



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, June 11, 2018

7:00 P.M.

1. **INVOCATION- REV. JAMES B. MILLER- SUNNYSIDE PRESBYTERIAN CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS- SOUTH BEND CUBS UPDATE- ANDREW BERLIN**
6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE** **TIME: _____**
BILL NO.
14-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA
8. **BILLS ON THIRD READING** **TIME: _____**
BILL NO.
14-18 THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA
9. **RESOLUTIONS**
BILL NO.
18-25 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ACCEPTING AND CONFIRMING A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION DETERMINING

THAT THE ASSESSED VALUE OF PROPERTY IN THE DOUGLAS ROAD ECONOMIC DEVELOPMENT AREA FOR TAX YEAR PAYABLE 2018 MAY BE ALLOCATED TO THE RESPECTIVE TAXING UNITS AND OTHER RELATED MATTERS

10. **BILLS ON FIRST READING**

BILL NO.

23-18 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLE 2, DIVISION 3, SECTION 17-8 (f) TO REVISE LOCAL PRETREATMENT STANDARDS FOR THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

24-18 FIRST READING ON AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 2 RESIDENTIAL DISTRICTS, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS, AND ARTICLE 7 GENERAL REGULATIONS TO REVISE OFF-STREET PARKING REGULATIONS

25-18 FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4546, 4566 & 4612 NORTH LAKE BLACKTHORN DRIVE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

26-18 FIRST READING 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

27-18 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 9 OF THE SOUTH BEND MUNICIPAL CODE TO ADD SECTION 2-131.1 TO REQUIRE PERIODIC SEXUAL HARASSMENT AWARENESS AND PREVENTION TRAINING FOR ALL CITY OF SOUTH BEND EMPLOYEES, ALL CITY OF SOUTH BEND ELECTED OFFICIALS, AND ALL CITY OF SOUTH BEND APPOINTED OFFICIALS

11. **UNFINISHED BUSINESS**

BILL NO.

18-23 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 117 S WILLIAM STREET

18-24 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 112 E INDIANA AVENUE

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 N. FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH N. FOWLER, CITY CLERK
DATE: JUNE 7, 2018
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, JUNE 11, 2018:**

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

4:00 P.M. **ZONING & ANNEXATION** **OLIVER J. DAVIS, CHAIRPERSON**
1. [Bill No. 14-18](#)- Rezoning for 1619 South Michigan Street

4:20 P.M. **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No. 18-25](#)- Releasing Assessed Value from Douglas Road TIF Area for 2018pay2019

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

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
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

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT
455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 02-26-18)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver J. Davis, Member

Sharon L. McBride, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Sharon L. McBride, Vice-Chairperson

Gavin Ferlic, Member

Karen L. 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*.

Dr. David Varner, Chairperson

Tim Scott, Member

Gavin Ferlic, Member

Karen L. 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 M. Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver J. Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 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 and access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dr. David Varner, Member

Sharon L. McBride, Member

PARC COMMITTEE- Venues Parks and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Sharon L. McBride, Chairperson

Dr. David Varner, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-3-18)

PERSONNEL AND FINANCE COMMITTEE

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

John Voorde, Chairperson
Sharon L. McBride, Vice-Chairperson

Jo M. Broden, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen L. White, Chairperson
Jo M. 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 J. Davis, Vice-Chairperson

Sharon L. McBride, 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 J. Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo M. 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



2018 COMMON COUNCIL STANDING COMMITTEES (Rev.02-26-18)

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

SHARON L. MCBRIDE, 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 M. BRODEN, 4TH District Council Member

Health and Public Safety Committee, Chairperson

Residential Neighborhood Committee, Vice-Chairperson

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

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson

Council Rules Committee, Chairperson

PARC Committee, Vice-Chairperson

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

OLIVER J. DAVIS, 6TH District Council Member

Vice President

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
Council Rules Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson

Personnel & Finance Committee, Chairperson

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

JOHN VOORDE, AT LARGE Council Member

Public Works & Property Vacation, Chairperson

Health and Public Safety, Vice-Chairperson

Zoning & Annexation Committee, Vice-Chairperson

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



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

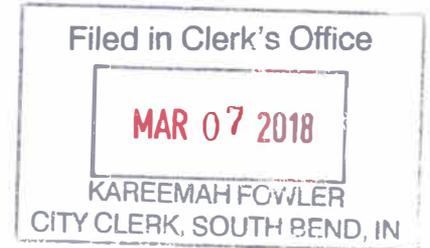
Angela M. Smith
Deputy Director

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

March 6, 2018

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

RE: 1619 South Michigan Street
APC# 2865-18



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 March 12, 2018 Council meeting, and set it for public hearing at your April 23, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the April 17, 2018 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.

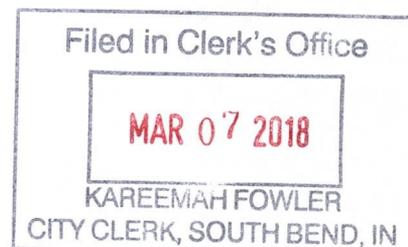
Sincerely,

A handwritten signature in black ink, appearing to read "Jordan Wyatt". The signature is written over a dashed horizontal line.

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 14-18
ORDINANCE NO. _____



AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from LB to CB for automobile sales and carry-out restaurant.

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

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

Part of the West half of the Southwest Quarter of Section 13, Township 37 North, Range 2 East, St. Joseph County, Indiana being more particularly described as follows: Commencing at a point on the West line of Michigan Street, 163 feet South of the North line of said West half of the Southwest Quarter of Section 13 for the Point of beginning; Thence running West along the South line of a 20 foot alley to the East line of a 14 foot alley, a distance of 165 feet; Thence South, along the East line of said 14 foot alley, a distance of 132 feet; Thence East, parallel with the South line of said 20 foot alley to the West line of said Michigan Street, a distance of 165 feet; Thence North, along the West line of said Michigan Street, a distance of 132 feet to the
Point of beginning

Containing 0.50 acres more or less, subject to all legal easements.

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

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

SECTION III. This ordinance is and shall be subject to commitments as provided by Chapter 21-

09.02(d) Commitments, if applicable.

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

BILL NO. 14-18

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

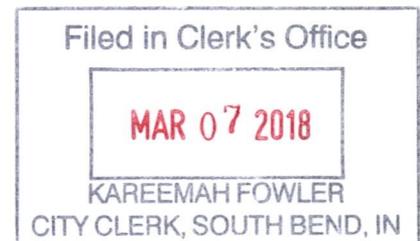
- 1) The property sought to be rezoned is located at: 1619 South Michigan Street, South Bend, Indiana 46613
- 2) The property Tax Key Number(s) is/are: 018-8008-039101
- 3) Legal Descriptions:

Part of the West half of the Southwest Quarter of Section 13, Township 37 North, Range 2 East, St. Joseph County, Indiana being more particularly described as follows: Commencing at a point on the West line of Michigan Street, 163 feet South of the North line of said West half of the Southwest Quarter of Section 13 for the Point of beginning; Thence running West along the South line of a 20 foot alley to the East line of a 14 foot alley, a distance of 165 feet; Thence South, along the East line of said 14 foot alley, a distance of 132 feet; Thence East, parallel with the South line of said 20 foot alley to the West line of said Michigan Street, a distance of 165 feet; Thence North, along the West line of said Michigan Street, a distance of 132 feet to the Point of beginning
Containing 0.50 acres more or less, subject to all legal easements.

- 4) Total Site Area: 0.50 acres
- 5) Name and address of property owner(s) of the petition site:

Delta One Properties, LLC
1619 South Michigan Street
South Bend, Indiana 46613

Name and address of additional property owners, if applicable:



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

Jay Amer & Amjad Ahmed
Michiana Auto Sales
1619 South Michigan Street
South Bend, Indiana 46613
574-326-46613

Name and address of additional property owners, if applicable:

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

From: LB Local Business District

To: CB Community Business District



- 8) This rezoning is requested to allow the following use(s): Automobile Sales And Carry-out Restaurant

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

- 1) A variance from the required foundation landscaping to no foundation landscaping
A variance from the required parking lot screening to no parking lot screening
A variance from the required interior parking lot landscaped islands to no interior parking lot landscaped islands
- 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: we will not be changing any property lines, building or the parking lot
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The use of the said parcel will be an automobile sales and a carry out restaurant that will use the existing building and parking lot.
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not letting the property owners to benefit from the most applicable use of their property.

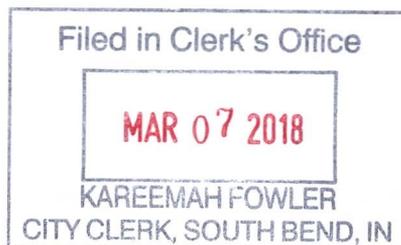
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: to have an automobile sales on said parcel
- 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: as there is no request being made of any purpose other than to use the existing parking lot and building for a automobile sales and a carry out restaurant
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: there will be no changes made to said parcel, the parking lot will exist as it is and the building will be a carry out restaurant and small office spaces.
 - (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: by allowing the existing building and parking lot to remain.
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. No property lines will be changed and there are no property line encroachments exist or are proposed.

* 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:

Lang, Feeney & Associates, INC
715 South Michigan Street
South Bend, Indiana 46613
574-233-1841



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

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

~~Amjad~~ Amjad ahmed
Amjad amer

Delta One Properties, LLC

Filed in Clerk's Office
MAR 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

- FILED -
MAR 05 2018
AREA PLAN COMMISSION
Application# 286578

INDIANA AVENUE

(60' R/W)

BILL NO. 14-18

REZONING

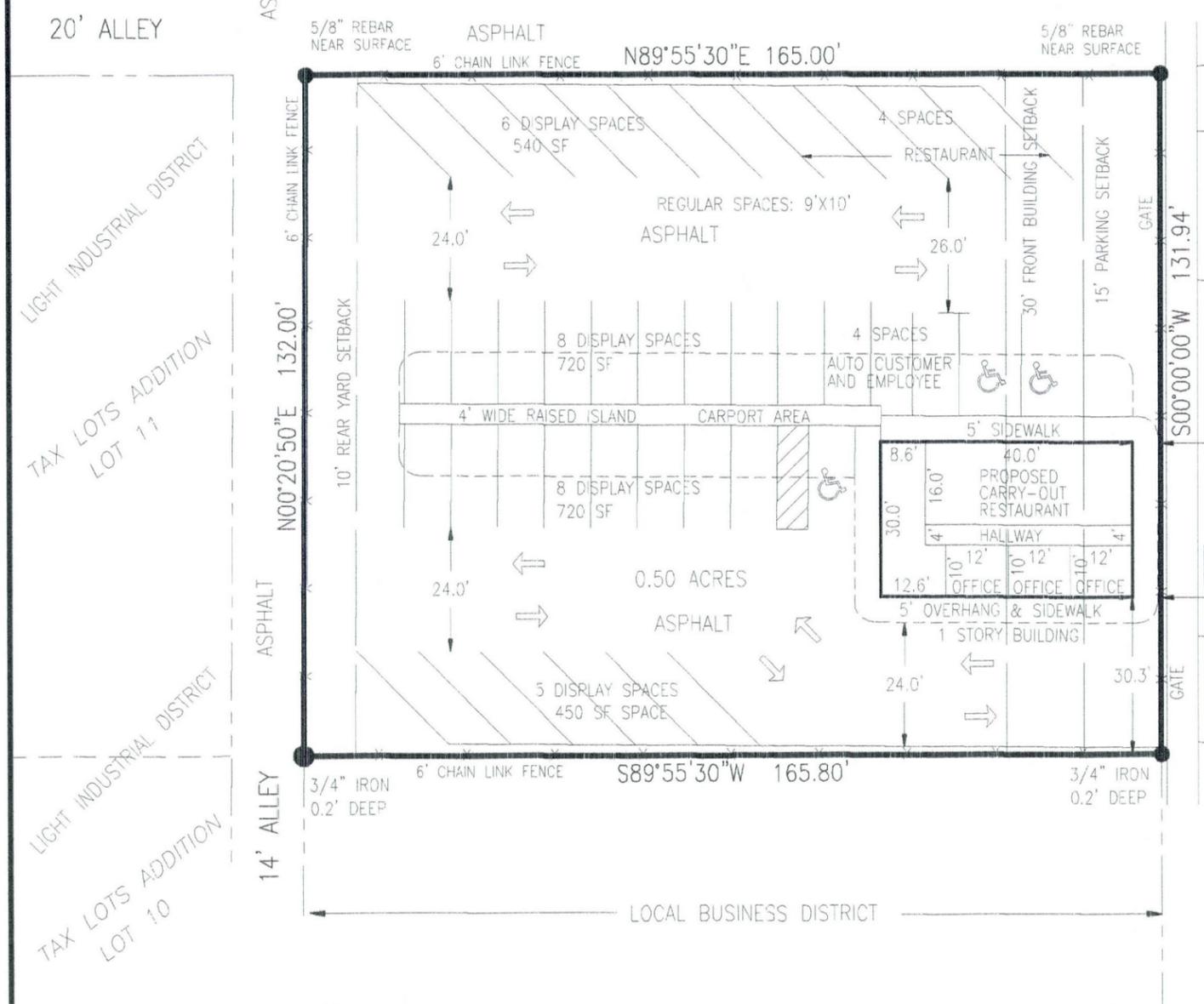
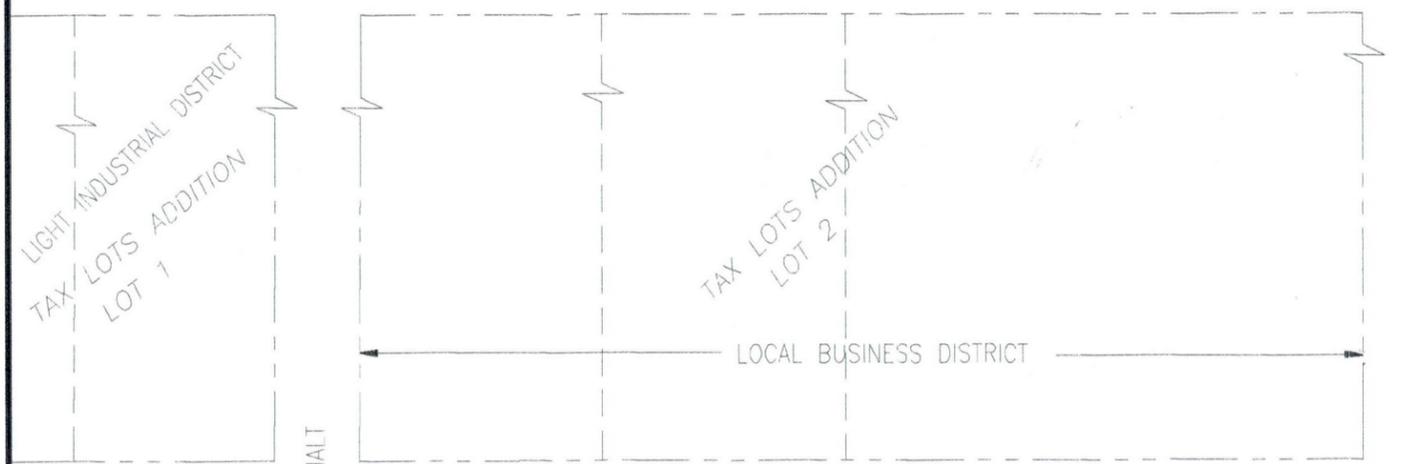
PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH,
RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA
FOR

1619 SOUTH MICHIGAN STREET
SOUTH BEND, INDIANA 46613
C/O MICHIANA AUTO SALES
JAY AMER & AMJAD AHMED

NOTE:
THIS BUILDING IS SERVED BY MUNICIPAL WATER AND
SANITARY SEWER

PARKING:
DRIVE-IN RESTAURANT: ONE SPACE PER EMPLOYEE (MIN 5
SPACES)
3 EMPLOYEES = 5 SPACES SUPPLIED (4 REGULAR, 1 HC)

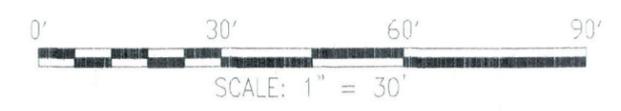
AUTO SALES ONE SPACES PER 300 SF OF SALES FLOOR
AREA IN EXCESS OF 1000 SF (NONE)
PLUS ONE SPACES PER 2000 SF OF OPEN AREA.
2430 SF OPEN AREA = 2 SPACES REQUIRED
5 SPACES SUPPLIED (4 REGULAR, 1 HC)



MICHIGAN STREET
(100' R/W)

LEGEND

- IRON FOUND
- (M) MEASURED
- x— FENCE



LEGAL DESCRIPTION:

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 2 EAST, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF MICHIGAN STREET, 163 FEET SOUTH OF THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 13 FOR THE POINT OF BEGINNING; THENCE RUNNING WEST ALONG THE SOUTH LINE OF A 20 FOOT ALLEY TO THE EAST LINE OF A 14 FOOT ALLEY, A DISTANCE OF 165 FEET; THENCE SOUTH, ALONG THE EAST LINE OF SAID 14 FOOT ALLEY, A DISTANCE OF 132 FEET; THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID 20 FOOT ALLEY TO THE WEST LINE OF SAID MICHIGAN STREET, A DISTANCE OF 165 FEET; THENCE NORTH, ALONG THE WEST LINE OF SAID MICHIGAN STREET, A DISTANCE OF 132 FEET TO THE POINT OF BEGINNING CONTAINING 0.50 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL EASEMENTS.

Filed in Clerk's Office
MAR 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

-FILED-
MAR 05 2018
AREA PLAN COMMISSION
Application# 2865-18



Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841

Land Surveyors • Soil Scientists	
Scale 1" = 30'	Drawn KAW
Date 3/01/18	Job Name MichianaAutoSalesMichiganStreet-Res zoning
Rev. -	Job No. -
Rev. -	-



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

Wednesday, May 16, 2018

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

RE: A proposed ordinance of Delta One Properties, LLC to zone from LB Local Business District to CB Community Business District and seeking a Special Exception Use to allow automobile sales, property located at 1619 South Michigan Street, City of South Bend – APC# 2865-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Delta One Properties, LLC was legally advertised on May 3, 2018 and that the Area Plan Commission at its public hearing on May 15, 2018 took the following action:

Upon a motion by John McNamara, being seconded by Matthew Peterson and unanimously carried, a proposed ordinance of Delta One Properties, LLC to zone from LB Local Business District to CB Community Business District, property located at 1619 South Michigan Street, City of South Bend, is sent to the Common Council with a UNFAVORABLE recommendation. Rezoning this property to CB Community Business District could lead to development that is out of character for this section of Michigan Street and create an environment that opposes the community's vision outlined in the Comprehensive Plan.

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, a Special Exception Use for automobile sales property located at 1619 South Michigan Street, City of South Bend, was sent to the Common Council with an UNFAVORABLE recommendation.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'L. P. Magliozzi'.

Lawrence P. Magliozzi

Attachment

CC: Delta One Properties, LLC
Lang, Feeney & Associates
Michiana Auto Sales Attn: Jay Amer & Amjad Ahmed

Staff Report

5/4/2018

APC # 2865-18
Owner: Delta One Properties, LLC
Location: 1619 South Michigan Street
Jurisdiction: City of South Bend
Public Hearing Date: 5/15/2018

Requested Action:

The petitioner is requesting a zone change from LB Local Business District to CB Community Business District, seeking a Special Exception Use and seeking 4 variances from the development standards.

Land Uses and Zoning:

- On site: On site is a carry out restaurant.
- North: To the north, across an alley, is a vacant business zoned LB Local Business District.
- East: To the east, across Michigan Street, are single-family homes zoned MU Mixed Use District.
- South: To the south is a Family Dollar zoned LB Local Business District.
- West: To the west, across an alley, are properties zoned LI Light Industrial District.

District Uses and Development Standards:

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

Site Plan Description:

The site plan shows that the building and parking lot will remain. The parking lot will be used for parking for the restaurant and display spaces for the car dealership.

Zoning and Land Use History And Trends:

The properties across Michigan Street were rezoned with the adoption of the MU Mixed Use District in 2004.

Traffic and Transportation Considerations:

The site is adjacent to an alley on the north and west. Michigan Street is two lanes, with on-street parking and a center turn lane.

Utilities:

The site is served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers an unfavorable recommendation of the rezoning. This section of Michigan Street should feature fairly walkable land uses

compatible with an urban neighborhood. The proposed zoning is inconsistent and more intense than all of the neighboring properties. Development standards of the proposed zone, including sign regulations, could lead to disjointed development. Should the Commission or Council approve the rezoning and variances, DCI recommends the following to mitigate any negative impacts: 1) Offer a written commitment to limit the number of vehicles to 27 as shown on the site plan; 2) In lieu of providing foundation landscaping, add 1-2 replacement trees in the public tree lawn; 3) In lieu of providing full parking lot screening, provide landscaped areas with 3' hedges at the northeast corner of building and the northeast corner of the lot; 4) Install landscaped island to separate the restaurant spaces from the display spaces along the north property line; and 5) Bring the fence into compliance which is a maximum 4' in height and no barbed wire.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The proposed rezoning is inconsistent with City Plan, South Bend Comprehensive Plan (2006) Policy UD 4: Improve the character of the community's entryways and corridors and Policy LU 2.3: Ensure coordination of land uses among adjacent area-specific plans.

Land Use Plan:

The Future Land Use Plan identifies this area for mixed use development.

Plan Implementation/Other Plans:

The Southeast Neighborhood Master Plan (2015) calls for commercial uses to be located along major corridors. Strategy 1 states: Create pedestrian-friendly streetscapes along community corridors.

2. Current Conditions and Character:

Michigan Street has been a major commercial corridor for the neighborhoods south of downtown, with a mix of commercial and residential uses.

3. Most Desirable Use:

The most desirable use for this site would be low intensity commercial developments that serve the needs of the surrounding neighborhood.

4. Conservation of Property Values:

The approval of this rezoning for a car dealership would not conserve the value of the surrounding properties.

5. Responsible Development And Growth:

It is not responsible development and growth to approve this rezoning. The proposed zone has development standards and uses that are out of character for this neighborhood.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning, a Special Exception Use, and 4 variances from the development standards. The Commission will forward the

rezoning and Special Exception Use to the Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking a Special Use to allow:

automobile sales

A Special Exception may only be granted upon making a written determination based upon the evidence presented at a public hearing, that:

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

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;

The use would negatively affect adjacent property values by creating an auto oriented use in a district design for pedestrian friendly development.

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

The approval of the Special Exception Use would be out of character of adjacent area. The zoning of surrounding properties along and across Michigan Street permit uses that are designed to be low intensity and provide for the needs of an urban neighborhood.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The proposed rezoning is inconsistent with City Plan, South Bend Comprehensive Plan (2006) Policy UD 4: Improve the character of the community's entryways and corridors and Policy ED 7.3: Support neighborhood-based economic opportunities as identified in area-specific plans, specifically the Southeast Neighborhood Master Plan which encourages creating pedestrian-friendly streetscapes along community corridors.

The petitioner is seeking the following variance(s):

- 1) from the required foundation landscaping to none
- 2) from the required parking lot screening to none
- 3) from the required interior off-street parking area landscaping to none;
- 4) from the maximum allowed 4' fence to 6' fence with barbed wire

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

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

The approval of the variances will not be injurious to the public health, safety, moral and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance

will not be affected in a substantially adverse manner;

The value of adjacent properties would be negatively affected if approval of these variances were granted, giving permission to develop a site with intense use and without proper screening and buffering.

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

Strict application of the development standards for parking lot landscaping and fencing would not impose any practical difficulties in the use of this property. Strict application of the foundation landscaping would impose practical difficulties on the property owner.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

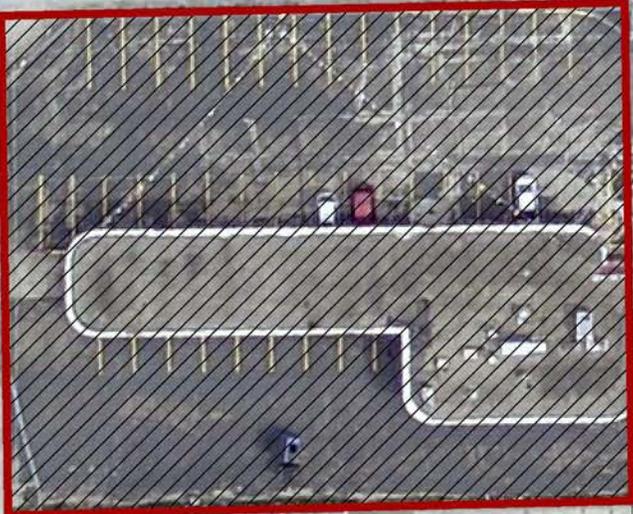
Based on information available prior to the public hearing, the staff recommends the rezoning and Special Exception Use be sent to the Common Council with an unfavorable recommendation. Staff recommends denial of the variances.

Analysis:

Rezoning this property to CB Community Business District could lead to development that is out of character for this section of Michigan Street and create an environment that opposes the community's vision outlined in the Comprehensive Plan.

BILL NO. 14-18 INDIANA

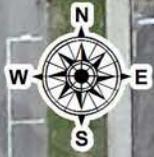
**REZONING
#2865-18**



MICHIGAN

DUBAIL

**Portage Township
1 inch = 50 feet**





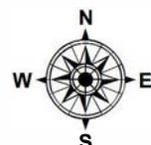
Rezoning from: CITY OF SOUTH BEND

LB: LOCAL BUSINESS DISTRICT to CB: COMMUNITY BUSINESS DISTRICT

MASTER ZONING KEY

BILL NO. 14-18

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
-  SOUTH BEND "GB" GENERAL BUSINESS DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 100 feet

APC # 2865-18



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

May 16, 2018

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

RE: Bill #14-18
Rezoning: APC #2865-18 – 1619 South Michigan Street

Dear Council Members:

The Area Plan Commission held a public hearing on May 15, 2018 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, May 29, 2018.

Ordinance & Petition Amendments:

The petition was updated to add a variance request for fence height and barbed wire.

Public Hearing Summary:

There was no one to speak in favor or against this petition.

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

Sincerely,

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

Jordan Wyatt
Zoning Planner

CC: Bob Palmer

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

- 1) A variance from the required foundation landscaping to no foundation landscaping;
A variance from the required parking lot screening to no parking lot screening;
A variance from the required interior parking lot landscaped islands to no interior parking lot landscaped islands; and
A variance to allow the existing 6' chain link fence to remain in place.
- 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: we will not be changing any property lines, building or the parking lot
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The use of the said parcel will be an automobile sales and a carry out restaurant that will use the existing building and parking lot.
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not letting the property owners to benefit from the most applicable use of their property.

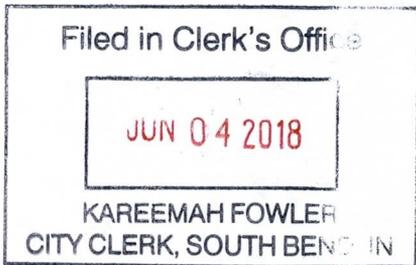
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: to have an automobile sales on said parcel
- 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: as there is no request being made of any purpose other than to use the existing parking lot and building for a automobile sales and a carry out restaurant
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: there will be no changes made to said parcel, the parking lot will exist as it is and the building will be a carry out restaurant and small office spaces.
 - (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: by allowing the existing building and parking lot to remain.
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. No property lines will be changed and there are no property line encroachments exist or are proposed.

* 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:

Lang, Feeney & Associates, INC
715 South Michigan Street
South Bend, Indiana 46613
574-233-1841



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

May 25, 2018

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

Re: Releasing Assessed Value from Douglas Road TIF Area for 2018pay2019

Dear Council President Scott:

At a public meeting held May 24, 2018, the South Bend Redevelopment Commission made the necessary findings under Indiana Code 36-7-14 determining that all the assessed value in Allocation Area No. 1 of the Douglas Road Economic Development Ara may be allocated to the respective taxing units. Notice of the Commission's action was sent to South Bend Common Council members that date.

Attached is a resolution formally approving release of the TIF increment to be collected from the Douglas Road TIF Area for tax pay year 2019. This TIF is close to finishing the projects originally expected from it. Once the last project is completed, we will close this TIF area.

I will present this resolution at your June 11 Council meeting. Please let me know if you have any questions. Thank you.

Sincerely,


Elizabeth Leonard Inks
Director Redevelopment Finance

DANIEL J. BUCKENMEYER ALKEYNA ALDRIDGE PAMELA MEYER TIM CORCORAN
BUSINESS DEVELOPMENT ENGAGEMENT & ECONOMIC EMPOWERMENT NEIGHBORHOOD DEVELOPMENT PLANNING & COMMUNITY RESOURCES

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 18-25

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ACCEPTING AND CONFIRMING A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION DETERMINING THAT THE ASSESSED VALUE OF PROPERTY IN THE DOUGLAS ROAD ECONOMIC DEVELOPMENT AREA FOR TAX YEAR PAYABLE 2018 MAY BE ALLOCATED TO THE RESPECTIVE TAXING UNITS AND OTHER RELATED MATTERS

WHEREAS, the South Bend Redevelopment Commission (the "Commission"), the governing body of the South Bend, Indiana, Department of Redevelopment (the "Department") and of the Redevelopment District of the City of South Bend, Indiana (the "Redevelopment District"), exists and operates under the provisions of IC 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has previously adopted resolutions, which have been amended from time to time, declaring the Douglas Road Economic Development Area to be an economic development area within the meaning of the Act (the "Area") and designating such Area as Allocation Area No. 1 (the "Allocation Area") under Section 39 of the Act; and

WHEREAS, the Commission, in accordance with the Act, has previously established an allocation fund for the Allocation Area (the "Allocation Fund"); and

WHEREAS, on May 25, 2017, in accordance with Section 39 of the Act, the Commission adopted its Resolution No. 3395 stating the Commission's determination that for tax year payable 2018, all of the assessed value in the Allocation Area is excess assessed value and may be allocated to the respective taxing units in the manner prescribed in Section 39 of the Act because the Commission has found that the amount by which the assessed value of the taxable property in the Allocation Area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxed necessary to make, when due, principal and interest payments on bonds, plus the amount necessary for other purposes described in Section 39; and

WHEREAS, in light of the Commission's determination set forth in Resolution No. 3395 and pursuant to Section 39(b)(4)(C) of the Act, the Commission has submitted its determination to the Common Council for confirmation or modification; and

WHEREAS, the Common Council finds that the determination made by the Commission is appropriate and should be confirmed; and

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

Section I. The Common Council confirms the Commission's determination in Resolution

3395 that, for tax year payable 2018, all of the assessed value in the Allocation Area is excess assessed value and may be allocated to the respective taxing units in the manner prescribed in Section 39 of the Act.

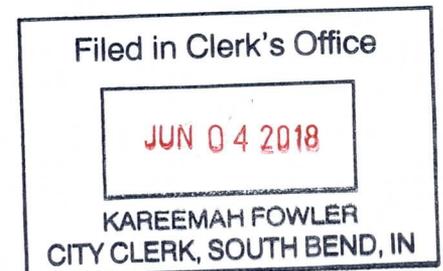
Section II. The Commission's determination for 2018 shall not be construed to affect any future determination of the Commission with respect to the capture of assessed value of the taxable property in the Allocation Area in the years following 2018.

Section III. The City Clerk is hereby authorized and directed to immediately notify or cause to be notified the officers of the South Bend Redevelopment Commission of the determination made herein.

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

Tim Scott, Council President
South Bend Common Council

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

May 24, 2018

Common Council
227 West Jefferson Blvd.
Suite 400 S
South Bend, Indiana 46601

RE: Request for Amendment of Local Standard Regulations in the South Bend Municipal Code

Dear Common Council Members:

Per the City of South Bend Wastewater Treatment Plant's (City) NPDES Permit No. IN0024520, the City is required by the federal Environmental Protection Agency (EPA) to conduct a technical re-evaluation of its Local Standards for use of the public sewers no less than every five-year permit cycle. The City has completed the re-evaluation, and thus requests to amend Chapter 17, Article 2, Division 3, Section 17-8 (f) of the South Bend Municipal Code to include a Monthly Maximum Allowable Industrial Load (MAIL) requirement, distinct from the existing Daily MAIL.

The City's recommended modification of the Municipal Code is compliant with federal law and has been tentatively approved by the EPA. In accordance with an EPA letter dated May 15, 2018, prior to submittal for formal EPA approval, the City must formally adopt the proposed revision to Section 17-8 (f) of the South Bend Municipal Code. We are submitting this amended Section of the South Bend Municipal Code for your approval, so to comply with EPA's requirement.

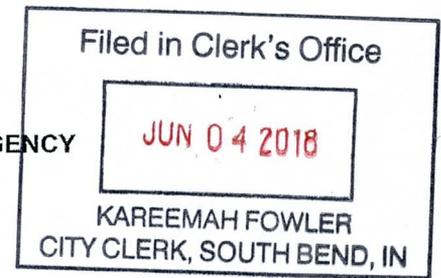
If you should have any questions, please don't hesitate to contact me at 574-235-9251 or by email at ehorvath@southbendin.gov

Sincerely,

Eric Horvath
Executive Director
Department of Public Works
227 West Jefferson Blvd. Suite 1300 N
South Bend, Indiana 46601



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



MAY 15 2018

REPLY TO THE ATTENTION OF:

WN-15J

Mr. Al Greek
Director of Utilities
City of South Bend
Division of Public Works
3113 Riverside Drive
South Bend, Indiana 46628

Re: Tentative Approval of Local Limits Modification for Pretreatment Program for the City of South Bend Wastewater Treatment Plant, South Bend, Indiana, NPDES Permit No. IN0024520

Dear Mr. Greek:

The U.S. Environmental Protection Agency (EPA) has reviewed the proposed Local Limits (LL) modification submitted by the City of South Bend Wastewater Treatment Plant (City) on July 31, 2017, and subsequent supporting document in response to EPA's comments received on August 3, September 15 and November 14, 2017. The proposed LL modification was public noticed on March 30, 2018, in the South Bend Tribune; and there were no public comments received during the comment period. In accordance with 40 CFR Section 403.18 of the General Pretreatment Regulations, I am pleased to inform you that based on our evaluation of the information provided, the modifications are consistent with federal requirements and approvable.

Before EPA can formally approve of any modifications to the pretreatment program, the City must first formally adopt changes to its Sewer Use Ordinance (SUO) and then the City must submit the final and city-approved versions of the City's SUO request for EPA approval.

Please submit the adopted SUO and supporting documents within ^{7/14}60 days from the date of this letter. Thank you for your continued commitment to protect our nation's water resource. If you have any questions, please contact David Soong at (312) 886-0136 or at soong.david@epa.gov.

Sincerely,

Kevin M. Pierard, Chief
NPDES Programs Branch

cc: Natalie Maupin, IDEM, electronically
Lauran Trapp, City of South Bend, electronically

Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 23-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLE 2, DIVISION 3, SECTION 17-8 (f) TO REVISE LOCAL PRETREATMENT STANDARDS FOR THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

STATEMENT OF PURPOSE AND INTENT

In order for the City of South Bend to discharge pollutants into the St. Joseph River as one of the "waters of the United States," the federal Clean Water Act of 1972 requires the City to possess a National Pollutant Discharge Elimination System (NPDES) Permit. As one condition of the City's maintenance of its NPDES Permit, the City is required by the federal Environmental Protection Agency (EPA) not less than every five years to review and update its Local Standards for general use of the public sewers and pretreatment of waste. These regulations are codified at Chapter 17, Article 2, Division 3, Section 17-8 of the South Bend Municipal Code.

The City through its Division of Environmental Services has performed the requisite review and wishes to revise Section 17-8 (f) to add a Monthly Maximum Allowable Industrial Load (MAIL) requirement, distinguished from a Daily MAIL. The City's recommended revision of the Municipal Code is in compliance with federal law and is expected to be approved by the EPA.

It is in the best interest of the City that this ordinance be adopted.

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

SECTION I. Chapter 17, Article 2, Division 3, Section 17-8(f) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-8 – General purpose; prohibited discharges; discharge standards.

(f) *Local Standards.*

(1) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) to protect the objectives specified in Sec. 17-8(a).

(2) The following pollutant limits are established to protect against Pass Through and Interference. No Significant Industrial User shall discharge wastewater in excess

of the following daily maximum discharge limitations: [0.00019) mg/L total mercury.

(3) The Director may, at the Director's sole discretion, implement local limits through allocation of the Daily Maximum Allowable Industrial Load (MAIL) and the Monthly MAIL to Significant Industrial Users. The Daily MAIL is the total daily loading of a pollutant available to be allocated to all Significant Industrial Users. The Monthly MAIL is the total loading of a pollutant available to be allocated to all Significant Industrial Users as a monthly average. The monthly average is calculated as the sum of the concentrations of all daily discharges measured during a calendar month divided by the number of daily discharges measured that month. Daily MAILs and Monthly MAILs for the following pollutants are hereby incorporated by reference:

Arsenic

c Cadmium

c Chromium

Copper

c Cyanide

l Lead

n Nickel

s Silver

z Zinc

(4)

Significant Industrial Users (SIU) who have not been given an allocation for one of the pollutants listed above shall notify the City of South Bend at least 90 days in advance of a change in the characteristics of their wastewater that would increase the expected concentration of that pollutant in their wastewater discharge. In addition, the City may determine at any time that an SIU wastewater discharge requires a limitation for a pollutant, regardless of the concentration levels listed below, and may then develop a limit based on the MAIL. In any case, SIU discharge that is found to contain in excess of the following concentrations will be reviewed for the need for a limit. The Director may require more sensitive analysis when results are reported as less than the following concentrations or less than greater concentrations:

Arsenic—0.2 mg/L

Cadmium—0.1 mg/L

Chromium—2.0 mg/L

Copper—0.3 mg/L

Lead—0.3 mg/L

Nickel—0.3 mg/L

Silver—0.2 mg/L

Zinc—0.3 mg/L

Cyanide—0.1 mg/L

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval of the Mayor and any publication required by law.

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

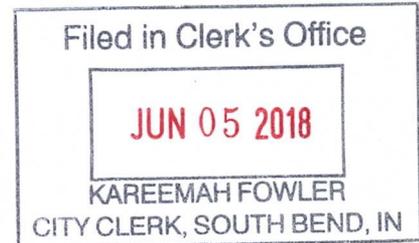
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

June 5, 2018

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



RE: Text Amendment
APC# 2872-18

Dear Council Members:

Enclosed is an Ordinance for the proposed Zoning Ordinance Amendment. Please include the attached Ordinance on the Council agenda for first reading at your June 11th, 2018 Council meeting, and set it for public hearing at your June 25th, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the June 19th, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

Angela M. Smith
Angela M. Smith
Deputy Director

CC: Bob Palmer

Filed in Clerk's Office

JUN 05 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 24-18

ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 2 RESIDENTIAL DISTRICTS, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS, AND ARTICLE 7 GENERAL REGULATIONS TO REVISE OFF-STREET PARKING REGULATIONS

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 off-street parking has shown that these regulations have led to the overbuilding of vehicle parking lots while not promoting the use of active transportation modes. This ordinance revises required parking count and parking design standards to reduce the amount of unnecessary off-street parking and to encourage infill and reuse of existing properties.

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 2 Residential Districts, Section 21-02.03 (b) Development Standards, is hereby amended as follows:

- (11) Parking – See Section 21-07.04 – Off-Street Parking Regulations; ~~provided, however, a *project* in the MF1 District may include *on-street parking* located immediately adjacent to the *project*, if such adjacent *on-street parking* is approved by the Department of Public Works and the design of the *on-street parking* is approved by the Department of Public Works. If *on-street parking* is provided, the amount of *off-street parking* required by this Ordinance for the *project* shall be deemed to be reduced by the number of *on-street parking spaces* provided immediately adjacent to the *project*.~~

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.01 (b) Development Standards, is hereby amended as follows:

- (10) Parking – See Section 21-07.04 – Off-Street Parking Regulations; ~~provided, however, *on-street parking* located immediately adjacent to the site may be permitted if the design and location of the *on-street parking* is approved by the Board of Public Works. If *on-street parking* is provided, the amount of *off-*~~

~~street parking~~ required by this Ordinance shall be deemed to be reduced by the number of ~~on-street parking spaces~~ provided immediately adjacent to the site.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 General Regulations, Section 21-07.04 Off-Street Parking Regulations, is hereby deleted and replaced with a new Section 21-07.04 as follows:

Section 21-07.04 Off-Street Parking Regulations.

Intent – These Off-Street Parking Regulations are intended to provide for the provision of *off-street parking areas* which are adequate to support the needs of proposed *uses* and future *uses* of a site while at the same time assuring that the design and construction of such *off-street parking areas* meet minimum design standards necessary to promote efficient circulation and prevent undue traffic congestion. These Regulations are also intended to support active transportation modes.

(a) General Regulations.

(1) Applicability.

(A) Parking for Buildings, Structures or Uses.

All new development, additions to *buildings* or *structures*, or conversions of *use* for which an *improvement location permit* is required by this Ordinance in any *district* except the *MU District* or *CBD District* shall provide required *off-street parking areas* in accordance with the regulations of this Section 21-07.04 and the *development standards* of the applicable *district* of this Ordinance.

(B) Exceptions to Off-Street Parking Regulations for any MU District or CBD District.

Off-street parking areas shall not be required for any *use* located in any *MU District* or *CBD District*. Any *off-street parking areas* which are provided, even if not required, shall be developed in compliance with the design and construction standards set forth in this Section 21-07.04.

(2) Existing Parking Areas.

Existing *off-street parking areas* shall not be reduced below the minimum requirement for such *use* as required by this Ordinance. Any *off-street parking areas* existing prior to the effective date of this Ordinance which were already below the standards established by this Ordinance shall not be further reduced.

(3) Location of Parking Areas.

Off-street parking areas shall be located:

- (A) on the same *lot* as the building, structure or use served by the *off-street parking area*;
- (B) within the same integrated center, business park, or industrial park as the *building, structure* or *use* served by the *off-street parking area*; or
- (C) within five hundred (500) feet, of the *building, structure* or *use* served by the *off-street parking area*, provided that such off-site location for the *off-street parking area* is:
 - i. located within a *district* which permits the *use* for which the *off-street parking* is provided; and,
 - ii. described by a written agreement, properly drawn and executed by the parties concerned and approved as to form by the South Bend City Attorney, assuring the availability of the *off-street parking area* and filed with the *Zoning Administrator* as part of the request for approval of an *Improvement Location Permit*.
- (D) In addition to the above location requirements, the location of *off-street parking areas* in residential districts shall not be located in violation of the provisions set forth in Section 21-02.11 (e).

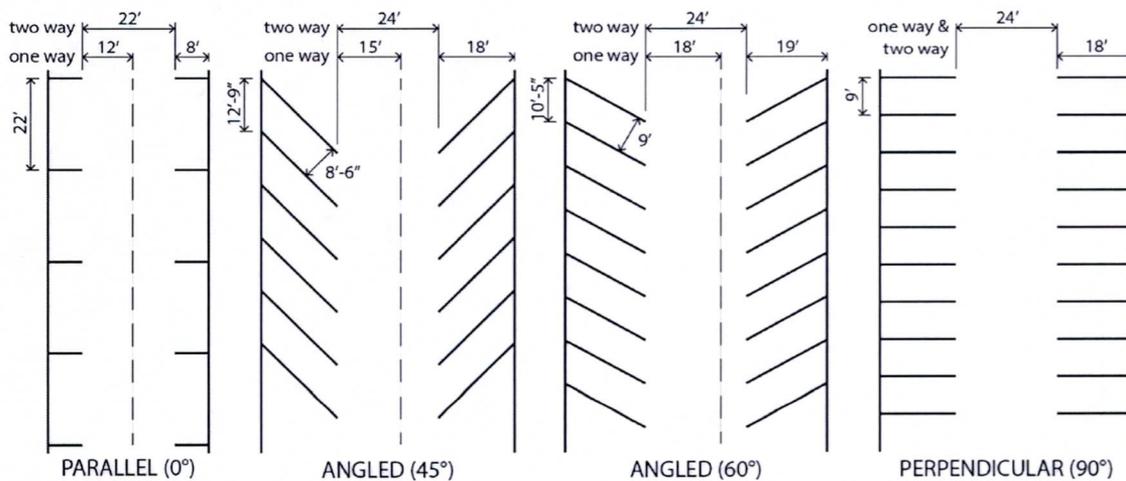
(b) Vehicle Parking.

(1) Design and Construction of *Off-Street Parking Areas*.

The design and construction of all required *off-street parking areas* shall be in compliance with the stricter of the regulations contained in this Section 21-07.04 (b)(1) or the minimum specifications prescribed by the Board of Public Works.

- (A) Design of Parking Areas.
 - i. The layout of all *off-street parking areas* shall be in compliance with Table 21.07.04 A: Parking Lot Design. An *alley* adjacent to the *lot* may be used to meet the requirement for drive aisle width.

Table 21-07.04 A: Parking Lot Design					
Space Angle	Space Width	Parking Row Depth	Curb Width	Drive Aisle Width: One-Way	Drive Aisle Width: Two-Way
Parallel (0°)	8'	8'	22'	12'	22'
45°	8'-6"	18'	12'-9"	15'	24'
60°	9'	19'	10'-5"	18'	24'
Perpendicular (90°)	9'	18'	9'	24'	24'



- ii. Except for individual *single family dwellings* or *two family dwellings*, the landscaping of all *off-street parking areas* shall comply with the regulations contained in Section 21-07.01.

- iii. Except for individual *single family dwellings* or *two family dwellings*, all *off-street parking spaces* shall be:
 - a. identified by painted lines (minimum four inches (4") in width), raised curbs or other means to indicate individual spaces; and,
 - b. provided with a raised curb, wheel stops or other devices to ensure that motor vehicles do not encroach beyond the *off-street parking area* or into a required *yard*.

(B) Surface of *Off-Street Parking Areas*.

Off-street parking areas and any *driveway*, *interior access driveway* or *interior access drive* to and from such *off-street parking areas* shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface, which meets or exceeds the minimum specifications prescribed by the Board of Public Works, provided, however, a *temporary* or seasonal *use* permitted by the *district* in which such *temporary* or seasonal *use* is located may use an unimproved or gravel surface for the duration of the *temporary* or seasonal *use*. If a temporary gravel surface is provided, such gravel shall be removed and the *off-street parking area* shall be returned to its prior condition immediately upon cessation of the *temporary* or seasonal *use*.

(2) Minimum Number of *Off-Street Parking Spaces*.

Off-street parking for all *uses* shall be provided in accordance with the minimum requirements set forth in Table 21-07.04 B: Required Off-Street Parking Table. When the computation of required *off-street parking spaces* results in a fraction of one-half (1/2) or greater, the number of required *off-street parking spaces* shall be rounded up to the next whole number. Except for residential uses, any individual, non-related and separately operated *use* shall provide no less than two (2) *parking spaces*.

Table 21-07.04 B: Required Off-Street Parking	
<i>Use</i>	Minimum Number of <i>Parking Spaces</i> per One Thousand (1,000) Square Feet of <i>Gross Floor Area</i> of <i>Buildings</i> (except as noted)
Automobile Sales, Service, & Related <i>Uses</i>	2
Commercial: Hotels, Motels, & Other Sleeping Establishments	0.75, plus 2 <i>parking spaces</i> at office or registration area
Commercial: Retail & Service	2
Commercial: Restaurants & Bars	8
Industrial	0.5
Industrial: Warehouse or Distribution	0.33
Institutional: Schools	0.75
Institutional: Hospitals and Clinics	2.5
Office	3
Public Assembly, Civic, Religious, and Recreational Facilities	4
Residential	1 per <i>dwelling unit</i>

Note: For any *use* not specified above, the minimum number of *parking spaces* shall be determined by the *Zoning Administrator* and shall be based upon requirements for similar *uses*, expected demand, and traffic generated by the proposed *use*, and other information from appropriate traffic engineering and planning criteria.

(A) Units of Measurement.

Gross floor area shall be determined per the definition of *gross floor area* in Section 21-11 – Definitions.

(B) Credits to Provide Minimum Number of *Off-Street Parking Spaces*.

- i. Legal, *on-street parking spaces* located immediately adjacent to and on the same side of the *street* as the *front lot line* may be counted toward *off-street parking space* requirements.

- ii. The minimum number of *off-street parking spaces* may be reduced by ten (10) percent if the *lot* is located within one thousand (1,000) feet of a public transit line.
- iii. The required number of *off-street parking spaces* may be reduced by one (1) for every two (2) bicycle parking spaces provided above those otherwise required by Section 21-07.04 (c)(2), up to a maximum of ten (10) percent of the minimum *off-street parking space* requirement.

(C) Increase in Intensity of Use.

Additional *off-street parking spaces* shall be required whenever a change of *use*, units, or size of a *building*, *structure*, or *lot* results in an increase in the minimum number of required *off-street parking spaces* of twenty-five (25) percent or more from the number of *off-street parking spaces* existing on the effective date of this Ordinance, whether such total increase occurs at one (1) time or in successive stages.

(3) Required Parking for the Disabled.

Every *off-street parking area* and *parking garage* available to the public shall have *parking spaces* reserved for the use of physically handicapped persons as specified in Table 21-07.04 C: Minimum ADA Parking Spaces (as required by ADA Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a), published in the Federal Register, Volume 56, No. 144, dated July 26, 1991); provided, however, facilities which provide medical care and other services to persons with mobility impairments shall provide ADA Parking Spaces as follows:

- (A) Outpatient units and facilities – 10% of the total number of *off-street parking spaces* provided; and,
- (B) Units and facilities that specialize in treatment services for persons with mobility impairments – 20% of the total number of *off-street parking spaces* provided.

Table 21-07.04 C: Minimum ADA Parking Spaces	
Total Parking Spaces Provided	Minimum Number of Reserved Spaces
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	Two percent (2%) of the total number of <i>off-street parking spaces</i> .
1001 and over	Twenty (20), plus one (1) for each one hundred (100) <i>off-street parking spaces</i> over one thousand (1000).

(c) Bicycle Parking.

- (1) Design and Construction of *Off-Street* Bicycle Parking.
 - (A) Bicycle parking shall be placed with one-hundred (100) feet of, and clearly visible from, the main entrance to the *use* served.
 - (B) All bicycle parking areas shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface.
 - (C) All bicycle racks shall be
 - i. securely anchored,
 - ii. able to support the bicycle frame in at least two places to prevent the bicycle from falling over, and
 - iii. configured to allow the locking of the frame and at least one wheel with a U-lock.

- (2) Minimum Number of Required *Off-Street* Bicycle Parking Spaces.
- (A) The number of bicycle parking spaces, not the number of bicycle parking fixtures, is used to determine bicycle parking. For example, a single bicycle rack that is designed for parking two bicycles is counted as two bicycle parking spaces.
- (B) Any *use* that requires at least ten (10) vehicle *parking spaces* (per the provisions of Section 21-07.04 (b)(2)) shall provide one (1) bicycle parking space for every ten (10) required vehicle *parking spaces* or fraction thereof. No more than sixteen (16) bicycle parking spaces shall be required.

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.

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m

Pete Buttigieg, Mayor
City of South Bend, India



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

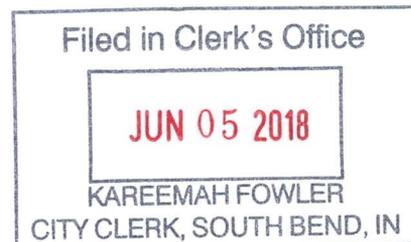
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

June 4, 2018

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



RE: 4546, 4566 & 4612 North Lake Blackthorn Drive, South Bend, Indiana 46628
APC# 2870-18

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 June 11, 2018 Council meeting, and set it for public hearing at your July, 23 2018 Council meeting. The petition is tentatively scheduled for public hearing at the July 17, 2018 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,

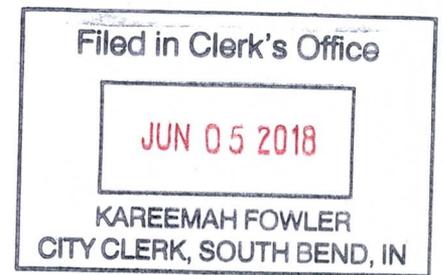
A handwritten signature in black ink, appearing to be "Jordan Wyatt".

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 25-18

ORDINANCE NO. _____



**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 4546, 4566 & 4612 NORTH LAKE BLACKTHORN DRIVE,
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from LB to SF1 for single-family homes.

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

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

That Part of the Southeast Quarter of Section 18, Township 38 North, Range 2 East, City of South Bend, German Township, St. Joseph County, Indiana which is Described as: Lots #3, 4 and 5 of the Plat of "The Villas at Lake Blackthorn, Section One" as Recorded by Document Number 0323151 in the Records of the St. Joseph County, Indiana Recorder's Office. Containing 0.76 Acres More or Less. Subject to all Legal Highways, Easements and Restrictions of Record.

be and the same is hereby established as SF1: Single Family & Two Family District.

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

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

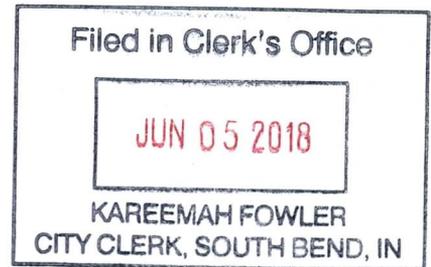
Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

- 1) The property sought to be rezoned is located at:
Address(es) -, 4546, 4566 & 4612 North Lake Blackthorn Drive, South Bend, Indiana 46628.
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s):025-1010-017621, 025-1010-017622 & 025-1010-017623*
- 3) Legal Descriptions: *Enter full legal description: See attached.*
- 4) Total Site Area: *Enter total acres to be rezoned: 0.76 Acres +/-.*
- 5) Name and address of property owner(s) of the petition site:
*Cooreman Real Estate Group, INC.
Attn: Mr. Steve Cooreman
4404 Technology Drive, South Bend, Indiana 46628
Ph. No. 574-277-0116
E-Mail Address N/A*



Name and address of additional property owners, if applicable:

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

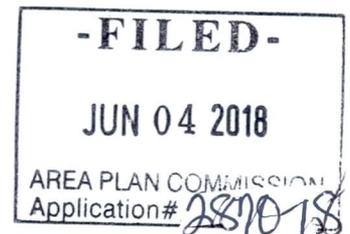
E-mail N/A

Name and address of additional property owners, if applicable:

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

From: *LB Local Business District N/A*

To: *SF1 Single Family Two Family District*



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

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

- 1) *List each variance being requested.*
- 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:

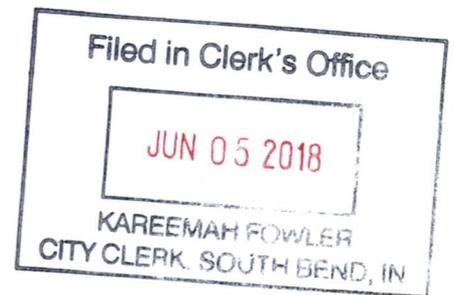
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

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

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

CONTACT PERSON:

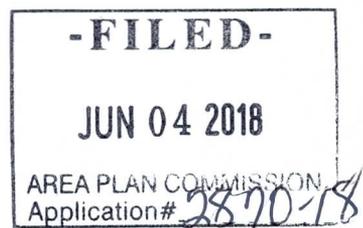
*Name: Danch, Harner & Associates, Inc.
 Address: 1643 Commerce Drive
 South Bend, Indiana 46628
 574-234-4003 mdanch@danchharner.com*



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

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

[Handwritten signature]



LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOTS # 3, 4 AND 5 OF THE PLAT OF "THE VILLAS AT LAKE BLACKTHORN, SECTION ONE" AS RECORDED BY DOCUMENT NUMBER 0323151 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE. CONTAINING 0.76 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Filed in Clerk's Office
JUN 05 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

- FILED -
JUN 04 2018
AREA PLAN COMMISSION
Application# 2870-18

BILL NO. 25-18

Filed in Clerk's Office

JUN 05 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



Rezoning Aerial

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOTS # 3, 4 AND 5 OF THE PLAT OF "THE VILLAS AT LAKE BLACKTHORN, SECTION ONE" AS RECORDED BY DOCUMENT NUMBER 0323151 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE CONTAINING 0.76 ACRES MORE OR LESS.
 SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

FILED -

JUN 04 2018

AREA PLAN COMMISSION
Application# 2870-18

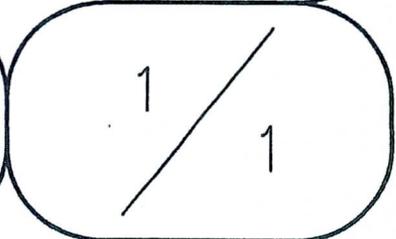
Danch, Harner & Associates, Inc.



Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46628

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AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

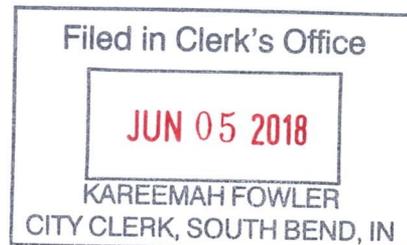
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

June 5, 2018

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



RE: 24632, 24650, 24700, 24810, 24820, 24762 US Highway 20 and 54270 Pine Road, South Bend,
Indiana 46628
APC# 2871-18

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 June 11, 2018 Council meeting, and set it for public hearing at your July, 23 2018 Council meeting. The petition is tentatively scheduled for public hearing at the July 17, 2018 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 be "Jordan Wyatt".

Jordan Wyatt
Planner

CC: Bob Palmer



BILL NO. 26-18

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

Petitioners desire to annex and rezone the property located at 24810, 24820 and 24762 US Highway 20 from M: Manufacturing District in Unincorporated St. Joseph County to PUD Planned Unit Development in South Bend and to rezone the property located at 24632, 24650, 24700 US Highway 20 and 54270 Pine Road from LI Light Industrial District to PUD Planned Unit Development for Mixed-Use Development including Commercial, Industrial and Agricultural Uses.

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

SECTION I. 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:

A PART OF THE SOUTH HALF OF SECTION 30, AND THE NORTH HALF OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 2 EAST GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, ALSO ALL OF THE LOTS IN CASCINO SECOND MINOR SUBDIVISION, RECORDED UNDER INSTRUMENT NUMBER 9125343, ALSO LOT 1 IN KELLER AND HALL MINOR SUBDIVISION, RECORDED UNDER INSTRUMENT NUMBER 9950876, BOTH BEING RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 00°17'04" WEST ALONG THE WEST LINE OF SAID SECTION 31, 1089.99 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°53' 18" EAST, 588.56 FEET; THENCE NORTH 00°35' 41" EAST, 355.17 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN SAID KELLER AND HALL MINOR SUBDIVISION; THENCE NORTH 00°23'29"

WEST ALONG THE WESTERLY LINE OF SAID LOT 1, 387.81 FEET TO THE NORTHWESTERLY MOST CORNER OF SAID LOT 1; THENCE SOUTH 89°51 '53" EAST, 249.65 FEET; THENCE NORTH 00°12'32" WEST, 683.24 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 20; THENCE THE FOLLOWING (13) COURSES ALONG SAID SOUTHERLY AND WESTERLY RIGHT-OF-WAY: 1) SOUTH 61°31 '39" EAST, 312.92 FEET, 2) SOUTH 02°00'00" EAST, 59.37 FEET, 3) SOUTH 61°20'23" EAST, 163.74 FEET, 4) NORTH 30°27'48" EAST, 59.99 FEET, 5) SOUTH 55°14'09" EAST, 794.33 FEET, 6) SOUTH 37°57'27" EAST, 139.58 FEET, 7) SOUTH 28°45' 19" EAST, 935.25 FEET, 8) SOUTH 01 °33'09" EAST, 55.85 FEET, 9) SOUTH 89°42' 58" EAST, 14.92 FEET, 10) NORTH 01 °25' 40" WEST, 14.68 FEET, 11) SOUTH 29°30' 54" EAST, 653.16 FEET, 12) SOUTH 09°30'22" EAST, 409.58 FEET, 13) SOUTH 03°54'27" EAST, 376.16 FEET TO A POINT ON THE EAST/WEST CENTERLINE OF SAID SECTION 31; THENCE NORTH 89°36'02" WEST ALONG SAID EAST/WEST CENTERLINE, 381.54 FEET TO THE CENTER OF SAID SECTION 31, ALSO BEING THE SOUTHEAST CORNER OF LOT 3 IN R.M. LYNCH MINOR SUBDIVISION, RECORDED UNDER INSTRUMENT 8800527 IN SAID RECORDERS OFFICE; THENCE NORTH 01°25'40" WEST ALONG THE EASTERLY LINE OF SAID LOT 3, 946.65 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°39'01" WEST ALONG THE NORTH LINE OF SAID LOT 3, 2505.42 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 31; THENCE NORTH 00°17'04" EAST ALONG SAID WEST LINE, 616.06 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 79.54 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT-OF- WAY OF RECORD. THIS LEGAL DESCRIPTION IS BASED ON RECORD INFORMATION, A BOUNDARY SURVEY WAS NOT PERFORMED TO COMPLETE THIS DESCRIPTION.

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, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

A PART OF THE SOUTH HALF OF SECTION 30, AND THE NORTH HALF OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 2 EAST GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, ALSO ALL OF THE LOTS IN CASCINO SECOND MINOR SUBDIVISION, RECORDED UNDER INSTRUMENT NUMBER 9125343, ALSO LOT 1 IN KELLER AND HALL MINOR SUBDIVISION, RECORDED UNDER INSTRUMENT NUMBER 9950876, BOTH BEING RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 00°17'04" WEST ALONG THE WEST LINE OF SAID SECTION 31, 1089.99 FEET

TO THE POINT OF BEGINNING; THENCE NORTH 89°53' 18" EAST, 588.56 FEET; THENCE NORTH 00°35' 41" EAST, 355.17 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN SAID KELLER AND HALL MINOR SUBDIVISION; THENCE NORTH 00°23'29" WEST ALONG THE WESTERLY LINE OF SAID LOT 1, 387.81 FEET TO THE NORTHWESTERLY MOST CORNER OF SAID LOT 1; THENCE SOUTH 89°51 '53" EAST, 249.65 FEET; THENCE NORTH 00°12'32" WEST, 683.24 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 20; THENCE THE FOLLOWING (13) COURSES ALONG SAID SOUTHERLY AND WESTERLY RIGHT-OF-WAY: 1) SOUTH 61°31 '39" EAST, 312.92 FEET, 2) SOUTH 02°00'00" EAST, 59.37 FEET, 3) SOUTH 61°20'23" EAST, 163.74 FEET, 4) NORTH 30°27'48" EAST, 59.99 FEET, 5) SOUTH 55°14'09" EAST, 794.33 FEET, 6) SOUTH 37°57'27" EAST, 139.58 FEET, 7) SOUTH 28°45' 19" EAST, 935.25 FEET, 8) SOUTH 01 °33'09" EAST, 55.85 FEET, 9) SOUTH 89°42' 58" EAST, 14.92 FEET, 10) NORTH 01 °25' 40" WEST, 14.68 FEET, 11) SOUTH 29°30' 54" EAST, 653.16 FEET, 12) SOUTH 09°30'22" EAST, 409.58 FEET, 13) SOUTH 03°54'27" EAST, 376.16 FEET TO A POINT ON THE EAST/WEST CENTERLINE OF SAID SECTION 31; THENCE NORTH 89°36'02" WEST ALONG SAID EAST/WEST CENTERLINE, 381.54 FEET TO THE CENTER OF SAID SECTION 31, ALSO BEING THE SOUTHEAST CORNER OF LOT 3 IN R.M. LYNCH MINOR SUBDIVISION, RECORDED UNDER INSTRUMENT 8800527 IN SAID RECORDERS OFFICE; THENCE NORTH 01°25'40" WEST ALONG THE EASTERLY LINE OF SAID LOT 3, 946.65 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°39'01" WEST ALONG THE NORTH LINE OF SAID LOT 3, 2505.42 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 31; THENCE NORTH 00°17'04" EAST ALONG SAID WEST LINE, 616.06 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 79.54 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT-OF- WAY OF RECORD. THIS LEGAL DESCRIPTION IS BASED ON RECORD INFORMATION, A BOUNDARY SURVEY WAS NOT PERFORMED TO COMPLETE THIS DESCRIPTION.

be and the same is hereby established as PUD Planned Unit Development.

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.

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock _____.m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock _____.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ANNEXATION AND ZONE MAP AMENDMENT

City of South Bend, Indiana

BILL NO. 26-18

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

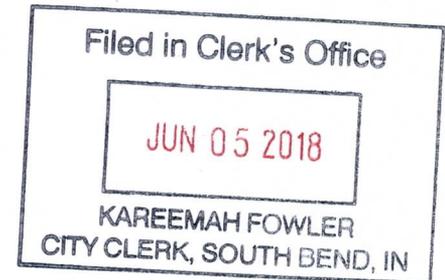
1) The property sought to be rezoned is located at:

Within City Boundary

24632 US Highway 20, South Bend, IN 46628
24650 US Highway 20, South Bend, IN 46628
24700 US Highway 20, South Bend, IN 46628
54270 Pine Road, South Bend, IN 46628

Outside City Boundary

24810 US Highway 20, South Bend, IN 46628
24820 US Highway 20, South Bend, IN 46628 (2 parcels)
24762 US Highway 20, South Bend, IN 46628



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

Within City Boundary

025-1021-035110
025-1021-035201
025-1021-035202
025-1021-035301
025-1021-035303 (no property address)
025-1021-035302 (no property address)
025-1021-036004 (no property address)

Outside City Boundary

004-1020-034401
004-1020-0345
004-1021-0352
004-1020-034501

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: *See Appendix A*

4) Total Site Area (excluding right-of-way): *79.54 acres*

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

*SBCC Development Corp.
3300 W. Sample Street
South Bend, IN 46617
574.233.2577
mtarner@sbchocolate.com*

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

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

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



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

From: *C – Commercial, LI – Light Industrial, M – Manufacturing Industrial (St. Joseph County districts)*

To: *Planned Unit Development*

8) This rezoning is requested to allow the following use(s): *Mixed use development including commercial, industrial and agricultural uses.*

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

1) *N/A*

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

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *N/A*

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

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

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

1) A detailed description and purpose of the Special Exception Use(s) being requested: *N/A*

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

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

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

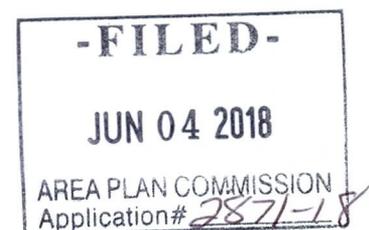
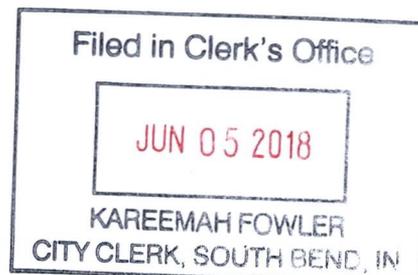
(c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *N/A*

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

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

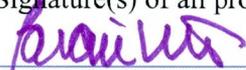
CONTACT PERSON:

Abonmarche Consultants, Inc.
Attn: Brian McMorrow
750 Lincoln Way East
South Bend, IN 46601
574.314.1022
[*bmcorrow@abonmarche.com*](mailto:bmcorrow@abonmarche.com)



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

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



BRIAN MCMORROW - AGENT FOR APPLICANT/OWNER

Filed in Clerk's Office
JUN 05 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

- FILED -
JUN 04 2018
AREA PLAN COMMISSION
Application# 2871-18

APPENDIX A

LEGAL DESCRIPTION

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THIS LEGAL DESCRIPTION IS BASED ON RECORD INFORMATION, A BOUNDARY SURVEY WAS NOT PERFORMED TO COMPLETE THIS DESCRIPTION.

O:\Projects\2018\18-0244 South Bend Chocolate Development\Survey Docs\Internal\2018.06.03 PUD Legal Description.docx

Filed in Clerk's Office
JUN 05 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND IN

-FILED-
JUN 04 2018
AREA PLAN COMMISSION
Application# 2801-18



City of South Bend Common Council

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

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

Tim Scott
President

June 6, 2018

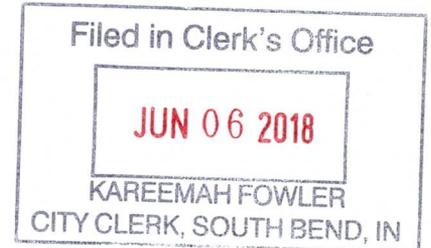
Oliver Davis
Vice-President

South Bend Common Council

Gavin Ferlic
Chairperson, Committee
of the Whole

4th Floor, County-City Building

South Bend, IN 46601



Tim Scott
First District

Re: *An Ordinance of The Common Council of The City of South Bend, Indiana, Amending Chapter 2, Article 9 of The South Bend Municipal Code to Add Section 2-131.1 to Require Periodic Sexual Harassment Awareness and Prevention Training for all City of South Bend Employees, all City of South Bend Elected Officials, and all City of South Bend Appointed Officials*

Regina Williams-Preston
Second District

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

Dear Council Members:

Dr. David Varner
Fifth District

I am filing the attached proposed amendment to the Human Rights Ordinance. The proposed amendment provides for mandatory, periodic sexual harassment awareness and prevention training for all employees, elected and appointed officials of the City of South Bend. The amendment adds Section 2-131-1 to Chapter 2, Article 9 of the South Bend Municipal Code. A similar bill has already been approved by the State of Indiana.

Oliver Davis
Sixth District

I am filing this ordinance for first reading by the Common Council on June 11, 2018 with second and third readings in public hearing scheduled for June 25, 2018.

Gavin Ferlic
At Large

Thank you for your consideration.

John Voorde
At Large

Karen White
At Large

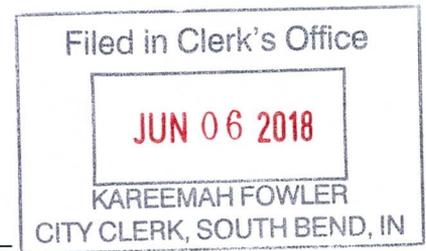
Sincerely Yours,

Oliver Davis, Jr.

South Bend Common Council Member, District 6

Bill No. 27-18

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 9 OF THE SOUTH BEND MUNICIPAL CODE TO ADD SECTION 2-131.1 TO REQUIRE PERIODIC SEXUAL HARASSMENT AWARENESS AND PREVENTION TRAINING FOR ALL CITY OF SOUTH BEND EMPLOYEES, ALL CITY OF SOUTH BEND ELECTED OFFICIALS, AND ALL CITY OF SOUTH BEND APPOINTED OFFICIALS

STATEMENT OF PURPOSE AND INTENT

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, 42 U.S.C 2000e *et seq.* and the Indiana Civil Rights Law, Ind.Code 22-9-1-2 *et seq.* Recent events across the nation have demonstrated that sexual harassment in the workplace remains a significant problem with devastating effects on its victims. It is the intention of the City of South Bend to require each of its employees and elected and appointed officials to receive periodic training regarding sexual harassment awareness and prevention to assist the South Bend Human Rights Commission in fulfilling its powers and duties under Sec. 2-131 of the South Bend Municipal Code

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

Section I. Chapter 2, Article 9, is amended to add Section 2-131.1 to read as follows:

Sec. 2-131.1 Sexual Harassment Awareness and Prevention Training for City of South Bend Elected and Appointed Officials and Employees

In order to assist the South Bend Human Rights Commission in fulfilling its powers and duties related to employment discrimination based on sex, each employee of the City of South Bend shall complete periodic sexual harassment awareness and prevention training.

- (a) For the purposes of this section, "employee" refers to all City of South Bend employees, including all directors, supervisors, officials, and interns, both paid and unpaid and all elected or appointed officials.
- (b) The Department of Human Resources shall prepare and implement a policy to provide, on a periodic basis, sexual harassment awareness and prevention training to all City employees.
- (c) Each supervisory employee is required to complete a minimum of two hours of interactive sexual harassment awareness and prevention training every two calendar years;

- (d) Each non-supervisory employee is required to complete a minimum of one hour of sexual harassment awareness and prevention training each calendar year.
- (e) The training required by this section shall provide department heads, directors, supervisors, officials, and all employees the knowledge and skills needed to address instances of workplace harassment. This includes information and practical guidance regarding the Federal and State statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and remedies available to victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing employees in the prevention of harassment, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment.
- (f) The sexual harassment awareness and prevention training shall, at a minimum, include the following topics:
 - (1) Definition of sexual harassment and examples of types of conduct that meet the definition;
 - (2) The manner in which an individual can report an allegation of sexual harassment, including making a confidential report to a supervisor or someone with Human Resources authority within the City and how to file a complaint with the South Bend Human Rights Commission;
 - (3) The legal prohibition against retaliation against anyone who reports a sexual harassment allegation;
 - (4) Information regarding the consequences of sexual harassment as well as the consequences for knowingly making a false report of sexual harassment;
 - (5) Remedies available for sexual harassment victims in civil actions and potential employer or individual liabilities;
 - (6) Strategies to prevent sexual harassment in the workplace;
 - (7) An explanation about the limited confidentiality of the complaint process;
 - (8) Resources for victims of harassment;
 - (9) The employer's obligation to conduct an effective workplace investigation of a harassment complaint and to take remedial measures to correct harassing behavior;
 - (10) A supervisor's obligation to report any complaints of sexual harassment, of which they are aware, to the appropriate person in an effort to resolve the claim internally;
 - (11) Information on how to prevent abusive conduct;
 - (12) What the supervisor should do if he or she is personally accused of harassment;

- (g) The Department of Human Resources shall maintain a record of employee compliance with the training requirements and shall annually report the names of any City employee who fails to timely complete the sexual harassment awareness and prevention training to the Common Council of the City of South Bend and to the office of the Mayor.
- (h) The training required by this section shall begin in no calendar year 2019.
- (i) Beginning January 1, 2019, the training required by this section shall be completed by any new employee within sixty days after the employment begins.

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

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2018.

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

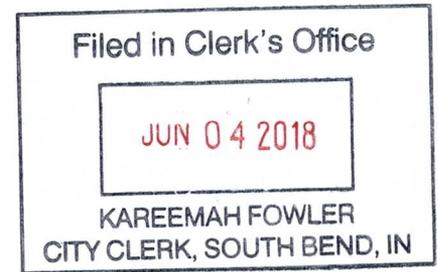
Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813



Thursday, May 10, 2018

Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

RE: The petition of MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE seeking a Special Use for a commercial parking lot in the MU Mixed Use District (South Bend) for property located at 117 S WILLIAM ST, City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance of MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE was legally advertised on April 26, 2018 and that the Area Board of Zoning Appeals at its public hearing on May 9, 2018 took the following action:

Upon a motion by Kathy Schuth, being seconded by John Leszczynski and unanimously carried, a petition by MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE seeking a Special Use for a commercial parking lot for property located at 117 S WILLIAM ST, City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. P. Magliozzi".

Lawrence P. Magliozzi, Executive Director

Attachment

CC: MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 18-23

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 117 S WILLIAM STREET

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 property located at:

117 S WILLIAM STREET

In order to permit insert a COMMERCIAL PARKING LOT

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 of 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.

Tim Scott, Council President
South Bend Common Council



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

Special Exception / Special Use

A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, 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 Comprehensive Plan*

15. Petition of Mary Coyne Investments, LLC

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation. The staff recommends the variance for parking area screening be denied.

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

The proposed use is located in a mixed-use area with other parking facilities nearby, therefore The use should not affect 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 the use has been in existence for several years and is in a mixed-use area near the central business district, the proposed parking lot should not adversely affect the use or value of the adjacent properties.

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

The proposed use is consistent with the character of the area with other parking facilities nearby.

- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan.*

The City Plan, South Bend Comprehensive Plan (November 2006) makes no specific reference to this use or area.

PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE

Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

APR 13 2018

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-3010-0325, 0327, and 0328

The property address:

117 S Williams Street
South Bend, Indiana 46601

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area: Lots 5, 6 and 7 of Block Two in Vails Subdivision as shown in Plat Book 1, Page 30

VARIANCE INFORMATION:

- 1) *A special exception use to allow for a commercial parking lot; a variance from the required 12' front yard setback for parking to zero; a variance from the required parking lot landscape screening to none; a variance from the required 4 interior off-street parking area landscape islands to none; a variance from the required 24' parking lot maneuvering aisle to 22'; a variance from the required 20' parking space depth to 16'; and a variance from the required wheel stops for individual spaces to none.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community:
 - (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:

SPECIAL EXCEPTION USE INFORMATION (if the petition does not include a Special Exception Use, please skip to next section):

- 1) The Special Exception Use(s) being requested : *To allow for the existing parking lot to continue in existence.*
- 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: *This parking lot has been functioning for over 10 years; there no changes to existing physical features.*
 - (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *This parking lot shall not deduct from the use and value of adjacent properties, as it currently serve the adjacent properties*
 - (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: *The site shall continue to serve the adjacent properties as a parking lot.*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The parking lot has been existence for over 10 years.*

* 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.

PETITIONER INFORMATION:

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

*Mary Coyne Investments, LLC c/o Mike Coyne
1428 Hamilton Avenue
Cleveland, OH 44114
216-857-0262
MFCLPA@aol.com*

Name and address of additional property owners, if applicable: n/a

Name and address of petitioner(s), if different than the petitioner):

n/a

Name and address of additional property owners, if applicable:

CONTACT PERSON:

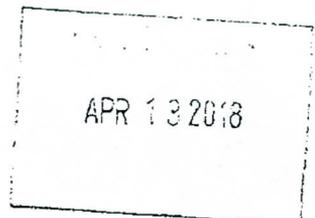
*Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com*

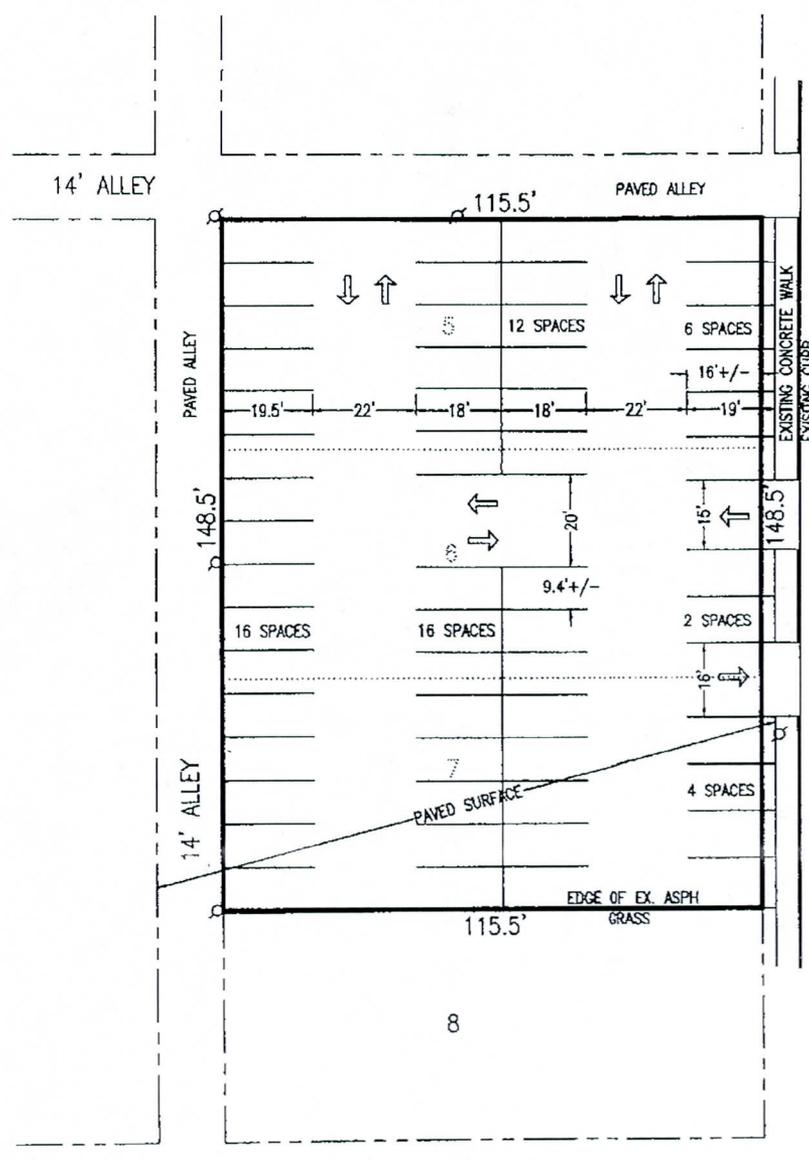
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

Michael F. Coyne

MICHAEL F. COYNE





LEGEND
 ○ UTILITY POLE

JEFFERSON BOULEVARD 82.5'R/W

WILLIAM STREET 66'R/W

Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

APR 18 2018

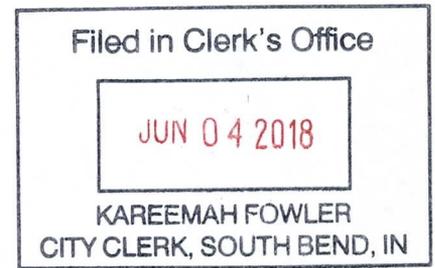
AREA BOARD OF ZONING APPEALS
 SITE PLAN
 FOR
 MARY COYNE INVESTMENTS, LLC.

Lang, Feeney & Associates, Inc.
 Land Surveyors, Construction Engineers & Soil Scientists
 715 South Michigan Street
 South Bend, Indiana 46601
 Phone 574-233-1841 Fax 574-674-0374

File Name Coyne BZA.dwg	Drawn By JMS	Scale 1" = 30'
Date 4-10-18	Rev. Date	Drawing No.

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813



Thursday, May 10, 2018

Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

RE: The petition of BH INVESTMENTS LLC seeking a Special Use for a two family dwelling in the SF2 Single Family & Two Family District (South Bend) for property located at 112 E INDIANA AVE, City of South Bend

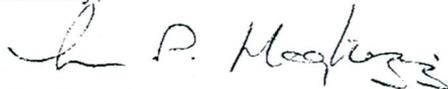
Dear Council Members:

I hereby Certify that the above referenced ordinance of BH INVESTMENTS LLC was legally advertised on April 26, 2018 and that the Area Board of Zoning Appeals at its public hearing on May 9, 2018 took the following action:

Upon a motion by Kathy Schuth, being seconded by Michael Urbanski and unanimously carried, a petition by BH INVESTMENTS LLC seeking a Special Use for a two family dwelling for property located at 112 E INDIANA AVE, City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

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

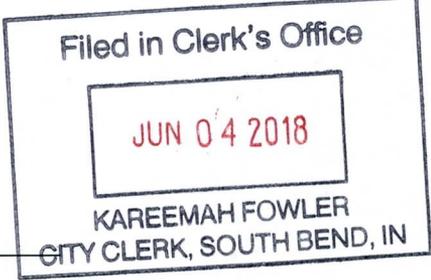
Sincerely,



Lawrence P. Magliozzi, Executive Director

Attachment

CC: BH INVESTMENTS LLC
Cindy Hendrick



BILL NO. 18-24

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 112 E INDIANA AVENUE

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 property located at:

112 E INDIANA AVENUE

In order to permit insert a TWO FAMILY DWELLING

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 of 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.

Tim Scott, Council President
South Bend Common Council



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

Special Exception / Special Use

A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, 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 Comprehensive Plan*

14. Petition of BH Investments LLC

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

- (1) *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*
The proposed use is residential. I should not be injurious to 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 of the residential nature of the proposed two-family dwelling, it would not affect the use or value of the adjacent 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.*
The proposed two-family dwelling is consistent with the character of the area and the SF2 Single Family & Two Family District. This area is in a medium density residential area with close proximity to a major commercial corridor.
- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan.*
The proposed use is consistent with the City Plan, South Bend Comprehensive Plan (November 2006): Objective H1: Ensure that an adequate supply of housing is available to meet the needs, preference, and financial capability of households now and in the future.

Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

APR 12 2018

CITY OF SOUTH BEND
PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-7031-~~1~~118801

The property address:

112 E Indiana Ave
South Bend IN 466113

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) From the required 4 spaces to 1

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: *There is ample parking on the street at this location.*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The use will increase property value of this property as well as others in the area..*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *I have extensive experience in the neighborhood so character will remain*

SPECIAL EXCEPTION USE INFORMATION (if the petition does not include a Special Exception Use, please skip to next section):

1) The Special Exception Use(s) being requested : *Two Family Dwelling*

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

- (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *The property will beautify and thus improve the community with a well maintained house replacing the current dilapidated property*
- (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *The use will increase property values. The current adjacent properties are MU*
- (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: *The character will remain unchanged.*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The city would like houses in this neighborhood rehabed.*

* 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.

PETITIONER INFORMATION:

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

*BH Investments
2269 Chestnut St #280
San Francisco, CA 94123
949-910-8691
brian@overthemoonsf.com*

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner):

*Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address*

Name and address of additional property owners, if applicable:

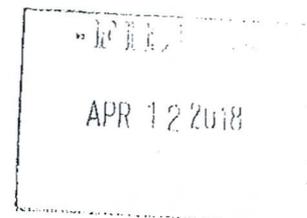
CONTACT PERSON:

*Cindy Hendrick
1921 S Lafayette St
South Bend, IN 46613
574-267-37632
cindyhendrick@gmail.com*

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

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

Brian Hendrick

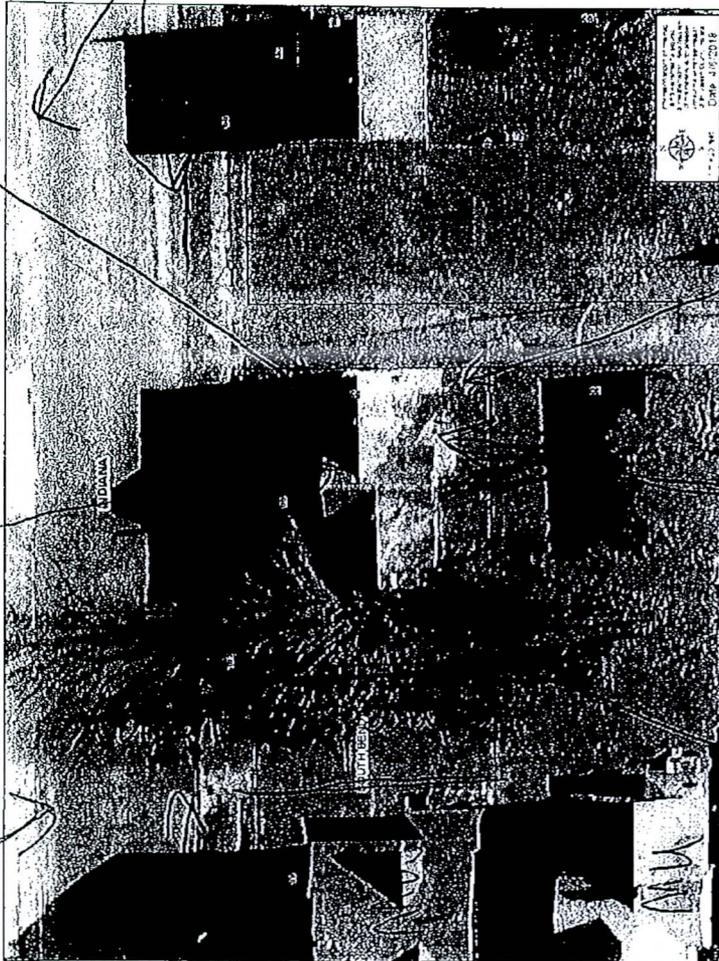


4/11/2018

Note
PARKING

- 1 200 = 100R
- 1 600 = 150R
- 1 2 400 = 200R
- 1 3 600 = 300R
- 1 4 800 = 400R

PARKING
Entrance to Studio
112 Indiana.bmp



Entrance to
2 bed 1 bath

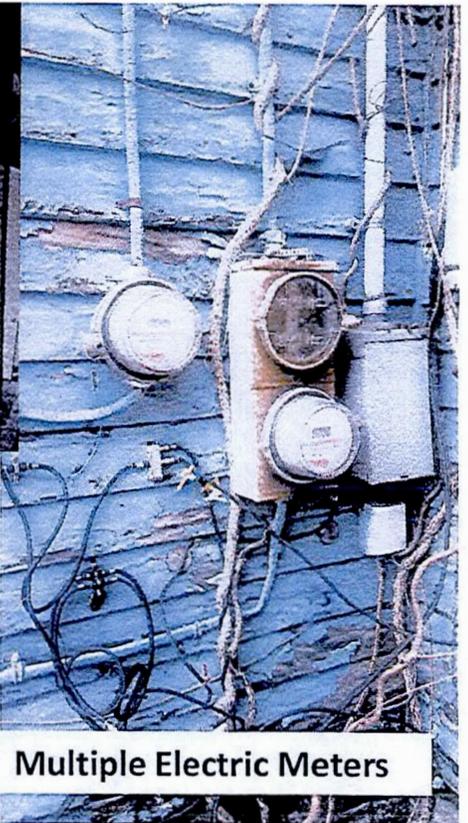
3 electric
meter
receptacles

Entrance
to 1 bed 1 bath

-FILED-
APR 12 2018

Filed in Clerk's Office
JUN 04 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

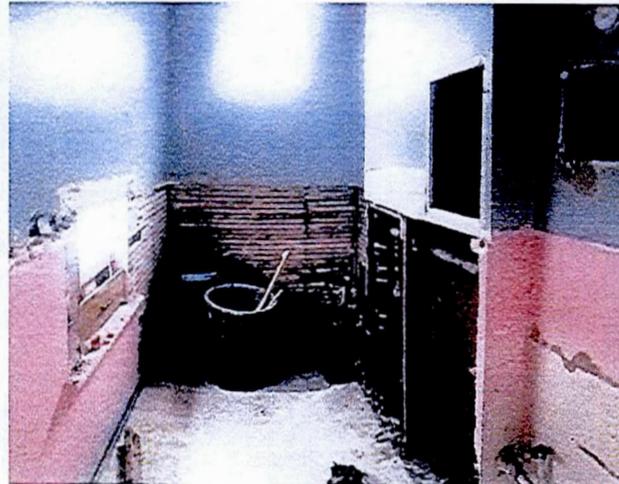
BH Investments 112 Indiana Street pictures before rehab



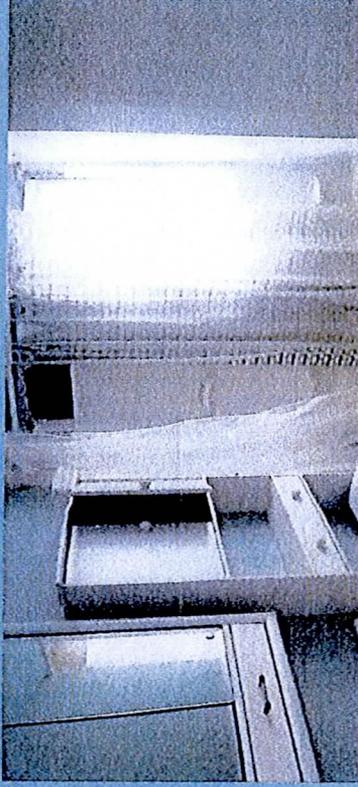
Multiple Electric Meters



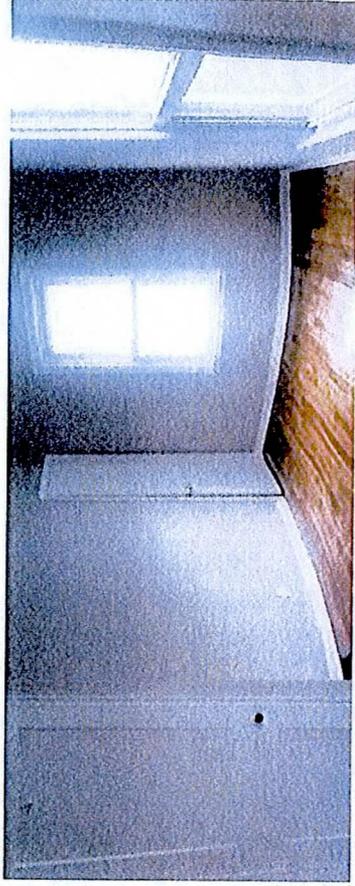
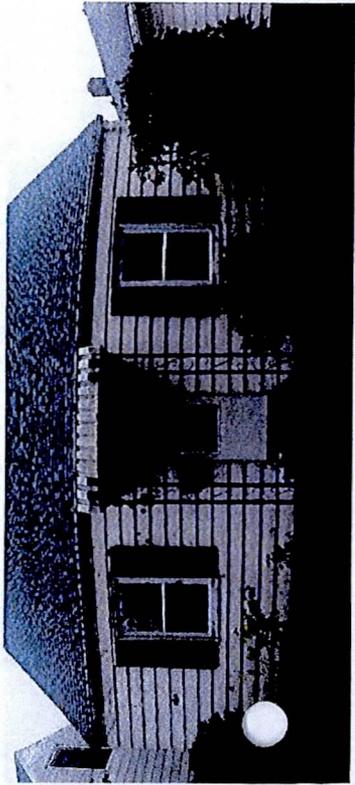
Multiple Gas Lines



BH Investments 1442 Miner Street Rehab BEFORE pictures



BH Investments 1442 Miner Street Rehab AFTER pictures



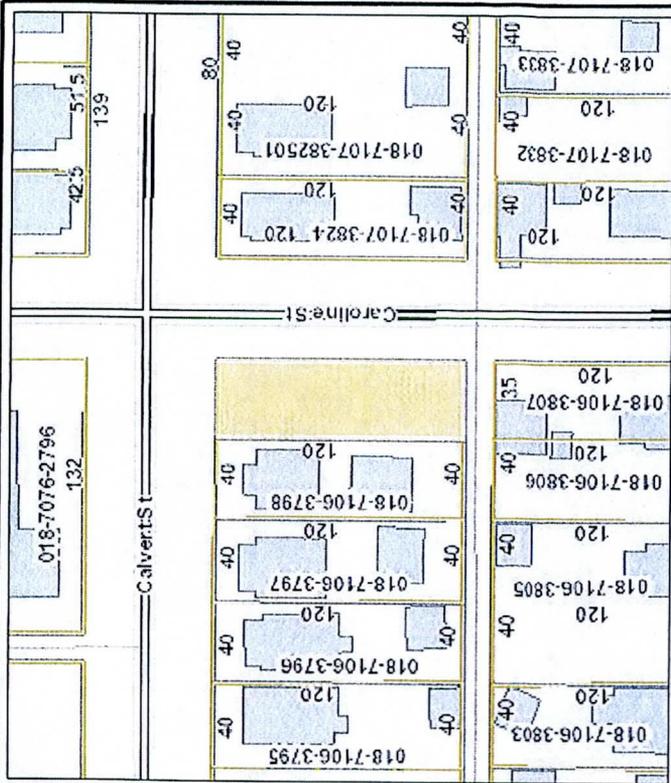
St. Joseph County

Property Information

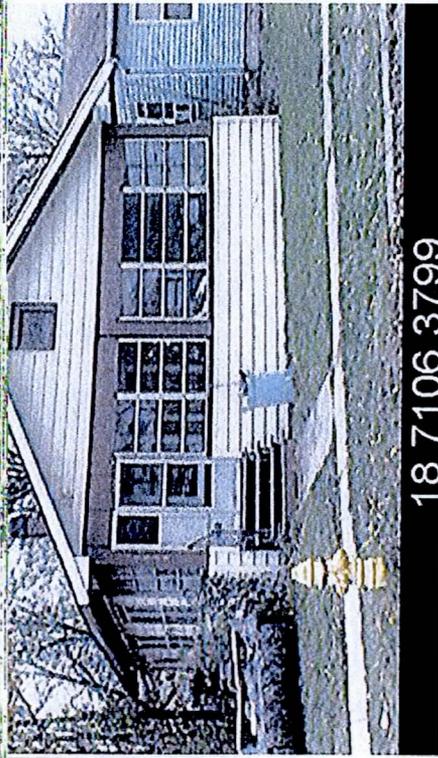
Subject Property: 1534 E CALVERT ST, SOUTH BEND 46613
Parcel ID: 018-71106-3799
State ID: 71-09-18-451-006.000-026
Current Owner(s): BH INVESTMENTS LLC
Mailing Address: 2269 Chestnut St #280 , San Francisco CA 94123
Assessed Usage: RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township: SB Portage
Municipality: SOUTH BEND
Tax District: SB Portage

Property Assessment Information as of Last Assessment Date

Assessed Year: 2020
Acres: 0.11
Legal Description: Lot 172 Roseland Park 2nd



Not to Scale

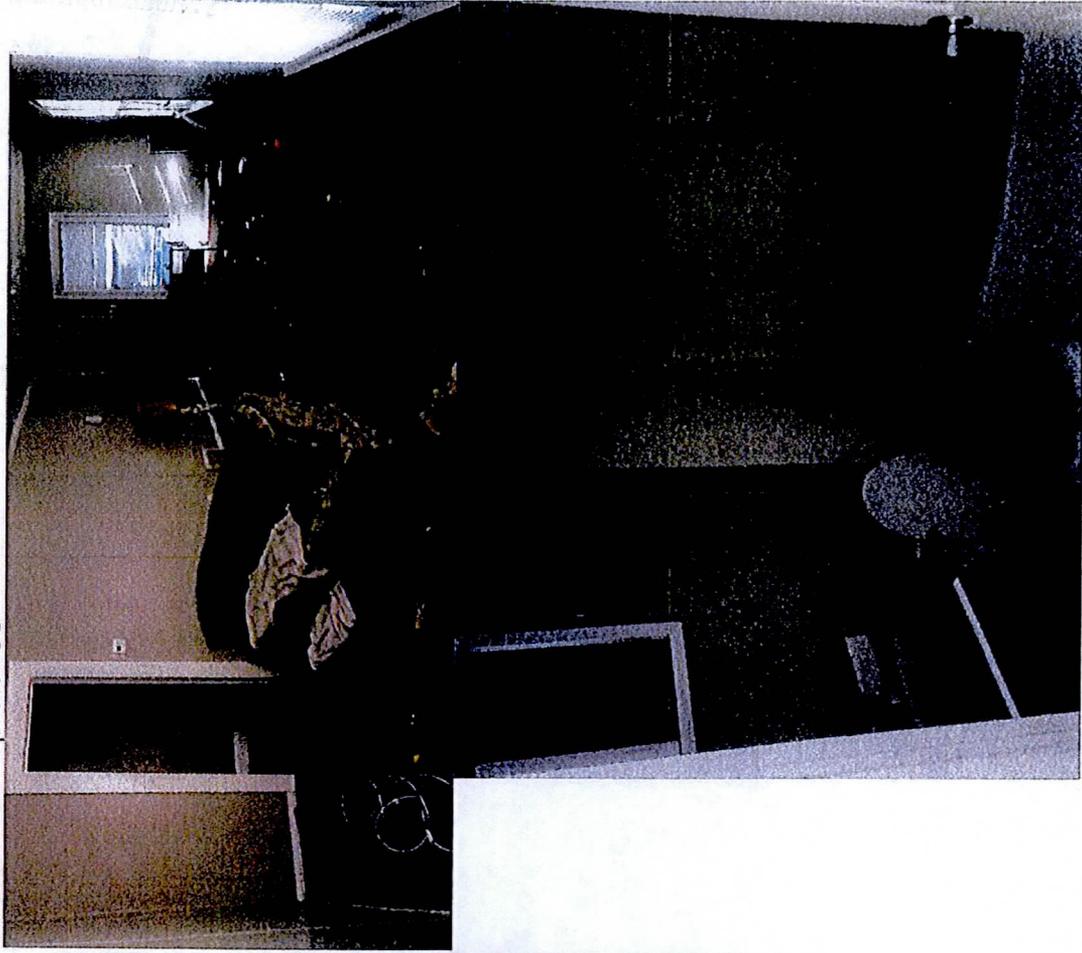


Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized.

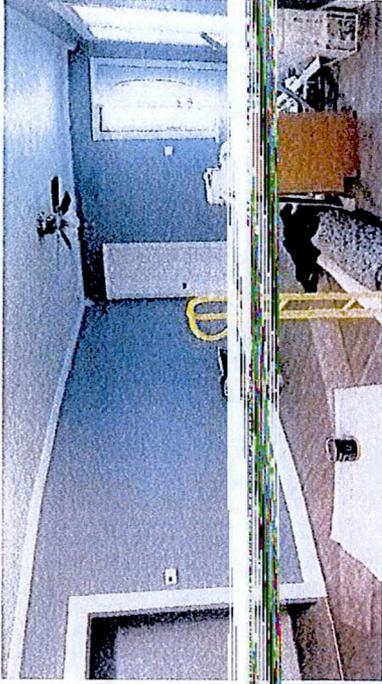
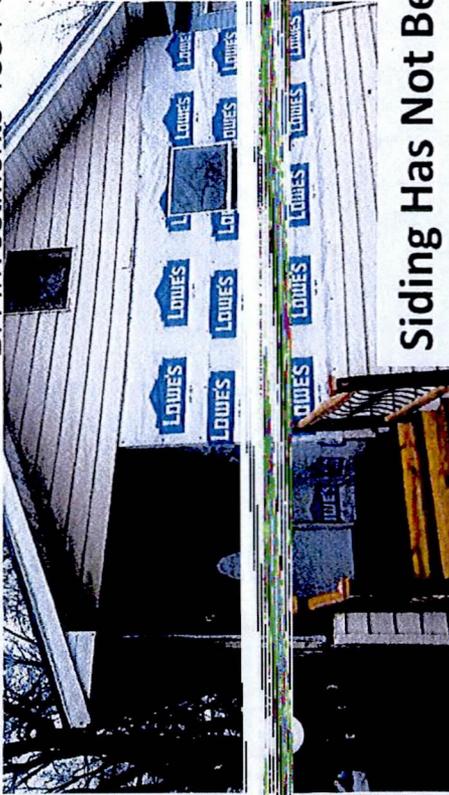


Date Printed: May 8, 2018

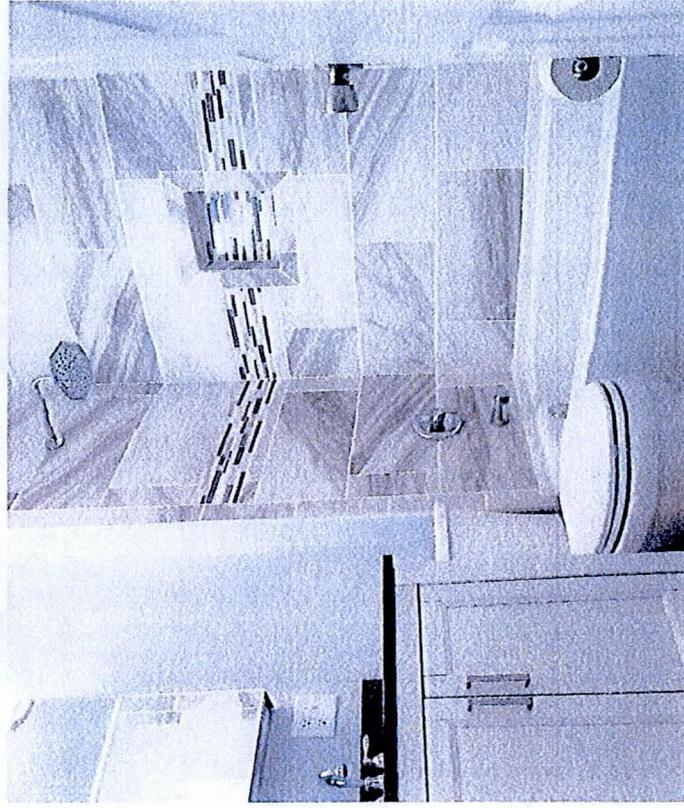
BH Investments 1534 Calvert St Rehab BEFORE pictures



BH Investments 1534 Calvert St Rehab AFTER pictures



Siding Has Not Been Completed



St. Joseph County

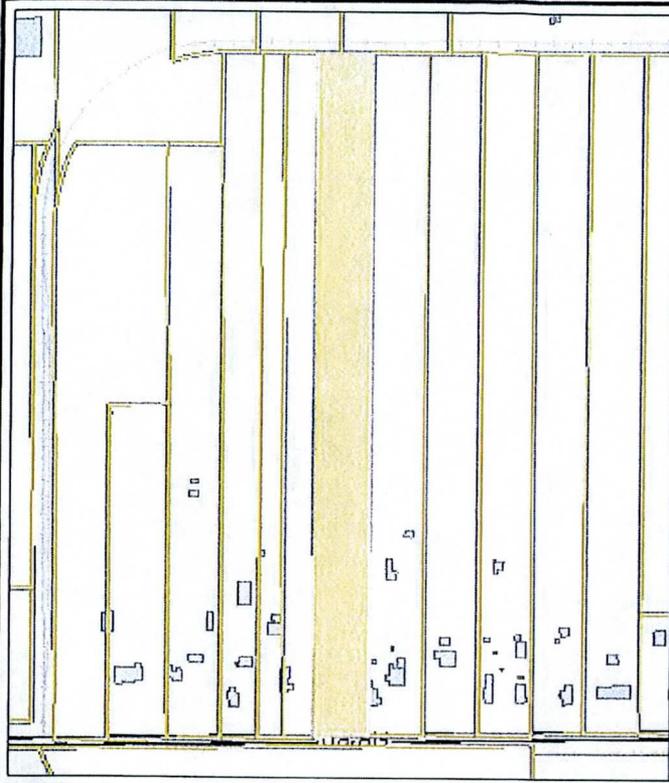
Property Information

Subject Property: 55346 FIR RD, MISHAWAKA 46545
Parcel ID: 014-1077-1984
State ID: 71-09-02-151-006.000-031
Current Owner(s): HORWITZ BRIAN
Mailing Address: 2790 Erringer Rd Unit 23 , Simi Valley CA 93065
Assessed Usage: RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township: Penn
Municipality: MISHAWAKA
Tax District: Penn

Property Assessment Information as of Last Assessment Date

Land Value: \$36,500.00
Improved Value: \$144,100.00
Assessed Year: 2020
Acres: 5.07

Legal Description: Lot 13 Groff Acres



Not to Scale



14 1077 1984

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Date Printed: May 8, 2018

BH Investments 55346 Fir Rd. Custom Built Home

