. Requests for Single Family Districts shall be exempt from filing preliminary site plans. The Staff shall prepare an Ordinance for Zone Map Amendment and forward it, along with the petition, to the Clerk. All fees required by the Office of the City Clerk shall be paid at time of filing.~~

- (G) Upon the Office of the City Clerk receiving a written certification on a proposed zoning ordinance from the *Area Plan Commission* pursuant to *Indiana Code* Section 36-7-4-605, the Office of the City Clerk shall list by Bill Number and commonly known address under the "Unfinished Business" section of on the Common Council's next meeting agenda. The Common Council shall then refer said certification to the Council's Zoning and Annexation Committee for review and recommendation to the full Council, and set the public hearing date for the same.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Administration, Section 21-09.05 (f) Variance and Special Exception Procedures, is hereby amended as follows:

- (1) Petitions – Petitions for a *variance of development standards* or for a *special exception use* shall be filed in the office of the ~~*Building Commissioner*~~ *Zoning Administrator* of the City of South Bend, Indiana. The proposal shall be on the form(s) provided, available in the Office of the ~~*Building Commissioner*~~ *Zoning Administrator*.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Administration, Section 21-09.05 (g) Modification or Termination of Commitments, subsection (1) Form of Filing, is hereby amended as follows:

- (B) In the case of a modification or termination of *commitments* permitted or required by the *Board of Zoning Appeals*, such petitions shall be on forms provided by the ~~Building Department~~ *Zoning Administrator* of the City of South Bend.

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

Zoning Administrator: The individual ~~designated by the Common Council in this Ordinance~~ as having the responsibility for the interpretation and administration of this Ordinance. The Executive Director of the Area Plan Commission is hereby designated as the Zoning Administrator.

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 12 Floodplain Regulations, Section 21-12.04 Administration is hereby amended as follows:

- (1) Designation of Administrator. The Common Council of the City of South Bend, Indiana hereby appoints the ~~Zoning Administrator~~ Building Commissioner to administer and implement the provisions of this Article and is herein referred to as the Floodplain Administrator.

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



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

December 6, 2017

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

RE: Text Amendment RE: Zoning Enforcement
APC# 2851-17

Dear Council Members:

Enclosed in an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your December 11, 2017 Council meeting, and set it for public hearing at your January 8, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the December 19, 2017 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

A handwritten signature in black ink that reads "Angela M. Smith". The signature is written in a cursive, flowing style.

Angela M. Smith
Deputy Director

CC: Bob Palm

ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 10 ENFORCEMENT BY ADDING THE AREA PLAN COMMISSION TO THE DESIGNATED ENFORCEMENT STAFF.

STATEMENT OF PURPOSE AND INTENT

Historically the Building Commissioner has also served as the Zoning Administrator for the City of South Bend. The Building Department has provided the appropriate staff functions associated with the responsibilities, including but not limited to Zoning Enforcement. Throughout the state, these responsibilities are usually assigned to the Plan Commission staff. The Building Department and Area Plan Commission staffs have worked closely to establish a process and timeline by which these responsibilities will transfer to the Area Plan Commission on January 1, 2018. Some enforcement activities may still need to be enforced by the Building Department. As such, various changes to the South Bend Zoning Ordinance need to be amended to appropriately reflect responsibilities and procedures.

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 10 Enforcement, Section 21-10(a) Authority, is hereby amended as follows:

The Building Department of the City of South Bend, the Department of Code Enforcement of the City of South Bend, the Area Plan Commission of St. Joseph County, and the Staff of ~~both~~ each departments are hereby designated to enforce the terms and provisions of this Ordinance in accordance with Indiana law.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Enforcement, Section 21-10(f) Violations, is hereby amended as follows:

Subject to the provisions of Section 21-01.03 – Nonconforming Lots, Uses, Buildings, Structures or Signs, each of the following shall constitute a zoning violation which may be enforced by the Building Department, the Area Plan Commission, or the Department of Code Enforcement in accordance with the provisions set forth in Section 21-10 (g) below:

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Enforcement, Section 21-10(f) Violations, is hereby amended as follows:

The primary enforcement responsibility for Items (2) ~~and (8) above~~ shall be the vested with the Building Department, provided however, the Department of Code Enforcement or the Area Plan Commission may also initiate enforcement of these matters.

The primary enforcement responsibility for Items (3), (4) and (6) shall be vested with the Department of Code Enforcement, provided however, the ~~Building Department or~~ Area Plan Commission may also initiate enforcement of these matters.

The enforcement responsibility for Items (1), (5), (7), (9) and (10) shall be vested in both the Building Department, the Department of Code Enforcement and both or either department may initiate enforcement of these matters.

The Zoning Administrator and his or her designee shall be responsible for enforcing against all other zoning violations set forth above; provided, however, that the Department of Code Enforcement and Building Department shall also be authorized to initiate enforcement, at their discretion.

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Enforcement, Section 21-10(h) Fines, subsection (4), is hereby amended by adding a new subsection (B) as follows:

(B) If enforcement action was initiated by the Area Plan Commission, all fines thus received shall be deposited with the applicable fund for fines of the Area Plan Commission.

~~(B)~~ (C)

~~(C)~~ (D)

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:

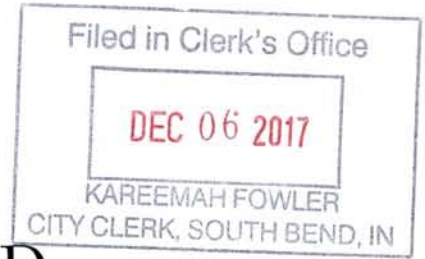
City Clerk

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

COMMUNITY INVESTMENT

December 6, 2017

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

RE: Historic Preservation

Dear President Scott:

This ordinance is the second of two necessary Council actions to provide for a smooth transition of Historic Preservation Commission (HPC) staff from the County to the City, as planned for in the 2018 budget and the adopted interlocal agreement with the County. This second ordinance will make conforming amendments to the zoning provisions related to historic preservation that match the interlocal agreement and will follow the normal process through the Area Plan Commission.

As you know, the HPC will continue to operate in service of the residents and property owners of the City and the County through this staffing transition. The mission of the HPC remains to identify architecturally or historically significant buildings, structures, sites, and objects; to promote the protection and preservation of the same in a manner that enhances both human and economic welfare; and to accommodate development and redevelopment in both the City and County.

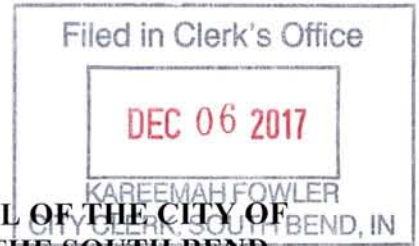
Thank you for your consideration. I, along with representatives from the planning team, will attend the Committee and Council meetings to address any questions that you may have.

Sincerely,

James Mueller
Executive Director
Department of Community Investment

OK
AD

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 13 HISTORIC PRESERVATION COMMISSION IN CONNECTION WITH THE TRANSITION OF HISTORIC PRESERVATION STAFF TO THE CITY OF SOUTH BEND UNDER AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND AND ST. JOSEPH COUNTY.

STATEMENT OF PURPOSE AND INTENT

Pursuant to the Interlocal Agreement dated December 12, 2017, by and between the City of South Bend (the “City”) and St. Joseph County (the “County”), as approved by the executive and legislative bodies of the City and the County in accordance with law, the City and the County have agreed to transfer management responsibility for historic preservation matters related to the Historic Preservation Commission of South Bend and St. Joseph County (the “Commission”), including the transfer of the employment of certain staff members from the County to the City. Such transfer will be effective on January 1, 2018. Consistent with the City’s acceptance of such responsibilities and staff members, various changes to Chapter 21, Article 13, of the South Bend Zoning Ordinance are necessary and appropriate. It is desirable, advantageous, and in the public interest of the City and its residents to amend the Zoning Ordinance as set forth herein.

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 13 Historic Preservation Commission, Section 21-13.01(a) is hereby amended to read as follows:

~~There is hereby established and perpetuated an~~ *The Historic Preservation Commission* originally established in 1973 is perpetuated with the membership and powers and duties as set forth in ~~this article~~ the Interlocal Agreement between St. Joseph County and the City of South Bend, dated December 12, 2017, as the same may be amended from time to time in accordance with the law, a copy of which is available for public inspection in the office of the South Bend City Clerk, and on the City’s website.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 13 Historic Preservation Commission, Section 21-13.01(b) is hereby amended to read as follows:

~~Reserved~~(b) Membership:

(1) ~~Not later than thirty (30) days after the effective date of Ordinance No. 5565-73, a~~ A nonpartisan *Historic Preservation Commission* of nine (9) members shall continue to be appointed, all of whom shall be interested and knowledgeable in *historic preservation* in the local area. The membership shall be appointed as follows:

~~(A)~~(1)

(A) The Mayor and the Common Council of the City of South Bend and the St. Joseph County Council and Board of Commissioners of St. Joseph County shall each appoint two (2) at-large-members, designating not more than one (1) member from any major political party and giving consideration to persons residing in areas having historic significance; and

(B) The eight (8) members appointed above shall in turn appoint the ninth member, who shall be an architectural historian.

(2) ~~The~~ Each members of the *Historic Preservation Commission* shall serve without compensation for a terms of three (3) years; which terms shall continue to be staggered in accordance with the original provisions for appointment in effect in 1973 which was then as follows: ~~provided, however, that the initial appointments shall be made for staggered terms, as follows:~~

(A) The Mayor and the Common Council of the City of South Bend and the Council and the Board of Commissioners of St. Joseph County shall each make one appointment for a term of one (1) year and one appointment for a term of two (2) years; and

(B) The ninth member shall be appointed for a term of three (3) years.

(3) If a vacancy occurs by resignation or otherwise, the unexpired term shall be filled within thirty (30) days of such vacancy by the appropriate appointing body.

(4) Whenever a Commissioner fails to attend four (4) consecutive, regularly scheduled meetings, the *Historic Preservation Commission* may determine the position to be vacant and certify to the appropriate appointing body that the position is vacant. Within a reasonable time after receiving such certification, ~~and the appropriate appointing body shall, within thirty (30) days after receipt of notice from the Commission,~~ appoint another and different Commissioner for the remainder of the unexpired term.

(5) Each member of the Historic Preservation Commission will serve at the pleasure of his or her appointing body, and may be removed at any time for any reason or no reason.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 13 Historic Preservation Commission, Section 21-13.02 is hereby renamed "Section 21-13.02 – Procedures and responsibilities" and amended as follows:

The *Historic Preservation Commission* shall have the following powers and duties responsibilities within the corporate boundaries of the City of South Bend:

(a) Reserved. ~~Adopt bylaws for carrying out the powers and duties set forth in this section.~~

(b) Reserved.

(c) Reserved. ~~The Commission shall hold at least four (4) advertised public hearings to provide the public with an opportunity of becoming aware of Commission business and to make their views known.~~

(d) Survey, identify, plan for and advise the Common Council and the Area Plan Commission concerning the establishment of *Historic Preservation Districts*. Survey,

identify, plan for and advise the Common Council concerning the designation of *historic landmarks*.

- (1) The *Historic Preservation Commission* shall recommend the designation of *historic landmarks* and the establishment of *Historic Preservation Districts* on the basis of historical and cultural significance, educational value and suitability for preservation.
- (2) *Historic landmarks* shall be designated and *Historic Preservation Districts* shall be established by the Common Council through the passage of an ordinance. Said ordinance shall be initiated in the usual manner: By the Common Council; by a petition of the owners of fifty (50) percent or more of the subject area; or by the Area Plan Commission.
- (3) If any proposed ordinance is introduced to the Common Council for the purpose of creating a new *Historic Preservation District* , or repealing, altering, or modifying an established *Historic Preservation District* , then prior to referral to the Area Plan Commission, the proposed ordinance shall be referred by the Common Council to the *Historic Preservation Commission* which shall hold a public hearing within ninety (90) days of the referral, unless such public hearing was conducted by the *Historic Preservation Commission* prior to introduction of the proposed ordinance which shall satisfy this requirement of a public hearing. The public hearing before the *Historic Preservation Commission* shall be for the purpose of hearing comments on the proposed ordinance and for the purpose of delivering either a favorable or unfavorable recommendation to the Common Council. Notice of such hearing shall be given to all owners of property in the affected *Historic Preservation District*. Failure of the *Historic Preservation Commission* to deliver a recommendation within ninety (90) days following referral by the Common Council shall be considered a favorable recommendation.
- (4) If any proposed ordinance is introduced to the Common Council for the purpose of creating a new *historic landmark* , or repealing, altering, or modifying an established *historic landmark* , then prior to the Common Council's public hearing, the proposed ordinance shall be referred by the Common Council to the *Historic Preservation Commission* which shall hold a public hearing within ninety (90) days of the referral, unless such public hearing was conducted by the *Historic Preservation Commission* prior to introduction of the proposed ordinance which shall satisfy this requirement of a public hearing. The public hearing before the *Historic Preservation Commission* shall be for the purpose of hearing comments on the proposed ordinance and for the purpose of delivering either a favorable or unfavorable recommendation to the Common Council. Notice of such hearing shall be given to all owners of the affected *historic landmark*. Failure of the *Historic Preservation Commission* to deliver a recommendation within ninety (90) days following referral by the Common Council shall be considered a favorable recommendation.
- (5) (A) Upon the earlier of the reading of a proposal for a *historic landmark* before the *Historic Preservation Commission* or upon the filing of an ordinance before the Common Council for the purpose of creating a new *historic landmark* , the Commission may declare such proposed new *historic landmark* to be under interim protection.
(B) Not more than two (2) working days after declaring a building, structure, or site to be under interim protection under this section, the *Historic Preservation*

Commission shall provide the owner of the building, structure or site with a written notice of declaration by personal delivery or certified mail. The *Historic Preservation Commission* shall also notify the Common Council and the St. Joseph County/South Bend Building Department. In the event the owner cannot be located after due diligence, the *Historic Preservation Commission* or the City Department of Code Enforcement which shall affix a notice of interim protection to the building, structure, or site. Written notice under this subsection b. must:

- i. Cite the authority of the *Historic Preservation Commission* to put the building, structure, or site under interim protection under this section;
- ii. Explain the effect of putting the building, structure, or site under interim protection; and
- iii. Indicate that the interim protection is for a maximum period of six (6) months.

(C) A building or structure put under interim protection under subsection a. remains under interim protection for a period of six (6) months, or until an ordinance designating the landmark is approved or rejected by the Common Council, whichever occurs first.

(D) While a building, structure, or site is under interim protection under this section;

- i. The building, structure, or site may not be demolished or moved; and
- ii. The exterior appearance of the building, structure, or site may not be conspicuously changed by:
 - (a) Addition;
 - (b) Reconstruction; or
 - (c) Alteration.

(E) The Commission may approve a Certificate of Appropriateness at any time during the period of interim protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in subsection 21-13.02(e) of this section and any proposed preservation guidelines prepared by the *Historic Preservation Commission* for the affected building, structure, or site.

(e) Within "HP" *Historic Preservation Districts*, or as to *historic landmarks*, the *Historic Preservation Commission* shall have the following ~~powers and duties~~ responsibilities:

- (1) The *Historic Preservation Commission* shall issue a certificate of appropriateness before any one of the following actions is taken: the construction, reconstruction, alteration, demolition or moving of any exterior feature of any building, structure, or use. Certificates of appropriateness shall be issued in accordance with the stipulations of this article, and the submission of a certificate of appropriateness shall be accompanied by fees as prescribed by the *Historic Preservation Commission*. A listing of such fees shall be kept on file in the Office of the *Historic Preservation Commission* and the City Clerk's Office. Such listing shall be kept current and shall be available for public inspection during regular business hours of said offices.

- (2) Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any building, structure or use which will not involve a change in any exterior features or to prevent the construction, reconstruction, alteration, demolition, or moving of any building, structure or use which the Building Commissioner or other official having such power may certify as required by the public safety because of an unsafe or dangerous condition.

Where the *Historic Preservation Commission* deems it necessary, the Commission may petition the Common Council for a temporary delay in the issuance of the required permit(s) for proposed construction, reconstruction, alteration, demolition or moving of a designated *historic landmark* for the purpose of preparing a preservation plan for said landmark. Such petition shall be for a specified period of time. The Common Council shall grant the Commission's petition when it finds:

- (A) That such action will not cause the owner of the subject property to suffer hardship; and
- (B) That such delay will not be injurious to the public health, safety or welfare; and
- (C) That in keeping with the intent of this article, such action is necessary and appropriate.

In no case may the delay granted by the Common Council exceed one (1) year, but the Commission may petition the Common Council for a continuation of any such delay granted by the Common Council in accordance with the same procedures set forth above for the initial petition.

- (3) An application for a building permit, demolition permit, sign permit or moving permit shall also be deemed to be an application for a certificate of appropriateness. Within five (5) working days of receipt of such application relative to a building, structure or use in said district, the Building Commissioner shall forward the application to the *Historic Preservation Commission* for review and action pursuant to section 21-13.02(e)(5), below.

- (4) Where no other permit is required, an application for a certificate of appropriateness shall be filed with the *Historic Preservation Commission* on the form prescribed by the Commission. Said applicant shall include the following information:

- (A) Name, address and telephone number of the applicant
- (B) Location of the subject building, structure or use;
- (C) Structural drawings and specifications, floor plans, elevations, cross-sectional plans, renderings, diagrams or other such plans;
- (D) Samples of materials to be used, including colors;
- (E) Where the proposed change includes a sign, a scale drawing showing the location of the sign on the structure or property, the type of lettering, and the method of illumination; and
- (F) Other such information as the *Historic Preservation Commission* may require under the provisions of this article.

(5) The *Historic Preservation Commission* shall consider the application within forty-five (45) days following its receipt of the application for a certificate of appropriateness, and shall either:

(A) Issue a certificate of appropriateness stating that the proposed construction, reconstruction, alteration, demolition, or moving is in conformance with the provisions of this article and authorize the Building Commissioner to issue a building permit, demolition permit, sign permit or moving permit if required; or

(B) Deny the application, stating in writing the reason(s) for such denial. Upon such denial, the applicant may appeal said denial to the Common Council which shall make a final determination of the application. Failure of the *Historic Preservation Commission* to take such action within sixty (60) days after receipt of the application by the Commission shall constitute approval of the application.

In making such determination, the *Historic Preservation Commission* shall consider the following:

- i. Appropriateness of the proposed construction, reconstruction, alteration, demolition or moving to the preservation of the *historic landmark*, specifically, and/or the *Historic Preservation District*, generally;
- ii. The detriment to the public welfare if the proposed construction, reconstruction, alteration, demolition or moving is permitted even though it is not deemed appropriate; and
- iii. The potential hardship that the denial of a certificate of appropriateness would cause the applicant.

(6) Reserved.

(7) The *Historic Preservation Commission* may petition the Building Commissioner or his or her designee and the Department of Code Enforcement to cause the maintenance and/or repair of any *historic landmark* or property in *Historic Preservation District(s)*. All appropriate legal remedies at the state and local levels shall be utilized by such officials when seeking compliance with standards established for preserving and protecting *historic landmarks* and *Historic Preservation Districts* as further addressed in subparagraph (f) herein, which are in accordance with the intent of this article.

(8) Within each of the *Historic Preservation Districts* established in accordance with the provisions of this article, the *Historic Preservation Commission* shall establish Neighborhood Development Committees to advise the *Historic Preservation Commission* in matters relative to the district which the Committee represents.

(f) Establish reasonable and just standards for the preservation of *historic landmarks* and *Historic Preservation Districts*, including architectural treatment, site development requirements, and provisions concerning construction, reconstruction, alteration, demolition or removal of any building or structure, or parts thereof. Provided, however, that:

- (1) The *Historic Preservation Commission* may adopt only those standards necessary to prevent such construction, reconstruction, alteration, demolition, or removal which is not in keeping with the purpose and intent of this article; and

- (2) Such standards shall be applicable only to the exterior features of *historic landmarks* and of buildings or structures within *Historic Preservation Districts*.
- (g) Develop *historic preservation* plans for *historic landmarks* and districts and, together with other public or private agencies or officials, assist in the administration and implementation of such plans.
- (h) Promote public interest in *historic preservation* by initiating and carrying on a public relations and community education program.
- (i) Advise and assist owners of *historic landmarks* in the preservation of those landmarks.
- (j) Accept, in the name of the City of South Bend, through gift, grant, legacy, bequest or endowment, monies and preservation easements in real property for the purpose of the preservation of *historic landmarks* and *Historic Preservation Districts*. Expenditures of such money, regardless of the source, must be deposited in a special *Historic Preservation Commission* account, and receive prior approval from the Common Council before expenditures may be made.
- (k) The provisions of this article shall be enforced as provided by Article 10 of this chapter.
- (l) The *Historic Preservation Commission*, as the local government certified by the Indiana State *Historic Preservation Officer* and the Secretary of the Interior of the United States, shall process National Register of Historic Places Inventory—Nomination Forms in accordance with regulations established by the *Historic Preservation Commission* consistent with the Indiana Certified Local Government Regulations.
- (m) The *Historic Preservation Commission* shall receive and accept preservation easements, determined by the Commission to be appropriate and acceptable, as follows:
- (1) The preservation easements shall be created and conveyed in accordance with the provisions of IC 32-23-5-1 et seq. ("Act");
 - (2) The Commission shall receive, accept, administer, monitor and enforce the preservation easements in accordance with the provisions of the Act and rules and regulations adopted by the Commission;
 - (3) The Commission may charge any person granting a preservation easement to the Commission a filing and administration fee reasonably related to the Commission's costs of processing, recording and periodically reviewing and monitoring the preservation easement;
 - (4) The Commission may enforce the terms and provisions of the documents creating any preservation easement and may collect from the person or persons against whom such enforcement is sought the Commission's costs of enforcement, including without limitation court costs and attorneys' fees, and the document creating any preservation easement accepted by the Commission shall provide for the payment of such enforcement costs;
 - (5) The Commission may accept a preservation easement only if all persons with an interest in the subject real property at the time that the easement is granted join in the grant and conveyance of the easement to the Commission; and

(6) As used in this subsection (m), "preservation easement" means a nonpossessory interest of the *Historic Preservation Commission* in real property imposing limitations or affirmative obligations for the purpose of preserving the historical, architectural, archeological, or cultural aspects of such real property.

SECTION IV. 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 Common Council

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

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

Tim Scott
President

December 7, 2017

Oliver Davis
Vice-President

South Bend Common Council

4th Floor, County-City Building

Gavin Ferlic
Chairperson, Committee
of the Whole

South Bend, IN 46601

Tim Scott
First District

Re: *Bill No. 88-17 Proposed ordinance adding Area Plan Commission to the designated enforcement staff for zoning enforcement*

Regina Williams-Preston
Second District

Dear Council Members:

Randy Kelly
Third District

I am filing a proposed amendment to the Zoning ordinances which adds the Area Plan Commission to the designated enforcement staff for zoning violations. This amendment is part of the change from the Building Department to the Area Plan Commission with respect to a number of zoning enforcement activities. The Bill should be set for first reading on December 11, 2017.

Jo M. Broden
Fourth District

Dr. David Varner
Fifth District

Oliver Davis
Sixth District

Thank you for your consideration.

Gavin Ferlic
At Large

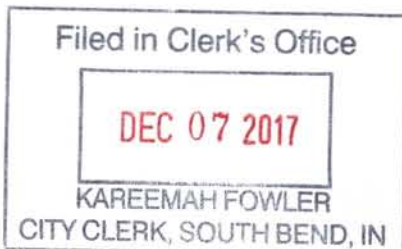
John Voorde
At Large

Karen White
At Large

Sincerely Yours,

Robert J. Palmer

Attorney for South Bend Common Council



ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 10 ENFORCEMENT BY ADDING THE AREA PLAN COMMISSION TO THE DESIGNATED ENFORCEMENT STAFF.

STATEMENT OF PURPOSE AND INTENT

Historically the Building Commissioner has also served as the Zoning Administrator for the City of South Bend. The Building Department has provided the appropriate staff functions associated with the responsibilities, including but not limited to Zoning Enforcement. Throughout the state, these responsibilities are usually assigned to the Plan Commission staff. The Building Department and Area Plan Commission staffs have worked closely to establish a process and timeline by which these responsibilities will transfer to the Area Plan Commission on January 1, 2018. Some enforcement activities may still need to be enforced by the Building Department. As such, various changes to the South Bend Zoning Ordinance need to be amended to appropriately reflect responsibilities and procedures.

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 10 Enforcement, Section 21-10(a) Authority, is hereby amended as follows:

The Building Department of the City of South Bend, the Department of Code Enforcement of the City of South Bend, the Area Plan Commission of St. Joseph County, and the *Staff* of ~~both~~ each departments are hereby designated to enforce the terms and provisions of this Ordinance in accordance with Indiana law.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Enforcement, Section 21-10(f) Violations, is hereby amended as follows:

Subject to the provisions of Section 21-01.03 – Nonconforming Lots, Uses, Buildings, Structures or Signs, each of the following shall constitute a zoning violation which may be enforced by the Building Department, the Area Plan Commission, or the Department of Code Enforcement in accordance with the provisions set forth in Section 21-10 (g) below:

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(B) If enforcement action was initiated by the Area Plan Commission, all fines thus received shall be deposited with the applicable fund for fines of the Area Plan Commission.

~~(B)~~ (C)

~~(C)~~ (D)

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 Common Council

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

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

November 30, 2017

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

Re: Proposed Mixed Use District Zoning Text Amendments

Dear Council Members:

I am filing the attached proposed ordinance with the Office of the City Clerk. The ordinance proposes text amendments to the Zoning Chapter 21 of the *South Bend Municipal Code* to revise permitted uses and development standards for the MU Mixed Use District. These changes will better support reinvestment in our mixed-use neighborhood centers and traditional pedestrian-oriented design.

These zoning concepts were discussed at the Zoning & Annexation Committee meetings held on August 28, September 25, November 13, and November 27. For procedural purposes, which is required by our *Municipal Code* and Indiana Code § 36-7-4-607, these proposed zoning text amendments are being initiated by the Common Council.

The proposed ordinances would have first reading by the Common Council on December 11. Thank you for your consideration.

Sincerely,

Jo M. Broden
South Bend Common Council
Council Member, 4th District

John Voorde
South Bend Common Council
Council Member At Large

Attachment

cc: Larry Magliozzi, Executive Director, Area Plan Commission
Angela Smith, Deputy Director, Area Plan Commission
Michael Divita, Planner, South Bend Community Investment

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE,
ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS
TO REVISE PERMITTED USES AND DEVELOPMENT STANDARDS

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. Experience in using the Ordinance's provisions for the MU Mixed Use District has shown that development in this district frequently requires the use of variances even to complete projects consistent with the neighborhood context. This ordinance revises uses and development standards to better support the development of mixed-use urban neighborhood centers and traditional pedestrian-oriented design.

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 21-03.02 MU Mixed Use District, is hereby deleted and replaced with a new Section 21-03.02 as follows:

Section 21-03.02 MU Mixed Use District.

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

(a) Permitted Uses.

(1) *Primary Uses.*

- (A) Clothing Service: Including but not limited to: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental.
- (B) Educational Uses: Including but not limited to: *Child Care Center*; *Child Care Ministry*; *Cottage School*; Public Library; School – Commercial, Trade or Business.

- (C) Food Sales and Service: Including but not limited to: Bakery – Retail; *Cabaret – Family*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; *Manufacturing Retailers*; *Restaurant – Fast Food* (without drive-in or drive-through); *Restaurant – Family*; *Restaurant – Family, with Lounge*; Yogurt Store – Retail.
- (D) Governmental Use: Including but not limited to: Governmental Offices; Post Office – without outside parking of delivery vehicles.
- (E) Miscellaneous: Including but not limited to: *Bed & Breakfast*; Bus Station; Clinic (medical, dental or optometrists); *Cottage Business / Residential*; Electrical / Electronics Repair.
- (F) Office / Professional Services: Including but not limited to: Architect; Artist; Bank Machines - Walk-up; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate Office; Travel Agency.
- (G) Personal Service: Including but not limited to: Barber Shop; Beauty Shop.
- (H) Public Facilities: Including but not limited to: Community Center; Funeral Home; Mortuary; *Neighborhood Recycling Collection Point*; Public or Private *Park – Active or Passive*; *Religious Use*. (Ord. No. 9653-06)
- (I) Recreation: Including but not limited to: Aerobics Studio; Banquet Hall; Dance Studio; Fraternal Organization; Gymnastics Studio; Lodge; Private Club; Social Club; Theater – Indoor. (Ord. No. 9760-07)
- (J) Residential: Including but not limited to: *Dwelling Unit* – upper level; *Dwelling Unit* – first floor with business; *Multifamily Dwelling*; *Two Family Dwelling* (see Section 21-03.02 (b) (13) for applicable *development standards*).
- (K) Retail: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Drug Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Music Store; Newsdealer; Shoe Store; Stationery and Book Store; Video Store.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for *Controlled Uses* for additional requirements.

(2) *Special Exception Uses.*

- (A) Food Sales and Service: Including but not limited to: *Bar **; *Cabaret – 21 and Over **; *Nightclub **; *Restaurant – Drive In*; *Restaurant – Drive Through*; *Tavern **.
- (B) Government Use: Including but not limited to: Fire Station; Municipal / State Road Maintenance Facility; Police Station; Post Office – with outside parking of delivery vehicles.
- (C) Miscellaneous: Including but not limited to: *Artificial Lake*; *Conference Center*; *Motel*.
- (D) Public Facilities: Including but not limited to: Cemetery – with or without Crematory, Funeral Home, Mausoleum or Mortuary; *Parking Garage*; *Parking Lot – Commercial*. (Ord. No. 9653-06)
- (E) Recreation: Including but not limited to: *Amusement Arcade **; *Billiard Hall **; *Country Club*; *Fairgrounds*; *Golf Course*; *Golf Driving Range*; *Swimming Pool - private or public*. (Ord. No. 9760-07)
- (F) Residential: Including but not limited to: *Group Residences*; *One (1) Single Family Dwelling*. (Ord. No. 10451-16)
- (G) Retail: Including but not limited to: *Liquor Store*; *Tobacco Store*.
- (H) Utilities: Including but not limited to: *Electricity Relay Station*; *Public Utility Substation*; *Pumping Stations*; *Water Towers*.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

- (3) *Accessory Uses* – See Section 21-03.11 (a) – Accessory Uses, Buildings and Structures.
- (4) *Temporary Uses* – See Section 21-03.11 (b) – Temporary Uses, Buildings and Structures.
- (5) *Home Occupations* – See Section 21-03.11 (c) – Home Occupations.

(b) *Development Standards.*

- (1) *Minimum Lot Width and Frontage* - each *lot* shall have a minimum *lot width* and *frontage* on a *public street* of 25 feet.

(2) *Yards and Building Setbacks.*

- (A) Front - a *front yard* and *building setback* measured from the greater of the *proposed right-of-way* or existing *right-of-way* shall be provided as follows:

	<u>Minimum</u>	<u>Maximum</u>
<i>Limited Access Highway:</i>	50'	NA
All other <i>Streets:</i>	5'	12'

Provided, however, on all *streets* except *limited access highways*, *building* placement shall be in compliance with the following regulations:

- i. For sites containing one *building* – in elevation view from the *street frontage*, at least fifty (50) percent of the length of the *façade* of the *building* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*;
 - ii. For sites containing multiple *buildings* – in elevation view from the *street frontage*, at least fifty (50) percent of the visible *façades* of the *buildings* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*; and,
 - iii. *Parking areas* and *interior access drives* shall not be located in front of a line five (5) feet behind the *front building line*. If the *lot* does not have a *building*, *parking areas* and *interior access drives* shall have a *minimum front setback* of twelve (12) feet. If a *parking area* or *interior access drive* is located less than seventeen (17) feet from the *front lot line*, it shall be screened by a compact row of shrubs/hedge plants planted three feet on-center (3' o.c.) immediately behind the *front building line*. Shrubs shall be at least twenty-four inches (24") at time of planting and shall be maintained at a maximum height of thirty-six inches (36").
- (B) *Minimum Side Yard and Setback* – The *minimum side yard* and *setback* shall be as follows:
- i. *Minimum Side Yard* – zero (0) feet, provided, however, if a *side yard* is provided along a *side lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
 - ii. *Minimum Side Residential Bufferyard* – five (5) feet.

(C) *Minimum Rear Yard and Setback* – The *minimum rear yard* and *setback* shall be as follows:

- i. *Minimum Rear Yard* – five (5) feet.
- ii. *Minimum Rear Residential Bufferyard* – fifteen (15) feet when not separated from a *residential use* by a *public alley*. If separated from a *residential use* by a *public alley*, no *rear residential bufferyard* is required, but the *minimum rear yard* requirement shall apply.

(3) Use of *Minimum Yards* and *Residential Bufferyards*.

All *minimum yards* and *residential bufferyards* shall be landscaped in compliance with the requirements for perimeter *yard* landscaping as set forth in Section 21-07.01 – Landscape Regulations of this Ordinance and shall remain free from *structures* except where expressly permitted below:

(A) *Minimum Front Yards* –

- i. along *limited access highways* – may include: *parking areas*, *loading areas*, *interior access drives*, or *interior access driveways*, provided that no portion of such area may be located closer to the *right-of-way* than fifteen (15) feet; or *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*.
- ii. along all other *streets* – may include: *driveways* or *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*.

(B) *Minimum Side and Rear Yards* – may include *driveways*, *interior access driveways*, *parking areas*, *loading areas*, *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall be maintained as *open space* free from *buildings* or *structures*.

(C) *Minimum Side and Rear Residential Bufferyards* – may include *driveway* connections to adjoining *lots*, or *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*.

- (4) *Building Height.*
 - (A) *Minimum Front Façade Height* – in the elevation view from the *street frontage*, eighteen (18) feet.
 - (B) *Maximum Building Height* – Forty (40) feet; not to exceed three (3) stories.
- (5) *Landscaping* – See Section 21-07.01 – Landscape Regulations.
- (6) *Lighting* – See Section 21-07.02 – Lighting Regulations.
- (7) *Signs* – See Section 21-07.03 – Sign Regulations.
- (8) *Parking* – See Section 21-07.04 – Off-Street Parking Regulations.
- (9) *Loading* – See Section 21-07.05 – Off-Street Loading Regulations.
- (10) *Greenway Connection Required* – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (11) *Outdoor Operations* – All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
 - (A) *Outdoor seating* for restaurants, provided that such outdoor seating:
 - i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works; and,
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards.
 - (B) *Outdoor display* or sales of merchandise:
 - i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works;
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards;
 - iii. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;

- iv. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,
 - v. shall be merchandise normally found within the on-premise business. (Ord. No. 9653-06)
- (C) Walk-up customer service windows or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the *façade* of the *building*.
- (D) Vending machines, provided that vending machines:
- i. shall abut the exterior wall of the *building*; and,
 - ii. shall not be located in a required *yard* or required *residential bufferyard*.
- (12) Building Design and Orientation.
- (A) Orientation.
- i. Primary *façades* shall be oriented to the *front lot line*. When on a *corner lot*, the primary *façade* shall be oriented to the primary *street* and the design of the primary *façade* shall extend a minimum of ten (10) feet along the secondary *street*.
 - ii. The primary *building* entrance shall be located on the *front façade*.
- (B) Articulation and Activation.
- i. *Front façades* at least one hundred twenty (120) feet in length should be designed to look like more than one *building*. For *buildings* that are one hundred twenty (120) feet or longer, no section of the *front façade* longer than sixty (60) feet may look like one *building*.
 - ii. For commercial and mixed-use *buildings*, the minimum *front façade* surface that shall be glazed (window and door surface area) is as follows:
 - a. Ground floor *front façade* surface along a primary *street* – seventy (70) percent;
 - b. Ground floor *front façade* surface along a secondary *street* – twelve and one-half (12.5) percent;

- c. Upper floor *front façade* surface – twelve and one-half (12.5) percent.

The ground floor *front façade* glazing is calculated based on the total *façade* area between two (2) and eight (8) feet above *grade*. The upper floor *front façade* surface area is calculated based on the total surface area located between the elevation of any floor to the elevation of the floor above it or the elevation of the roof. Windows and doors shall have clear (untinted) glass and shall be open to the interior (not faux).

- iii. A *walkway* shall connect from the *sidewalk* to the primary entrance.

(C) *Building Materials.*

- i. Additions to Existing *Buildings*: All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing *building*.
- ii. Exterior Renovations, Major Additions and *Accessory Buildings*: Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (iii), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (i), above, for additions to existing *buildings*.
- iii. New Construction: In order to create variation and interest in the built environment, all new primary *buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each *front façade*:
 - a. All brick or stone (limestone, granite, etc.), excluding window, display window, door, roofing, fascia and soffit materials, provided that the brick or stone used on each applicable *façade* shall include at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
 - b. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:

1. *Primary Building Material*: The primary *building material* shall be either: brick; stone (limestone, granite, etc.); synthetic equivalents of brick or stone; architectural pre-cast concrete, if the surface looks like brick or stone; traditional stucco; or fiber cement, and shall constitute a minimum of sixty-six (66) percent of each applicable *façade* excluding glazed surfaces. Exterior insulation and finish system (E.I.F.S.) or equivalent; vinyl; or standard, fluted, or split face concrete masonry units (CMUs) are prohibited as a primary *building material*.
2. *Secondary Building Material*: The secondary *building material* shall constitute a minimum of ten (10) percent of the *façade* excluding glazed surfaces. Glass curtain wall may qualify as a secondary *building material*.
3. *Architectural Features*: In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each *front façade*.

iv. *Building materials* used on the *front façade* shall extend a minimum depth of sixteen (16) inches along the *side façade* as measured from the face of the *front façade*.

(D) Mechanical Equipment – HVAC equipment shall not be placed in the *front yard* or on the *front façade*.

(13) *Development Standards for Two Family Dwellings.*

Notwithstanding anything in this MU *District* to the contrary, a *two family dwelling* shall be subject to the applicable *development standards* of the SF2 *District*.

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

Member of the Common Council

Attest:

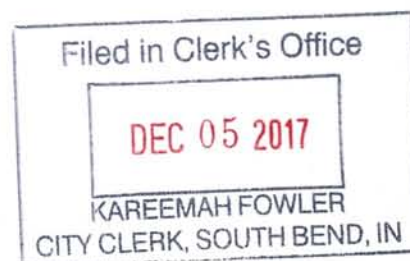
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day
of _____, 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 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

SPECIAL EXCEPTION & VARIANCE PETITION
 ABZA DATE: **Wednesday, December 6, 2017**

PETITIONER

Alliance Architects	(574) 288-2052	mmurphy@alliarch.com	
Name	Phone	Email	
929 Lincolnway East, Suite 200	South Bend	IN	46601
Address	City	ST	Zip

PROPERTY OWNER (IF DIFFERENT THAN PETITIONER)

Pandora Partners, LLC	(574) 339-0275	chris.shepherd1@me.com	
Name	Phone	Email	
1251 N. Eddy Street, Suite 200	South Bend	IN	46617
Address	City	ST	Zip

PRESENTER (IF DIFFERENT THAN PETITIONER)

Name	Phone	Email	
Address	City	ST	Zip

PROPERTY INFORMATION

O Office	Portage		
Zoning	Township		
806 Howard Street	South Bend	IN	46617
Address	City	ST	Zip

Legal Description

PARCEL I: A lot or parcel of land, 74 feet in length, East and West, taken off of and from the entire width of the West end of the Lot Numbered One Hundred and Twenty-Five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, in St. Joseph County, Indiana.

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**

806 Howard Street, Portage Township, South Bend, Indiana 46617

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:

806 Howard Street, Portage Township, South Bend, Indiana 46617

in order to permit

Special Exception Use: "Dwelling Unit - Upper Level"

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

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

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

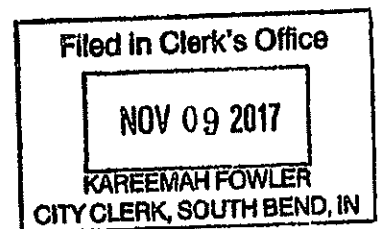
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan.

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

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

Member of the Common Council

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



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 6th day of December, 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:

Alliance Architects, on behalf of Pandora Partners, LLC, 929 Lincolnway East,
Suite 200, South Bend, IN 46601

Seeking:

- 1) Special Exception Use allowing "Dwelling Unit - Upper Level" within O Office District.
- 2) Variance to reduce the required front yard and building setback from 25' to 10' at north and from 25' to 20' at west.
- 3) Variance to reduce the required side residential buffer yard and building setback from 8' to 5' at south and from 8' to 0' at east.
- 4) Variance to reduce the required off-street parking from 35 spaces to 4 spaces.
- 5) Variance to delete off-street parking area screening at east side yard.
- 6) Variance to reduce the required minimum number of ADA parking spaces from 2 spaces to 1 space.
- 7) Variance to reduce the minimum width of parking lot maneuvering aisle from 24' to 0'.

On real estate commonly described as:

806 Howard Street, South Bend, Indiana 46617

and is legally described as follows:

PARCEL I: A lot or parcel of land, 74 feet in length, East and West, taken off of and from the entire width of the West end of the Lot Numbered One Hundred and Twenty-Five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, in St. Joseph County, Indiana.

PARCEL II: Part of Lot Numbered One Hundred Twenty-Five (125) as shown on the recorded Plat of Sorin's Second Addition to Lowell, now a part of the City of South Bend, described as beginning 74 feet East of the Northwest corner of said lot; thence running South 66 feet; thence East 45 feet to an alley; thence North 12 feet; thence West 25.5 feet; thence North 54 feet; thence West 19.5 feet to the place of beginning.

PARCEL II: Part of Lot Numbered One Hundred Twenty-Five (125) as shown on the recorded Plat of Sorin's Second Addition to Lowell, now a part of the City of South Bend, described as beginning 74 feet East of the Northwest corner of said lot; thence running South 66 feet; thence East 45 feet to an alley; thence North 12 feet; thence West 25.5 feet; thence North 54 feet; thence West 19.5 feet to the place of beginning.

PARCEL III: Part of Lot Numbered One Hundred Twenty-Five (125) as shown on the recorded Plat of Sorin's Second Addition to Lowell, now a part of the City of South Bend, described as commencing on the North line of said Lot 125, 93.6 feet East of the Northwest corner of said lot; thence South 54 feet; thence East 26 feet; thence North 54 feet; thence West 26 feet to the place of beginning. Together with the West Half of the vacated alley lying East of and adjacent to Parcels II and III.

PARCEL IV: Grant of Easement recorded April 21, 2017 as Instrument No. 1709777 in the Office of the Recorder of Saint Joseph County, Indiana.

SPECIAL EXCEPTION & VARIANCE(S)

Seeking Special Exception Use to allow a "Dwelling Unit - Upper Level" within the O Office District and Variances to include:

- 1) Variance to reduce the required front yard and building setback from 25' to 10' at north and from 25' to 20' at west;
- 2) Variance to reduce the required side residential buffer yard and building setback from 8' to 5' at south and from 8' to 0' at east;
- 3) Variance to reduce the required off-street parking from 35 spaces to 4 spaces;
- 4) Variance to delete off-street parking area screening at east side yard;
- 5) Variance to reduce the required minimum number of ADA parking spaces from 2 spaces to 1 space; and
- 6) Variance to reduce the minimum width of parking lot maneuvering aisle from 24' to 0'.

REASON FOR REQUEST(S)

These approvals are necessary in order for the existing building to be renovated as planned by Superior Property Holdings, LLC.

SPECIAL EXCEPTION APPROVAL STANDARDS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed residential use is compatible with surrounding land uses.
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein because the owner will make a significant financial investment and improve the exterior appearance of the property.

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein. It should also be noted that the proposed uses (office and residential) are generally considered to be less intensive than the current use (retail).
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan because it involves the adaptive reuse of an existing structure and includes an upper floor dwelling unit above office space.

VARIANCE APPROVAL STANDARDS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because on-street parking will be available to supplement the existing on-site parking. The on-street parking will also serve as “traffic calming” along Howard Street.
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 the on-site parking is existing and will remain in place. Also, the building setback variances are necessary in order for the existing building walls to be compliant with the current ordinance. The north building setback variance will also permit the construction of a new deck/porch which will project approximately 6' beyond the existing wall.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because a similar parking variance was granted when the existing building was constructed in 1992. The South Bend Building Department has confirmed that the parking requirements for the existing retail use and proposed office use are identical: 3.5 spaces per 1,000 GSF. The parking requirement for the Dwelling Unit - Upper Floor is two spaces.



APPLICANT SIGNATURE

11/8/17

Date

Martin J. Murphy, RA
Alliance Architects

Name

PARCEL III: Part of Lot Numbered One Hundred Twenty-Five (125) as shown on the recorded Plat of Sorin's Second Addition to Lowell, now a part of the City of South Bend, described as commencing on the North line of said Lot 125, 93.6 feet East of the Northwest corner of said lot; thence South 54 feet; thence East 26 feet; thence North 54 feet; thence West 26 feet to the place of beginning. Together with the West Half of the vacated alley lying East of and adjacent to Parcels II and III.

PARCEL IV: Grant of Easement recorded April 21, 2017 as Instrument No. 1709777 in the Office of the Recorder of Saint Joseph County, Indiana.

Dated this 9th day of Nov. 2017.

AREA BOARD OF ZONING APPEALS

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

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.

FILED
11/9/17
AREA BOARD OF ZONING APPEALS

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 6th day of December, 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: Alliance Architects, on behalf of Pandora Partners, LLC, 929 Lincolnway East, Suite 200, South Bend, IN 46601.

Seeking:

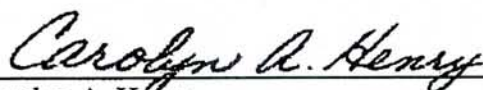
- 1) Special Exception Use allowing "Dwelling Unit - Upper Level" within O Office District.
- 2) Variance to reduce the required front yard and building setback from 25' to 10' at north and from 25' to 20' at west.
- 3) Variance to reduce the required side residential buffer yard and building setback from 8' to 5' at south and from 8' to 0' at east.
- 4) Variance to reduce the required off-street parking from 35 spaces to 4 spaces.
- 5) Variance to delete off-street parking area screening at east side yard.
- 6) Variance to reduce the required minimum number of ADA parking spaces from 2 spaces to 1 space.
- 7) Variance to reduce the minimum width of parking lot maneuvering aisle from 24' to 0'.

On property commonly described as: 806 Howard Street, South Bend, Indiana 46617.

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

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

AREA BOARD OF ZONING APPEALS



Carolyn A. Henry
Secretary to the Board

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**

806 Howard Street, Portage Township, South Bend, Indiana 46617

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:

806 Howard Street, Portage Township, South Bend, Indiana 46617

in order to permit

Special Exception Use: "Dwelling Unit - Upper Level"

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

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

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

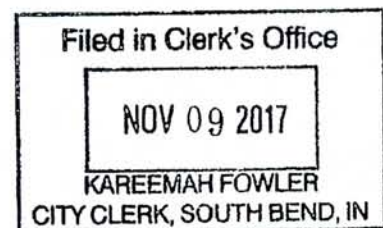
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan.

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

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

Member of the Common Council

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



PANDORA PARTNERS LLC

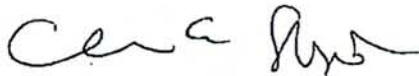
1251 N. EDDY ST, SUITE 200
SOUTH BEND, IN 46617
(574) 339-0275
CHRIS.SHEPHERD1@ME.COM

October 31, 2017

To Whom it May Concern,

Pandora Partners, LLC hereby authorizes Alliance Architects to serve as its representative during the submission and public hearings related to the petition for a special exception use and variances for the property commonly described as 806 Howard Street, South Bend, Indiana 46617.

Sincerely,



Christopher Shepherd
Member

Type: Filing_Fees

Payor: ALLIANCE ARCHITECTS

License Number:

Address: 806 HOWARD

SP EXCEPTION & VARIANCES

11/9/2017 9:10:49 AM

Filing_Fees \$570.00

Check 013148 \$570.00

cherry 10124

- Legend**
- SJC Parcel Dimensions
 - SJC Parcels
 - ELK Parcels
 - Building Footprint
 - Railroad
 - Abandoned Railroad
 - Road Centerline
 - Railroad Bridge

Michigan Regional GIS Website
 txtSubTitle

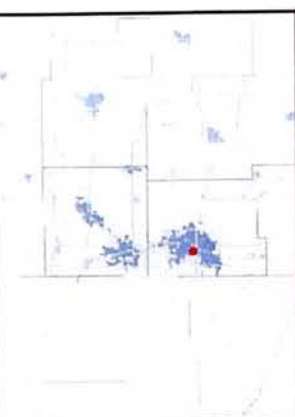
Map Generated By: Public
 Date Printed: 11/3/2017

1 inch = 75.00 feet

0 0.00 0.01 0.01 Miles

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

Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACOG.



Alice H Isaacson
909 N. St. Peter St.
South Bend, IN 46617
Parcel # 018-5107-3766

Robert D and Katherine C Kossler
1020 N. St. Peter St.
South Bend, IN 46617
Parcel # 018-5104-3651

Pandora Partners LLC
51720 Bluffside Court
Granger, IN 46530
Parcel #018-5107-3768; #018-5107-3770

The University of Notre Dame
725 Grace Hall
Notre Dame, IN 46556
Parcel #018-5107-3772; #018-5104-3632
#018-5104-3631

Perret D Hunter
1301 Camelia Blvd., Ste 400
Lafayette, LA 70508
Parcel #018-5104366101; #018-5104-3661
#018-5104-3662

ND 2019 LLC
c/o Kendall Gray
64 Florence Ave
New Providence, NJ 07974
Parcel # 018-5107-376601

James and Gia Haigh
925 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3776; #018-5107-3775

South Bend Housing Authority
501 S. Scott St.
South Bend, IN 46613
Parcel #018-5107-3756

Mathew M and Elizabeth Sanford
1013 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5104-3629

John B. Swarbrick and Kimberly A
Hudgens-Swarbrick
1016 N Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5105-3672

Sasman Enterprises LLC
925 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3771

Hansen Syrus White
922 N. St. Louis
South Bend, IN 46617
Parcel #018-5107-3798

Scott R. Appleby
912 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3783

Julie A. Peterson
902 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3786

Brian R. and Alison K Levey
918 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3778

Rita A. Schmid
919 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3780

Rudy N. Reyes
1014 N. St. Peter St.
South Bend, IN 46617
Parcel # 018-5104-3654

Stephen C Smith
4404 Technology Dr.
South Bend, IN 46617
Parcel #018-5104-3630

Thomas E and Elizabeth R Burman
920 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5106-3721

Barbara Virginia Sniegowski as
Trustee of Barbara Virginia
917 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3763; #018-5107-3762

Megan M Kolaczyk
918 N. St. Louis Blvd.
South Bend, IN 46617
Parcel #018-5107-3755

Jill R. Bodensteiner
920 N. St. Peter St.
South Bend, IN 46617
Parcel # 018-5107-3778

Sara and Thomas Mustillo
926 N. St. Peter St.
South Bend, IN 46617
Parcel #018-5107-3774

Robert J. and Deborah S. Bernhard
1019 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5104-3653

Ebrahim I Moosa
Moosa Family 2016 (Trust)
1008 N. St Peter St.
South Bend, IN 46617
Parcel #018-5104-3658; #018-5104-3657

John T. McGreevey and Jean C.
Mamanus
1010 N. Notre Dame Ave.
South Bend, IN 46617
Parcel # 018-5105-3673

Ani Apbrahamian (Trust)
936 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5106-3713

Thomas J. and Shannon E. Guinan
807 Grace Hall
Notre Dame, IN 46556
Parcel #018-5107-3782

William C. III and Courtney D. Mattison
313 Visitation Hall
Notre Dame, IN 46556
Parcel # 018-5106-3717; #018-5106-3718

Highsmith Avance
924 St. Louis Blvd.
South Bend, IN 46637
Parcel #018-5107-3797

Willie and Brenda J. Martin-Groves
713 Howard St.
South Bend, IN 46617
Parcel #018-5104-3616

Mark Kurtis
702 E Howard St.
South Bend, IN
Parcel #018-5107-3789

Thomas Stroka
1017 N. St Peter St.
South Bend, IN 46617
Parcel #018-5104-3628

Marc D. and Jeanette M. Burdell
901 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3788

Irish Homestead LLC
150 Carondelet Plz. #2601
Saint Louis, MO 63105
Parcel #018-5106-3750

Steven T. and Jennifer H. Fortener
1006 Notre Dame Ave.
South Bend, IN 46617
Parcel #018-510-367302

Daniel B. and Kelly O. Kelly
18471 Spring Mist Ct.
South Bend, IN 46637
Parcel #018-5401-3659; #018-5401-3660

Christine M. Boetticher (Trust)
1017 Notre Dame Ave.
South Bend, IN 46601
Parcel #018-5104-3655

Cyril J. Oregon and Geraldine Meehan
907 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5107-3784

Jan Martin Klass Cremers and Lisbeth
Marieke Misdorp
914 N. Notre Dame Ave.
South Bend, IN 46617
Parcel #018-5106-3725

City of South Bend
227 West Jefferson Blvd.
South Bend, Indiana 46601
Parcel #018-5107-3800; #018-5107-3794













806 HOWARD STREET RENOVATIONS
South Bend, Indiana

ALLIANCE
CONSTRUCTION

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 6th of December, 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 Alliance Architects, on behalf of Pandora Partners, L.L.C., 929 Lincolnway East, Suite 200, South Bend, IN 46601

Seeking:

- 1) Special Exception Use allowing "Dwelling Unit - Upper Level" within O Office District.
- 2) Variance to reduce the required front yard and building setback from 25' to 10' at north and from 25' to 20' at west.
- 3) Variance to reduce the required side residential buffer yard and building setback from 8' to 5' at south and from 8' to 0' at east.
- 4) Variance to reduce the required off-street parking from .35 spaces to .4 spaces.
- 5) Variance to delete off-street parking area screening at east side yard.
- 6) Variance to reduce the required minimum number of ADA parking spaces from 2 spaces to 1 space.
- 7) Variance to reduce the minimum width of parking lot maneuvering aisle from 24' to 0'.

On real estate commonly described as:

806 Howard St, South Bend, IN 46617

And is legally described as follows:
Parcel I: A lot or parcel of land, 74 feet in length, East and West, taken off of and from the entire width of the West end of Lot Numbered One Hundred and Twenty-five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, in St. Joseph County, Indiana.

Parcel II: Part of Lot Numbered One Hundred Twenty-five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, described as beginning 74 feet East of the Northwest corner of said lot; thence running South, 66 feet, thence East 45 feet to an alley; thence North 12 feet; thence West 25.5 feet; thence North 54 feet; thence West 19.5 feet to the place of beginning.

Parcel III: Part of Lot Numbered One Hundred Twenty-five (125) as shown on the recorded Plat of Edward Sorin's Second Addition to the Town of Lowell, now within and a part of the City of South Bend, described as commencing on the North line of said Lot 125, 93.6 feet East of the Northwest corner of said lot; thence South 54 feet; thence East 26 feet; thence North 54 feet; thence West 26 feet to the place of beginning. Together with the West Half of the vacated alley lying East of and adjacent to Parcels II and III.

Parcel IV: Grant of Easement recorded April 21, 2017 as Instrument No. 1709777 in the Office of the Recorder of St. Joseph County, Indiana.

Dated this 9th day of November 2017
Area Board of Zoning Appeals
Carolyn A. Henry
Secretary to the Board

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

XX One TWO THREE

times successively to-wit:

On the 16th day of November, 2017, and

On the day of , 2017, and

On the day of , 2017

Nancy Nich

Subscribed & Sworn To Before Me

This 16th day of November, 2017

William L. Nich
William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: \$ 50.00



806 HOWARD STREET RENOVATIONS
South Bend, Indiana

ALLIANCE
ARCHITECTS

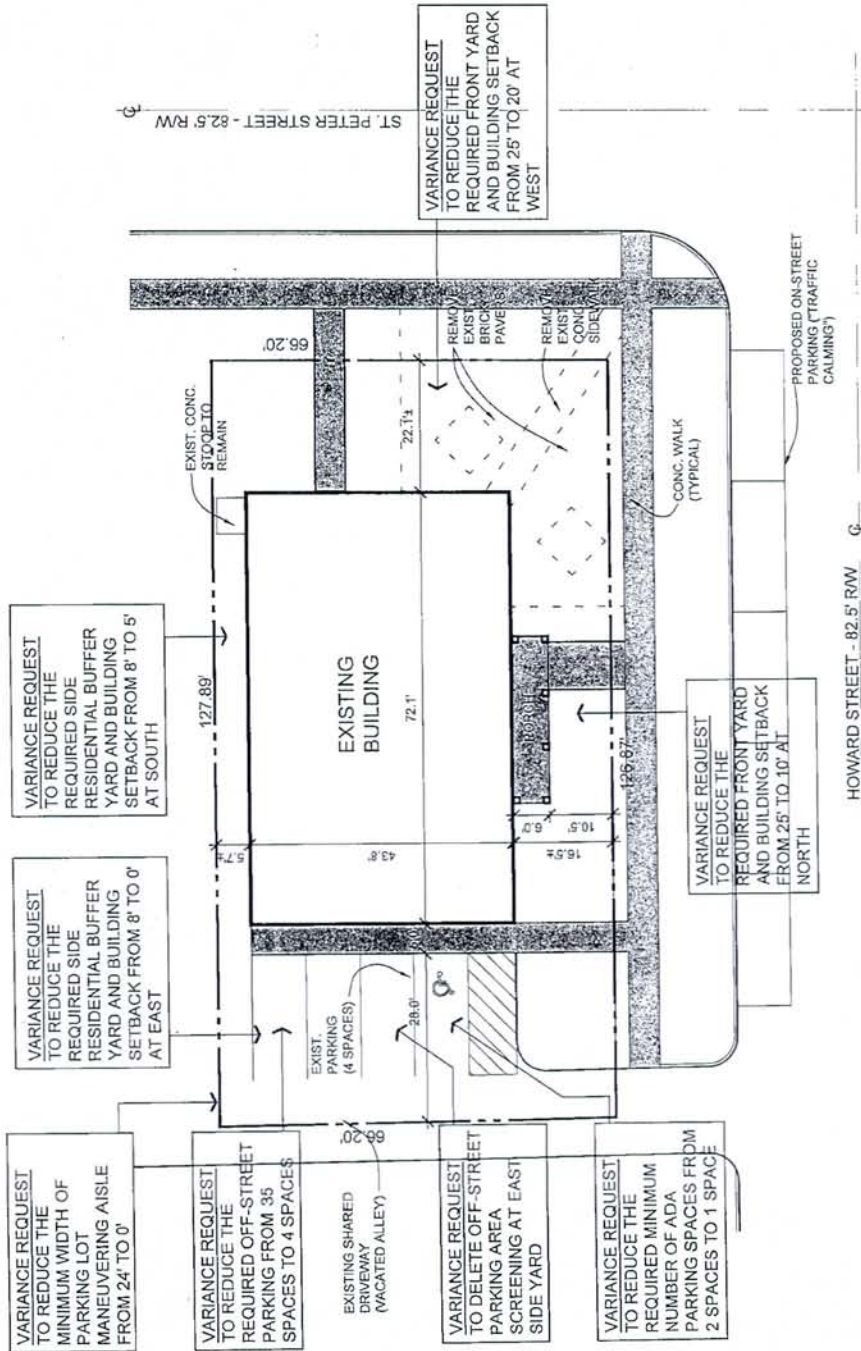


806 HOWARD STREET RENOVATIONS
South Bend, Indiana

ALLIANCE
ARCHITECTS

TABULATED DATA

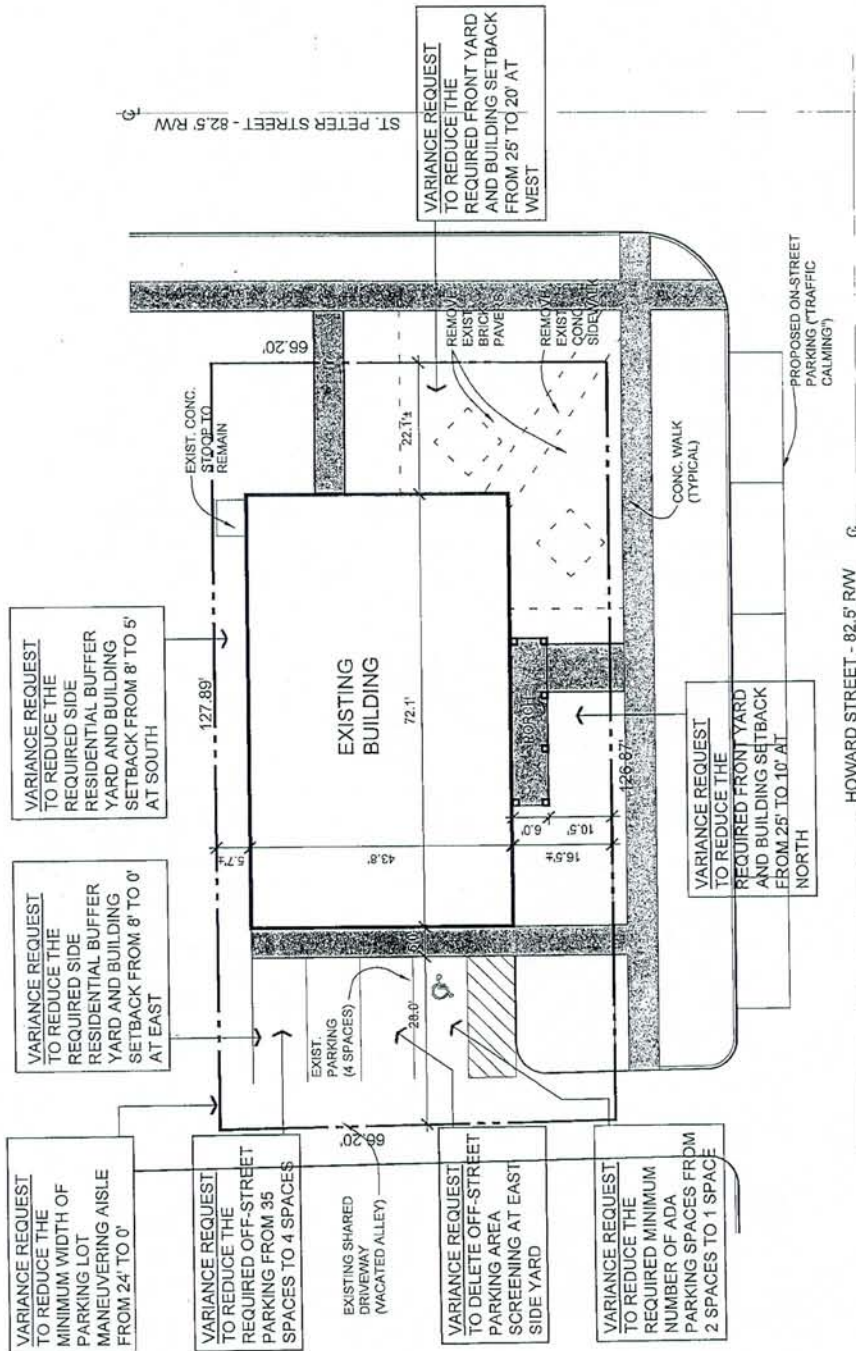
1. APPLICABLE ZONING ORDINANCE: CITY OF SOUTH BEND ZONING ORDINANCE, EFFECTIVE DATE 9/7/04.
NORTHEAST NEIGHBORHOOD OVERLAY ZONING DISTRICT IS NOT APPLICABLE.
2. ZONING DISTRICT: O OFFICE;
OFFICE/PROFESSIONAL SERVICES IS PERMITTED, PRIMARY USE
DWELLING UNIT - UPPER LEVEL IS PERMITTED, SPECIAL EXCEPTION USE
3. MINIMUM YARDS AND SETBACKS
FRONT YARD AND BUILDING SETBACK: 25' FROM ROW
SIDE YARD AND BUILDING SETBACK: 8'
REAR YARD AND BUILDING SETBACK: NOT APPLICABLE ON A CORNER LOT
PARKING AREAS AND DRIVEWAYS ARE PERMITTED IN MINIMUM SIDE YARDS. PARKING AREAS MAY NOT BE CLOSER THAN 15' TO ROW IN FRONT YARDS.
4. MAXIMUM BUILDING HEIGHT: 50' NOT TO EXCEED FOUR (4) STORIES
5. MAXIMUM GROSS FLOOR AREA: UNLIMITED
6. SIGNS: WALL SIGNS ARE PERMITTED ON NORTH AND WEST FACADES. TOTAL SIGN SURFACE AREA SHALL NOT EXCEED FIVE (5) PERCENT OF TOTAL FACADE AREA.
7. OFF-STREET PARKING
REQUIRED PER ORDINANCE:
OFFICE USE (3.5 SPACES PER 1,000 GSF)
RESIDENTIAL USE (2 SPACES PER DWELLING UNIT)
2/35
8. OFF-STREET LOADING: NOT REQUIRED (OFFICE USE LESS THAN 10,000 SF).



SITE PLAN
SCALE: 1" = 20.0' (AT 11"x17")

TABULATED DATA

1. APPLICABLE ZONING ORDINANCE: CITY OF SOUTH BEND ZONING ORDINANCE, EFFECTIVE DATE 5/7/04.
NORTHEAST NEIGHBORHOOD OVERLAY ZONING DISTRICT IS NOT APPLICABLE.
2. ZONING DISTRICT: O OFFICE
OFFICE/PROFESSIONAL SERVICES IS PERMITTED, PRIMARY USE
DWELLING UNIT - UPPER LEVEL IS PERMITTED, SPECIAL EXCEPTION USE
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6. SIGNS: WALL SIGNS ARE PERMITTED ON NORTH AND WEST FACADES. TOTAL SIGN SURFACE AREA SHALL NOT EXCEED FIVE (5) PERCENT OF TOTAL FACADE AREA.
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REQUIRED PER ORDINANCE: OFFICE USE (3.5 SPACES PER 1,000 GSF)
RESIDENTIAL USE (2 SPACES PER DWELLING UNIT)
 $\frac{2}{35}$
8. OFF-STREET LOADING: NOT REQUIRED (OFFICE USE LESS THAN 10,000 SF).



SITE PLAN
SCALE: 1" = 20.0' (AT 11"x17")



Carolyn Henry

From: Elizabeth Burman <eburman.mail@gmail.com>
Sent: Sunday, December 03, 2017 4:11 PM
To: Carolyn Henry
Subject: Opposition to Rezoning 806 Howard Street

Dear Carolyn,

Please convey this letter to the South Bend Area Board of Zoning Appeals.

Our names are Thomas and Elizabeth Burman, and we joint own and live in a home that is within 300 feet of the property at 806 Howard Street, which is currently appealing for several zoning variances that you will be considering at this month's hearing.

We OPPOSE these variances.

The reasons for our opposition, in terms of the ABZA's four legal standards:

1) "The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare."

A. The planned expansion and use of the property at 806 Howard Street is completely out of character with its immediate neighbors, and violates the standards that have been carefully agreed upon by the Northeast Neighborhood Community and already accepted as an overlay by the ABZA.

B. Our traffic and parking patterns are already being affected, and our street parking for our own and our guests' cars by the Eddy Street Commons development, the addition of bike lanes, and the expansion of Keller park, all adjacent to 806 Howard Street. There is insufficient margin for the additional street parking being requested in this appeal.

C. The safety of neighborhood children coming and going to Keller park would also be endangered by the requested increase in street parking that the children would now have to traverse.

D. There is already a very carefully planned mixed-use area under development on Eddy Street. By contrast, there has been NO neighborhood discussion or approval for a single, massively over-built, mixed-use building at 806 Howard Street, which is in the middle of a single home residential area.

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

A. Our property value will definitely be affected if the property at 806 Howard Street is made even taller than it already is (which is at least no taller than the two-story houses around it.) With the requested changes, it would loom above everything else around it and be in view directly across the street from the main living area of our house.

B. The value of our home is very much based on its location in a planned, mixed-use community. That community does not allow for haphazard one-offs like the one the owners of 806 would like to develop. Our own recent (2016) purchase of this home was based on our agreement with the vision laid out and already

codified by ND, NENC, and South Bend for this neighborhood, and this vision does NOT include the expanded building size and mixed use proposed for 806 Howard Street.

C. Our own street parking will also be adversely affected by the proposed addition of street parking for 35+ more cars in the vicinity of 806 Howard street.

D. The value and safe use of our neighborhood's Keller Park, by our own as well as our neighbors' children, also will be adversely affected by the additional traffic and street parking.

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

A. The planned expansion and use of the property at 806 Howard Street is completely out of character with its immediate neighbors, and violates the standards that have been carefully agreed upon by the Northeast Neighborhood Community and already accepted as an overlay by the ABZA.

B. The addition of non-primary rental space, particularly space that will be open to undergraduate college students, would both adversely affect the value of adjacent properties, but also directly contravenes the purposes and plans laid out by the NENC zoning overlay.

C. Finally: There is already a very carefully planned mixed-use area under development on Eddy Street. Meanwhile, there has been NO neighborhood discussion or approval for a single, massively over-built, mixed-use building in the middle of a single home residential area of the neighborhood. Further, The Eddy Street Commons development also adheres to our neighborhood zoning overlays in a way that the proposed plans for 806 Howard do not.

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

A. The City of South Bend and the ABZA have already accepted and codified the northeast neighborhood (NENC) plan as a legal subset of the city's overall plan. The City gives preference to the NENC overlay requirement, for example, that our fences be no taller than 5 feet, even though the City itself allows for 6 foot tall fences. Therefore, the City of South Bend has already demonstrated its acknowledgement that the NENC standards are a legal subset of the City's Comprehensive Plan, and these NENC standards also apply to the property at 806 Howard Street. These standards do not allow for the proposed changes to this property, nor does the City's Comprehensive Plan provide any basis for overturning NENC's standards by default.

B. Finally, we have already had a disturbing precedent in both the original building at 806 Howard Street which was developed despite great opposition in the early 1990's, as well as the more recent development at 1121 North Notre Dame Avenue property, in which the by-now-extant NENC plan was disregarded, and the NENC not given a full chance to review. It is my understanding that even the city has acknowledged that this should not have happened.

It seems that in in the case of 806 Howard Street, the NENC once again has not been given a chance to meet, review or comment on the proposed variances before the ABZA meets to rule on them on December 6.

Every time the neighborhood zoning is ignored and the NENC left out of the vetting process, both the community's and City's plans are further eroded. What a shame, after so many people have spent so much time and money on the vision and plans for our neighborhood, plans in which – Again - mixed use areas of high value to the community and the city have already been included on North Eddy Street.

Thank you for your consideration,

Elizabeth and Thomas Burman

920 North Notre Dame Avenue

South Bend, Indiana 46617

Carolyn Henry

From: Tom Guinan <thomas.guinan@comcast.net>
Sent: Monday, December 04, 2017 5:13 AM
To: Carolyn Henry
Subject: Opposition to expansion of 806 Howard St and addition of third story residential

City of South Bend
Area Board of Zoning Appeals
Attn: Carolyn Henry

Dear Ms. Henry:

I am writing to express my opposition to the planned expansion and change of use of the property located at 806 Howard Street, South Bend, Indiana 46617. My wife and I live at 915 N. Notre Dame Ave. Our house is 3 lots south and 1 lot east of the property in question. We have lived at our current address for nearly 11 years. We believe the property at 806 Howard St. has been an incongruent presence in the neighborhood—both in terms of its architecture and its “purpose”—since even before we built our home as part of the NE Neighborhood redevelopment program. It appears since the sale of the building several months ago, it has sat vacant.

While any improvement to the exterior design of 806 Howard would be welcome, the proposed increase in height from 28.5 ft. to 46ft. and the change of use as a combined residential / office building will make an already out of place structure even more so, regardless of the nature of any exterior improvements. As a property owner within the “appeal area” I would like to register my formal opposition to the planned expansion and change of use for the property at 806 Howard St. for the following reasons:

1. The proposed and expansion use will adversely affect the adjacent area or property values therein and the proposed use will be inconsistent with the character of the district in which it is located and the land uses otherwise authorized therein. A mixed office / residential building at such a height is completely out of scale in this residential neighborhood. It will negatively impact the property values of the homes immediately adjacent to it and will have a negative impact on the value of the homes in the appeal area. This negative impact will arise not only from the mere presence of the structure but also from the increased congestion and parking requirements resulting from the expanded business activity in the building.
2. The proposed use will injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. It should be noted that the intersection of Howard St. and Notre Dame Ave. is an extremely busy 4-way-stop intersection. This is particularly the case on weekdays between 7-8AM and 5-6PM. The requested variance to reduce the required off-street parking from 35 spaces to 4 spaces seems to be the exact opposite of what will be required to ensure that those living and working in the facility would not otherwise be parking on Howard St. right at the Notre Dame Ave. intersection—thus limiting visibility and adding to the congestion—and also along the already limited parking spaces in front of residences on Notre Dame Ave. and St. Peter St.

Again, any improvement to the exterior of 806 Howard St. that would be keep the facility within its current scale would be welcome—as would suitable retail or office activity for which the building was originally zoned. While the appeal to potential residents of an additional floor w/ essentially unobstructed views of the Golden Dome is obvious, those who have invested in this neighborhood, many of whom have lived here for over a decade, would be significantly and negatively impacted for the reasons noted above. While my opposition to the current expansion and change of use plans is firm, I would welcome the opportunity to join with my neighbors and the property owners to see if other plans might be more acceptable to all parties.

Thank you.

Tom Guinan
915 N. Notre Dame Ave.

Carolyn Henry

From: Thomas Mustillo <tmustillo@gmail.com>
Sent: Tuesday, December 05, 2017 9:54 AM
To: Carolyn Henry
Cc: 'Isaacson, Alice, MD'
Subject: FW: Expansion of former Pandora Building; addition of third story residential (ABZA hearing this Wed)

From: Isaacson, Alice, MD [mailto:aisaacson@southbendclinic.com]
Sent: Monday, December 4, 2017 9:10 PM
To: Thomas Mustillo <tmustillo@gmail.com>
Subject: RE: Expansion of former Pandora Building; addition of third story residential (ABZA hearing this Wed)

Good evening.

Thank you for this information. While I will not have the opportunity to attend the hearing, please relay my opinion to the members of the board.

I love living in this neighborhood and am so proud to be part of the growth and diversity this area represents. While the Pandora building was always an eye sore, the proposed plans for a mixed use building is disappointing. I do not understand the rationale of creating a building that is not only physically out of character, but one that is not consistent with the ideals that we share as homeowners. The proposed changes will not only create unwanted traffic but create a potential safety issue. My own daughter, who is 11 years old, enjoys walking/biking to Eddy Street Commons to have lunch or playing in the park when her friends visit. I believe the traffic will be a deterrent in allowing her the freedom that she has always enjoyed.

When I look outside my window, I do not wish to see a mixed use building that is clearly out of place. If the developers wish to create office space, there are other areas in South Bend that would be more suitable to their needs. I feel they are completely infringing upon our rights to enjoy our neighborhood and the APPROPRIATE growth that is ongoing. HOMES, not businesses, are being built-witness the activity on St. Peter Street-which add to the value of our own homes. The proposed building will greatly diminish or property value.

Please forward my opposition to the Board.
Thank you in advance.
Alice Isaacson
909 N. Saint Peter St.

Carolyn Henry

From: Thomas Mustillo <tmustillo@gmail.com>
Sent: Monday, December 04, 2017 5:28 PM
To: Carolyn Henry
Cc: 'Sarah Mustillo'
Subject: opposition to 806 Howard expansion and change of use

Dear Ms. Henry,

We are writing to express our strong opposition to several of the petitions for variance at 806 Howard Street filed by Alliance Architects, on behalf of Pandora Partners, LLC. We own and occupy (with our three children) the adjoining lot, immediately south of the Pandora property, at 926 North Saint Peter Street. Indeed, the structure will stand only about 6 feet from our property line, and only about 12 feet from our own two-story, 2,300 square foot house. Please pass our concerns on to the members of the board for their consideration.

The proposed 9000+ square foot building will loom more than twice the height of our house. Its repurposed function will create two floors of more than 6000 total square feet of office space, one floor of more than 3000 square feet of residence (larger than our finished living space), and another 3000 square feet of basement. A building this immense will diminish the value of our home, and injure the safety, comfort, convenience and general welfare of our family, as well as the neighborhood at large. An expansion and change-in-use of the existing building will create two adverse impacts for us.

First, it will diminish the value of our homes. We have created a neighborhood of mostly owner-occupied single family homes. On the 900 block of North Saint Peter Street, where $\frac{1}{4}$ of the available land is devoted to a neighborhood park (Kelley Park), 8 of the 9 residential lots are 2-story owner occupied permanent residents. On the contiguous residential lots contained between ND Ave and Saint Peter, all ten are 2-story owner occupied permanent residents. Under the Pandora Partners proposal, a Special Exception Use allowing an 3rd story dwelling unit will undermine the value of our home because we become exposed to the liabilities of 3000+ square feet of potential rental units, with insufficient parking. Our own home has a covenant preventing non-owner occupancy, as do many of the homes around us that were part of the revitalization plan. Thus, this variance is exceptional; as an adjoining lot, it will negatively impact the value of our home and the tax value. We would not have purchased this house at the price we paid if we had known that Pandoras would be expanding and incorporating potential rental space.

Also, we have been reassured by the petitioners that variance request numbers 3, 5, and 7 are required only to maintain the existing arrangement for parking and exit/entry on the east side of the building. Nevertheless, we would like to note that a grant of easement has been recorded with the county on 4/21/2017 which allows all adjoining parties of the former public alley to retain mutual access to that part of the now private alley. These variances, which request reductions in the setbacks to 0' at east, should they allow for any construction within the easement or change of use, would eliminate the only access we have to our garage. If they could be construed to permit such a use, they would violate the easement agreement and could devastate the value of our house; they must be rejected.

Second, the redevelopment of this property as the owner's business offices, plus rental offices, will bring many additional cars to the North West sector of our block and to the alley, which we share via a private easement. During the years we have lived here, Steve Raymond and his assistant, Patty, turned on the lights and the "open" sign every day from noon to five until the summer of 2015. There were never more than 2 or 3 cars at a time. Until Mr. Raymond sold the property, the UPS truck pulled up to the door almost every day. That was the extent of the traffic. Under the Pandoras Partners proposal, the request to reduce the off-street parking by 31 spaces (from 35 to 4) is extreme. By the architect's own estimate (conveyed at a meeting in their offices on 10/19), the 2 floors of office space alone will draw 24 cars. During the ND home football game against Navy, on 11/18, the block of Howard street between ND Ave and Saint Peter Street was filled to capacity with 24 cars. Of course, on a regular day, cars will distribute themselves around the area less densely, leave little or no room for us and our guests, for the two or three homes-to-be on the north side of Howard, and for the patrons of Kelley Park, which the city and neighborhood residents have invested in at considerable cost and effort. Moreover, traffic on Howard Street is already quite aggressive and the addition of so many cars will limit

visibility and raise the risk to pedestrians, especially to the dozens of grade school children (including two of our own children) who routinely cross the streets at and around the intersections of Howard with Saint Peter St. and ND Ave.

We would like to see an investment to improve 806 Howard Street that is compatible with the vision laid out by ND, NENC, and the city; but, we insist that the proposal be to scale, and without the adverse impacts on our home and our neighborhood. In particular, nearly all the adverse effects arise from the ambition to expand the square footage of the existing building by 50%. Should the petitioners be willing to entertain a proposal with a more neutral impact, we would reconsider our opposition.

We will be in attendance at the appeal meeting on 12/6, and look forward to sharing our concerns. Thank you for your consideration.

Sincerely,

Thomas and Sarah Mustillo
926 North Saint Peter St.

Carolyn Henry

From: Ayoka Paek
Sent: Monday, December 04, 2017 2:21 PM
To: Carolyn Henry
Subject: FW: 806 Howard

#7

Email below for you.

Ayoka Paek, MCIP, AICP
Zoning and Business Services Administrator
(574) 235-9554
apaek@southbendin.gov

The information provided in this email is in response to the specific information requested and does not necessarily represent all of the restrictions and allowances applicable to any properties identified in this email.

From: Donald Sniegowski [mailto:Donald.C.Sniegowski.1@nd.edu]
Sent: Monday, December 4, 2017 2:02 PM
To: Ayoka Paek <apaek@southbendin.gov>
Subject: 806 Howard

Caroline Henry

Secretary to the Board

Area Board of Zoning Appeals

South Bend, Indiana

Dear Ms. Henry:

Please forward the following letter to the Area Board of Zoning Appeals. Thank you.

Donald Sniegowski

To the Area Board of Zoning Appeals:

We, the undersigned, have owned and occupied the house at 917 North Saint Peter Street, South Bend, Indiana for eleven years. Prior to our move to St. Peter St., we lived at 1004 Saint Vincent Street, three blocks away. We have lived in the neighborhood for forty-seven years.

Our present house is situated a half-block from 806 Howard Street, the owners of which are appealing for several zoning variances. WE STRONGLY OPPOSE THESE VARIANCES. You will already have received letters from Rita Schmid and Adam Reboloso, Elizabeth and Thomas Burman, James and Gia Haigh, and Sarah and Tom Mustillo, all of whom oppose the granting of these variances. Rather than repeat their arguments, we wish to underline or add to certain of them.

STYLE. It is difficult for us to believe that the ABZA staff could approve plans for a structure which is so out of keeping with the neighborhood. To the east of the proposed building—on Notre Dame Avenue—are various versions of American four-square architecture. (This is the style which predominates in the SF-1 district bounded by the north side of Corby, the south side of Napoleon, the west side of Frances, and the east side of St. Peter.) On the southeast corner of the Howard/Notre Dame Ave. intersection is a beautiful example of prairie-style architecture. To the south of the proposed building, are variations of bungalow, one of which is in a very attractive version of American Arts and Crafts. To the immediate south of the proposed property is a beautiful version of Georgian architecture, to be found both in England and the United States. It was designed by a faculty member of the Notre Dame School of Architecture. With the occasional exception, the houses in the above-mentioned SF-1 area conform to a broad architectural norm. (It must be said that even the enormous group home in the 1100 block of Notre Dame Ave., which we opposed, has tried to conform to this norm.) So, why would the ABZA staff approve a design which, at best, can be called a pseudo-collegiate gothic. That is a style which, in the United States, is reserved almost exclusively for churches and campuses. It is the default style of the whole Notre Dame campus. It does not belong in our residential area!

SCALE. We almost feel that it is an affront for the ABZD staff to approve a building in a style as non-residential as collegiate gothic. But the real affront is to propose such a building AND make it eighteen feet taller than the present structure. Those of us who have lived in the neighborhood for a long time had to accept, because of a weird set of circumstances, the present structure, enormously out-of-scale as it was. Most of us, we're sure, have waited for the day when it would be demolished. Now we may have to look forward to a structure that is increased in height by two fifths! It will dwarf the beautiful Georgian house immediately to the south of it. The present structure already is taller than that house. And if the variance to reduce the side residential buffer yard is granted, the house to the south will be even more dwarfed. This, of course, will reduce the value of the house. Indeed, the whole immediate neighborhood will suffer some financial loss.

If, indeed, the company wants to buy the property and remodel the building for commercial use—a use which it is already zoned for—then why not keep it at the present height as a goodwill gesture to the neighbors and fix it up so that it is not so ugly. What a gift that would be for all of us!

PARKING AND SAFETY. Even keeping the building at its present height and “beautifying” it does not take care of the problems of parking and safety. Thirty-one more parking spaces would be on-street. We have not had time to measure just how many parking places would be on Howard and how many places would be on St. Peter, but both streets would be impacted heavily. This assumes that thirty-one spaces will be used, and that has to be assumed; otherwise, the zoning ordinance would call for fewer.

We wonder why the city says that on-street parking on Howard would help to calm traffic. There is a stop sign at Howard/Notre Dame Ave. and there is a stop sign at Howard/St. Louis two blocks to the west. We have not experienced speeding in that two-block area. The odd jerk who revs his motorcycle in that two-block area will not be "calmed" by cars parked on the street. In fact, on-street parking on Howard makes it more difficult to exit from St. Peter onto Howard. If we are trying to exit onto Howard from St. Peter, we have to, first, stop where we are supposed to so that pedestrians can walk across and then creep forward to see beyond the cars that are often parked in front of the Notre Dame Law building on the northwest corner. The difficulty and danger would be doubled if there were significant on-street parking on Howard between St. Peter and Note Dame Ave. It should be noted that, with the reconfiguration of the "Five Corners"—hallelujah—Howard is now part of the Howard-Corby connector, which has become a main east-west thoroughfare in the northern portion of the city. Traffic can be heavy; having to creep forward in one's car becomes more and more problematic.

Being in a car and trying to navigate this kind of situation is one thing; being on foot is another. The renovation of Kelly Park, thanks to the generous and able direction of a small group of neighbors, is about to be completed. Even with the renovation not completed, more kids were showing up this summer. Some come from the southeast along St Peter, some come from Notre Dame Ave. We're sure that this foot traffic will increase as the park takes its final shape. And the safety of all of the pedestrians, especially the kids, should be a number-one priority.

One wonders, too, about the impact of on-street parking on bicyclists, primarily Notre Dame students and faculty and neighborhood kids, riding along Howard. There are no bike lanes on Howard; on-street parking, especially on both sides of the street will significantly squeeze them, especially on a main thoroughfare.

There are many other issues to comment on, but other members of the neighborhood have covered them very well. We would want to take one parting shot—what becomes of the three-story property, with a residence on top, when the potential owners sell and go elsewhere? Will new owners rent out the residential space and to whom? Will they redo the commercial portion of the building into residences and rent it out? Might it be to students, who have been the bane of our neighborhood for a long time?

Thank you for your consideration and for the important work you do for the community.

Sincerely,

Donald and Barbara Sniegowski

Carolyn Henry

From: Liesbeth Cremers <liesbethcremers@hotmail.com>
Sent: Monday, December 04, 2017 1:27 PM
To: Carolyn Henry
Subject: Opposition to 806 Howard Street

#7

December 4, 2017

Dear Carolyn,

We are Martijn and Liesbeth Cremers we own and live at 914 N North Notre Dame Avenue. Our home is located within 300 feet of the property commonly described as 806 Howard Street, and we would like to express our opposition to the proposed expansion and change of use identified in a recently-filed zoning petition. We ask that you please share our concerns with the Board of Zoning Appeals.

Upon receiving the "Notice to Adjacent Property Owners" we were shocked to see the number of variances requested by Alliance Architects, wondering if the company plans to adhere to any of the requirements that are currently in place. We are hopeful that their petitions will not be granted, since zoning laws exist for a reason. And while we realize that the property is zoned for office use (which is unfortunate), this neighborhood is now primarily residential. However, if an office is to occupy 806 Howard Street, we would like to see these office builders being held to even higher standards than home builders, since an office will create a lot more traffic, with employees and clients using up a lot of residential parking spaces.

A few concerns:

1. "The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare."

Concern: The reduction in required parking spaces from 35 to 4 would mean that 31 cars may need to park in the area streets. Not only will this reduce parking available for Kelly Park, it will reduce visibility of children potentially crossing the street to use the Park or otherwise. This is definitely a public safety concern. It is also a convenience concern, for it will be more difficult for those visiting homes in the neighborhood to find parking. In addition, the community wants this to be a family friendly neighborhood, and an office does not fit that standard.

2. The owner's petition says the added residential use is "compatible with surrounding land uses".

Concern: Mixed-use (i.e. office & residential) is not compatible with the neighborhood (there are none in the neighborhood that we are aware of, until the Eddy commercial corridor). More importantly, non-primary residence apartment units are not compatible with the neighborhood and have been actively opposed by NENC, ND, and neighbors for years. It is not clear how the residential unit located above the office floors would be used. As a place to stay for game weekends only? Why should there be height requirements for homes built in the area, while Alliance Architects would be allowed to build way higher, creating a penthouse like dwelling with a view of the Golden Dome?

3. 3. "The proposed use will not injure or adversely affect the use of the adjacent area or property values therein."

Concern: Consider how a 10-15 feet taller structure at 806 Howard Street will make neighboring houses look in comparison. Consider also the effect on the skyline of the neighborhood, as the building will become visible not just to immediate neighbors, but to the entire surrounding area. It may be difficult to estimate how exactly this office/home building would negatively affect area property values, but surely common sense tell us that building one taller (office) structure in a residential area does not look good, and will not improve the value of the neighboring properties.

4. 4. "The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein."

Concern: Obviously, there are no other retailers or mixed-use or office/residential buildings in the immediate neighborhood of 806 Howard, so how the proposed use will be consistent with the current character of the district is baffling.

In short, if an office/residential building must be constructed at 806 Howard Street, the architects and builders should be required to strictly adhere to the current zoning laws, and not be permitted any variances, nor be allowed to add residential use to the structure.

We thank you in advance for sharing our concerns with the Board.

Sincerely,

Liesbeth & Martijn Cremers

Carolyn Henry

From: Jim Farrington <jfarring@nd.edu>
Sent: Monday, December 04, 2017 8:15 PM
To: Carolyn Henry
Subject: Re: 806 Howard Street Variance Petition

Revised to add my address.

On Mon, Dec 4, 2017 at 17:13 Jim Farrington <jfarring@nd.edu> wrote:

I am writing to object to the petition of Pandora Partners seeking various variances in respect of its property at 806 Howard Street.

I urge you to use the experience gained from last decade in the many wise and forward looking decisions that the ABZA made to continue to enhance our neighborhood and not make a horrible situation worse.

The existing two story "office" property is a horrible eye sore in this terrific neighborhood. I realize this property is already zoned for office use. However, that decision was made when this was a very different neighborhood. I know what it was like decades ago when I frequented the local bars during my student days at Notre Dame. The combined efforts of South Bend, NENC and ND have worked hard in the last 10 years or more to transform this neighborhood of bars, barely habitable student housing, and abandoned properties into a terrific neighborhood with homes valued at \$1 million or more that provide an increasing tax base to South Bend.

Granting these variances would:

- (1) Allow the building's height to increase by 61% (from 28.5' to about 46'), which would be more than 30% above the height to which all current properties are subject;
- (2) Increase traffic along a busy throughfare where east-west traffic is not controlled by stop signs;
- (3) Continue and exacerbate a use without adequate off-street traffic; and
- (4) Continue and exacerbate a use that is already not consistent with the residential use of the neighborhood.

These consequences would be injurious to the public safety, comfort, convenience and general welfare, adversely affect the use and values of adjacent properties and not be consistent with the character of the district in which this property is located.

Thank you.

Jim Farrington
1032 St. Peter St.
South Bend, IN 46617

Jim Farrington | Adjunct Professor
University of Notre Dame | The Law School
Colleges of Business, Science & Engineering ESTEEM Graduate Program

1190 Eck Hall of Law | Notre Dame, Indiana 46556

Cell: +1 203-550-1683

jfarring@nd.edu



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Cell: 203-550-1683

jfarring@nd.edu

Carolyn Henry

From: gia haigh <giaandjamey@gmail.com>
Sent: Monday, December 04, 2017 7:51 PM
To: Carolyn Henry
Subject: Opposition to 806 Howard/Pandora expansion and change of use

Ms. Henry,

We write in opposition to the requests for variance made by the owners of the former Pandora building, located at 808 Howard. We would very much appreciate if you forwarded this letter to the Area Board of Zoning Appeals.

We own two properties adjacent to the former Pandora building: a single-family, owner-occupied residence at 925 N. Notre Dame Ave, and (through the Sasman LLC) a parcel of property directly to the east of the building, on the corner of ND Ave and Howard. We purchased our home at 925 N. Notre Dame 8 years ago and we purchased the corner lot about a year ago, in order to fix up the lots and adjacent sidewalks and curbs and to ensure that it would someday be occupied by a nice single-family, owner-occupied home in the character of the neighborhood.

We are happy that the investment fund has purchased the building and will fix it up commensurate it with its nice offices in Boston, Chicago, and Eddy St. However, as the owner of two adjacent properties, we wanted to register our strong objections to the proposed variances, with objections broken down by the special exception approval standards:

1. "The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare."
 - a. The owner's petition says that on-street parking is sufficient for the 31-car variance, and that on-street parking will "calm" traffic along Howard. With 7 children of our own, and numerous other children living on ND Ave, who all use Kelly Park (located across St. Peter from the Pandora building), we disagree. We believe that more parked cars will reduce parking available for Kelly Park and will reduce visibility of children crossing the street to use the Park and to visit friends' houses in the neighborhood. The comfort and convenience of the neighbors will be harmed by additional cars parking in front of houses, making visitors have to park away from our houses. The parking situation is particularly significant as half the parking along ND Ave was recently lost due to bike lanes. The addition of the top level residential unit for an out-of-town Notre Dame donor will mean far more parking on game and event weekends, when neighborhood parking is already particularly scarce.
 - b. The owner's petition says the added residential use is compatible with surrounding land uses. It is not. Some residential use is compatible with the neighborhood, and some is not. For example, student housing and apartments in the neighborhood have been actively opposed by NENC, ND, and neighbors for years. Apartment/condo residences for Notre Dame donors like this owner have been limited to the Eddy St corridor and the area east of the Notre Dame campus. There is "Office" of "Office/Residential" use near this building.
2. "The proposed use will not injure or adversely affect the use of the adjacent area or property values therein."
 - a. The owner's petition says that property values will not be adversely affected because the owner will improve the exterior appearance of the property. We disagree that fixing up the appearance of a property justifies zoning variances, as that would justify zoning variances throughout our neighborhood to the point where the exceptions trump the rules. The point is that the requested new "use" (residential) is inextricably tied to increasing the height of the property by about 18 feet, which will adversely affect property values. Our view, and the view of neighbors (from everything we've heard), is that as bad as the building looks currently, status quo is much preferable to the proposed use.

referenced. The addition of residential is not adapting office to residential, it is adding an entire new story.

- b. Not being an expert on the Plan, I briefly reviewed it and I saw nothing to suggest that a large mixed-use building within our neighborhood is consistent with the Plan; those structures, and Notre Dame donor apartments, are focused on commercial corridors like Eddy/23 and east of ND's campus.

Thanks very much for your consideration, and we look forward to discussing these issues further at the hearing on Wednesday.

Jamey and Gia Haigh

925 N. Notre Dame Ave and 920 N. Notre Dame Ave.

7

Area Board of Zoning Appeals
C/O Ms Carolyn Henry

Dear Ms. Henry,

Our names are Geraldine Meehan and Cyril O'Regan and we live in, and own, the property at 907 N. Notre Dame Avenue, which is located within 300 feet of 806 Howard Avenue. We are writing to express our opposition to the proposed enlargement and change of use for the Howard Avenue property and our specific opposition to the applications for zoning variances which will be reviewed at the South Bend Area Board of Zoning Appeals on December 6, 2017. Please convey our objections to the Board by providing them with this letter.

The reasons for our opposition are as follows and fall within the 4 legal standards of the ABZA:

1. A. The proposed use will not be injurious to the public health, safety, comfort, community, moral standards, convenience or general welfare.

The reduction in required parking from 35 to 4 is so excessive that it can only be referred to as an extreme variance from the standard. Without the 31 off-street parking spots, street parking will be the only possibility. Reduced visibility will be a safety concern as will the inevitable concerns about the potential behavior of any number of strangers in a neighborhood where parents currently enjoy their young children playing outside in a space close to 806 Howard Avenue. Parked cars will also reduce the number of parking spots available for guests of ND Avenue residents. Residents in a neighborhood should not have to scramble for parking spots for their visitors.

- B. The owner's petition says that the added residential use is "compatible with surrounding land uses"

This is clearly not the case. There is no mixed use buildings (residential and office) adjacent to 806 Howard Avenue.

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

The suggested changes to 806 Howard Avenue will impact the number of people interested in buying houses adjacent to it and by implication will decrease the competitiveness of the home prices.

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

As there are no such mixed use buildings in the neighborhood, it is not consistent with the use in the area.

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

The proposed plan for 806 Howard is not consistent with plans for the area in Howard Street and Notre Dame Avenue.

Thank you for taking our concerns to the Board

Yours faithfully

Geraldine Meehan & Cyril O'Regan
907 North Notre Dame Avenue
South Bend, IN 46617

Carolyn Henry

From: Robert Kossler <robkossler@alumni.nd.edu>
Sent: Monday, December 04, 2017 10:13 PM
To: Carolyn Henry
Subject: Petition for variances 806 Howard St



Dear Carolyn,

Our names are Rob and Catherine Kossler and we would like to convey to you our opposition to the requested variances for the property at 806 Howard Street (we recently received the "Notice to Adjacent Property Owners" related to this petition). We reside at 1020 N. Saint Peter Street which is within 300 feet of the property. We ask that you please convey this email and our opposition to the petition to the attention of the Area Board of Zoning Appeals.

Our primary objection relates to the increased size of the building. In particular, the proposed height increase is not in character with this residential neighborhood and we believe it will negatively impact property values of the surrounding residences. Specifically, we disagree that the petition meets the following standards

- The proposed use will not injure or adversely affect the use of the adjacent area or property values therein
- The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein

Our secondary objection relates to the reliance on on-street parking. We believe that added traffic and parked cars in the immediate vicinity will impact visibility at this corner and be a potential hazard to the neighborhood children – especially those taking advantage of the park located directly across the street. Thus, we disagree that the petition meets the following standard

- The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare

Thank you for sharing our concerns with the board.

Sincerely,

Rob and Catherine Kossler

1020 N Saint Peter St, South Bend IN 46617

Carolyn Henry

From: Robert Bretz <rbretz@nd.edu>
Sent: Monday, December 04, 2017 4:21 PM
To: Carolyn Henry
Subject: Opposition to Expansion of former Pandora Bookstore Building

Dear Ms. Henry,

I am Bob Bretz. I live at 1029 N. Notre Dame Ave and recently became aware of the proposal to expand the size and proposed uses of the former Pandora building. I am strongly opposed and ask that you convert my strongest possible opposition to the zoning board and all others who will be involved in making the decision about the proposal.

The building is already inconsistent with the nature and purpose of the neighborhood. The proposed expansion would serve to make it even more out of line with the neighborhood. This is a neighborhood that is specifically residential, single family, and owner occupied. Any use beyond that does irreparable damage to both the neighborhood culture, and to the property values of the other residents. I won't leave not have purchased a home here without the zoning protections being in place. Mixed use buildings certainly have a place in but that place is not in a residential single family, owner occupied neighborhood. Of particular concern to me, in addition to the proposed use, are the size of the proposed building and the amount of on street parking that the neighborhood would have to absorb. The size and the parking problems would cause significant problems for the current residents and would negatively affect our property values.

Again, I am strongly opposed and ask that you make this known to all those involved in the decision making process.

Thank you,

Bob Bretz
1029 N. Notre Dame Ave

Carolyn Henry

From: Brian Levey <blevey@nd.edu>
Sent: Monday, December 04, 2017 1:41 PM
To: Carolyn Henry
Cc: Alison Levey
Subject: Letter in opposition to proposed variances for 806 Howard Street
Attachments: Levey letter re 806 Howard v6.pdf

Dear Ms. Henry:

We are writing to oppose the requested variances for 806 Howard Street. We request that you share the enclosed letter with the South Bend Area Board of Zoning Appeals (ABZA).

Thank you,

Brian & Alison Levey
918 North Saint Peter Street
South Bend, IN 46617

Carolyn Henry

From: Jesse Barrett <jmjbarrett@gmail.com>
Sent: Monday, December 04, 2017 2:50 PM
To: Carolyn Henry
Subject: Proposed Expansion of Pandora's

#7

Dear ABZA,

My name is Jesse Barrett. My family lives at 302 Peashway St., South Bend, IN 46617. We live in Harter Heights, just down the street from Pandora's. I understand that there is a proposal to expand the building and make it a multi-use office/residential building.

I strongly oppose this plan. Pandora's is already inconsistent with the residential neighborhood and is already an eyesore. To make it larger would only increase the inconsistency. That area of Howard Street is not commercial, it is residential, and virtually everything around it is residential. It would be ridiculous to take an unattractive building that is out of character with the neighborhood and expand it. I strongly oppose this proposed action.

Please convey this message to the Area Board of Zoning Appeals.

Sincerely,
Jesse Barrett

Carolyn Henry

From: Timothy Matovina <Timothy.Matovina.1@nd.edu>
Sent: Monday, December 04, 2017 1:09 PM
To: Carolyn Henry
Subject: Pandora Partners ABZA requests



Dear Ms. Henry,

We write with regard to the requests that the Area Board of Zoning Appeals is considering from Pandora Partners and their property at 806 Howard Street in South Bend. We ask that you convey our views on this matter to members of the Board.

We live at 1115 N Notre Dame Avenue. Our opposition to the Pandora Partners petitions are as follows:

1. The requested 31-car variance is not conducive to community use of Kelly Park, nor to general public safety. When cars park on both sides of narrower streets like St. Peter St., it is difficult to see children who are crossing the street between the vehicles. Having that many extra cars in the street - especially if they are for residents who would live in the building and leave their vehicles outside overnight - will make the parking situation on the streets around this property more congested and more hazardous than any other streets in the immediate vicinity.
2. The scope of the proposed project is not consistent with the residential development in the neighborhood. This property is not located on a commercial street, nor a street with office space. It is located on a residential street. The city planning has already designated the Eddy Street corridor for those times of developments. Residents agreed to this approach of having offices and business establishments in that corridor, and leaving other parts of the neighborhood residential. The requested use is inconsistent with that agreement and with the character of land use in the neighborhood surrounding 806 Howard Street.
3. The proposed alteration to the property would almost certainly have a negative impact on property values, especially those of homeowners immediately adjacent to the property. Adding an additional story to a building already oversized for the neighborhood would make adjacent properties less attractive and valuable to nearly any buyer we can imagine, and certainly to potential buyers with children.

Thank you for considering our views on this matter and passing them along to the Area Board of Zoning Appeals. If you or any of the Board members have further questions about our views, please do not hesitate to contact us.

Yours sincerely,

Timothy and Elida Matovina
1115 N Notre Dame Ave
South Bend, IN 46617
(574) 283-0737

#7



University of Notre Dame
Institute for Educational Initiatives

December 5, 2017

Dear Area Board of Zoning Appeals Members,

I am writing you this letter to express opposition to the variance being sought by Alliance Architects, at the December 6 meeting of your Board, for the property located at 806 Howard St. in South Bend. I am a homeowner at 928 N. Notre Dame Ave, located within 300 feet of the property for which the seven variances are sought, as described in the November 2017 letter to neighborhood residents from Ms. Carolyn Henry.

I understand that on certain matters (such as front porch setbacks) variances are commonly sought and granted with little need for deliberation. However, what is sought in this case is a radical departure from the neighborhood's zoning regulations. The plan has significant negative impact on the neighborhood as to both general welfare (safety, aesthetics, convenience) and property value. The plan is a laudable one for a different location, but not at in character with the neighborhood. I will address these concerns in more detail, but note them up front to claim the degree of variance in this case places a heavy burden of proof on the part of the petitioner, rather than on those opposing it, to convincingly argue to the contrary. In this case the variances sought are so out of line with zoning regulations as to call into question the very existence of such regulations should a variance be warranted here.

Others have no doubt expressed the specific problems with the proposed variances in more detail, so I will here note only three. First, the parking variance sought would entail this property's absorption of a significantly disproportionate amount of street parking. The fair sharing of street parking is presumably why zoning regulations demand that office spaces have adequate off street parking. Abandoning that zoning regulation in such a radical manner would not only be an issue of fairness and inconvenience to local homeowners (and their guests), but also pose a threat to the safety of the literally dozens of children in the immediately surrounding houses who play on the park and field that surround 806 Howard St.

Second, the height variance would significantly impact the aesthetics of the neighborhood and therefore property value. Again it is worth reflecting on why such a zoning regulation exists in this neighborhood in the first place. The reason for it surely relates to fairness to all neighborhood property owners, aesthetics, and property value. A variance on the height would impact all of these.

Third and finally, the proposal is not at all in line with the character of the neighborhood. The plan entails a significantly more attractive building in its exterior, as well as an exciting commitment to mixed use space that the City rightly supports in areas zoned for

it, such as Eddy St. But this neighborhood is not a mixed use neighborhood. Why have a zoning regulation at all for residence, office or mixed use if one can simply obtain a variance to avoid the regulation? This development in the Northeast Neighborhood has proceeded very deliberately in property use, including a requirement of residence. The proposal not only defies the character of the neighborhood in adding mixed use space at that location (rather than, say, Eddy St.), but also defies efforts to foster permanent residence rather than periodic use for events such as Notre Dame football games. Space is already zoned for this latter purpose at Eddy St.

There are other considerations that surely other residents have addressed. For instance, while a variance from 8' to 5' on a property line could be a judgment that respects the original intent of the zoning regulation, it is hard to see how the elimination of the east setback to 0' could be said to honor that zoning regulation. Similarly, the elimination (by half) of ADA-required disabled parking for no compelling reason other than the requirement's inconvenience calls into question the very existence of the requirement.

Variations are a standard part of zoning regulations and rightly so since good judgment sometimes indicates the legitimacy of a variance without sacrificing the integrity of the area zoning regulations. I can see such a case being made for variances Two and part of Three as described in Ms. Henry's letter (front yard setbacks to 10' at north and 20' at west, and the south residential setback from 8' to 5'). But in all other variances sought I see no way to establish how the proposed variances are anything other than such radical departures from zoning regulations as to call into question very integrity of neighborhood zoning.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "William C. Mattison III". The signature is written in a cursive style with a long horizontal flourish extending to the right.

William C. Mattison III
Associate Professor, Department of Theology
Senior Advisor: Theological Formation, Alliance for Catholic Education
University of Notre Dame

#7

December 5, 2017

Dear Ms Henry,

We, Ebrahim Moosa and Nisa Moosa, are residents of 1008 N. Saint Peter Street, South Bend IN. We live within 300 feet of the property for which seven variances are sought as the per your November letter to residents.

We write to express our opposition to the variances being sought by Alliance Architects at the 6 December meeting of the Area Board Zoning Appeals.

While run of the mill variances are sought on a regular basis, the current variances will not only alter the character of our neighborhood, affect property values but will overall negatively impact a residential area that has only recently been significantly rehabilitated by the homeowners and a University of Notre Dame plan to upgrade the area.

There are technical matters related to the variances that other neighbors have expressed in detail and submitted to your board and with we concur fully.

We request that you forward our objection to the Board on or before the 6 December meeting.

With best wishes,



Ebrahim & Nisa Moosa

Carolyn Henry

From: Julie Peterson <juliepeterson99@yahoo.com>
Sent: Tuesday, December 05, 2017 12:06 PM
To: Carolyn Henry
Subject: 806 Howard Street

#7

12/5/17

Dear Carolyn,

We are Charles and Julie Peterson, vehemently oppose the variances requested at 806 Howard St. We are residing at 902 N. Saint Peter Street, living within 300 feet of the aforementioned property. We recently purchased our home because of its location in a quiet residential area of single family homes. There is a newly redone Keller Park within easy walking distance for our son to play basketball. Our understanding is that the variances requested, in the center of our neighborhood, will drastically disrupt the character of this previously planned housing district.

The proposed on street parking will increase the traffic pattern, therefore, increasing the risk of accidents to pedestrians. It will also increase the congestion of on street parking in front of our homes.

The building is already out of character for this neighborhood and with the additions of a proposed third story, office space and a larger foot print, it will make it even more obstructive. Those changes would definitely decrease the value of our properties.

Other than the zoning board meeting, there has been no other study or evaluation done by the neighborhood council, or any other advance warning about these proposed changes. There have been major objections to this building's location ever since its inception in 1991. These factors all violate our agreement with the vision that had previously been outlined by Notre Dame, the NENC and the City of South Bend. With the purchase of our house, we agreed to the more stringent codes for building in our neighborhood than even the city of South Bend requires. We needed to be approved by the Notre Dame Council as second owners to this neighborhood, as a single family dwelling. All proposed changes to this building are not consistent with the vision of our neighborhood.

For these reasons, and as well as other pertinent facts and concerns that our other neighbors have voiced, we respectfully request that you vote no to these outlandish requests.

Sincerely,

Charles & Julie Peterson
902 N. Saint Peter Street
South Bend, IN 46617

Carolyn Henry

From: Rudy Reyes Jr. <rreyes@nd.edu>
Sent: Tuesday, December 05, 2017 3:21 PM
To: Carolyn Henry
Subject: RE: Petition from Alliance Architects on behalf of Pandora Partners

5.xiii.17

Dear Ms. Henry,

Please accept this email as a formal expression of opposition to the petition currently on file with the Area Board of Zoning Appeals by Alliance Architects on behalf of Pandora Partners LLC, for variances on the property commonly described as 806 Howard Street, South Bend, Indiana 46617.

I am the property owner of 1014 North Saint Peter Street, South Bend, Indiana 46617, located within 300 feet of the above named property.

I understand that opposition is wide in this case, but I feel it important to voice my concerns.

. As I understand it, the Area Board of Zoning Appeals exists to ensure that use of various properties is consistent with established norms and thoughtfully done. This is an important element of urban planning.

. The current structure at the property in question stands out as different. While recent improvements – paint and grounds cleanup – have aided the appearance, the structure clearly pre-dates the enormous effort and investment that has been put into the neighborhood.

. The planned increase to the height of the building will adversely affect the rest of the property owners in the vicinity. To be sure, such a move would severely impact the property values of those have made significant investment in revitalizing what was admittedly a depressed area.

. Additionally, the mixed use of the property, along with the addition of residential use and deletion of parking on-property will add to an already congested and dangerous parking situation for the adjacent streets.

. The requested variances are not in keeping with zoning of the area, nor is the intent behind them. The expansion of Eddy Street Commons, as well as the current – only a few blocks away – presents plenty of opportunity for mixed-use. This should not occur in an overwhelmingly residential district.

. If the property owner would like to change from Office District to Residential District, this move would be welcomed by me and I imagine many neighbors. At that time, the Residential District zoning requirements, including those of the overlay should then apply. Any other move, up to and including the granting of these variances, would seem to contribute to and augment what appears to be an errant building of a previous era.

I request that the Board consider why these zoning regulations exist:

- . to preserve public health, safety, comfort, community moral standards, convenience or general welfare;
- . to prevent injury or adverse effect to the adjacent property and values therein;
- . to ensure uses consistent with the character of the district in which the property is located and the land uses therein;
- . to ensure uses compatible with the recommendations of the City's comprehensive plan.

I have abided by the terms of the residential and overlay district in the construction of my home and investment in my property because I felt the zoning regulations were sound. I request that the same observance be required by the owner of the above property.

Thank you for your consideration.

Rudy Reyes Jr.

Rudy Reyes Jr.

Director of University Relations, Pacific Northwest
and Concurrent Faculty, First Year of Studies



Eddy Street Commons at Notre Dame
1251 N. Eddy Street, Suite 300 | South Bend, Indiana 46617-1403 U.S.A.
Office: 574.631.0694 | Associate: 574.631.9945 | Facsimile: 574.631.8325
eMail: rreyes@nd.edu | Twitter: [therealNDRudy](https://twitter.com/therealNDRudy) | Web: <http://giving.nd.edu>
What Would You Fight For?: <http://fightingfor.nd.edu>

*Omnia disce videbis postea nihil esse superfluum.
Hugonis de S. Victore*

Carolyn Henry

From: Jennifer D'Ambrosia <jdambros@nd.edu>
Sent: Tuesday, December 05, 2017 3:51 PM
To: Carolyn Henry
Subject: #7
Area Board of Zoning Appeals: Old Pandora's

Dear Board Members,

I am writing to share my concerns and opposition to the proposed variances that the old "Pandora's" building at 806 Howard Street have requested. My name is Jennifer D'Ambrosia and I've been a resident of Notre Dame Ave for 15 years. I have seen the emence expansion of this area - with Eddy Street, the Triangle, the monstrosity of a building that is Opus Day—Windmoor House (which was passed without any notice to the neighbors due to some high paid lawyers) and now the continued construction of Eddy Street-Phase Two.

People are moving out of the neighborhood because it is becoming difficult to park in front of your own house because of all the cars coming to Eddy Street. Whether to shop or work or go to a Bar/Restaurant; along with the residence in the Foundry that find it easier and closer to park in front of your house than the parking garage, and also most likely they don't have a spot in the garage. This problem is sure to only get worse now with the addition of phase two of Eddy Street. So with that being said, I find it very disconcerting that you would even consider allowing a variance for reduced off-street parking. As it is today, the area has a heightened level of auto brakes-ins, so by allowing more cars to be along the streets just invites more of that type of activity. And it certainly posses a safety and comfort hazard to the homeowners around the said property.

I could continue with how unsettling it is to think about adding to the size of a building that is already so out of place in the neighborhood, and probably never should have been allowed to be built in that location in the first place. However, I will just say that as a resident who grew up in Harter Heights, moved away for some 20 years and then returned to the area, I was pleased to see the vast improvements that were made along Notre Dame Ave. and the adjoining streets. Nevertheless, allowing this building to be added to and then decrease the amount of parking it needs to provide, will take us back a decade to when the Ave. was not a desirable place to live – a neighborhood. The neighborhood has come such a long way from the time of rundown, rental houses and bad activity leading to the campus. You are reversing all the positive improvement that have developed in the neighborhood if you allow these changes to be made to this structure.

Thank you for your time,

Jennifer D'Ambrosia
1104 N. Notre Dame Ave.
574-234-2348

Carolyn Henry

From: Brian Mulhern <brian.p.mulhern@gmail.com>
Sent: Tuesday, December 05, 2017 7:08 PM
To: Carolyn Henry
Subject: 806 Howard Street, South Bend

Dear Carolyn,
My name is Brian Mulhern and I am the owner of 726 Corby Blvd (South Bend—bear the intersection of Corby and St Peter). I am writing because I oppose the petition for 806 Howard Street and wanted to pass this on to the Area Board of Zoning Appeals.

I believe that this proposal would be damaging to neighbors' property values and would be out-of-character with this residential neighborhood. Please pass my opposition on the Area Board of Zoning Appeals.

Thank you
Brian Mulhern
cell phone 917-445-3036

The Forteners

1006 N. Notre Dame Ave, South Bend, IN 46617 | 574-387-5987 | fortenerj@hotmail.com

December 5, 2017

#7

Carolyn Henry
Secretary to the Board
Area Board of Zoning Appeals
125 S. Lafayette Boulevard, Suite 100
South Bend, IN 46617
Via email

Dear Carolyn,

We, Steven & Jennifer Fortener, own and live in the home at 1006 N. Notre Dame Avenue which is located within 300 feet of the property commonly described as 806 Howard Street. **We want to express our opposition to the zoning variances sought by Alliance Architects on behalf of Pandora Partners for 806 Howard Street. We respectfully ask that you convey our opposition to the Area Board of Zoning Appeals ("ABZA").** While there are many reasons we object to these variances, we will frame our concerns within the legal standards the ABZA must hold true to grant the requested variances as outlined below.

We, along with many homeowners in the immediate, area have children who frequent Kelley Park which is adjacent to 806 Howard Street. The requested parking variances present a risk to the safety and comfort of the many neighborhood children and groups from the Robinson Community Learning Center who enjoy the enhanced park amenities. Allowing for the requested parking variances would significantly increase the number of cars parked on the street reducing visibility for and of pedestrians. As a home that has a consistent view of the traffic on Howard Street we do not see how a parking variance will "calm" traffic in any way. Additionally, allowing this building to potentially monopolize street parking that residents and their guests also need to make use of is certainly an inconvenience. The variance to reduce the number of ADA spaces should be frowned upon as clearly injurious to public health, safety and comfort.

Second, to allow a "Dwelling Unit- Upper Level" is outside of the moral character of the neighborhood. Our immediate neighborhood and community has been developed as an area composed of full-time primary residents. We are not aware of any mix-use office and dwelling properties within the area, aside from those on Eddy Street, which were developed for that express intent. Additionally, the development of new non-primary resident apartment units are not compatible with the neighborhood and have been actively opposed by the North East Neighborhood Council, the University of Notre Dame and neighborhood residents.

Third, the building is already an out of place structure that sticks out like a sore thumb in the neighborhood. To add a third story, making it an even taller, out of place structure will certainly injure and adversely affect the use of and property values in adjacent areas.

The structure already takes up much of the lot due to variances granted when it was initially constructed. To make it taller, thereby reducing the amount of natural light available to the surrounding homes and land is detrimental to their value. Additionally, an additional level on the building would reduce the amount of privacy afforded to nearby homes, making them less desirable thereby impacting the value.

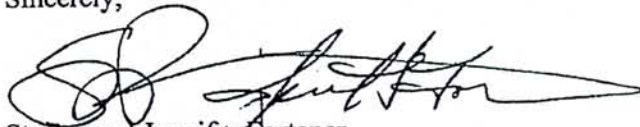
As it currently stands, the building is already completely out of character for our residential neighborhood as the only structure zoned as "Office". To make it a larger, more obtrusive mixed-use building makes it even more inconsistent with the district and neighborhood. To allow such a tall, out of place mixed-use structure in the neighborhood would set a dangerous precedent going forward.

The proposed variances in no way help this building or its land use complement the surrounding parcels of land, nor would the help the building integrate well with its surroundings, both of which are requirements of section E of the City's Comprehensive Plan. The variances only make it a more obtrusive structure, in height and on land, all around.

We have enjoyed seeing the neighborhood grow and expand into a community we are proud to be a part of, however we cannot see how these proposed changes to 806 Howard Street would be beneficial to our community or its development.

Thank you for your consideration and for passing our comments along to the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven and Jennifer Fortener", written over a horizontal line.

Steven and Jennifer Fortener
1006 N. Notre Dame Avenue

Carolyn Henry

From: Jill Bodensteiner <jbodenst@nd.edu>
Sent: Tuesday, December 05, 2017 8:57 PM
To: Carolyn Henry
Cc: James Haigh; Tom Mustillo; Jill.R.Bodensteiner.2
Subject: Zoning Appeal -- 806 Howard Street

Dear Ms. Henry,

My name is Jill Bodensteiner, and I live at 920 North St. Peter Street. Because my home is located within 300 feet of the property located at 806 Howard Street, I received the Notice to Adjacent Property Owners regarding the petition for seven (7) variances to zoning regulations filed by Pandora Partners LLC. Please forward this email detailing my opposition to such variances to the Area Board of Zoning Appeals for consideration.

In light of the overwhelming concern expressed by my neighbors, I am certain that you have received several similar emails or letters. As such, my comments will be brief and focused on two of the legal standards governing the work of the Area Board of Zoning Appeals.

Adverse Affect on Property Values in the Adjacent Area

There is simply no credible argument to be made that the addition of an upstairs dwelling unit (and nearly 15 feet) to the existing structure and the reduction by 31 in the number of off-street parking spots will do anything other than adversely affect the property values in the adjacent areas. The site lines, skyline and residential feel of the entire neighborhood will change. I can't imagine a potential buyer of my bungalow home would want the structure two doors down to tower above their new home. The potential for 30+ additional cars parking in front of our houses will also adversely affect the property value. Finally, any argument that the owner intends to improve the exterior appearance is irrelevant; to my knowledge, there is no related variance in the current petition.

Consistent with the Character of the District

The area surrounding 806 Howard Street is residential with the exception of the structure in question. While already zoned for office use, the addition of significant height and creation of a mixed use office/residential building will render the existing structure even more out of place and will establish bad precedent for the future of the neighborhood. An argument that either phases of the Eddy Street Commons project establishes 806 Howard as part of an existing mixed use district is without merit; a tour of the area would quickly establish the different character of our properties compared to Eddy Street Commons.

In sum, I strongly opposed the zoning variances sought by Pandora Partners LLC related to 806 Howard Street, and look forward to the opportunity to share my views at the hearing.



Jill Bodensteiner

Senior Associate Athletics Director
Notre Dame Athletics

email: jbodenst@nd.edu
cell: (574) 360-9792
office: (574) 631-6721

#7

December 5, 2017

Dear Ms. Henry,

Please pass along our concerns to the Area Board of Zoning Appeals. We are Dan & Kate Kelly of 1011 N. Notre Dame Avenue and are within 300 feet of 806 Howard Street. We are writing to oppose the special exception and variances requested by Alliance Architects on behalf of Pandora Partners, LLC.

The building's appearance, size, and use as a large office space are already out of place for this residential neighborhood. The requested alterations would further separate this building from all the others. Taking a 2-story office building and making it 3 stories—with a significant increase in the height of an already large and bulky building (from approximately 28.5 feet to 46 feet)—not only would make a bigger and taller structure, but would harm the aesthetics of the neighborhood and the property values of the surrounding homes. The expanded building size would dwarf nearby homes; permanently alter the character and sight lines of the community; and decrease access to sunlight for neighbors, while increasing noise and light pollution.

In addition, the variances requested with regard to parking would increase on-street congestion and parking issues and decrease pedestrian and motorist safety. This is problematic because, at present, Howard Street is incredibly busy and dangerous (with one neighbor describing it as the "Indy 500"). Many children, including our own, cross the street and walk by this building to access Kelly Park. We have significant safety concerns that the parking and setback variances would reduce sight lines, increase congestion, and make the walk to Kelly Park for children unsafe. It may make an intersection without a stop sign (Howard & St. Peter's), where one of our children and one of us were nearly struck by a vehicle this summer, even more dangerous.

Neighbors seem uniform in opposing the proposed changes. Dozens of homeowners in the immediate vicinity view it as a bad idea and are actively opposing it. In our view, efforts to improve or change the external appearance of this structure are laudable. But adding a 3rd floor to an already oversized building, dramatically decreasing setbacks (including a setback of 0' on the east side), and creating additional parking and safety issues on an already busy street and at a dangerous intersection are problematic and not in the best interests of the community.

The proposed changes do not appear to satisfy any of the standards for approval. The proposed use would harm public health, safety, comfort, etc.; adversely affect adjacent areas and property values; be inconsistent with the character of the district and the existing land uses; and be incompatible with the City of South Bend's comprehensive plan, as well as the many efforts by and on behalf of homeowners, both longstanding and new, to redevelop this area over the past two decades. An even larger office building, with reduced setbacks and less off-street parking, is not consistent with the interests of the neighborhood or the surrounding homeowners.

Thank you for your consideration.

Sincerely,
Katherine O. Kelly & Daniel B. Kelly

Carolyn Henry

From: Joseph Powers <powers@nd.edu>
Sent: Sunday, December 03, 2017 12:28 PM
To: Carolyn Henry
Cc: jhaigh@lck-law.com; tmustillo@gmail.com; Jo Broden
Subject: former Pandora's

Dear Ms. Henry,

I was given your name and email address by James Haigh. I write with regard to something to which he alerted me: a proposed re-purposing of the old Pandora's bookstore building. I live nearby at 1026 N. St. Peter Street, having recently built a new house and moved here in May 2016.

My understanding is the proposal is to significantly expand the Pandora's site to include new residential units in a new floor. I oppose this. It is out of character with the neighborhood, and expands upon a bad decision made in the 1990s.

I placed a significant investment in a new home in a neighborhood with the expectation that it would remain a neighborhood of single-family dwellings. Part of the advantage of living in a city is that there are rules and expectations that allow people to make informed decisions. I followed the rules when I built, and I expect my neighbors to do so as well. The investors in the former Pandora's building knew the rules when they invested in it.

Please do not grant the variance.

Joseph M. Powers
1206 N. St. Peter Street
South Bend, Indiana 46617

Carolyn Henry

From: John McGreevy <John.T.McGreevy.5@nd.edu>
Sent: Sunday, December 03, 2017 2:54 PM
To: Carolyn Henry
Subject: proposed zoning variance

Dear Ms. Henry,

We write in regard to the proposed zoning variance for the structure formerly known as the Pandora Books building on the corner of St. Peter and Howard Avenue.

We have lived in the neighborhood at 1010 N. Notre Dame Avenue since 2002 and we are within three hundred feet of the structure. We are, frankly, shocked by the proposal. The existing structure has always been out of place with the character of the neighborhood. The recent development of the neighborhood with blocks of single family homes has made this problem only more acute. Adding a residential floor to the top of the building only accentuates this problem, however enticing the proposition is to the building's owners. In addition, parking for the building is insufficient even now and this problem will be exacerbated by the request to have virtually all of the parking on the street.

One of us will be at the zoning meeting to express our objections in person. We have never protested a variance in our time in South Bend and never anticipated doing so. But this proposal works against the efforts of many over a long period of time to build a more coherent neighborhood. We wish to register our opposition in the strongest terms and that you convey this note to the board.

Sincerely,

John McGreevy
Jean McManus

1010 N. Notre Dame Avenue
574-232-1153

--

John T. McGreevy
I.A. O'Shaughnessy Dean of the College of Arts and Letters and Professor of History
University of Notre Dame
100 O'Shaughnessy Hall
Notre Dame, IN 46556
(574)631-6642

[American Jesuits and the World: How an Embattled Religious Order Made Modern Catholicism Global](http://press.princeton.edu/titles/10678.html)
(Princeton University Press, available May 2016)
<http://press.princeton.edu/titles/10678.html>

Carolyn Henry

From: Rita Schmid <schmidrita@gmail.com>
Sent: Sunday, December 03, 2017 9:31 PM
To: Carolyn Henry
Subject: Neighborly considerations for ABZA on 806 Howard St. petition

Dear Carolyn,

My name is Rita Schmid, and I live at 919 North Notre Dame Avenue. As our home is located within 300 feet of the property commonly described as 806 Howard Street, I'd like to express our opposition to the proposed expansion and change of use identified in a recently-filed zoning petition, and if you could pass these thoughts to the board for consideration, I would greatly appreciate your help..

While it came as a surprise that anyone would seek to expand and amplify such an example of structural incongruity in our neighborhood, I thought it best to approach the matter through the frame of the City of South Bend's Comprehensive Plan (which I understand is a critical factor in ABZA's recommendation as they assess a proposal's compatibility). Though it should be noted, I do concur wholeheartedly with my adjacent neighbors, the Haighs and Mustillos, in their overall assessments and personal impressions.

In regard to Chapter 3: Land Use and Growth, Sections D and E of the City Plan, I disagree that the proposed changes support and abide by the city's stated objectives. In section D, the plan states that mixed-use developments can "benefit a community by helping create a sense of place" and "encourage the kind of pedestrian activity people enjoy about city life."

It goes on to say that "housing units on a building's upper floors provide population density, encouraging retail development on the ground floor...attracting more people to the area; more pedestrian activity helps create street life, an essential element of urban living."

While these points may not contradict the proposal's validity, they certainly don't support it either. These benefits are already well in place for our neighborhood thanks to many key factors, including the support of Notre Dame, the positive (and well-deliberated) development plans along Eddy Street, the city of South Bend, and our wonderful community of neighbors.

Section E of the City's Comprehensive Plan on ensuring land compatibility, however, seems to express guidelines that this petition does not comply with.

It states:

"Ensuring compatibility of land uses helps maintain the quality of life of a community. Since a land use decision on any individual parcel will affect surrounding parcels of land, sound decisions have to be made to ensure that different land uses complement each other and create the best urban form...City government, land use experts, and the general public recognize that new developments need to integrate well with their surroundings.

This is achieved by following a plan, incorporating characteristics of the surrounding area into the development, and establishing appropriate buffers, for example, green space and less intensive uses, to reduce land use conflicts."

This building already does not integrate well into its surroundings. Adding 18 feet to the height and widening its allowable structural presence will certainly not help it to do so.

Thank you for your consideration, and we look forward to discussing the matter further on December 6.

Sincerely,

Rita Schmid and Adam Reboloso
919 North Notre Dame Avenue
South Bend, IN 46617

NNRO

Northeast Neighborhood Revitalization Organization

803 Lincoln Way West ♦ South Bend, Indiana 46616 ♦ Phone: 574-289-1066 ♦ Fax: 574-289-4550

December 1, 2017

#7

South Bend-St. Joseph County Area Board of Zoning Appeals (ABZA)
125 S. Lafayette Blvd. • Suite 100
South Bend, Indiana 46601

RE: 806 Howard Street Variance Request for December 6, 2017 ABZA Agenda


Dear Area Board of Zoning Appeals:

The purpose of this letter is to inform you that several members of the Northeast Neighborhood Revitalization Organization (NNRO) are aware of and have briefly discussed the proposal to expand the building located at 806 Howard St. in the Northeast Neighborhood. However, the full board of the NNRO has not reviewed the request. Moreover, the NNRO does not meet until December 13 wherein the full board intends to address the proposal. Therefore, at this time the NNRO is not in support or opposition to the petitioner's request.

Please know that the NNRO recognizes this is a critical matter for the neighborhood as the building has been a longstanding problem property. It is important to note that in partnership with the City of South Bend, Northeast Neighborhood residents and funding partners (South Bend Clinic, The University of Notre Dame, Beacon Health System, St. Joseph Regional Medical Center), the NNRO has directly facilitated roughly 30 million in housing production value in neighborhood since 2003. The NNRO has been very active in all aspects of development in the neighborhood and works to achieve the best possible outcomes.

Please know that NNRO representatives will be in attendance at December 6 ABZA meeting regarding this matter. On behalf of the NNRO Board of Directors, we look forward to a decision regarding this request soon. If you have questions, please contact me directly. Thank you.

Sincerely,



Marco Mariani
NNRO Authorized Representative

CC: NNRO
Building Dept.
APC

#7



THE PERRET GROUP, L.L.C.
A PRIVATE HOLDING COMPANY

December 6, 2017

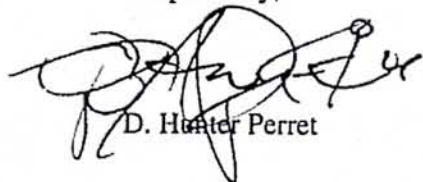
Area Board of Zoning Appeals
C/O Ms. Carolyn Henry
chenry@southbendin.gov

Dear Area Board of Zoning Appeals Members,

My name is Hunter Perret. I own the property located at 1004 North St. Peter Street, 1005 North Notre Dame Avenue, and 1003 North Notre Dame Avenue, South Bend, Indiana. I would like to express my opposition to the expansion and proposed variances being sought by Alliance Architects for the property located at 806 Howard Street. The subject property is located within 50 feet of my property and I would greatly appreciate my opinion being considered by the board.

Please let me know what I need to do further to express my great opposition to these proposed development variances.

Respectfully,



D. Hunter Perret

AREA BOARD OF ZONING APPEALS

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

December 7, 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
Pandora Partners, LLC
12/06/17

Dear Council Members:

The above referenced petition of Pandora Partners, LLC was legally advertised on November 16, 2017. The Area Board of Zoning Appeals gave it a public hearing on December 6, 2017, at which time the following action was taken:

Upon a motion by Mr. Urbanski, being seconded by Ms. Schuth and by a favorable vote of 4-1, the petition for Special Exception to allow a "Dwelling Unit" – Upper Level in an "O" Office District, located at 806 Howard St., Portage Township, zoned "O" Office is sent to the Common Council with a **Favorable Recommendation.**

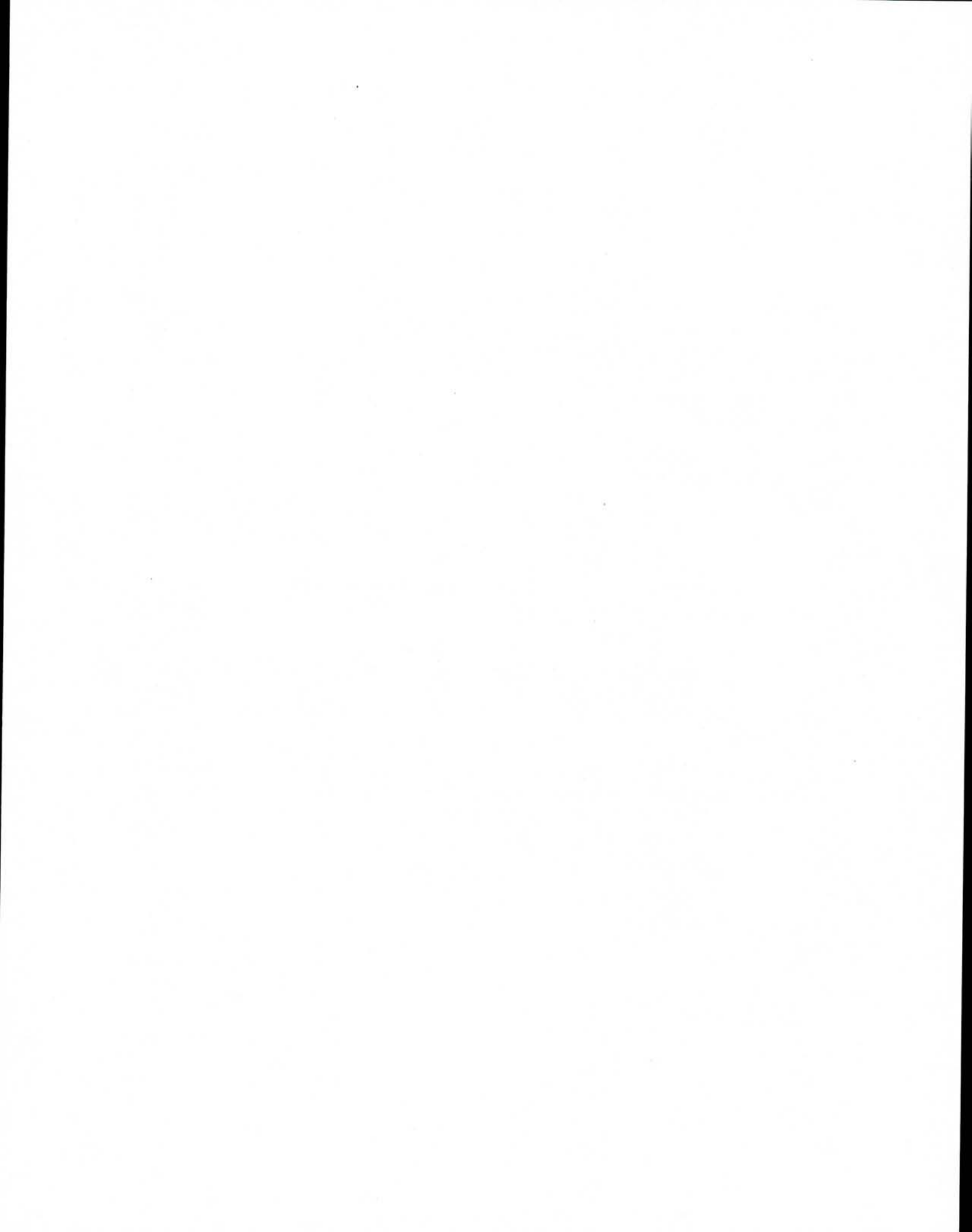
The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision as shown in the Minutes of the Public Hearing, and will be forwarded to you at a later date, to be made part of this report.

Sincerely,



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

CCB/cah



PETITION

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

Pandora Partners, Inc

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:
The accessory residential use should have no impact on the 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:
Because the site has been used as an office for many years, the proposed addition of the residential use should not impact surrounding property values.
3. THE PROPOSED *USE* WILL BE CONSISTENT WITH THE CHARACTER OF THE *DISTRICT* IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:
This Special Exception Use for the upper level dwelling unit is consistent with the O Office District and the surrounding neighborhood in which it will be located.
4. THE PROPOSED *USE* IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND *COMPREHENSIVE PLAN* BECAUSE:
City Plan, South Bend Comprehensive Plan (November 2006) identifies this area as Medium Density Residential.

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 6th Day of December, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANDALL MATTHYS
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KATHY SCHUTH
<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JACK YOUNG
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROBERT HAWLEY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRENDAN CRUMLISH

