



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, August 13, 2018

7:00 P.M.

1. **INVOCATION- REV. LINDA GEER- CHRISTIAN CENTER CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES**

CITY UPDATE- MAYOR PETE BUTTIGIEG
7. **COMMITTEE OF THE WHOLE** **TIME: _____**
BILL NO.

26-18 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 24632, 24650, 24700, 24762, 24810, 24820 US HIGHWAY 20 AND 54270 PINE ROAD, SOUTH BEND, INDIANA

33-18 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARKS STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS THE CIVIL RIGHTS HERITAGE CENTER FORMERLY THE ENGMAN NATATORIUM, AND LOCATED AT 1040 WEST WASHINGTON STREET, IN THE CITY OF SOUTH BEND, INDIANA

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[33-18](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARKS STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS THE CIVIL RIGHTS HERITAGE CENTER FORMERLY THE ENGMAN NATATORIUM, AND LOCATED AT 1040 WEST WASHINGTON STREET, IN THE CITY OF SOUTH BEND, INDIANA

9. **RESOLUTIONS**

BILL NO.

[18-34](#) 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 719 AND 721 W. REX STREET

[18-36](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (SOUTH BEND CHOCOLATE ANNEXATION AREA)

[18-37](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS LOT 2 US 31 INDUSTRIAL PARK PHASE II AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FOUR (4) YEAR REAL PROPERTY TAX ABATEMENT FOR REW, LLC

[18-39](#) A RESOLUTION BY THE SOUTH BEND COMMON COUNCIL CALLING ON UNITED STATES PRESIDENT DONALD TRUMP AND THE INDIANA CONGRESSIONAL/SENATORIAL DELEGATION WHO REPRESENT OUR AREA TO WORK WITH HONEYWELL TO STOP OFFSHORING JOBS AND ABANDONING COMMITMENTS MADE TO RETIREES

10. **BILLS ON FIRST READING**

BILL NO.

[34-18](#) 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 PORTAGE TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 6, FOR A 31.75 ACRE TRACT OF LAND ON THE WEST SIDE OF NEW ENERGY DRIVE APPROXIMATELY 350 FEET NORTH OF STATE ROAD 23, SOUTH BEND, INDIANA

35-18 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 PORTAGE TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 6, FOR A 229 ACRE TRACT OF LAND NORTH OF THE ST. JOSEPH VALLEY PARKWAY RIGHT-OF-WAY, APPROXIMATELY 1150 FEET FROM THE INTERSECTION OF STATE ROAD 23 AND THE ST. JOSEPH VALLEY PARKWAY, SOUTH BEND, INDIANA

36-18 FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1939 & 1947 CHARLES STREET, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

37-18 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 14 SUBDIVISIONS TO DELETE CERTAIN LOT DESIGN STANDARDS THAT DUPLICATE LOT SIZE STANDARDS IN THE ZONING ORDINANCE, AND DELETE FLOODPLAIN DEFINITIONS THAT HAVE BEEN UPDATED IN THE ZONING ORDINANCE

11. **UNFINISHED BUSINESS**
BILL NO.

18-40 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 213 AND 217 SOUTH MAIN STREET

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

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



OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: AUGUST 9, 2018
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, AUGUST 13, 2018:**

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

- 3:00 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No.18-37](#)- Rew, LLC Designating Tax Abatement
- 3:05 P.M.** **COMMUNITY RELATIONS** **REGINA WILLIAMS-PRESTON, CHAIRPERSON**
1. [Bill No.18-39](#)- Resolution for Honeywell Retirement Health Care Benefits
- 3:15 P.M.** **ZONING & ANNEXATION** **OLIVER J. DAVIS, CHAIRPERSON**
1. [Bill No. 33-18](#)- Establishing Historic Landmark Status- Civil Rights Heritage Center- 1040 West Washington Street
2. [Bill No. 18-34](#)- Special Exception: 719 and 721 W. Rex Street
3. [Bill No. 26-18](#)- 24632, 24650, 24700, 24810, 24820, 24762 US Highway 20 and 54270 Pine Road Annexation
4. [Bill No. 18-36](#)- South Bend Chocolate Annexation Fiscal Plan
- 3:45 P.M.** **INFORMATION & TECHNOLOGY** **TIM SCOTT, CHAIRPERSON**
1. **Update:** City Services- Santiago Garces, Innovation & Technology (10 minutes)
2. **Update:** City Website- Danielle Fulmer, Innovation & Technology (5 minutes)
3. **Update:** PSAP- Dan O'Conner, Innovation & Technology (10 minutes)
- 4:15 P.M.** **HEALTH & PUBLIC SAFETY** **JO. M. BRODEN, CHAIRPERSON**
1. **Update:** Westside Quiet Zone, Eric Horvath & Tera Weigand, Public Works
2. **Update:** Homelessness Plan, James Mueller, Community Investment

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

- INFORMAL MEETING OF THE COMMON COUNCIL (5:00 P.M.)** **TIM SCOTT, PRESIDENT**
1. Discussion of Council Agenda
 2. Update and Announcements
 3. Council Logo Vote
 4. MBE/WBE Utilization Board (5 Interviews)

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK



5. Adjournment

5:40 P.M.

EXECUTIVE SESSION

COMMON COUNCIL

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



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-14-18)

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

Jake Teshka, 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*.

Tim Scott, Member

Jake Teshka, 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

Jake Teshka, Vice-Chairperson

Gavin Ferlic, 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

Gavin Ferlic, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-14-18)

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.

Jake Teshka, 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
Jake Teshka



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

JAKE TESHKA, 5TH District Council Member

Utilities Committee, Chairperson
Information and Technology Committee, Vice-Chairperson

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

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
PARC Committee, Vice-Chairperson
Personnel & Finance Committee, Vice-Chairperson

Information & Technology 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

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

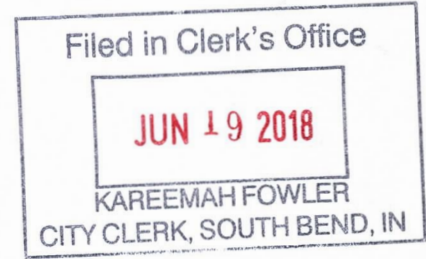
BILL NO. 26-18

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

June 19, 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 August, 13 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,

Jordan Wyatt
Planner

CC: Bob Palmer

3RD SUBSTITUTE 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 24632, 24650, 24700, 24762, 24810, 24820 US HIGHWAY 20 AND 54270 PINE 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 C: Commercial District and 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 LOT 1A 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:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 IN 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, 860 FEET, MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY OF U.S.

HIGHWAY 20; THENCE SOUTH 66°34'05" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 176.7 FEET, MORE OR LESS; THENCE NORTH 49°30'27" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 58.5 FEET, MORE OR LESS; THENCE SOUTH 55°23'13" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 239.5 FEET, MORE ORE LESS; THENCE SOUTH 00°01'49" WEST, 285 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF LOT 1A IN SAID CASCINO SECOND MINOR SUBDIVISION; THENCE THE FOLLOWING (4) COURSES ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID LOT 1A: 1) SOUTH 28°35'00" WEST, 27.84 FEET, 2) SOUTH 54°47'30" EAST, 313.42 FEET, 3) SOUTH 02°07'49" EAST, 129.92 FEET, 4) SOUTH 89°28'34" WEST, 354.02 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1 IN KELLER AND HALL MINOR; THENCE SOUTH 01°34'36" EAST ALONG THE EASTERLY LINE OF SAID LOT 1, 457.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°47'33" WEST ALONG THE SOUTH LINE OF SAID LOT 1, 553.56 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 13.2 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

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

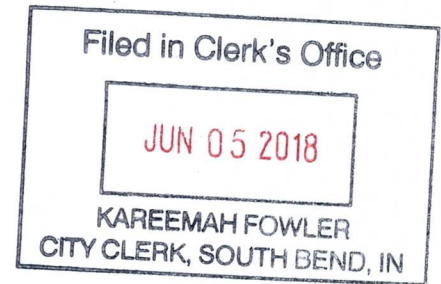
1) The property sought to be rezoned is located at:

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*

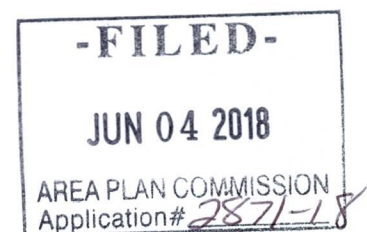
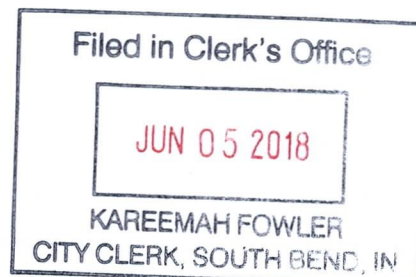
(c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *N/A*

(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.

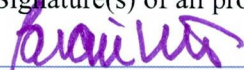
CONTACT PERSON:

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

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.

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



Department of
Community Investment

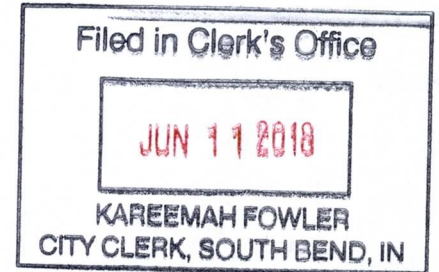
Memorandum

Monday, June 11, 2018

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

FROM: Michael Divita, Principal Planner

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



A petition for voluntary annexation of the South Bend Chocolate Annexation Area has been received by the City and will receive First Reading by the Common Council today, June 11, 2018.

The proposed Annexation Area consists of four parcels and adjoining right-of-way totaling about 13 acres and is located on US 20 (Lincolnway West) near Olive Road. The area currently contains commercial buildings and wooded land and is zoned commercial and manufacturing in the County. With the annexation, the petitioner seeks rezoning to "PUD" Planned Unit Development to permit commercial, industrial, and agricultural uses.

Please complete the Service Report addressing how your Department will or can provide City services to the proposed Annexation Area, and return it to me **by June 25, 2018**. This deadline must be met so that the Legal Department can prepare the necessary resolutions in time to be considered by the Board of Public Works and the Board of Public Safety. A fact sheet, map, and an annexation schedule are attached to assist you in your review.

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

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



SERVICE REPORT CHECK LIST

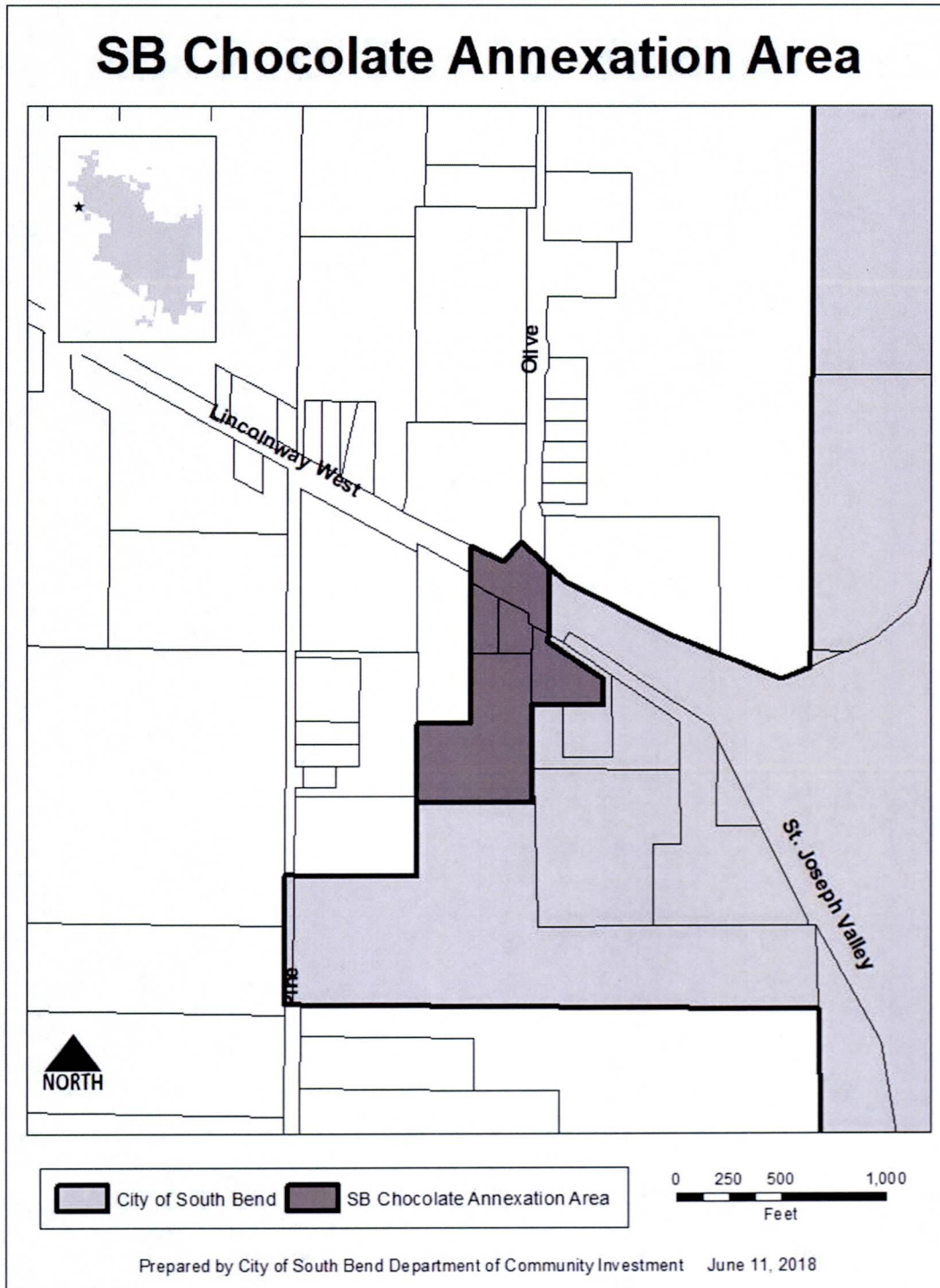
- Department of Law:* 1) legal concerns, if any (if none, no report is required)
- Public Works:* 1) location, size, and capacity of sewer line(s)
2) listing of properties connected to sewer line(s)
3) any public improvements required or suggested, such as street signs, street lighting, pavement upgrade,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

A. Annexation Criteria (Minimum)	Analysis	Criteria Met?
1. Contiguity: At least 1/8 (12.5%) <i>and</i>	53%	Yes
2. 100% of owners signed petition <i>and</i>	100%	Yes
3. a. essential City services are/can be provided		Yes
b. City is able to provide services		Yes
c. territory is contiguous		Yes

B. General

Location:	US 20 (Lincolnway West), near Olive Road	
Address(es):	24810 US 20 24820 US 20	24820 US 20 backlot 24762 US 20
Tax Key Number(s):	004-1020-034401 004-1020-0345	004-1020-034501 004-1021-0352
Subdivision(s) of Record:	Casino Second Minor, Keller & Hall Minor, None	
Acres:	13	
Current Net Assessment:	\$365,300	
Current Population:	0	
Proposed Population:	0	
Current Land Use:	Commercial, Wooded	
Proposed Land Use:	Mixed Use (Commercial, Industrial, Agricultural)	
Current Zoning:	"C" Commercial District, St. Joseph County	
Proposed Zoning:	"M" Manufacturing Industrial District, St. Joseph County "PUD" Planned Unit Development District, City of South Bend	
Council District:	1 st Council District	
Scheduled Effective Date:	September 30, 2018	
Comments:	The proposed Annexation Area includes the adjacent US 20 (Lincolnway West) right-of-way.	

Map



Filed in Clerk's Office

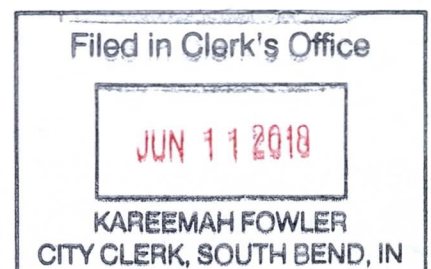
JUN 11 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Legal Description

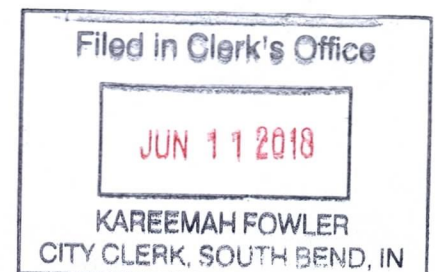
A part of the South Half of Section 30, and the North Half of Section 31, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana.

Specific legal description is forthcoming from the petitioner.



Proposed Schedule for South Bend Chocolate Annexation Area

File Date	6/5/18
Council 1st Reading	6/11/18
Fiscal Plan Service Request Sent	6/11/18
Fiscal Plan Service Request Due	6/25/18
Fiscal Plan Done	7/9/18
Area Plan Commission Public Hearing	7/17/18
Board of Public Safety	7/18/18
Board of Public Works Agenda Session	7/19/18
Council Advertisement	7/20/18
Board of Public Works Hearing	7/24/18
Fiscal Plan Resolution to Clerk	8/8/18
Council 2nd Reading	8/13/18
Council 3rd Reading	8/27/18
Ordinance Advertised	8/31/18
Appeal Period Start	8/31/18
Appeal Period End	9/30/18





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

Wednesday, July 18, 2018

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

RE: A proposed ordinance of SBCC Development Corp. to zone from C: Commercial District, M: Manufacturing Industrial District (County) and LI Light Industrial District (City), to PUD Planned Unit Development District (City), property located at 24632, 24650, 24700 U.S. Highway 20 and 54270 Pine Road, City of South Bend - APC# 2871-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of SBCC Development Corp. was legally advertised on July 5, 2018 and that the Area Plan Commission at its public hearing on July 17, 2018 took the following action:

Upon a motion by John Leszczynski, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of SBCC Development Corp. to zone from C: Commercial District, M: Manufacturing Industrial District (County) and LI Light Industrial District (City) to PUD Planned Unit Development District (City), property located at 24632, 24650, 24700 U.S. Highway 20 and 54270 Pine Road, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Utilizing a Planned Unit Development will allow for a large mixed-use project that will be a major point of interest and increase the amount of tourists coming to the City of South Bend. Locating this project near a major road, air and rail connection will help serve the visitors to the site by providing multiple modes of transportation.

PLEASE NOTE that the Ordinance has been amended by the petitioner and is different than that used for the Common Council's first reading. The amended Ordinance was legally advertised and heard by the Area Plan Commission.

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

Sincerely,

A handwritten signature in blue ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

Attachment

CC: SBCC Development Corp.
Abonmarche Consultants, LLC

Staff Report

7/9/2018

APC # 2871-18
Owner: SBCC Development Corp.
Location: 24632, 24650, 24700 U.S. Highway 20 and 54270 Pine Road
Jurisdiction: St. Joseph County
Public Hearing Date: 7/17/2018

Requested Action:

The petitioner is requesting a zone change from C: Commercial District (St. Joseph County), M: Manufacturing Industrial District (St. Joseph County) and LI Light Industrial District (South Bend) to PUD Planned Unit Development District (South Bend)

Land Uses and Zoning:

- On site: On site are businesses and vacant land zoned LI Light Industrial District (South Bend), C: Commercial District and M: Manufacturing District (St. Joseph County).
- North: To the north, across US Highway 20, is a church zoned R: Single Family District (St. Joseph County) and a distribution center zoned M: Manufacturing District (St. Joseph County).
- East: To the east, across the interchange of US Highway 20 and the St. Joseph Valley Parkway, is the South Bend International Airport zoned LI Light Industrial District (South Bend).
- South: To the south is a business zoned M: Manufacturing District (St. Joseph County).
- West: To the west is a business zoned M: Manufacturing District (St. Joseph County) and single-family homes zoned R: Single Family District (St. Joseph County).

District Uses and Development Standards:

The Planned Unit Development (PUD) District is intended to: establish a compatible and efficient mix of land uses and open space; ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs; establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style; achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and provide for any individual land or combination of land uses not otherwise specified elsewhere in this Ordinance. The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Exception Uses which are provided for within any district of this Ordinance.

Site Plan Description:

The PUD will have two main districts: Core District and Agricultural District. The Core District is intended to have the characteristics of an old-world village. Some of the uses in this district include a chocolate factory, dinosaur museum, restaurants, retail, hotels, fuel station and farmers market. The Agricultural District is intended to highlight the natural and agricultural amenities of the property. Some of the uses in this district include orchards/vineyards, buffalo paddock, petting barn, restaurants and other agricultural uses.

Access points are shown on the frontage with Lincolnway and Pine Road. Development within 200' of the road frontage must be landscaped in compliance with the CB Community Business landscaping regulations. A proposed sign plan including a Bypass sign, main entrance sign, secondary access sign and provisions for wall and roof signs is included.

Zoning and Land Use History And Trends:

A portion of the petitioned property was rezoned to LI Light Industrial District and annexed into South Bend in 2016. One of the parcels included in this petition was rezoned to C: Commercial District (Unincorporated St. Joseph County) in 1996.

Traffic and Transportation Considerations:

US Highway 20 expands from two to four lanes and intersects with the St. Joseph Valley Parkway adjacent to the site. Primary access will be from US Highway 20. Secondary access would be provided from Pine Road which is two lanes.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

County Engineering anticipates that INDOT will require a traffic impact study that will help guide transportation improvements for US Highway 20. This would help the City and County as well in evaluating necessary road/intersection improvements. INDOT considerations will be needed at a future date. County Engineering also anticipates recommending Pine Road improvements to accommodate the future projected traffic. City Engineering stated they have a consultant to help survey and design the sewer extension to the project. They also noted that per INDOT policy, the portioner will have to pay for the new intersection and any improvements with the access point on US Highway 20. City Engineering also requested more detailed plans for their continued review of the site. The Department of Community Investment offers a favorable recommendation.

Commitments:

There is an existing written commitment on the property, stating the following: Upon filing of an Improvement Location Permit for the development of any portion of the Airport Authority Annexation Area, a Pine Road Improvement Plan must be submitted by the developer(s) of the Area. Such Improvement Plan must include a traffic analysis, an engineering study of the condition of Pine Road, a cost analysis of required improvements or reconstruction and any other information requested by both the St. Joseph County Board of Commissioners, the South Bend Board of Public Works and the Indiana Department of Transportation. At a minimum, the Improvement Plan must address the area of Pine Road from U.S. 20 on the North to Edison Road on the South and the intersection of Pine Road and U.S. 20. Any improvements or reconstruction required will be at the cost of the developer(s), or as otherwise negotiated by the respective governmental entities.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective 6.1: Promote orderly and planned growth that expands outward from current city

limits; and Objective ED 9: Increase the amount of revenue generated from tourism.

Land Use Plan:

The Future Land Use Plan identifies this area for light industrial development.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The properties along US Highway 20 near the intersection with the St. Joseph Valley Parkway have developed as manufacturing and commercial uses. The properties along Pine Road are rural residential.

3. Most Desirable Use:

The most desirable use for the property would be one that is harmonious with the surrounding mix of industrial, commercial and residential properties.

4. Conservation of Property Values:

With proper buffering and screening, the neighboring residential properties should not be adversely affected.

5. Responsible Development And Growth:

It is responsible development and growth to develop large areas of interest close to major intersections and near transportation connections such as the South Bend International Airport and South Shore Line.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

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

Analysis:

Utilizing a Planned Unit Development will allow for a large mixed-use project that will be a major point of interest and increase the amount of tourists coming to the City of South Bend. Locating this project near a major road, air and rail connection will help serve the visitors to the site by providing multiple modes of transportation.



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

7/18/2018

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

RE: Bill #26-18
Rezoning: APC#2871-18 – 24632, 24650, 24700 U.S. Highway 20 and 54270 Pine Road

Dear Council Members:

The Area Plan Commission held a public hearing on July 17, 2018 for the above referenced petition. This petition is set for public hearing before the Common Council on Monday, August 13, 2018.

Ordinance & Petition Amendments:

The ordinance included an amended legal description to include to correct area for the annexation and correct area for the rezoning.

The PUD ordinance includes 5 amendments:

- 1) Parking and interior access drives will have a 15' setback from the property line in the Core District.
- 2) Include a 50' setback from the public right-of-way in the Agricultural District.
- 3) Add item "C" under the Administrative section, "This site is subject to written commitments as recorded in the St. Joseph County Recorders Office, Document #1701542."
- 4) Add item "D" under the Administrative section, "Final site plans will require review by the South Bend International Airport."
- 5) Add the current uses on the site: storage and minor automobile repair without outdoor operations or storage, to the permitted uses of the PUD ordinance.

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.

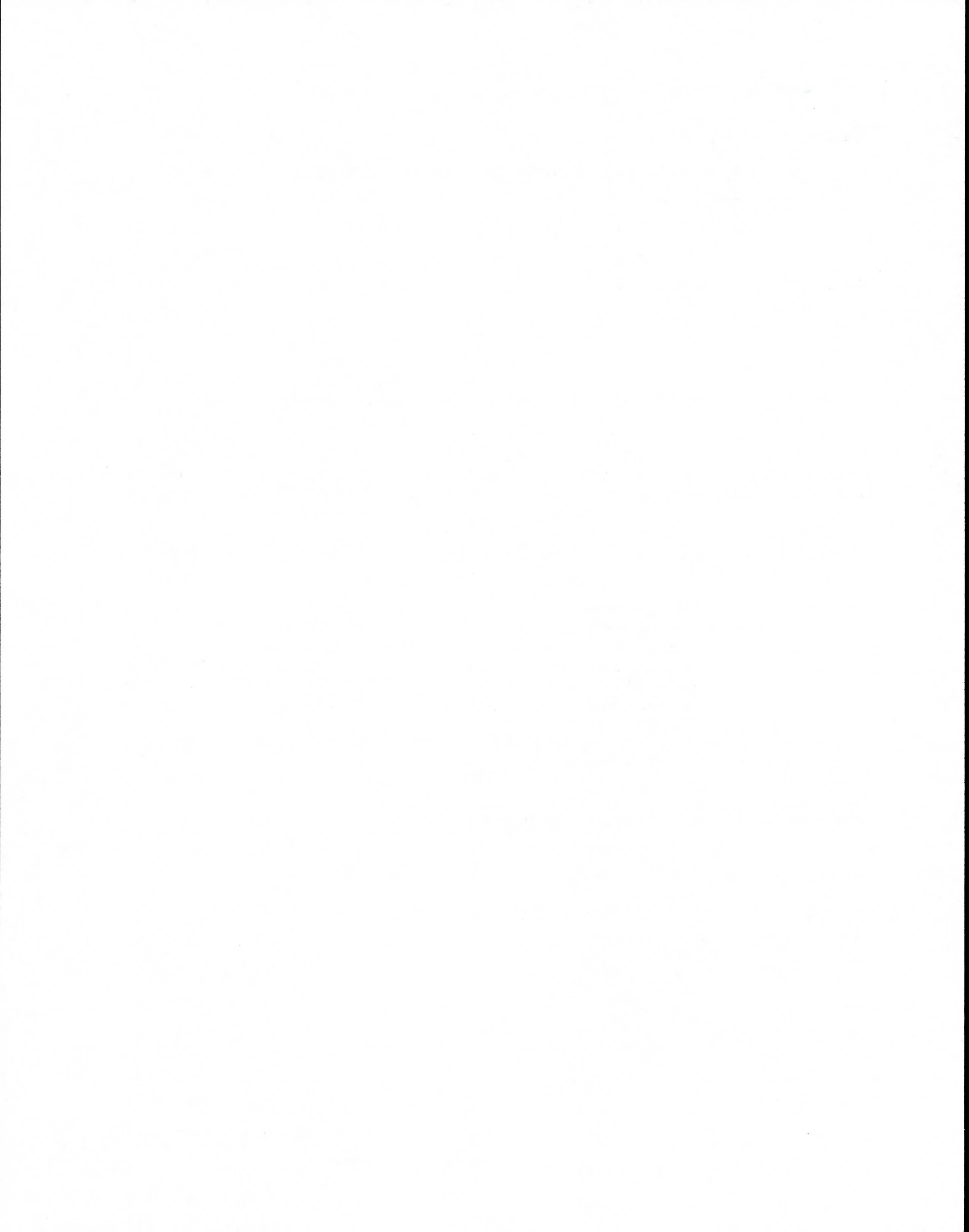
Sincerely,

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

Jordan Wyatt
Planner

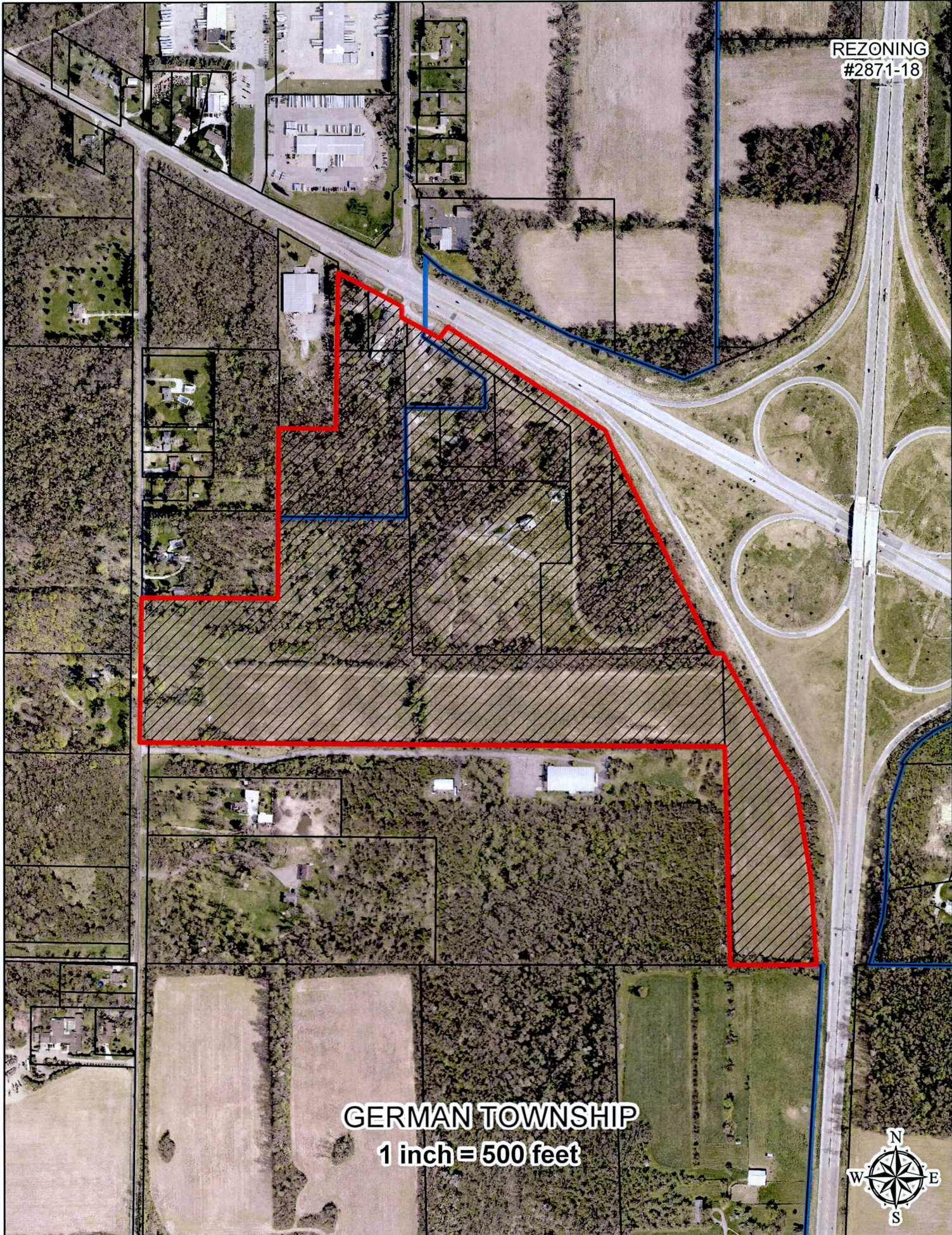
CC: Bob Palmer

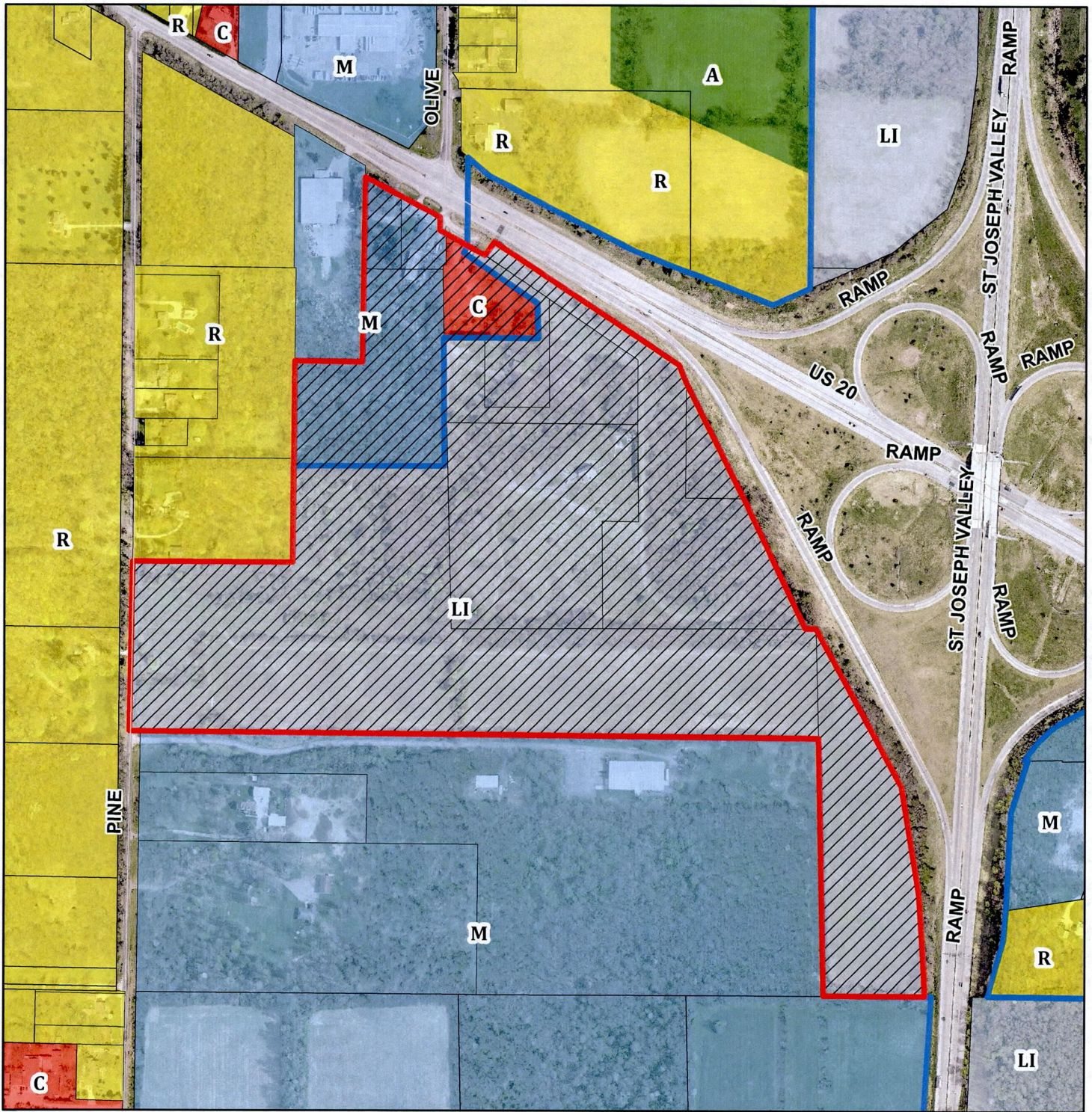
SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND



REZONING
#2871-18

GERMAN TOWNSHIP
1 inch = 500 feet





**Rezoning from: CITY OF SOUTH BEND
LI LIGHT INDUSTRIAL AND ST. JOSEPH COUNTY M: MANUFACTURING DISTRICT TO
CITY OF SOUTH BEND PUD PLANNED UNIT DEVELOPMENT**

MASTER ZONING KEY

- COUNTY "A" AGRICULTURAL DISTRICT
- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- COUNTY "M" MANUFACTURING INDUSTRIAL DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 500 feet

APC # 2871-18

THE
SOUTH BEND CHOCOLATE
COMPANY

PLANNED UNIT DEVELOPMENT
by and for
SBCC DEVELOPMENT CORP.

DRAFT 4
JULY 18, 2018

Approved by the City of South Bend on [Insert Date]
Ordinance [insert number]

Approved Amendments:

Date Approved	Section	Summary	Approved By

The South Bend Chocolate Company

Planned Unit Development by and for SBCC Development Corp.

INTRODUCTION

SBCC Development Corp. seeks to rezone 82.62 acres from C (Commercial), LI (Light Industrial), and M (Manufacturing Industrial) to a Planned Unit Development (PUD) classification in order to provide for a unique mixed-use development. Many parcels of the tract are already annexed into the City of South Bend (Parcels: 025-1021-035110, 025-1021-035201, 025-1021-035202, 025-1021-035301, 025-1021-035303, 025-1021-035302, & 025-1021-036004), though the remainder of the parcels currently under Unincorporated St. Joseph County jurisdiction (Parcels: 004-1020-034401, 004-1020-0345, 004-1021-0352, & 004-1020-034501) will be annexed into the City of South Bend as well (See Figure 1). This mixed-use development, "The South Bend Chocolate Company," will include two (2) major land use areas: The Core District and The Agricultural District. This PUD ordinance serves as a general concept plan, much as a comprehensive plan identifies future conceptual land use patterns for a community.

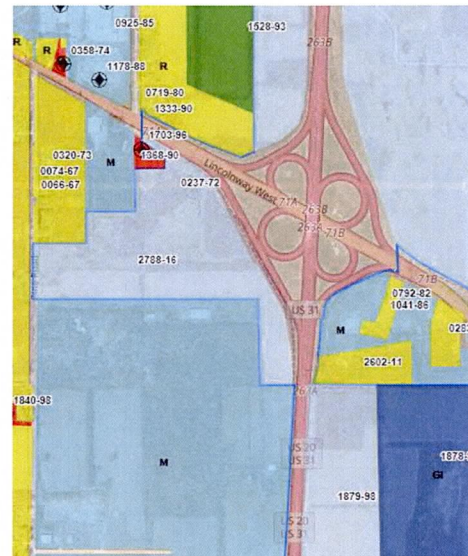


Figure 1: Map of Existing Zoning and Municipal Limits

The developed South Bend Chocolate Company tract will be reminiscent of a fluid and compact old world village. The Core District will host a casual, open-air market atmosphere, much like classic European cities of the past. The balance of the property will be rural, consistent with the Michiana region, but will also provide modern accommodations. Development of the tract will grow organically in order to achieve this distinct mix of uses. Roads and paths within the development will wind through the vernacular buildings, outdoor rooms and natural areas, giving visitors the opportunity to explore and discover the many surprises and marvels at "The South Bend Chocolate Company" that will change seasonally. This distinctive development will effectively take visitors back in time to a unique settlement with nature at its center, while at the same time will establish a sustainable operation that benefits the community as a whole.

"The South Bend Chocolate Company" will be a regional destination for local residents and out-of-town visitors alike. Not only will the development host the primary production facility for the world-renowned South Bend Chocolate Company, but the site will offer year-round entertainment, education, retail, and hospitality opportunities for all ages. Visitors may return multiple times over the course of the year to have a different experience each time. "The South Bend Chocolate Company" will be a one-of-a-kind development with a significant positive economic impact on the local economy by offering agricultural, industrial and natural tourism opportunities on one tract – a site truly devoted to "makers and growers" of South Bend and the region. The development will emphasize the importance of preserving valuable agricultural land and the natural environment. Visitors will have the opportunity to explore and learn about agriculture and the natural environment, interact with animals, dine on fresh and local food, learn about The South Bend Chocolate Company, explore the archeological history of Indiana, enjoy luxurious overnight accommodations, participate in festivals, and much more. "The South Bend Chocolate Company" will truly be a timeless destination for people of all ages to enjoy, explore, and to return to time and time again.

MAJOR LAND USE AREAS

The shapes and locations of the major land use areas are formed by both the topography of the land and existing trails and paths. These areas are intended to be approximate designations rather than definite boundaries. The boundaries are based on initial programming and may shift due to market changes and/or changes in programming. These approximate internal boundaries are thus subject to change in accordance with the Administrative Section of the PUD Ordinance. "The South Bend Chocolate Company" will evolve organically, though there are general development standards for the development as a whole, ensuring the public health, safety, morals and general welfare of the community, which are described in subsequent sections of this PUD ordinance.

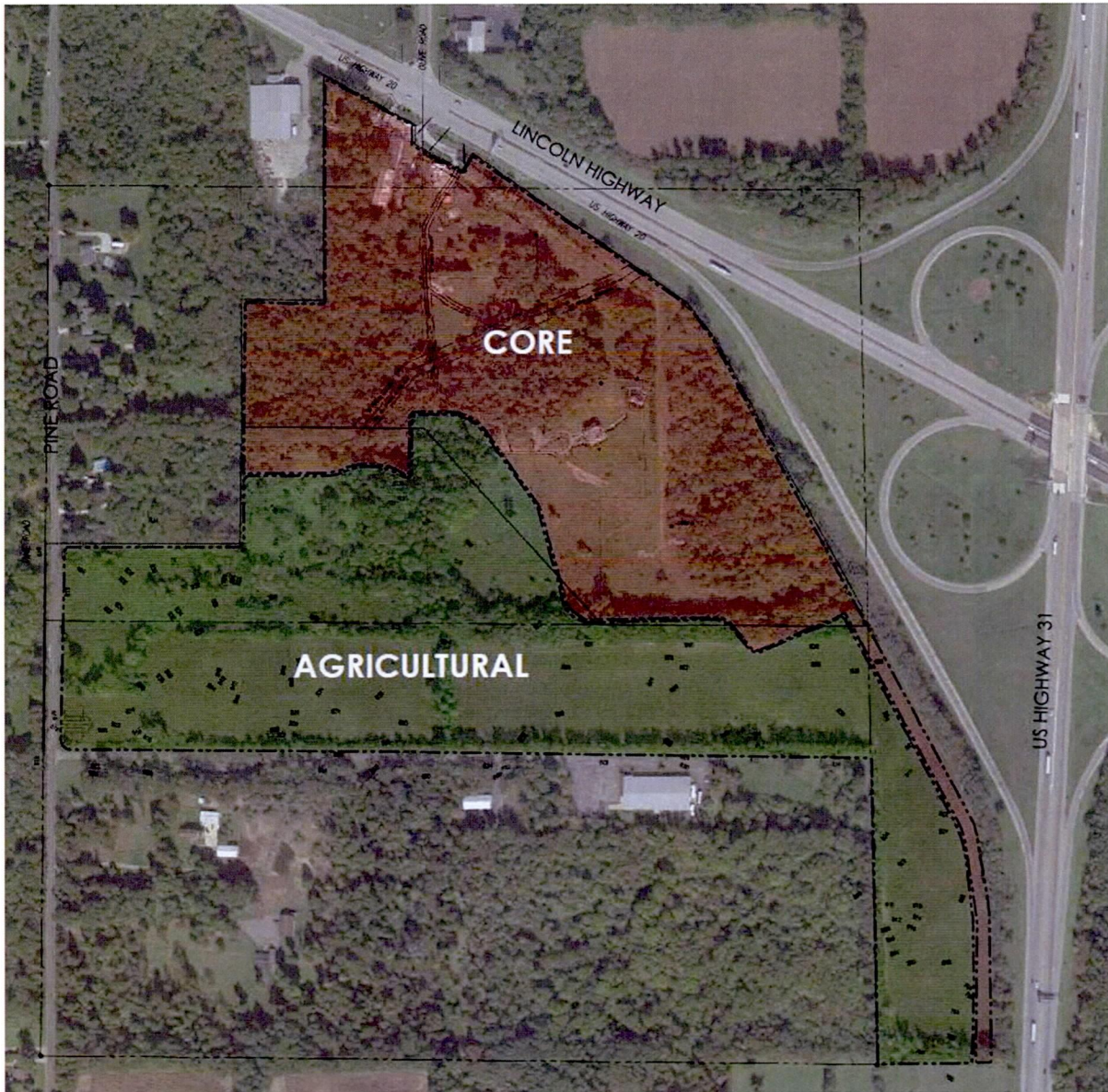


Figure 2: Map of Major Land Use Areas

A. The Core District

Intent: The Core District is envisioned to be the main activity nucleus for "The South Bend Chocolate Company Project" where the main "village" will be. This area will have the characteristics of a compact old world village. The Core District will house The South Bend Chocolate Company's production facility as well as the Indiana Dinosaur Museum and other commercial venues. The District will also include an amenity-based hotel and a potential transportation hub. Depending on the nature of future tenants, buildings and infrastructure will evolve fluidly, consistent with an old world village.

Permitted uses including, but not limited to:

- Chocolate Factory
- Dinosaur Museum
- Brewery / Restaurant
- Bar / Restaurant
- Retail
- Farmer's Market
- Amphitheater
- Bus Parking
- Fuel Station
- Agriculture
- Merchant Wagons / Carts
- Carriage Ride Stations
- Pop-up Retail Opportunities
- Food Trucks
- Artisan / Craft Fairs
- Hotel
- Guest Rooms
- Ballrooms
- Meeting Rooms
- Spa
- Facility Building
- Camping Facilities
- Portable Sanitary Facilities
- Transportation Hub
- Indoor Storage and Warehousing
- Minor Car Repair without Outdoor Storage or Operations

Prohibited uses:

- Adult Businesses
- Amusement Arcades
- Nightclubs
- Cabaret – 21 and Over
- Cabaret – Adult
- Gun Shops and Gunsmith Shops
- Pawnshops
- Off-Track Pari-mutuel Wagering Facility
- Casino
- Tattoo, Body Piercing, Scarifying and Branding Establishments

B. The Agricultural District

Intent: The Agricultural District is envisioned to highlight the natural and agricultural amenities of the tract. The natural environment is a fundamental asset of "The South Bend Chocolate Company," and this District builds upon this asset. Tenant farmers will operate the agricultural land, and food grown in these fields will be served in restaurants on-site, supporting a goal to create a consciousness of healthy food choices. The Agricultural District will also offer a variety of recreational and educational options for all ages, providing access to animals and access to fields, pastures, vineyards, and gardens.

Permitted uses may include, but are not limited to:

- Agricultural Uses
- Cider Mill
- Small Animal Petting Barn
- Equipment Storage
- Produce Fields
- Orchard
- Buffalo Paddock
- Vineyard
- Winery/ Restaurant
- Recreational Facilities
- Camping Facilities
- Portable Sanitary Facilities

Prohibited uses:

- Adult Businesses
- Amusement Arcades
- Nightclubs
- Cabaret – 21 and Over
- Cabaret – Adult
- Gun Shops and Gunsmith Shops
- Pawnshops
- Off-Track Pari-mutuel Wagering Facility
- Casino
- Tattoo, Body Piercing, Scarifying and Branding Establishments

In any case for which an applicable development standard has not been specified in the petition for zone map change to the PUD District, the development standard must be that which is specified in the district in which the use is first permitted in the City of South Bend Zoning Ordinance.

BUILDING DESIGN AND ARCHITECTURE

A. Existing and New Buildings

The buildings within the PUD will be a combination of existing and new construction. Existing buildings will be renovated and repurposed for uses that will complement the mixed-use development. Existing buildings found off-site may be brought on-site and implemented into the overall campus design. New buildings will be designed and

constructed in such a fashion to fit into the context and theme of "The South Bend Chocolate Company" development.

B. Height Limitations

Maximum heights of such structures will be dictated by the Federal Aviation Administration and the South Bend Airport Authority or a maximum of 80 feet, whichever is less.

C. Building Materials

Materials of buildings may include, but are not limited to:

- Aged wood siding
- Composite board siding
- Block / brick (natural state or painted)
- Metal wall panel (factory finished or aged)
- Metal roof panel (factory finished or aged)
- Architectural roof shingle

D. Architectural Review Board

All new construction must be approved by the Architectural Review Board, which will be established by the owner. The Architectural Review Board will issue a letter of approval for the Area Plan Commission Staff to issue any building permit.

THE EDGES

Both Major Land Use Areas will have different "Edges," otherwise known as requirements for the tract boundaries. Each area has different uses, site locations, and potential nuisances, thus necessitating the need for different requirements. These edges will be properly maintained in order to better allow for the flexibility of development within the interior areas of the PUD. These interior areas of the PUD will have internal setbacks of 0 feet. In the event that there is a building or structure (as defined by the City of South Bend Zoning Ordinance) which existed in 2018 that does not comply with the development standards set forth below at the time of approval of this PUD Ordinance, that existing building or structure (as defined by the City of South Bend Zoning Ordinance) will be a considered legal nonconforming structure.

A. The Core District

The Core District abuts Lincoln Highway to the north, the Lincoln Highway and U.S. Highway 31 interchange to the northeast, and private property owners to the west.

Setback: Any temporary use, building or structure (as defined by the City of South Bend Zoning Ordinance) must be a minimum of 50 feet from any public right-of-way line.

The portion of The Core District that abuts the industrial property to the west (Parcel ID: 004-1020-034405) will have a minimum 10 foot setback to the property line.

Parking and Interior Access Drives will have a setback of 15 feet from the property line.

Landscaping: Any portion of the tract that is within 200 feet of any public right-of-way must comply with the Community Business District Landscaping Standards (front yard) as defined by the City of South Bend Zoning Ordinance, with the exception that Foundation Landscaping shall not be required along the Bypass.

The portion of The Core District that abuts private residential property to the west will maintain a "Type C: Full Screening" buffer zone as set forth in the City of South Bend Zoning Ordinance.

B. The Agricultural District

The Agricultural District abuts private residential property to the north, south, and west, and the Lincoln Highway and U.S. Highway 31 interchange to the east.

Setback: This is a fluid area that will evolve flexibly, provided that no temporary use, building or structure (as defined by the City of South Bend Zoning Ordinance) may be located within a minimum of 20 feet of any property line. This 20-foot buffer zone must remain in its natural and existing state (determined by the existing conditions at the time of approval of this PUD Ordinance).

Any temporary use, building or structure (as defined by the City of South Bend Zoning Ordinance) must be a minimum of 50 feet from any public right-of-way line.

Landscaping: Any portion of the tract that is within 200 feet of any public right-of-way must comply with the Community Business District Landscaping Standards (front yard) as defined by the City of South Bend Zoning Ordinance. The portion of The Agricultural District that abuts private residential property will maintain a "Type C: Full Screening" buffer zone as set forth in the City of South Bend Zoning Ordinance.

ACCESS & TRAFFIC

The primary access point will be on Lincoln Highway (US Route 20), generally opposite Olive Road. The State of Indiana Department of Transportation is the agency having jurisdiction for final access plans.

There will also be a secondary access point on Pine Road, established for emergency vehicles only on a regular basis. Throughout the year, however, there may be periodic special occasions and festivals. For these special events, "The South Bend Chocolate Company" may apply for a special permit from the City of South Bend in order to use the access point on Pine Road to better accommodate traffic destined for a special event.

Facilities accommodating vehicular traffic within the PUD will be primarily clustered in The Core District. There will be walking, wagon, and biking trails throughout the rest of "The South Bend Chocolate Company" tract that will accommodate various modes of transportation. The limited vehicular circulation on the property serves to maintain the natural and agricultural character of the development.

UTILITIES & DRAINAGE

The site will be served by municipal services.

SIGNAGE

"The South Bend Chocolate Company" will have a unique brand of signage. Because this is a mixed-use development, there is a need for multiple sign types and sizes. While the Core District will create a small urban-like core, "The South Bend Chocolate Company Project" is not an urban development. Therefore, special standards must be established. The text below provides general sign types that will make up "The South Bend Chocolate Company" signage plan, including development standards and graphics that suggest the types of signs that would be appropriate. These graphics and images are examples only and in no way do they limit what would be permissible within the development.

General Regulations

All signs are subject to review and approval by the Architectural Review Board.

Any sign that contains an electronic message center (EMC) will have a maximum of eight (8) second intervals and will not have live animation.

BUILDING SIGNS

The following building signs are **exempt** from any requirements: Signs not visible from the public right-of-way, non-illuminated wall signs in excess of 200 feet from the public right-of-way, and any murals containing no words.

Wall Signs (that do not meet the above-listed exemption requirements)

Maximum Surface Area: 10% of the façade or tenant space

Maximum Number: Unlimited

Example: See Figure 3

Roof Signs

Maximum Surface Area: 300 square feet

Maximum Height: 4 feet above top of building roof

Maximum Number: Unlimited

Example: See Figure 3

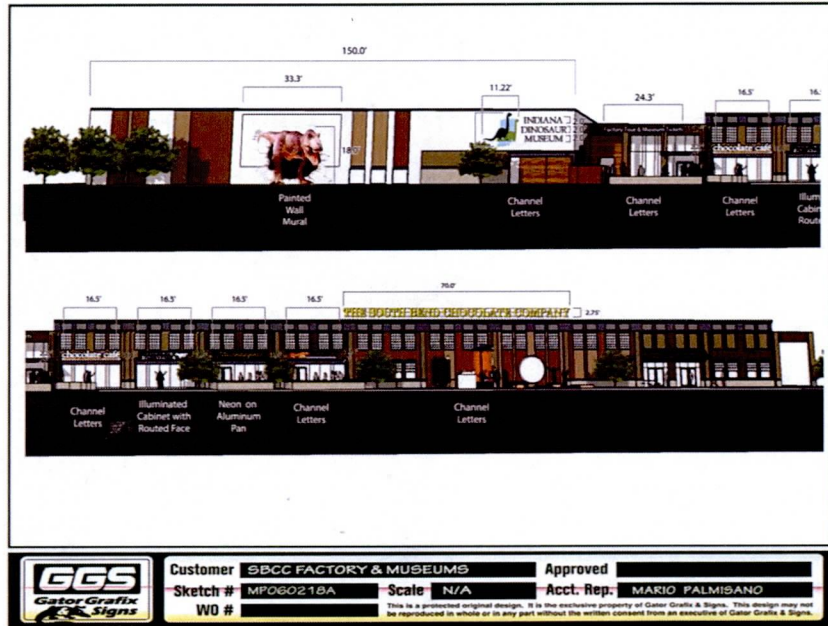


Figure 3: Building sign examples

FREESTANDING SIGNS

One (1) Bypass Sign

Maximum Surface Area: 700 square feet (excluding area of podium, base or foundation)

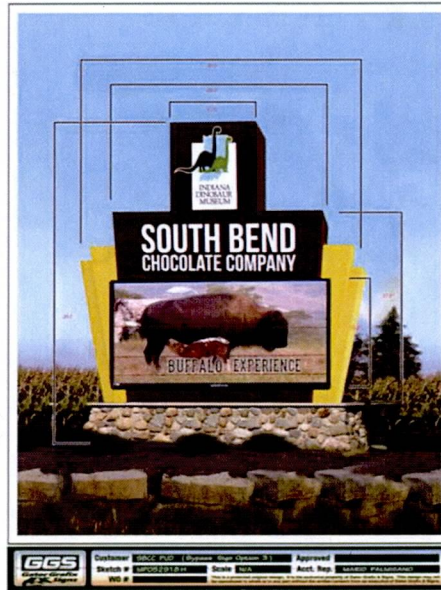
Edge Setbacks: 50 feet from the public right-of-way

Internal Setbacks: N/A

Maximum Height: 35 feet (including height of podium, base or foundation)

Examples: See below for options





One (1) Primary Entrance Sign

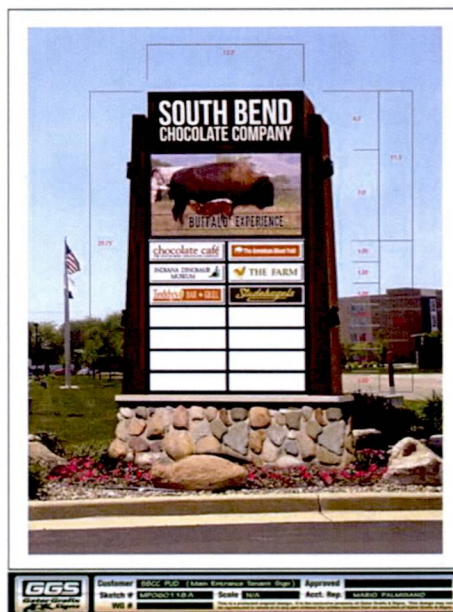
Maximum Surface Area: 360 square feet

Edge Setbacks: 10 feet from the public right-of-way

Internal Setbacks: None

Maximum Height: 35 feet

Example:



One (1) Secondary Entrance Sign (Pine Road Entrance)

Maximum Surface Area: 64 square feet

Edge Setbacks: 10 feet from the public right-of-way

Internal Setbacks: None

Maximum Height: 8 feet

Example:



One (1) Tenant Sign

Maximum Surface Area: 64 square feet

Edge Setbacks: 10 feet from the public right-of-way

Internal Setbacks: None

Maximum Height: 8 feet

Example:



TEMPORARY & INCIDENTAL SIGNS

Must meet the requirements of the CB Community Business District standards as set forth in the City of South Bend Zoning Ordinance.

PROHIBITED SIGNS

"Off-Premises" signs and flashing signs, as defined in the City of South Bend Zoning Ordinance, shall be prohibited.

PARKING AND LOADING

There will be no minimum number of parking spaces required for this development. Among formal parking areas (everything within 200 feet of the public right-of-way), informal parking areas, lawns, and meadows, there will be ample parking to support the facilities and will comply with ADA regulations. All formal parking areas must meet the design guidelines with respect to size as set forth in the City of South Bend Zoning Ordinance. Loading areas will comply with the City of South Bend Zoning Ordinance. No loading / unloading will take place in any public right-of-way, and there will be proper maneuvering and turn-around facilities for commercial vehicles.

Informal parking areas may have a compacted gravel surface. Wooden logs or large boulders may serve as parking blocks. Vehicular roadways may either have a compacted gravel surface or will use permeable pavement.

LIGHTING

All lighting must meet the requirements of the City of South Bend Zoning Ordinance.

OPEN SPACE

Because nature is at the core of "The South Bend Chocolate Company" planned development, open space preservation is one of the goals. The more intense, commercial development / activity will cluster in The Core District, thus preserving more space for agriculture and environmental amenities throughout the remainder of the PUD.

ADMINISTRATION

- A. Variances to the General Development standards established by the PUD Ordinance for this development may be approved by the Area Board of Zoning Appeals.
- B. The Executive Director of the Area Plan Commission will have authority to determine if a proposed changes would be considered as a "Major" or "Minor" modification or if a proposed change is consistent with the PUD. Major modifications will require the PUD to be approved as required by the City of South Bend's rezoning process.
- C. This site is subject to written commitments as recorded in the St. Joseph County Recorders Office, Document #1701542.
- D. Final site plans will require review by the South Bend International Airport.

APPENDIX A

LEGAL DESCRIPTION

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.

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



PLANNED UNIT DEVELOPMENT LEGEND

DESCRIPTION	ACRES
Core (Red)	42.58 AC
AGRICULTURAL ZONE (Green)	44.10 AC
200' BUFFER/LANDSCAPE AREA	
50' BUILDING SETBACK	
20' BUILDING SETBACK	
10' BUILDING SETBACK	
TYPE 'C' LANDSCAPING	

SYMBOL KEY

- 50' BUILDING SETBACK
- 200' BUFFER/LANDSCAPE AREA
- 20' BUILDING SETBACK
- 10' BUILDING SETBACK
- TYPE 'C' LANDSCAPING

SCALE: 1"=100' 0"

NORTH

TOTAL ACRES 77.60 AC

**CONCEPTUAL MASTER PLAN
LAND USE PLAN**

**SOUTH BEND CHOCOLATE FACTORY
SOUTH BEND, INDIANA**

ABONMARCHÉ

100 West State Street
South Bend, IN 46701
765.225.2200
815.572.5117
abonmarche.com

Project: 18-0244
Client: Abonmarché
Date: 1/20/24



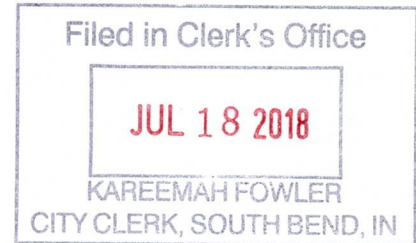
CITY OF SOUTH BEND

HISTORIC PRESERVATION COMMISSION



18 July 2018

South Bend Common Council
County—City Building
South Bend, IN 46601



Dear Council Members,

At the July 16, 2018 meeting of the Historic Preservation Commission of South Bend & St. Joseph County, the Commission held second reading on the proposed Local Landmark Designation for 1040 West Washington, commonly known as the Engman Public Natatorium and the current home of the IUSB Civil Rights Heritage Center. A representative of the Civil Rights Heritage Center spoke in favor of the nomination, and none spoke in opposition. The Commission unanimously passed a Resolution recommending to the Common Council the establishment of 1040 West Washington, for Historic Landmark status.

A copy of Resolution No. 18-02 is enclosed, as well as a copy of the Proposed Local Landmark staff report, a draft of the proposed ordinance, and a signed Owner Consent form. Historic Preservation Specialist Adam Toering will present this proposal to the Council. The Historic Preservation Commission request its inclusion on the upcoming Council agenda and staff is available to answer any questions you may have.

Sincerely,

Elicia Feasel
Historic Preservation Administrator

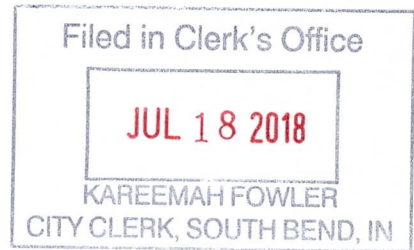
Adam Toering
Historic Preservation Specialist

PRESIDENT

A CERTIFIED LOCAL GOVERNMENT
OF THE NATIONAL PARK SERVICE

ELICIA FEASEL
HISTORIC PRESERVATION ADMINISTRATOR

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT



BILL NO. 33-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARK STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS THE CIVIL RIGHTS HERITAGE CENTER FORMERLY THE ENGMAN NATATORIUM, AND LOCATED AT 1040 WEST WASHINGTON STREET, IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The building and a portion of its exterior grounds including the former pool now a reflecting garden, located at 1040 West Washington Street (the "Property"), in the City of South Bend, Indiana, currently known as the Civil Rights Heritage Center, and formerly as the Engman Natatorium, an all-white "public pool" from 1922 until its integration in 1950, played a unique role in the civil rights history of South Bend.

The current owner of the Property has petitioned the Historic Preservation Commission of South Bend and St. Joseph County (the "Commission") to have the Property designated as a Historic Landmark pursuant to South Bend City Ordinance No. 5565-73, as amended. The Property is now a site for the recording, preservation, and highlighting of the struggles of all people for equal rights and social justice.

The Property was opened 1922, and is recognized in the Indiana Historic Sites and Structures Inventory of South Bend with a rating of "Outstanding" meaning that the property may be eligible for National Register listing.

The Commission's staff prepared a report and recommendation for the Commission, as did the Commission's Historic Landmarks Committee, both of which reports were approved by the Commission at its meeting on July 16, 2018. At that time public hearing was held and the Commission unanimously approved a Resolution recommending that this Council designate 1040 West Washington as a Local Historic Landmark. (Exhibit 1 hereto). The building meets the criteria in at least three areas.

Historical and cultural significance.

When it opened in 1922 as a "Public Bath House and Swimming Pool" the Natatorium excluded African American persons. Around 1946 after the Natatorium was about to be reopened after closure for repairs, local civil rights activist and lawyer Chester Allen requested that because there were over 5,000 citizens of color living in South Bend, that all racial restrictions be dropped so that all persons could use this public building. The race restrictions were not lifted at that time, but a schedule was later arranged so that African Americans could use the pool. The pool was fully integrated in 1950.

The historical significance of this structure is best captured by a statement from George Garner, Curator of the Civil Rights Heritage Center: "No other building in the City speaks to the history of the African American experience like the Natatorium... We believe that activism works

best when rooted in an understanding of the challenges communities have faced for generations and the experiences of those who had fought for positive changes.”

Its suitability for preservation.

The building was constructed in 1921-1922 and was designed by Walter W. Schneider, a local architect of note, to model the Culver Natatorium and also the Chicago Athletic Club. The Natatorium was constructed with a top of the line heating system and innovative plumbing and pumps. It is Neo-Classical in design. In 2010 extensive modifications were made resulting in the building’s current configuration. At that time portions of the actual pool were demolished and replaced with a contemplative garden.

Educational Value.

The basic form and structure of the original 1922 building is intact, with the façade remaining virtually unchanged and the interior and back two thirds of the original building adopted for 20th century usage. The major exterior change in 2010 consists of the transformation of most of the original pool to a contemplative garden. This alteration is in keeping with the highly significant history of the building as a symbol of the transition from a segregated public space to an integrated facility due to the efforts of local civil rights champions.

The Commission conducted a public hearing on July 16, 2018, for the purposes of hearing comments on the designation of the Property as a Historic Landmark and for delivering a recommendation to the Common Council. Following the public hearing, the Commission gave its favorable recommendation to the Common Council of the City of South Bend to designate the Property as a Historic Landmark pursuant to Ordinance No. 5565- 73, as amended.

Based on the HPC's Local Landmarks Criteria as adopted by the Common Council, and based upon the Commission’s Resolution and recommendation, the site at 1040 West Washington Street, South Bend, Indiana, should be designated as a Local Historic Landmark.

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

Section 1. The building now known as the Civil Rights Heritage Center and formerly as the Engman Natatorium, located at 1040 West Washington Street, South Bend, St. Joseph County, Indiana, together with its surrounding grounds and structures including the original pool now used as a reflecting garden, but excluding the parking lot, is hereby designated and established as a Historic Landmark of the City of South Bend, Indiana pursuant to Ordinance No. 5565-73, as amended, which realty excluding parking lot is described more specifically as follows:

Part of Bank Out Lot Numbered Eighty-nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-nine (89); thence East 1 chain 82 4/5 links; thence South 144.54 feet to the North line of an alley; thence West on the North line of said alley 1 chain 82 4/5 links to the West

line of said Lot Numbered Eighty-nine (89); thence North 144.54 to the place of beginning.

EXCEPTING THEREFROM the easterly 40' therefrom.

Section 2. This Ordinance shall take effect upon its adoption by the Common Council, signature by 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

Filed in Clerk's Office

JUL 18 2018

KAREEMAH FOWLER
CLERK, SOUTH BEND, IN

RESOLUTION NO. 18-02

**A RESOLUTION OF THE HISTORIC PRESERVATION
COMMISSION OF SOUTH BEND AND ST. JOSEPH COUNTY,
INDIANA
RECOMMENDING THE ESTABLISHMENT OF
1040 WEST WASHINGTON, SOUTH BEND, INDIANA
FOR HISTORIC LANDMARK STATUS**

WHEREAS, the Historic Preservation Commission of South Bend and St. Joseph County, Indiana (the "Commission") exists and operates under the provisions of ordinances enacted by the Common Council of the City of South Bend, Indiana, and the County Council of St. Joseph County, Indiana (the "Enabling Ordinances"); and

WHEREAS, the Commission is empowered, pursuant to the Enabling Ordinances, to make recommendations to the Common Council of the City of South Bend, Indiana for the establishment of local historic landmarks; and

WHEREAS, the owner of the property located at 1040 West Washington, South Bend, Indiana, (the "Property") has petitioned the Commission to have the Property designated as a Historic Landmark pursuant to South Bend City Ordinance No. 5565-73, as amended; and

WHEREAS, the Property is recognized in the Indiana Historic Sites and Structures Inventory of South Bend with a rating of "Outstanding"; and

WHEREAS, the Commission's staff has prepared a report recommending Historic Landmark status of the Property, and the Commission's Landmark Committee has reviewed the staff's report along with the petition and the Consent of the owner, and has recommended designation of the Property as a Historic Landmark; and

WHEREAS, the Commission conducted a public hearing on July 16, 2018, for the purposes of hearing comments on the designation of the Property as a Historic Landmark and for delivering a recommendation to the Common Council of the City of South Bend to designate the Property as a Historic Landmark pursuant to Ordinance No. 5565-73, as amended, and a majority of the Commissioners have voted to approve the Historic Landmark designation and the recommendation for Common Council action.

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC PRESERVATION COMMISSION OF SOUTH BEND AND ST. JOSEPH COUNTY AS FOLLOWS:

Section 1. The building located at 1040 West Washington Street, South Bend, St. Joseph County, Indiana, together with its surrounding grounds and structures including the original pool now used as a reflecting garden, but excluding the parking lot is hereby recommended to the Common Council of the City of South Bend, Indiana, for establishment as a Historic Landmark pursuant to Ordinance No. 5565-73, as amended, which realty excluding parking lot is described more specifically as follows:

Part of Bank Out Lot Numbered Eighty-nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-nine (89); thence East 1 chain 82 4/5 links; thence South 144.54 feet to the North line of an alley; thence West on the North line of said alley 1 chain 82 4/5 links to the West line of said Lot Numbered Eighty-nine (89); thence North 144.54 to the place of beginning.

EXCEPTING THEREFROM the easterly 40' therefrom.

Section 2. This Resolution shall take effect immediately upon its adoption by the Commission.

ADOPTED at a meeting of the Historic Preservation Commission of South Bend and St. Joseph County, Indiana, held on July 16, 2018 in the Conference Room, 1308 County-City Building, and 227 W. Jefferson Blvd., South Bend, Indiana 46601.

**HISTORIC PRESERVATION
COMMISSION OF SOUTH BEND AND
ST. JOSEPH COUNTY**



President

ATTEST:



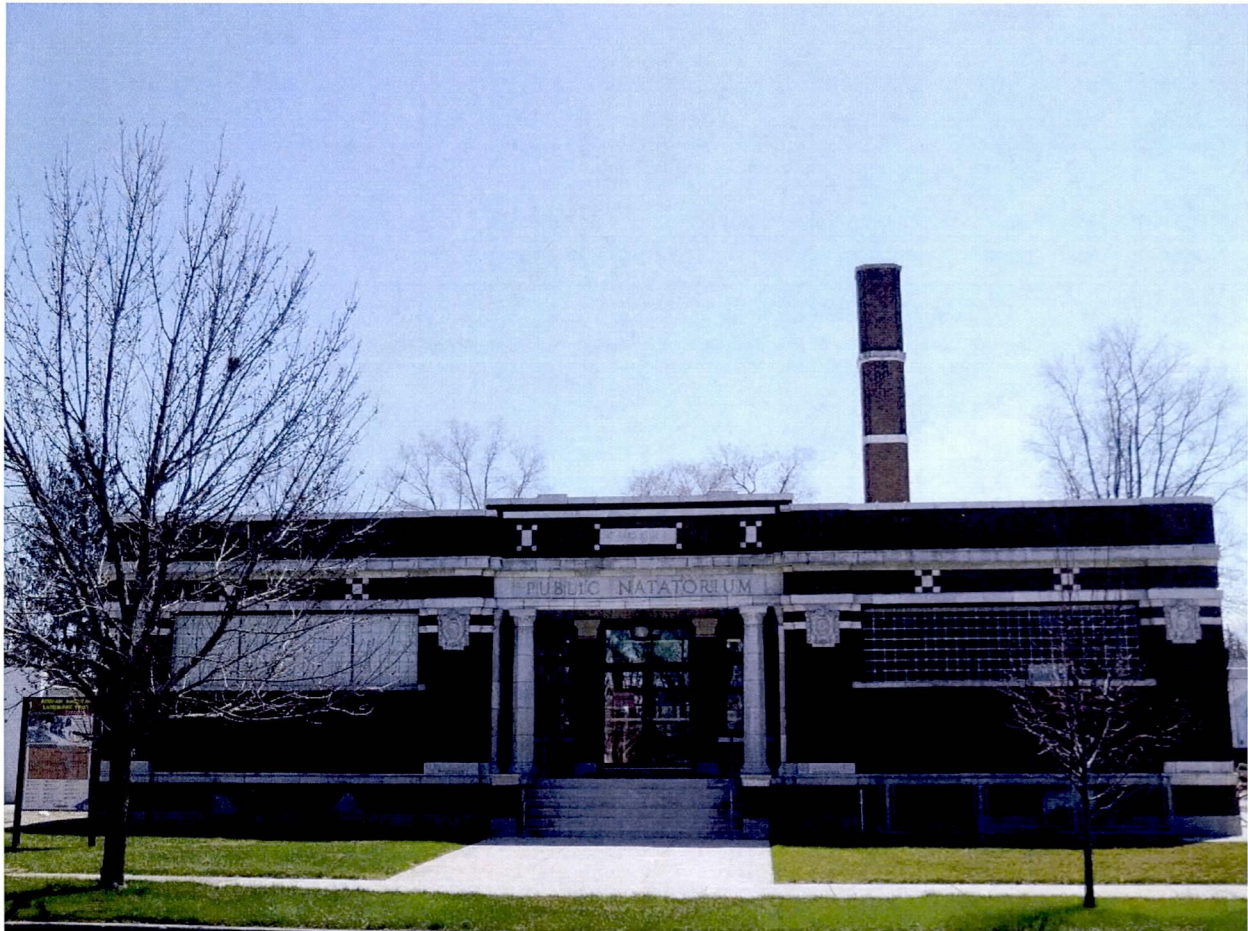
Secretary

PROPOSED LOCAL LANDMARK
Engman Public Natatorium
1040 West Washington
SOUTH BEND, INDIANA

Filed in Clerk's Office

JUL 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



HISTORIC PRESERVATION COMMISSION
OF SOUTH BEND AND ST. JOSEPH COUNTY

JULY 2018

Engman Natatorium

Pursuant to City of South Bend Ordinance No. 10572-17, as adopted by the Common Council, the structure located at 1040 West Washington, commonly known as the Engman Public Natatorium, is recommended by the Historic Preservation Commission to the Common Council for designation as a Local Historic Landmark.

Designation of historic landmarks is considered on the basis of:

1. Historical and cultural significance
2. Educational value
3. Suitability for preservation

Historical Context:

This property is located on West Washington in South Bend. The property was platted as Bank Lot number eight-nine. The site was formerly at the corner of the now vacated Chapel Lane.

The lot was donated to the City of South Bend by Harry Engman, Jr. Mr. Engman was a partner in the Engman, Matthews Range company of South Bend. The City built the Natatorium in 1921-1922 and named it after Engman. The building was designed by Walter W. Schneider, a local architect of note, to model the Culver Natatorium and that of the Chicago Athletic Club. The Board of Park Commissioners were given \$80,000.00 for the construction and contracting of the "Public Bath House and Swimming Pool". Their president, Mr. Richard Elbel, contracted the pools construction on August 11, 1921 for \$55,501.00 to local contractor Kuehn and Jordan and the remaining moneys were set aside for upkeep and future repairs. The Natatorium was constructed with a top of the line heating system and innovating plumbing and pumps.

In its first ten years the pool was used for public swimming, swimming lessons for young and old and safety instructor training. By 1936, only fourteen years after it first opened, the Natatorium was closed as a result of being declared unsafe. The problems listed in the declaration were all problems that were found to be conditions inherent in buildings devoted to natatoriums: the high humidity within the building contrasted with the cold winter temperatures outside which proceeded to produce condensation on walls, windows, and the roof causing rotting. To remedy the problems the City hired architect Ernest W. Young and allocated \$25,000.00 for the repair of the structure and the installation of a new machine designed to dry the air. The repairs took four months to implement. Upon the reopening of the pool the State ordered that the City must provide a schedule for use of the Natatorium by African-Americans. Local Civil Rights activist J. Chester Allen requested that due to the fact that there were over 5,000 citizens of color living in South Bend that all restrictions should be dropped so all people could use the pool at any time. Mr. John a Rothrock, representative of the State Board of Tax Commissioners who were the sponsors of the renovation project, stated that "he hadn't seen a city as large as South Bend that didn't provide facilities to blacks", however he did

not approve the plan of African Americans using the pool at the same time as the whites. Eventually a schedule was reached that allowed African Americans to use the facility, but, not at the same time as whites.

In 1946 the pool was again closed for a few months for reconditioning. The price for a single swim at this time was \$0.30; a five-swim card cost \$1.20. The Natatorium was open noon to 9:00pm and it offered open swimming, swim lessons for all, as well as private ladies classes and life-saving courses. By the late 1940s the Natatorium offered an adult only night on Wednesdays for those seeking to relax apart from children. The building was also used for water ballet, graduation exercises and water exhibitions.

By 1950 the Natatorium was at the peak of its popularity with over 18,179 people visiting the pool that summer. In 1951 the pool gave lessons in Water Basketball, rented the facility to clubs and associations and began Swim for Health lessons for the handicapped. By 1957 the pool had added 22 new swim classes year-round to handle the huge numbers of patrons and in 1958—to further alleviate the crowding—the pool was opened for four hours on Sunday afternoons. However, as the 1960s approached, the Natatorium began showing signs of age and use, leading to its closing for additional renovations on October 23, 1960. At this time new heating, plumbing, and ventilation systems were installed, as well as new showers and filters for the pool. The City allocated \$37,900.00 through the sale of bonds for these improvements and the pool reopened two months later.

The Natatorium continued to be open for lessons, water shows, High School swim meets and general swimming throughout the 1970s despite dwindling use. By July of 1978 the Natatorium again needed renovations, although the City chose to close the facility instead of executing those updates.

By the 1990s, the property was in dire need of preservation. Community interest resulted in an attempt to designate the structure as a Local Landmark 1997, and again in 2003. In August of 2010, the property was purchased by the South Bend Heritage Foundation, who entered into an agreement to restore and rehabilitate the structure, leading to the establishment of Indiana University's Civil Rights Heritage Center at the Natatorium.

Description of Structure:

The structure is a one story public pool building, rectangular in plan and Neo-Classical in design. The building has a flat roof with a terra-cotta parapet coping and walls with multi-course brick work with additional terra cotta detailing. The windows are 4" glass block in brick openings with terra cotta sills and head and the front door is made from aluminum. The entrance enclosure consists of terra cotta columns at the end with engaged terra cotta pilasters supporting the entablature which reads "Public Natatorium." There are engaged brick pilasters with terra cotta column capitals and plinth on either side of the entrance doors. The foundation is granite, the steps are

concrete, and a tall chimney made of brick with terra cotta detailing and wrought iron detailing.

Extensive modifications were made in 2010 resulting in the building's current configuration. The rear (southern) portions of the natatorium were demolished and replaced with a contemplative garden and modern restroom facilities and office space.

Location Notes/Legal Description:

PARCEL I: Part of Bank Out Lot numbered Eighty-nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-nine (89); thence East 1 chain 82 4/5 links; thence South 144.5 feet to the North line of an alley; thence West on the north line of said alley 1 chain 82 4/5 links to the West line of said Lot Numbered Eighty-nine (89); thence North 144.5 to the place of beginning.

EXCEPTING THEREFROM: the easterly 40' therefrom.

Landmarks Criteria:

1. Historical and cultural significance

The building fulfills this criteria as an excellent example of a movement in public entertainment and health. In its beginning the pool was built as part of a movement throughout Indiana and the United States that showed the public interest in swimming as a diversion from heat and as a place for socializing. As time passed and new courses were offered the interest changed from purely social to concerns over health and fitness and water safety. The structure's history also shows the advent of segregation and—eventually—desegregation.

2. Educational value

The building fulfills this criteria as an excellent example of a Neo-Classical designed public building. It was rated Significant according to the May 19, 1986 survey card. The structure is currently rated Outstanding by the Indiana State Historic Architectural and Archaeological Research Database (SHAARD).

To quote George Garner, Curator of the Civil Rights Heritage Center:

“No other building in the city speaks to the history of the African American experience like the Natatorium. Today, as the IU South Bend Civil Rights Heritage Center, we offer public tours for multiple age groups that shares this history and engages in discussion about contemporary issues. In addition to South Bend Community and other K-12 school districts, we regularly welcome

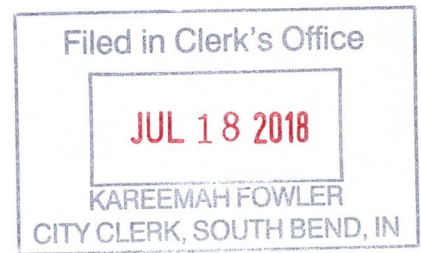
students from Indiana University South Bend, the University of Notre Dame, St. Mary's College, and Holy Cross College. We offer regular public events to enrich and educate such as a monthly film and discussion series, open-microphone poetry readings, lectures, exhibitions of local art and history, and more. We also regularly host meetings for various civil rights and social justice organizations, allowing those who fight today's injustices a place to gather and work towards full equality.

As all of our activities are funded by Indiana University South Bend, our educational mission is paramount. Further, we believe that activism works best when rooted in an understanding of the challenges communities have faced for generations and the experiences of those who had fought for positive changes."

3. Suitability for preservation

The building's alterations in 2010 have significantly changed the composition of the structure, but care was undertaken to execute this process in a sympathetic and façade-preserving manner. The primary street-facing façade of the structure is intact. The main swimming chamber to the rear of the lot was demolished and replaced with a contemplative garden and pool. To quote George Garner, again:

"In 2010, the building underwent a significant renovation. The building's facade remains virtually unchanged, with the interior structure and the back two-thirds of the original building adapted for 21st century use. While recognizing that there have already been extensive changes to the original structure, we are confident that the work of South Bend Heritage Foundation to transform the space into the IU South Bend Civil Rights Heritage Center breathed new life into a building that had, in the late 1990s, been targeted for demolition. Historic landmark status confirms and adds protections for future generations, ensuring that the history of this building and the story it tells remains vital."



Landmarks Committee

Meeting Date: 7/3/18, 1:30 P.M.

Agenda: Discuss and provide recommendation on the following properties for consideration as landmarks:

1. Engman Public Natatorium
2. LaSalle Avenue Bridge
3. Jefferson Boulevard Bridge
4. Twyckenham Drive Bridge

Members Present: Joseph Molnar (Chair), Adam Toering, Greta Fisher, Velvet Canada

Members Absent: None

Others Present: Elicia Feasel (Historic Preservation Administrator)

Below are the minutes from the meeting, in bold are the official recommendations of the Committee to the Historic Preservation Commission.

The Landmarks Committee met in the Informal Chambers of the South Bend Common Council on July 3rd, 2018 at 1:30 P.M.

Adam Toering provided the draft staff report for the Engman Public Natatorium. The Committee discussed how much of the property should be proposed for landmarking. The consensus was reached that all of Parcel #1 of the property should be considered for landmarking. This consists of the entire building and the garden behind the building where the pool was once located. Committeemember Fisher stated the garden should be included because the pool location itself is as significant as the building in terms of historical memory in the community. This does not include the parking lot adjacent to the building which is a separate parcel.

Committeemember Greta Fisher made a motion to send the Engman Public Natatorium to the full Commission with a favorable recommendation for the entirety of Parcel #1. Committeemember Adam Toering seconded the motion which carried with a vote of four (4) ayes and zero (0) nays.

Elicia Feasel provided and discussed the draft staff reports for the LaSalle Bridge, Jefferson Bridge, and Twyckenham Bridge. The Committee decided it made sense to discuss the bridges as one discussion item. Ms. Feasel informed the Committee that the Howard Park Walking Bridge is not being considered for landmarking at this time.

The process of landmarking bridges is efforts previously made to landmark bridges in St. Joseph County that are of historical significance. Previously the Michigan Bridge and Angela Bridge have both been landmarked. The Committee agreed with the decision that the Colfax Bridge is not suitable for landmarking at this time.

All three bridges discussed have historic and unique architectural designs that would no longer be considered in the construction of modern bridges. All three bridges have undergone recent renovations that have been sympathetic to their historical character. Considering that all three bridges represent a specific time in the City of South Bend and St. Joseph County's history, in addition to retaining their unique architectural features, it was the opinion of the Committee that they are acceptable for landmark status.

Committeemember Velvet Canada made a motion to send the LaSalle Avenue Bridge to the full Commission with a favorable recommendation. Committeemember Greta Fisher seconded the motion which carried with a vote of four (4) ayes and zero (0) nays.

Committee Chair Joseph Molnar made a motion to send the Jefferson Boulevard Bridge to the full Commission with a favorable recommendation. Committeemember Adam Toering seconded the motion which carried with a vote of four (4) ayes and zero (0) nays.

Committeemember Greta Fisher made a motion to send the Twyckenham Drive Bridge to the full Commission with a favorable recommendation. Committeemember Velvet Canada seconded the motion which carried with a vote of four (4) ayes and zero (0) nays.

With all business decided, Committee Chair Joseph Molnar adjourned the meeting at 2:15 p.m.

Joseph Molnar,
Landmarks Committee Chair



HISTORIC PRESERVATION COMMISSION

OF SOUTH BEND AND ST. JOSEPH COUNTY

County—City Building, South Bend, IN 46601

<http://www.southbendin.gov/government/departments/community-investment>

Phone: 574/235.9371

Fax: 574/235.9021

Email: hpesbsjc@southbendin.gov

Timothy S. Klusezinski, President

A Certified Local Government of the National Park Service

Elicia Feasel, Historic Preservation
Administrator

LOCAL HISTORIC LANDMARK – OWNER CONSENT

I, the undersigned property owner, grant the Historic Preservation Commission of South Bend and St. Joseph

County permission to have the property located at: 1040 W. WASHINGTON ST

SOUTH BEND, IN 46601

Declared a Local Historic Landmark under ordinance.

I do also approve of the classification of this building under Group B Standards for Local Historic Landmarks.

Signature of Owner:

Marcel Wilbur

Date:

3.12.18

EXECUTIVE DIRECTOR, SOUTH BEND HERITAGE

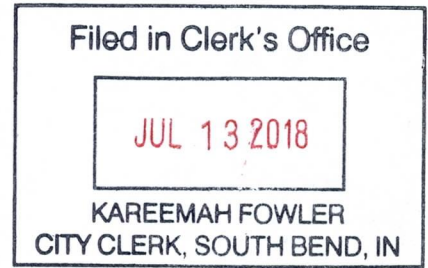
Filed in Clerk's Office

JUL 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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, July 12, 2018

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

RE: The petition of THRIVE MICHIANA LLC seeking a Special Use for to allow an accessory parking lot in the SF2 Single Family and Two Family District for property located at 719 and 721 W. REX ST., City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance was legally advertised on June 28, 2018 and that the Area Board of Zoning Appeals at its public hearing on July 11, 2018 took the following action:

Upon a motion by Robert Hawley, being seconded by John Leszczynski and unanimously carried, a petition by THRIVE MICHIANA LLC seeking a Special Use for to allow an accessory parking lot for property located at 719 and 721 W. REX 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.

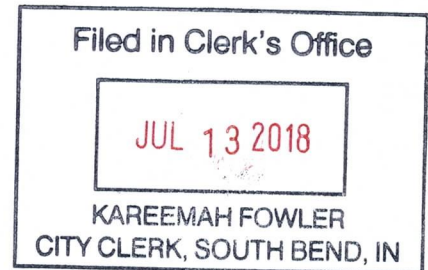
Sincerely,

A handwritten signature in black ink that reads "L. P. Magliozzi".

Lawrence P. Magliozzi, Executive Director

Attachment

CC: RICHARD L AND LINDA L FORD
Director of Planning & Community Resources
Mike Keen
Kathy Schuth



BILL NO. 18-34

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 719 and 721 W. REX 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:

719 and 721 W. REX STREET

In order to permit an accessory 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

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

FILED

JUN 14 2018

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-1060-2535, 018-1060-2536, 018-1062-2658, 018-1060-2537, 018-1060-2538, 018-1059-2488, 018-1059-2489, 018-1059-2490, 018-1059-2491, 018-1059-2492, 018-1059-2505

The property address:

906, 908-910 Portage Ave; 736 California Ave; 808-838 Portage Ave; 719 W. Rex St

South Bend, IN 46616

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: *All portions of properties listed above*

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) a. From the required 12 foot maximum setback to 35 feet maximum setback for 50% of the building elevation along Rex Street.
b. From the parking setback of 5 feet behind the front building line to 5 feet behind the property line.
c. From a 24-foot parking maneuvering aisle to a 14 foot maneuvering aisle.
d. From the required landscaping of required perimeter yard to as shown on Site Plan.
e. From the required off-street parking area screening to screening as shown on Site Plan

- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *The proposed development will fill a need in the neighborhood for affordable housing, supporting the 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: *The reuse of a blighted/vacant structure and the development of existing vacant land should not adversely affect surrounding property values.*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Due to the layout of the existing building and odd configuration of the lots, the placement of buildings & parking will result in overcoming the practical difficulties in the reuse of the properties. The proximity along Portage and the desire to keep the parking away from view of Portage Ave will help ease the otherwise strict application of this Ordinance for the development of these sites.*

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

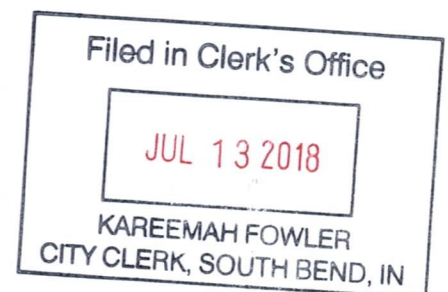
- 1) The Special Exception Use(s) being requested: *Lots 018-1060-2537 & 018-1060-2538 are being proposed to allow use as an accessory parking lot.*

- 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 proposed development is located along a public transportation route and this parking will supplement the development to create a marketable amenity for those that will*

own a vehicle. Granting the special use for parking instead of vacant lots should not be injurious to the general welfare of the community.

- (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *With proper landscaping and screening, the adjacent residential uses should not be adversely affected.*
- (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 proposed additional parking allows for structures to remain/added to Portage Avenue and locating parking behind these structures and/or properly landscaped/screened from view.*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *As currently single-family zoning, the decision was made to honor the Comprehensive Plan/current zoning by applying for Special Exemption Use pertinent to the adjacent development plans. If in the future parking needs are not as great, granting the Special Exemption Use allows transformation of the property to single family use.*

* 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.



Filed in Clerk's Office
JUL 13 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Richard & Linda Ford
86 Marina Avenue
Key Largo, FL 33037
Unknown - Phone number with Area Code
Unknown - E-Mail Address

Name and address of additional property owners, if applicable:

Tim Corcoran
Director, Planning & Community Resources
City of South Bend
1400 S. County-City Building
227 W. Jefferson Blvd
South Bend, IN 46601

Mike Keen
Thrive Michigan LLC
1012 Riverside Drive
South Bend, IN 46616
574-514-2096
mfkeen1@gmail.com

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

Kathy Schuth
1007 Portage Avenue
South Bend, IN 46616
574-232-9182
nnndirector@nearnorthwest.org

Name and address of additional property owners, if applicable:

CONTACT PERSON:

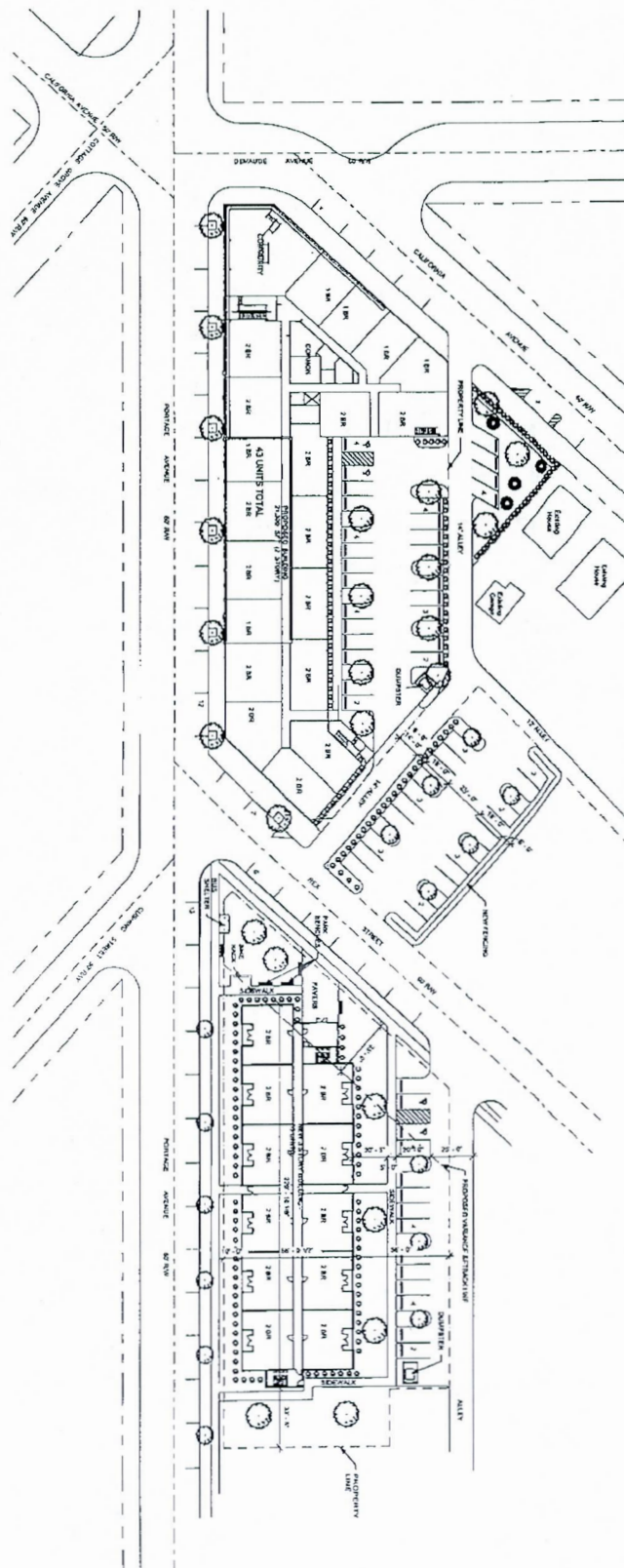
Kathy Schuth
1007 Portage Avenue
South Bend, IN 46616
574-232-9182
nnndirector@nearnorthwest.org

- FILED -
JUN 14 2018

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):

[Signature] TIM CORCORAN, DIR. OF PLANNING + COMMUNITY RESOURCES
[Signature] MIKE KEEN 2210 N. ILE THRIVE MICHIGAN LLC 11/14/18



① SITE PLAN
1" = 50'-0"

- FILED -
JUN 14 2018

UNIT RECAP:
(17) 1 BR UNITS
(59) 2 BR UNITS
76 TOTAL UNITS

PARKING RECAP:
60 PARKING SPACES
39 STREET PARKING SPACES
99 TOTAL SPACES

Filed in Clerk's Office
JUL 13 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

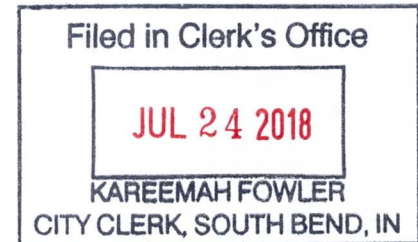
NO.	DATE	BY	DESCRIPTION

BAKERY PLACE
SOUTH BUILDING
SOUTH BEND, INDIANA

SEBREE Architects, Inc.
97 Cover Street, Suite 402, Avon, Indiana 46123-7356
Phone (317) 272-7300 E-Mail: sebree@sebreearchitects.com
Fax (317) 272-8208 Web Site: <http://www.sebreearchitects.com>

SHEET NO.
C1.0

SITE PLAN



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

July 24, 2018

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

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

Dear President Scott:

I am attaching for filing the above resolution, which is a companion to Bill No. 26-18. That bill proposes to voluntarily annex contiguous territory in German Township to the City of South Bend. This resolution provides for the Common Council's approval and adoption of the written plan and policy concerning the provision of services, both capital and non-capital, to the territory to be annexed.

This 13.2-acre annexation area contains four parcels on the south side of Lincolnway West (US 20) near Olive Road, west of the St. Joseph Valley Parkway. All public improvements, if any, will be required to be done at the expense of the developer.

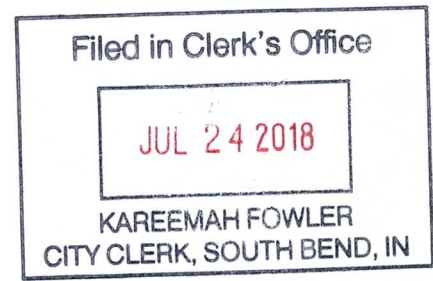
I request that the attached resolution be placed on the August 13, 2018, agenda of the Common Council meeting at which the companion Bill is given Second Reading. I will be attending the meeting, as well as the Zoning & Annexation Committee hearing, as the presenter.

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

Sincerely,

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

Michael P. Divita, AICP
Planner



BILL NO. 18-36

RESOLUTION NO. _____

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

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

WHEREAS, the territory proposed to be annexed encompasses approximately 13.2 acres of land containing commercial and residential buildings, which property is at least 12.5% contiguous to the current City limits, i.e., 51.8% contiguous, generally located on the south side of US 20 (Lincolnway West) near Olive Road (24762, 24810, and 24820 US 20). It is anticipated that the annexation area will be used for commercial, industrial, and agricultural uses; and

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

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

or other governmental entities whose jobs will be eliminated by the proposed annexation.

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

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

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 LOT 1A 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:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 IN 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, 860 FEET, MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 20; THENCE SOUTH 66°34'05" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 176.7 FEET, MORE OR LESS; THENCE NORTH 49°30'27" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 58.5 FEET, MORE OR LESS; THENCE SOUTH 55°23'13" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 239.5 FEET, MORE ORE LESS; THENCE SOUTH 00°01'49" WEST, 285 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF LOT 1A IN SAID CASCINO SECOND MINOR SUBDIVISION; THENCE THE FOLLOWING (4) COURSES ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID LOT 1A: 1) SOUTH 28°35'00" WEST, 27.84 FEET, 2) SOUTH 54°47'30" EAST, 313.42 FEET, 3) SOUTH 02°07'49" EAST, 129.92 FEET, 4) SOUTH 89°28'34" WEST, 354.02 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1 IN KELLER AND HALL MINOR; THENCE SOUTH 01°34'36" EAST ALONG THE EASTERLY LINE OF SAID LOT 1, 457.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°47'33" WEST ALONG THE SOUTH LINE OF SAID LOT 1, 553.56 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 13.2 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

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

within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

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

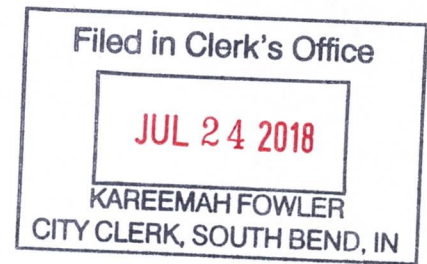
Section IV. Site planning should employ Complete Streets principles; and sidewalks should be provided along public streets and be in compliance with the Americans with Disabilities Act (ADA) under the PROWAG standards. To the extent possible, mature trees and other natural features of the Annexation Area should be preserved, especially along the Project's perimeter.

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

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

Tim Scott, Council President
South Bend Common Council

Exhibit "A"



THE CITY OF SOUTH BEND

FISCAL PLAN

SOUTH BEND CHOCOLATE ANNEXATION AREA

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

July 9, 2018

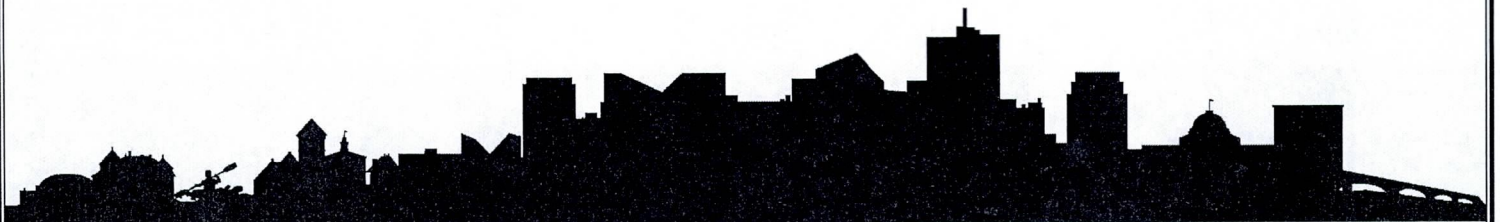


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SECTION I. INTRODUCTION

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

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

SECTION II. GENERAL DATA

A. Location

The Annexation Area is located on US 20 (Lincolnway West) near Olive Road, west of the St. Joseph Valley Parkway. See *Map 1*.

B. Legal Description

The Annexation Area is part of the South Half of Section 30 and the North Half of Section 31, Township 38 North, Range 2 East, in German Township, St. Joseph County, Indiana. For a complete legal description, see Page 15.

C. Contiguity

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

<i>Contiguous</i>	2,120.93 feet	51.8%
<i>Non-Contiguous</i>	<u>1,972.16 feet</u>	<u>48.2%</u>
<i>Total</i>	4,093.09 feet	100.0%

D. Size of Annexation Area

The Annexation Area is approximately 13.2 acres.

E. Buildings & Land Use

The Annexation Area contains commercial and residential buildings and wooded land. Commercial, industrial, and agricultural uses are proposed for a development site including the Annexation Area.

F. Zoning & Subdivisions

The four properties in the Annexation Area are currently zoned “C” Commercial District (one property) and “M” Manufacturing Industrial District (three properties) in St. Joseph County. With the annexation petition, the petitioner seeks to rezone the land to “PUD” Planned Unit Development District in the City. Two parcels fall within the Keller & Hall Minor Subdivision and one parcel falls within the Cascino Second Minor Subdivision. One parcel is not located within any subdivision of record.

G. Population

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

H. Tax Rate & Impact

The tax rates used are those of 2017 payable 2018. The total tax rate for unincorporated German Township is 2.5922 per \$100 of taxable real estate. The total tax rate for South Bend German Township is 5.9453 per \$100 of taxable real estate.

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

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

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

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

the finances and tax revenues of South Bend and other political subdivisions to which the proposed annexation applies, on the political subdivisions in St. Joseph County not part of this annexation, and on taxpayers not part of this annexation.

I. Parcel Ownership & Assessments

<i>Parcel Identification Number</i>	<i>Address</i>	<i>Parcel Owner</i>	<i>Assessed Value (Total)</i>
04-1020-034401	24810 US 20	SBCC Development Corp.	\$ 59,200
04-1020-0345	24820 US 20	SBCC Development Corp.	\$176,700
04-1020-034501	24820 US 20 backlot	SBCC Development Corp.	\$ 74,200
04-1021-0352	24762 US 20	SBCC Development Corp.	\$ 55,200

Total Assessments

Land:	\$174,900
Improvements:	\$190,400
Total (Gross):	\$365,300
Total (Net):	\$365,300

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

J. Municipal Legislative District

The Annexation Area will be in the 1st District.

K. Hiring Plan

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

SECTION III. MUNICIPAL SERVICES

A. Public Works

Sewer – The nearest sanitary sewer to the west originates at the existing lift station near US 20 and Poppy Road. The City is currently designing a sewer extension that will run along the south side of US 20 from the northwest corner of the Annexation Area to the lift station. The lift station has sufficient capacity to accept flows from the Annexation Area.

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

Water - The South Bend Water Works currently has a 16" water main that runs on the north side of US 20 from Olive Road to Pine Road. This water main would provide sufficient capacity for the Annexation Area. The petitioner would likely need to connect to the water line by boring under US 20. A 12" water main is located along the west side of Pine Road. The petitioner may wish to connect to both water mains to provide redundancy to the project site.

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

Street Lighting – Street lighting is provided along US 20 (Lincolnway West) within the Annexation Area. Should any additional lighting be necessary, street lighting on wood poles with overhead wiring can be provided through an ongoing contract with Indiana Michigan Power. If the developer wishes to construct and dedicate additional street lighting, especially of a decorative nature or with underground wiring, the City may accept it for maintenance and operation, supported by property tax revenue.

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

Streets – No new public streets are proposed with this annexation. The annexation would add a portion of US 20 (Lincolnway West) to the city limits, but US 20 will continue to be maintained by the Indiana Department of Transportation following annexation. If the project site is accessed at the US 20-Olive Road intersection, INDOT may require the petitioner to make improvements there and to the adjoining on and off ramps at the US 20-St. Joseph Valley Parkway (Bypass) interchange. Depending on the location of access to the project site, a City Curb Cut Application or INDOT permit will be required for any new driveway approaches.

The petitioner would be responsible for installing sidewalks along public streets as the project develops.

2017 Actual Budget Report for the Department:

Expenditures:	\$15,907,094
Miles of Roadway in City:	@502
Cost per Mile:	@\$31,687
New Mileage within Area:	@0.00 miles (0 feet)
Estimated Maintenance Cost for Annexation Area per year:	@\$0

B. Police Department

The Annexation Area would be added to the existing Beat 24. Police patrols and emergency responses will be part of the services the City will offer to this area. This proposed annexation would require officers to cover a relatively small additional area on this beat.

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

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

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

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

2017 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$40,727,982
Number of Households in City (2010):	@39,760
Cost per Household:	@\$1,024
Number of Parcels in City (2017):	@48,000
Cost per Parcel:	@\$848
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	4
Cost for Annexation Area per year:	\$3,392 (4 parcels x \$848 / parcel)

C. Fire Department & EMS

Fire Response – The South Bend Fire Department provides a fully staffed, full-time fire department. The Annexation Area will be serviced primarily by Fire Station #11, located at 3505 N. Bendix Drive, approximately 4.3 miles away. Additional Fire Department units would respond from Fire Station #4 at 220 N. Olive Street, which is approximately 4.6 miles away, and from Fire Station #6 at 4302 Western Avenue, which is approximately 4.7 miles away.

The South Bend Fire Department does not foresee any unusual fire protection problems related to this annexation. Response times will be comparable to other areas of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Fire coverage to this area could begin immediately upon annexation. Adequate water supply will be necessary as development takes place; redundancy by connection to water mains on both US 20 and Pine Road would be important for a larger scale development.

Emergency Medical Response – The City will provide emergency medical response to the Annexation Area. This area will be serviced by Medic #4, which is at Fire Station #4, located at 220 N. Olive Street (approximately 4.6 miles away).

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

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

2017 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$36,856,829
Number of Households in City (2010):	@39,760
Cost per Household:	@\$927
Number of Parcels in City (2017):	@48,000
Cost per Parcel:	@\$768
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	4
Cost for Annexation Area per year:	\$3,072 (4 parcels x \$768 / parcel)

D. Code Enforcement

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

2017 Actual Budget Report for the Department:

Expenditures:	\$5,971,063
Number of Parcels in City (2017):	@48,000
Cost per Parcel:	@\$124
Proposed Number of Parcels in Area:	4
Cost for Annexation Area per year:	\$496 (4 parcels x \$124 / parcel)

E. Environmental Services

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

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

F. Administrative Services

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

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

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

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

SECTION IV. LAND USE ANALYSIS & DEVELOPMENT CRITERIA

This proposed annexation will add four properties containing commercial and residential buildings and wooded land to the City of South Bend. The petitioner proposes to develop the Annexation Area and adjoining parcels for commercial, industrial, and agricultural uses. The Annexation Area is presently zoned "C" Commercial District and "M" Manufacturing Industrial District in unincorporated St. Joseph County. A light industrial use zoned "M" Manufacturing Industrial District and residential uses zoned "R" Single Family District, all in unincorporated St. Joseph County, are located to the north across US 20. To the east and to the south are agricultural and wooded parcels zoned "LI" Light Industrial District in the City. To the west are mostly residential uses zoned "M" Manufacturing Industrial District and "R" Single Family District in unincorporated St. Joseph County.

The Annexation Area is located just west of the Lincolnway West interchange with the St. Joseph Valley Parkway. With its proximity to the St. Joseph Valley Parkway and the Indiana Toll Road, the land may be attractive for light industrial, commercial, and other uses that require high levels of accessibility.

The petitioner proposes the South Bend Chocolate Company project, a planned mixed-use development of commercial, industrial, and agricultural uses on a large site that includes the Annexation Area. The conceptual land use plan indicates that the Annexation Area itself may include commercial and industrial uses such as a factory, museum, restaurant, retail, and gas station.

As part of its site planning, the petitioner should preserve, to the extent possible, mature trees and other natural features of the Annexation Area, especially along the project's perimeter.

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

SECTION V. FISCAL IMPACT

- 1) Essential city services can be made available to the residents (and territory) of the Annexation Area in a timely and comparable fashion per the requirements of State law and this fiscal plan.
- 2) The City is financially able to support city services to the territory sought to be annexed.
- 3) Required improvements made by the petitioner and/or owner of the parcel(s) must be made in accordance with the standards of the City of South Bend.
- 4) Required improvements made by the City, if any, will be completed within the time frames provided by State law and this fiscal plan.
- 5) All figures are estimates. Final cost of capital expenditures, if any, will not be determined until bids are publicly solicited, contracts are awarded, and projects are closed out.
- 6) Property tax revenue and land assessment estimates are based on a combination of 2017 payable 2018 tax information, assessments of comparable developments, estimates of units built, estimates of unit values and land assessments, and tax abatements or adjustments, if any. Tax rates are subject to change every year, and property tax revenues may be subject to tax caps.
- 7) Department expenditures and revenues are derived from the City of South Bend Budget.
- 8) The estimated costs to provide services, noted in Section III, Municipal Services, is a City-wide average based on a particular budget year. In the case of the proposed development in the Annexation Area, some of these services may not be required or possibly requested for many years. Hence, the cost of providing services over the first five years should be evaluated with this in mind.

TABLE 1

Summary Table – Estimated Fiscal Impact

Expenditures	Capital (Est.)	Non-Capital Per Year (Est.)	Notes	5-Year Total
Street Construction	\$0			\$0
Sewer Extension	\$0		Connection at petitioner's expense	\$0
Water Extension	\$0		Connection at petitioner's expense	\$0
Street Lights	\$0			\$0
Street Maintenance	\$0	\$0		\$0
Police	\$0	\$3,392		\$16,960
Fire	\$0	\$3,072		\$15,360
Code	\$0	\$496		\$2,480
Approximate 5-Year Expenditures				\$34,800

Revenues	Notes	Total (Est.)	5-Year Total
Property Taxes (to City)	Year 1	\$7,640	\$252,290
	Year 2	\$31,365	
	Year 3	\$31,365	
	Year 4	\$90,960	
	Year 5	\$90,960	
MVH/LRSA	Estimated at revenue per mile of \$23,763	\$0	\$0
Approximate 5-Year Revenues			\$252,290

Revenue estimate based on \$365,300 net assessment and capped tax rate of 3% of \$365,300 gross assessment in Year 1; \$1,500,000 net assessment and capped tax rate of 3% of \$1,500,000 gross assessment in Years 2 and 3; and \$4,350,000 net assessment and capped tax rate of 3% of \$4,350,000 gross assessment, first taxable in Year 4.

SECTION VI. APPROVAL

Approved by the City of South Bend Common Council this _____ day of _____,
2018.

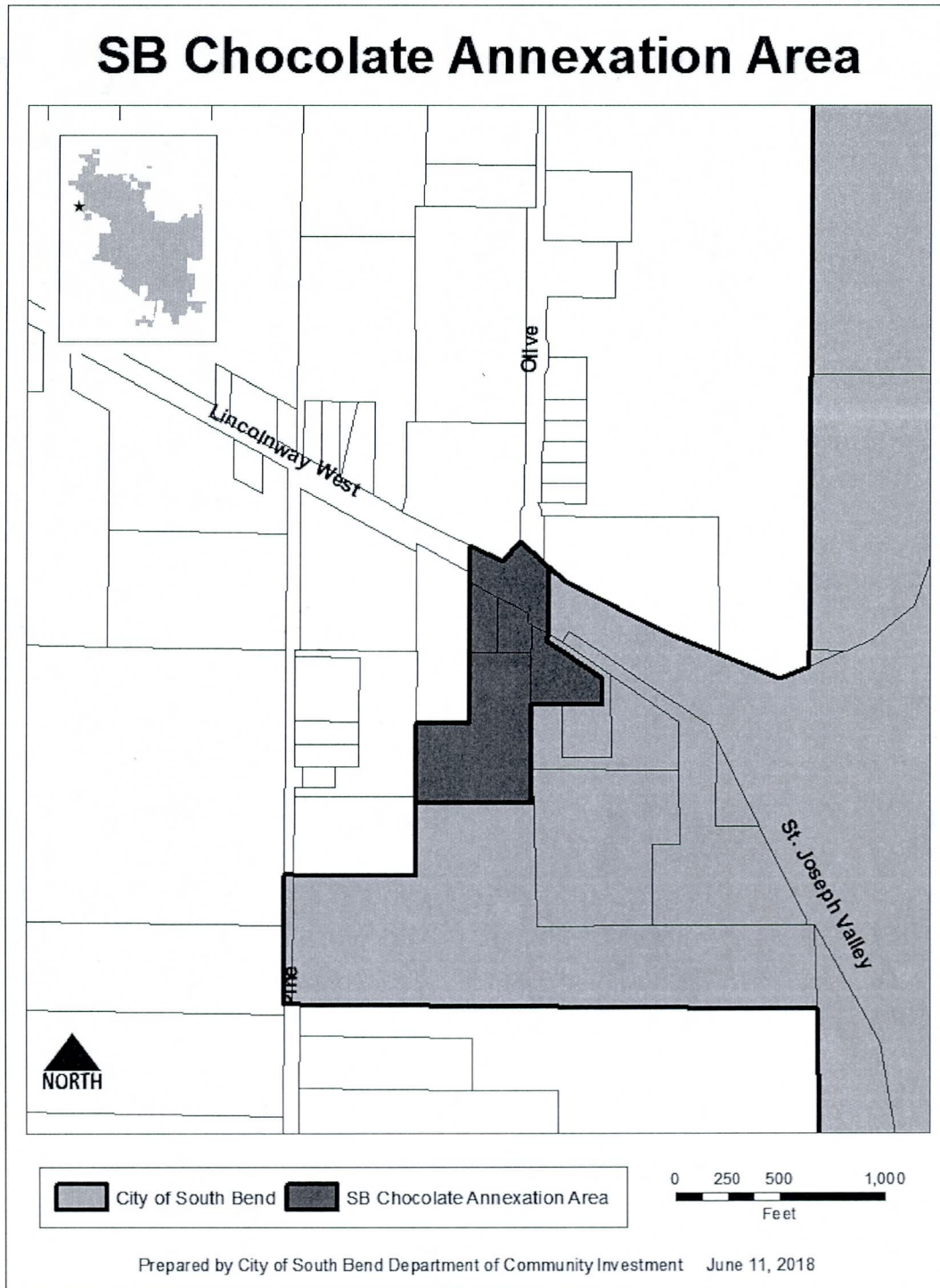
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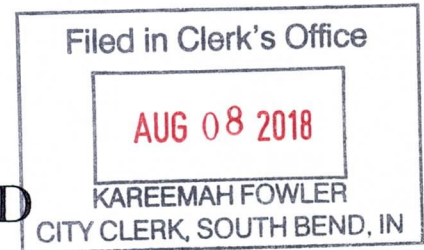
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BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 IN KELLER AND HALL MINOR SUBDIVISION; THENCE NORTH $00^{\circ}23'29''$ WEST ALONG THE WESTERLY LINE OF SAID LOT 1, 387.81 FEET TO THE NORTHWESTERLY MOST CORNER OF SAID LOT 1; THENCE SOUTH $89^{\circ}51'53''$ EAST, 249.65 FEET; THENCE NORTH $00^{\circ}12'32''$ WEST, 860 FEET, MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 20; THENCE SOUTH $66^{\circ}34'05''$ EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 176.7 FEET, MORE OR LESS; THENCE NORTH $49^{\circ}30'27''$ EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 58.5 FEET, MORE OR LESS; THENCE SOUTH $55^{\circ}23'13''$ EAST ALONG SAID NORTHERLY RIGHT-OF-WAY, 239.5 FEET, MORE ORE LESS; THENCE SOUTH $00^{\circ}01'49''$ WEST, 285 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF LOT 1A IN SAID CASCINO SECOND MINOR SUBDIVISION; THENCE THE FOLLOWING (4) COURSES ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID LOT 1A: 1) SOUTH $28^{\circ}35'00''$ WEST, 27.84 FEET, 2) SOUTH $54^{\circ}47'30''$ EAST, 313.42 FEET, 3) SOUTH $02^{\circ}07'49''$ EAST, 129.92 FEET, 4) SOUTH $89^{\circ}28'34''$ WEST, 354.02 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1 IN KELLER AND HALL MINOR; THENCE SOUTH $01^{\circ}34'36''$ EAST ALONG THE EASTERLY LINE OF SAID LOT 1, 457.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH $89^{\circ}47'33''$ WEST ALONG THE SOUTH LINE OF SAID LOT 1, 553.56 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 13.2 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.

MAP 1





CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

August 8, 2018

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

RE: Real Property Tax Abatement Petition for: **REW, LLC**

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition submitted by REW, LLC to build a new facility located at 5870 W. Carbonmill Dr., South Bend. Shambaugh & Son, a parent of REW, LLC, has been in the construction/engineering services business since 1926. They are currently the largest MEP construction services contractor in Indiana and ranked the third largest specialty contractor in the United States. The company specializes in a full range of new and retrofit construction for industrial, food processing, commercial, institutional, healthcare, pharmaceutical, and bio-fuel projects. The company is planning to consolidate its operations and expand its business and employment base.

This petition package includes:

- Department of Community Investment's summary report
- Petition
- Statement of Benefits form
- Supporting information

The report contains the Department's findings relative to the above petition. The petitioner proposes to build a new facility with estimated cost of \$1,956,400. The project meets the qualifications for a (6) six-year real property tax abatement but the company asked for a (4) four-year tax abatement. A representative from REW, LLC will be available to meet with the Committee on Monday, August 13, 2018.

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

Sincerely,

Daniel Buckenmeyer

Director Business Development

DANIEL J. BUCKENMEYER
BUSINESS DEVELOPMENT

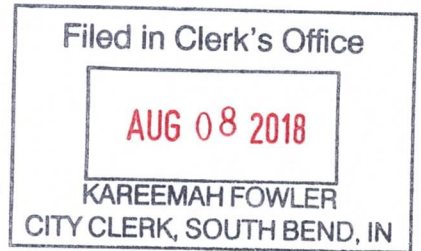
ALKEYNA ALDRIDGE
ENGAGEMENT & ECONOMIC EMPOWERMENT

PAMELA MEYER
NEIGHBORHOOD DEVELOPMENT

TIM CORCORAN
PLANNING & COMMUNITY RESOURCES

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

1400S County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9371 | www.southbendin.gov



TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Daniel Buckenmeyer, Director of Business Development

SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
REW, LLC

DATE: August 8, 2018

On Wednesday, August 8, 2018, a petition from REW, LLC was received and subsequently filed with the City Clerk for real property tax abatement consideration for property located at *5870 W. Carbonmill Dr., South Bend, IN 46628*. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

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

PROJECT SUMMARY

- Estimated \$1,956,400 construction of new warehouse and office building
- Company is planning to consolidate its business and move all employees to South Bend from Mishawaka
- Estimated total taxes on the new building during the four (4) year abatement period – \$143,784
- Estimated taxes being abated during the four (4) year abatement period – \$109,965
- Estimated taxes to be paid during the four (4) year abatement period – \$33,819

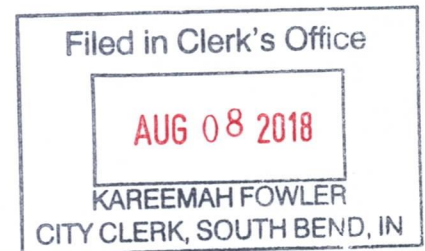
EMPLOYMENT IMPACT

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

- Relocate 86 existing jobs to South Bend from Mishawaka
- Create 25 permanent, full-time jobs within three years, representing a new estimate annual payroll of \$425,000

ABATEMENT QUALIFICATION

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



BILL NO. 18-37

RESOLUTION NO. _____

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

Lot 2 US 31 Industrial Park Phase II

**AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
FOUR (4) YEAR REAL PROPERTY TAX ABATEMENT FOR**

REW, LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 5870 W. Carbonmill Dr., South Bend, IN and which is more particularly described as:

LOT 12 US 31 INDUSTRIAL PARK PHASE II 02-03 NEW REPLAT TR 8044 10-9-01

and which has Key Numbers 025-1009-015217 be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

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

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

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

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

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

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

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

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

SECTION V. The designation as an Economic Revitalization Area shall be limited to four (4) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (4) four years as shown below.

Year 1 – 100%
Year 2 - 90%
Year 3 - 80%
Year 4 – 70%

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

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

Tim Scott, Council President
South Bend Common Council

4 YEAR

7-Aug-18

REW, LLC

South Bend German Township
Real Property Tax Abatement Schedule*

Filed in Clerk's Office

AUG 08 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Tax Key Number TBD
Current Assessed Value: 0
Estimated Project Cost: 1,300,000

Assessed Value:	Current AV & Tax	Without Abatement	100% Year 1	90% Year 2	80% Year 3	70% Year 4
Current Assessed Value	0	0	0	0	0	0
Base Assessed Value	1,040,000	1,040,000	1,040,000	1,040,000	1,040,000	1,040,000
Less New Abatement Deduction	0	0	(1,040,000)	(936,000)	(832,000)	(728,000)
Net Assessed Value	0	1,040,000	0	104,000	208,000	312,000

Property Taxes:

Assume constant tax rate of	5.4197%	5.4197%	5.4197%	5.4197%	5.4197%	5.4197%
Gross Tax (tax rate x net assessed value)	0	56,365	0	5,636	11,273	16,909
Less Circuit Breaker Credit	0	(20,419)	0	0	0	0
Net Tax	0	35,946	0	5,636	11,273	16,909

Circuit Breaker Cap

Circuit Breaker	0	31,200	31,200	31,200	31,200	31,200
Debt Service	0	4,746	0	475	949	1,424
Circuit Braker Cap	0	35,946	31,200	31,675	32,149	32,624

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
1	0	35,946	35,946	35,946	0
2	0	35,946	35,946	30,309	5,636
3	0	35,946	35,946	24,673	11,273
4	0	35,946	35,946	19,037	16,909
Totals	0	143,784	143,784	109,965	33,819

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

City of South Bend Petition for Incentives

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

Filed in Clerk's Office

AUG 08 2018

KARLEEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

General Information			
Project Name	Shambaugh	Project Number	
Legal name as registered with Secretary of State	REW LLC		
Business structure	LLC		
Company website	None		
Proposed Project Information			
Proposed project address	Lot 2 US 31 Industrial Park phase 12	Parent company name	NA
City, State, Zip	South Bend, IN	Legal owner	REW LLC
Site acreage or acreage required	2.14	Is the real estate owned or leased	owned
Square feet of facility	13500 (expandable)	If leased by whom	NA
Primary Contact Information			
Primary company contact name	Robert W Wozny	Title	Owner
Address of company contact	51500 stratton court	Phone	
City, State, Zip	Granger, IN 46530	Email	rew@rewllc.net
Senior Official Information			
Company senior official name	same	Title	
Address of company contact (if different from above)		Phone	
City, State, Zip		Email	
Consultant Information/Agent			
Hired business consultant/agent name	Richard Doolittle	Consultant release (Y/N)	Yes
Address	100 East Wayne Street	Local economic development partners approval (Y/N)	
City, State, Zip	South Bend, IN	Email	rdoolittle@cressy.com
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth	<p>Shambaugh & Son has been in the construction/engineering services business since 1926. Shambaugh is currently the largest MEP construction services contractor in Indiana and ranked the third largest specialty contractor in the United States.</p> <p>Specializing in a full range of new and retrofit construction for industrial, food processing, commercial, institutional, healthcare, pharmaceutical, and bio-fuel projects. Shambaugh is a national company currently located in Mishawaka, IN with a small satellite site in South Bend. Shambaugh is currently seeking a site in northern Indiana to consolidate their operations and expand their business and employment base. Shambaugh is in conversations on multiple sites in the region and is seeking incentives in an effort to make the construction of a new facility make financial sense for their long term operations and growth. Shambaugh plans to occupy an initial 13,500 square foot facility with 50% office and 50% warehousing space.</p>		
Certified Technology Park appropriate	No		
Community Revitalization Enhancement District	No		
Certify that the Building Permit has not been issued (Y/N)	Yes	Number of residential units created by project	0
If this is a petition for personal property tax abatement, has the equipment been installed	NA		

Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?

New Project Investments								
Calendar Year	2018	2019	2020	2021	2022	2023	2024	2025
Land Acquisition	\$ 128,400							
Building Lease Payments								
Building Purchase Costs								
New Building Construction	\$ 1,300,000							
Existing Building Improvements								
New Machinery & Equipment	\$ 180,000							
Special Tooling/Retooling								
New Furniture/Fixtures	\$ 250,000							
New Computer/IT Hardware	\$ 98,000							
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 1,956,400	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly <u>average</u> wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2018	86					
2019			20			
2020			2			
2021			2			
2022			1			
2023						
2024						
2025						
2026						
2025						
2028						
2029						

Provide hourly wage information for new employees in the following positions.		
	Full time	Part time
Laborers	20	
Technical		
Managerial		
Administrative	14	

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

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

Please list the number of full time and part time minority and/or female employees for each of the last three years:							Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
Year	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	
Black	2						
Hispanic	1						
Asian	0						
Indian	0						
Female	10						
Other	4						

**Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.**

Public Benefit Item:

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.

		Qualify (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	yes	20	20
	B.	Purchase Materials from Local Companies (75%)	yes	20	20
	C.	Require Employees vs. Independent Contractors	No		19
	D.	Require Prevailing Wage (Davis Bacon)	No		22
	E.	Require Health Benefits	No		22
	F.	Require Pension Benefits	No		18
	G.	Maintain Affirmative Action Plan	yes	20	20
			60	141	
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	yes	33	33
	B.	Provide Health Benefits	yes	34	34
	C.	Provide Pension Benefits	yes	29	29
	D.	Provide Training	yes	28	28
	E.	Provide Child Care	no		15
	F.	Provide Transportation Assistance	no		14
	G.	Provide Employer Assisted Housing program	no		9
			124	162	
3	Workforce Related:				
	A.	Create New Jobs	yes	42	42
	B.	Retain Existing Jobs	yes	41	41
	C.	Maintain Affirmative Action Plan	yes	35	35
	D.	Provide Targeted Hiring Preference			34
			118	152	
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	yes	84	84
		Name of Facility			
			84	84	
Sub-total from Above:			386	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:

*REV. LLC by Robert E. Wozniak
NADWAG LAG MEMBER*

Date:

July 2, 2018

What is the current assessed value?				Real Property:	2,300.	Personal Property:	
What is the projected assessed value?				Real Property:	1,300,000.	Personal Property:	
What is the tax key number for this project?				71-03-17-352-001.000-009			
What is the six digit NAICS code?							
Please attach a Google map and street view of the location.				Key # 025-1009-015217			
Please list the amount of real and personal property taxes paid for the last five years when applicable.				Real Property Taxes:	Personal Property Taxes:		
2017/18	Year One			80=50			
2016/17	Year Two			103=00.			
2015/16	Year Three			104=40			
2014/15	Year Four			104=78			
2013/14	Year Five			104=96			
Staff Use Only							
Please fill out the Public Benefit Summary Information and add to the total from above.							
				(Y or N)	Points	Points	
Public Benefit Item:							
<u>Project Related:</u>							
5	A.	Redevelop a Site that has Special Needs				49	
	B.	Develop Based on Local University Research				35	
	C.	Achieve a Physical Element of a Plan			36	36	
	Sub-total Project Related:				0	120	
6	<u>Super Size Projects (point values are cumulative):</u>						
	A.	100% to 199%			-	25	
	B.	200% to 299%			-	68	
	C.	300% to 399%			-	65	
	D.	400% and Over			-	52	
Sub-total Super Size Projects:				0	210		
7	<u>Pay for Municipal Infrastructure:</u>						
	A.	Pay for Oversizing or Upgrading				14	
	B.	Pay for 26-50% of Extension Cost				26	
	C.	Pay for 51-75% of Extension Cost				39	
	D.	Pay for 76-100% of Extension Cost				52	
Sub-total Infrastructure Related:				0	131		
Total from Applicant Section:					386	539	
Total from Staff Section:					0 36	461	
Total Public Benefit Points:					386	1000	

total : 422
(6 years)



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R4 / 2-13)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
AUG 08 2018
GREENNAH FOWLER
CITY CLERK, SOUTH BEND, IN

20__ PAY 20__
FORM SB-1 / Real Property
PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1(c) and (d).

This statement is being completed for real property that qualifies under the following area (check one box):
 Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
 Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)].
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer: **REU. LLC, ROBERT W. WOZNY, Managing Member**
 Address of taxpayer (number and street, city, state, and ZIP code): **51500 STRATTON CT., GRANGER, INDIANA**
 Name of contact person: **ROBERT W. WOZNY** Telephone number: **(574) 340-0041** E-mail address: **REW@REULLC.NET**

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: **City Council** Resolution number: _____
 Location of property: **5870 CARROLL MILL** County: **St. Joseph** DLGF taxing district number: _____
 Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary): **New construction: 13,500 S.F. 50% office 50% Warehouse**
 Estimated start date (month, day, year): **OCTOBER 1, 2018**
 Estimated completion date (month, day, year): **APRIL 1, 2019**

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
86	\$35,000-110,000	86	\$35,000-110,000	25	\$35,000-110,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values (land)	\$128,400	
Plus estimated values of proposed project	1,300,000	
Less values of any property being replaced		
Net estimated values upon completion of project		

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

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

Other benefits _____

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.
 Signature of authorized representative: **Robert E. Wozny** Title: **MANAGING MEMBER** Date signed (month, day, year): **8-7-18**
REULLC

FOR USE OF THE DESIGNATING BODY

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

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).
- F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

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

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

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
 - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 - 2. If the Economic Revitalization Area was designated after June 30, 2000, and is not in a residentially distressed area, the deduction period may not exceed ten (10) years.

Filed in Clerk's Office

AUG 08 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

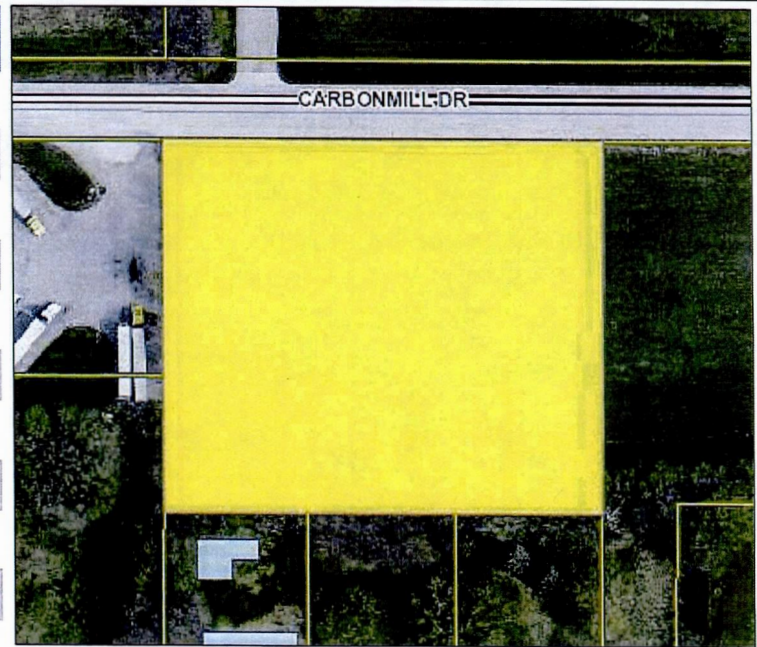
St. Joseph County

Property Information

Subject Property:	5870 W CARBONMILL DR, SOUTH BEND 46628
Parcel ID:	025-1009-015217
State ID:	71-03-17-352-001.000-009
Current Owner(s):	REW LLC
Mailing Address:	51500 Stratton Ct , Granger IN 46530
Assessed Usage:	INDUSTRIAL VACANT LAND
Township:	German
Municipality:	SOUTH BEND
Tax District:	German

Property Assessment Information as of Last Assessment Date

Land Value:	\$2,300.00
Improved Value:	\$0.00
Assessed Year:	2020
Acres:	2.13
Legal Description:	Lot 12 U S 31 Industrial Park Phase Ii 02-03 New Replat Tr 8044 10-9-01



Not to Scale

**NO IMAGES AVAILABLE
FOR THIS PROPERTY**

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

Date Printed: August 7, 2018

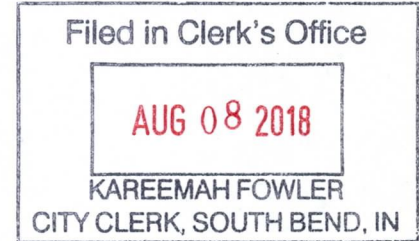




City of South Bend Common Council

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

Tim Scott, President
South Bend Common Council
227 E. Jefferson Blvd., 4th Floor
South Bend, IN 46601

Oliver Davis
Vice-President

Gavin Ferlic
Chairperson, Committee
of the Whole

Re: Resolution requesting United States Representative Jackie Walorski (IN-2), United States Senator United States Joe Donnelly (IN), and United States Senator Todd Young (IN) to request United States President Trump to work with defense contractor Honeywell to cease offshoring jobs and to honor the health care benefits for retirees

Tim Scott
First District

Regina Williams-Preston
Second District

August 8, 2018

Sharon L. McBride
Third District

Dear Council President Scott:

Jo M. Broden
Fourth District

We submit the attached resolution for Council consideration.

Jake Teshka
Fifth District

Honeywell is a corporation with deep roots and long history as a valued employer in our community.

Oliver Davis
Sixth District

As a defense contractor that has received \$3.4 billion in federal contracts through the Trump Administration, out-sourcing work from the South Bend plant to Turkey runs counter to President Trump's agenda which stands for keeping jobs in America.

Gavin Ferlic
At Large

Honeywell has also abandoned its long-standing commitment to provide health care coverage to 4,700 retirees from this facility.

John Voorde
At Large

Furthermore, Honeywell has taken advantage of the new tax laws to bring back \$7 billion in offshore cash into the United States.

Karen White
At Large

President Trump can, and should, use his position and influence to direct federal contractors to act in ways that stop offshoring jobs and to fulfill their commitments to retirees.



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>

Sincerely,

Regina Williams-Preston
South Bend Common Council, District 2

Oliver J. Davis,
South Bend Common Council, District 6

Sharon L. McBride
South Bend Common Council, District 3

John Voorde
South Bend Common Council, At- Large



BILL NO. 18-39

RESOLUTION NO.

A RESOLUTION BY THE SOUTH BEND COMMON COUNCIL CALLING ON UNITED STATES PRESIDENT DONALD TRUMP AND THE INDIANA CONGRESSIONAL/SENATORIAL DELEGATION WHO REPRESENT OUR AREA TO WORK WITH HONEYWELL TO STOP OFFSHORING JOBS AND ABANDONING COMMITMENTS MADE TO RETIREES

Whereas, The Honorable United States President Donald Trump can direct Federal contractors to stop offshoring jobs and to fulfill their commitments to retirees; and

Whereas, our United States Congressional/Senatorial Delegation who represent our area in Indiana are: The Honorable United States Congresswoman Jackie R. Walorski (IN - 2); The Honorable United States Senator Joseph S. Donnelly, Sr. (IN); and The Honorable United States Senator Todd C. Young (IN); and

Whereas, Honeywell – a defense contractor that has received \$3.4 billion in Federal contracts through the Trump Administration – is outsourcing work from its South Bend plant to Turkey, resulting in local workers being put out on the streets; and

Whereas, Honeywell has abandoned its long-standing commitment to provide health care coverage to 4,700 retirees from this facility; and

Whereas, all these assaults on our community come after Honeywell forced its workforce out on the streets in a 10-month lockout in 2016-17; and

Whereas, this happens while Honeywell collected \$1.7 billion in 2017 profit; and

Whereas, Honeywell took advantage of the new tax laws to bring back \$7 billion in offshore cash into the United States; and

Whereas, Honeywell, while eliminating promised health care coverage to its retirees, spent nearly \$950 million in the first quarter of 2018 for stock buybacks to boost shareholder profit instead of making good on its commitment to its retirees' health care.

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

Section I. The South Bend Common Council respectfully requests that Representative Walorski, Senator Donnelly and Senator Young call on President Trump to exercise his power and influence to direct Federal contractor Honeywell to: (1) Stop the offshoring of South Bend area jobs; 2) fulfill to its obligation to its employees, past and current, particularly in regard to health care benefits; and (3) begin respecting all the commitments it made to communities like ours.

Section II. This resolution shall be enacted upon the passage of the South Bend Common Council and signed by the Mayor of South Bend, Indiana

Tim Scott, Council President
South Bend Common Council



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

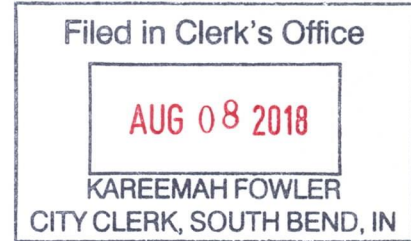
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

August 8, 2018

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



RE: A 61.75 acre tract of land on the west side of New Energy Drive approximately 350' north of State Road 23
APC# 2877-18

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 August 13th, 2018 Council meeting, and set it for public hearing at your October 8th, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the September 18th, 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 blue ink, appearing to read "Jordan Wyatt".

Jordan Wyatt
Zoning Planner

CC: Bob Palmer

BILL NO. 34-18

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 PORTAGE TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 6, FOR A 31.75 ACRE TRACT OF LAND ON THE WEST SIDE OF NEW ENERGY DRIVE APPROXIMATELY 350 FEET NORTH OF STATE ROAD 23, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to annex and rezone the a 31.75 acre tract of land on the west side of New Energy Drive approximately 350' north of State Road 23 from A: Agricultural District in Unincorporated St. Joseph County to GI General Industrial District in South Bend.

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:

TRACK LAND BEG ON E LINE E ½ NE ¼ NW OF MAPLE ROAD AND N STATE ROAD 23, SECTION 21 37 2E CONT 61.31 AC MORE OR LESS 99-00 SPLIT FROM 030901 & 031001 PER TRANS #4221 & 4220 5-20-98

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:

TRACK LAND BEG ON E LINE E ½ NE ¼ NW OF MAPLE ROAD AND N STATE ROAD 23, SECTION 21 37 2E CONT 61.31 AC MORE OR LESS 99-00 SPLIT FROM 030901 & 031001 PER TRANS #4221 & 4220 5-20-98

be and the same is hereby established as GI General Industrial District.

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

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

- 1) The property sought to be rezoned is located at:
*The nearest intersection is: State Road 23 and Renewable Energy Drive
South Bend, IN*
- 2) The property Tax Key Number(s) is/are: *Key No.: 017-1012-031001
State ID: 71-08-21-200-004.000-025*
- 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: *"Track Land Beg on E Line E 1/2 NE 1/4 W of Maple Road and N State Road 23, Section 21 37 2e Cont 61.31 Ac more or less 99-00 Split from 030901 & 031001 per Trans #4221 & 4220 5-20-98" (This legal description needs to be confirmed and, if needed, corrected. for annexation*
- 4) Total Site Area (excluding right-of-way): *61.75 Acres more or less*
- 5) Name and address of property owner(s) of the petition site:
*Martin Blad Farms, Inc.
58995 Mayflower Road
South Bend, IN 46619
(574) 234-7271
Jan Blad Hile: janhile@comcast.net; Brent Burkus: burkusba@hughes.net*

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:

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

From: A: Agricultural District (County) Additional Districts, if applicable *Additional Districts, if applicable*
To: GI General Industrial District

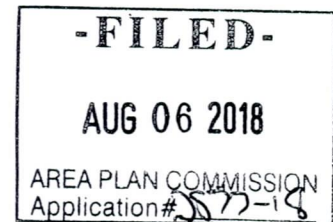
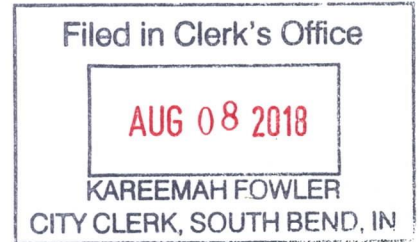
- 8) This rezoning is requested to allow the following use(s): *Land will continue to be farmed.*

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

1) *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: *Please explain how your variance petition addresses this criteria*



- (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: *Please explain how your variance petition addresses this criteria*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Please explain how your variance petition addresses this criteria*

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: *None*
- 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: *Please explain how your Special Exception Use petition addresses this criteria*
 - (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *Please explain how your Special Exception Use petition addresses this criteria*
 - (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: *Please explain how your Special Exception Use petition addresses this criteria*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *Insert textPlease explain how your Special Exception Use petition addresses this criteria*

* 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:

*Patricia E. Primmer, Esq.
 May Oberfell Lorber
 4100 Edison Lakes Parkway, Ste. 100
 Mishawaka, IN 46545
 (574) 243-4100
 pprimmer@maylorber.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):

James Glad Hill

- FILED -

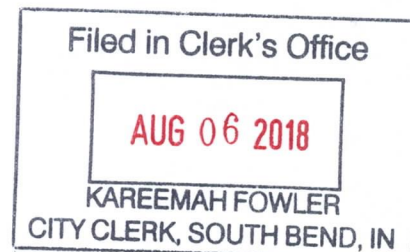
AUG 06 2018

 AREA PLAN COMMISSION
 Application# *2877-18*

PETITION FOR ANNEXATION AND ZONE MAP AMENDMENT
City of South Bend, Indiana

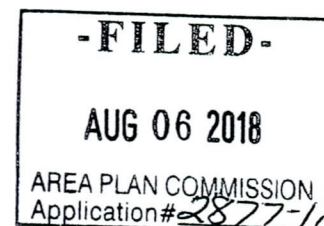
I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

- 1) The property sought to be rezoned is located at:
*The nearest intersection is: State Road 23 and Renewable Energy Drive
South Bend, IN*
- 2) The property Tax Key Number(s) is/are: *Key No.: 017-1012-031001
State ID: 71-08-21-200-004000-025*
- 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: *"Track Land Beg on E Line E 1/2 NE 1/4 W of Maple Road and N State Road 23, Section 21 37 2e Cont 61.31 Ac more or less 99-00 Split from 030901 & 031001 per Trans #4221 & 4220 5-20-98" (This legal description needs to be confirmed and, if needed, corrected). for annexation*
- 4) Total Site Area (excluding right-of-way): *61.75 Acres more or less*
- 5) Name and address of property owner(s) of the petition site:
*Martin Blad Farms, Inc.
58995 Mayflower Road
South Bend, IN 46619
(574) 234-7271
Jan Blad Hile: janhile@comcast.net; Brent Burkus: burkusba@hughes.net*



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:

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

From: A: Agricultural District (County) Additional Districts, if applicable *Additional Districts, if applicable*
To: LI Light Industrial District

- 8) This rezoning is requested to allow the following use(s): *Land will continue to be farmed.*

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

- 1) *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: *Please explain how your variance petition addresses this criteria*

- (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: *Please explain how your variance petition addresses this criteria*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Please explain how your variance petition addresses this criteria*

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: *None*
- 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: *Please explain how your Special Exception Use petition addresses this criteria*
 - (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *Please explain how your Special Exception Use petition addresses this criteria*
 - (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: *Please explain how your Special Exception Use petition addresses this criteria*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *Insert text Please explain how your Special Exception Use petition addresses this criteria*

* 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:

*Patricia E. Primmer, Esq.
May Oberfell Lorber
4100 Edison Lakes Parkway, Ste. 100
Mishawaka, IN 46545
(574) 243-4100
pprimmer@maylorber.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):

Joni Glad Hill

- FILED -
AUG 06 2018
AREA PLAN COMMISSION
Application# *2877-18*



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

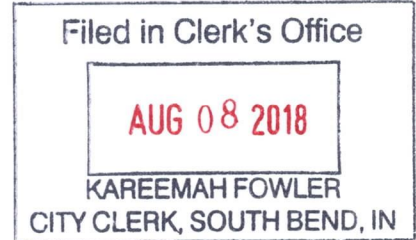
LAWRENCE P. MAGLIOZZI
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227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

August 8, 2018

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



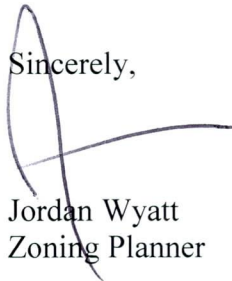
RE: A 229 acre tract of land north of the St. Joseph Valley Parkway right-of-way, approximately 1150 feet from the intersection of State Road 23 and the St. Joseph Valley Parkway.
APC# 2874-18

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 August 13th, 2018 Council meeting, and set it for public hearing at your October 8th, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the September 18th, 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,



Jordan Wyatt
Zoning Planner

CC: Bob Palmer

BILL NO. 35-18

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 PORTAGE TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 6, FOR A 229 ACRE TRACT OF LAND NORTH OF THE ST. JOSEPH VALLEY PARKWAY RIGHT-OF-WAY, APPROXIMATELY 1150 FEET FROM THE INTERSECTION OF STATE ROAD 23 AND THE ST. JOSEPH VALLEY PARKWAY, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to annex and rezone a 229 acre tract of land north of the St. Joseph Valley Parkway right-of-way, approximately 1150 feet from the intersection of State Road 23 and the St. Joseph Valley Parkway from A: Agricultural District in Unincorporated St. Joseph County to GI General Industrial District in South Bend.

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:

PARCEL 1

The North Half of the Northwest Quarter of Section Number 21, Township Number 37 North, Range Number 2 East, excepting therefrom the right-of-way of the New Jersey, Indiana and Illinois Railroad across said land.

Also, the South Half (1/2) of the Northwest Quarter (1/4) of Section Numbered 21, Township Numbered Thirty-seven (37) North, Range Numbered 2 East, excepting therefrom the right-of-way of the New Jersey, Indiana and Illinois Railroad Company across said tract. Together with a right-of-way 20 feet in width, East and West, taken off of and from the entire length of the East side of the East Half (1/2) of the Southwest Quarter (1/4) of Section Numbered 21, Township Numbered 37 North, Range 2 East, lying North of the Liberty Highway, for the purpose of egress and ingress.

EXCEPTING THEREFROM: Commencing at the Northwest corner of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana; thence South 427.3 feet along the West line of said Section to the point of beginning of Parcel No. 2 Limited Access

Right of Way; thence South 55 degrees 32 minutes East, 1,200.9 feet to the Westerly Right of Way of N. J. I. and I. Railroad; thence South 22 degrees 05 minutes West, 266.2 feet along said Right of Way; thence North 55 degrees 32 minutes West, 1,076.7 feet; thence North 00 degrees 25 minutes West 317.0 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: Commencing at the Southeast corner of the Northwest Quarter of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana; thence North 346.2 feet along the East line of said Quarter Section to the point of beginning of Parcel No. 2 Limited Access Right of Way; Thence South 00 degrees 57 minutes East, 210.0 feet; thence North 51 degrees 49 minutes West, 93.8 feet; thence North 55 degrees 51 minutes West, 900.0 feet; thence North 57 degrees 49 minutes West, 1,000.8 feet; thence North 55 degrees 32 minutes West, 72.9 feet to the southeast right of way of N. J. I. and I. Railroad; thence North 22 degrees 05 minutes East, 256.0 feet along said right of way; thence South 55 degrees 32 minutes East, 127.9 feet; thence South 53 degrees 14 minutes East, 1,000.8 feet; thence South 5 5 degrees 3 2 minutes East, 871. 9 feet to the point of beginning.

PARCEL 2

The West One-Half (1/2) of the East One-Half (1/2) of Section Twenty-one (21) Township Thirty-seven (37) North, Range Two (2) East.

EXCEPTING THEREFROM: A part of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, bounded by a line running as follows, viz: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 21; thence North 0 degrees 0 minutes 0 seconds (bearing assumed) 1,532.08 feet; thence North 63 degrees 46 minutes 30 seconds West 237.33 feet; thence South 44 degrees 15 minutes West 466.60 feet; thence North 44 degrees 26 minutes 30 seconds West 90.25 feet; thence South 44 degrees 06 minutes 30 seconds West 394.65 feet; thence South 32 degrees 43 minutes 30 seconds West 99.75 feet; thence South 42 degrees 14 minutes 30 seconds West 198.30 feet; thence South 40 degrees 57 minutes 30 seconds West 389.05 feet; thence South 549.85 feet to the South line of the West Half of the Southeast Quarter; thence East 1,321.25 feet along the said South line to the place of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Southwest corner of the Northeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Northerly 346.2 feet to the point of beginning of Parcel No. 3 Limited Access right of way; thence South 57 degrees 17 minutes East, 327.3 feet; thence South 55 degrees 32 minutes East, 200.2 feet; thence South 57 degrees 10 minutes East, 128.3 feet; thence Southeasterly 84.4 feet along an arc to the left and having a radius of 814.4 feet and subtended by a long chord having a bearing of South 67 degrees 33 minutes East and a length of 84.4 feet; thence South 70 degrees 31 minutes East, 537.5 feet; thence Southeasterly 95.1 feet along an arc to the right and having a radius of 904.4 feet and subtended by a long chord having a bearing of South 67 degrees 31 minutes East, and a length of 95.0 feet; thence South 64 degrees 30 minutes East, 125.6 feet; thence South 00 degrees 53 minutes East, 80.1 feet to the Northwesterly boundary of State Road 23; thence along said boundary with the following courses; thence South 46 degrees 40 minutes West, 191. 7 feet; thence South 42 degrees 05 minutes West, 251.9 feet; thence South 45 degrees 30 minutes West, 150.0 feet; thence departing from said boundary; thence North 13 degrees 36 minutes East, 53.0 feet; thence North 44 degrees 30 minutes West, 270.0 feet; thence North 38 degrees 48 minutes West, 100.5 feet; thence North 44 degrees 30 minutes West, 600.0 feet;

thence North 60 degrees 35 minutes West, 98.5 feet; thence North 40 degrees 57 minutes West 94.7 feet; thence North 51 degrees 49 minutes West, 137.8 feet; thence North 00 degrees 57 minutes West, 210.0 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1023.7 feet along the West line of said West Half of the Southeast Quarter; thence West 20 feet to the point of beginning of Parcel No. 3 A Limited Access right of way; thence North 64 degrees 30 minutes West, 238.7 feet; thence South 45 degrees 05 minutes West, 399.9 feet; thence North 44 degrees 30 minutes West, 109.5 feet to the Southeasterly Boundary of State Road 23; thence along said boundary with the following courses; thence North 42 degrees 29 minutes East, 57.1 feet; thence North 42 degrees 20 minutes East, 136.2 feet; thence North 42 degrees 41 minutes East, 126.2 feet; thence North 43 degrees 52 minutes East, 133.1 feet; thence North 44 degrees 53 minutes East, 141.0 feet; thence North 44 degrees 21 minutes East, 100.00 feet; thence North 45 degrees 13 minutes East, 128.1 feet to the westerly boundary of Magnolia Road; thence South 00 degrees 53 minutes East, 491.7 feet along said boundary to the point of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1023.7 feet along the West line of said East Half of said Southeast Quarter; thence West 20 feet to the point of beginning of Parcel No. 3 a permanent right of way; thence South 00 degrees 53 minutes East, 63.6 feet along the Westerly boundary of Magnolia Road; thence North 64 degrees 30 minutes West, 220.3 feet; thence South 43 degrees 34 minutes West, 467.0 feet; thence North 45 degrees 22 minutes West, 90.0 feet; thence Southwesterly 395.5 feet along an arc to the left and having a radius of 7,082.0 feet and subtended by a long chord having a bearing of South 43 degrees 02 minutes West, and a length of 395.5 feet; thence South 35 degrees 16 minutes West, 99.3 feet; thence Southwesterly 197.5 feet along an arc to the left and having a radius of 7,072.0 feet and subtended by a long chord having a bearing of South 39 degrees 50 minutes West, and a length of 197.5 feet; thence South 40 degrees 15 minutes West, 402.9 feet; thence North 00 degrees 57 minutes West, 66.5 feet to the Southeasterly boundary of State Road 23; thence along said boundary by the following courses: thence North 37 degrees 03 minutes East, 451.8 feet; thence North 38 degrees 26 minutes East, 399.8 feet; thence North 41 degrees 14 minutes East, 307.7 feet; thence leaving said boundary; thence South 44 degrees 30 minutes East, 109.5 feet; thence North 45 degrees 05 minutes East, 399.9 feet; thence South 64 degrees 30 minutes East, 238.7 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Northwest corner of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1899 .6 feet along the west line of said Quarter SectioB to the point of beginning of Parcel No. 3B Permanent right of way; thence North 00 degrees 57 minutes West, 55.2 feet; thence North 33 degrees 13 minutes East, 234.0 feet; thence North 38 degrees 26 minutes East, 202.5 feet; thence North 46 degrees 33 minutes East, 304.3 feet; thence Northeasterly 93.0 feet along an arc to the right and having a radius of 7,227.0 feet and subtended by a long chord having a bearing of North 43 degrees 25 minutes East, and a length of 93.0 feet to the Northwesterly boundary of State Road 23; thence along said boundary by the following courses: thence South 41 degrees 19 minutes West, 93.1 feet; thence South 38 degrees 02 minutes West, 202.0 feet;

thence South 38 degrees 15 minutes West, 372.3 feet; thence South 36 degrees 21 minutes West, 205.0 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM: That part of the following real estate which is located within the West half of the East half of the Section 21: A parcel of land being a part of the East Half of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the Northwest corner of the East Half of the Southeast Quarter of said Section 21, said point being the Northwest corner of a tract of land conveyed to the Trustees of the Herny Kanzig Trust by Instrument Number 8822658 as the same is recorded in the Office of the Recorder of St. Joseph County, Indiana; thence South 00 degrees 00 minutes 00 seconds West (bearing assumed for this description) along the West line of said Kanzig tract, a distance of 359.61 feet to a point on the northerly right-of-way line of U.S. Highway #31; thence for the next ten courses along said Northerly right-of-way line, the first course being North 63 degrees 43 minutes 45 seconds West, a distance of 43.05 feet; thence North 64 degrees 17 minutes 38 seconds West, a distance of 113.01 feet; thence North 68 degrees 40 minutes 04 seconds West, a distance of 111.07 feet; thence North 69 degrees 59 minutes 33 seconds West, a distance of 209.53 feet; thence North 70 degrees 04 minutes 25 seconds West, a distance of 102.10 feet; thence North 70 degrees 00 minutes 11 seconds West, a distance of 106.69 feet; thence North 69 degrees 39 minutes 40 seconds West, a distance of 99.95 feet; thence North 66 degrees 32 minutes 35 seconds West a distance of 59.97 feet; thence North 56 degrees 36 minutes 14 seconds West, a distance of 76.89 feet; then North 53 degree 30 minutes 38 seconds West, a distance of 105.35 feet to a point near the top of the Southerly bank of a private drainage ditch; thence for the next five courses along said top, the first course being North 57 degrees 26 minutes 56 seconds East, a distance of 261.80 feet; thence North 86 degrees 31 minutes 01 seconds East, a distance of 57.30 feet; thence North 84 degrees 28 minutes 02 seconds East, a distance of 176.85 feet; thence North 83 degrees 45 minutes 22 seconds East, a distance of 192.36 feet; thence North 83 degrees 19 minutes 27 seconds East, a distance of 291.31 feet, to a point; thence North 89 degrees 24 minutes 59 seconds East, at right angles with the west line of a tract of land conveyed to Bruno and Rosa Cataldo by a deed recorded as Instrument No. 9003257 in said Recorder's Office, a distance of 555.45 feet to a point on said West line; thence South 00 degrees 35 minutes 01 seconds East, along said west line, a distance of 227.33 feet to a point on the northerly right-of-way line of State Road 23; thence South 50 degrees 32 minutes 16 seconds West along said Northerly line, a distance of 87.35 feet to the North line of said East Half of the Southeast Quarter of Section 21; thence North 88 degrees 59 minutes 43 seconds West, along said North line, a distance of 488.03 feet to the place of beginning.

FURTHER EXCEPTING THEREFROM: {0235679} Beginning at the Northwest corner of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence South 89°24'52" East, a distance of 131.19 feet to the Southerly boundary of U.S. 31 (being a limited access right-of-way by deed); thence along said boundary by the following courses; South 40°33'02" East, a distance of 69.83 feet; thence South 60° 11'02" East a distance of 98.50 feet; thence South 44°06'02" East, a distance of 600.00 feet; thence South 44°06'02" East, a distance of 270.00 feet; thence departing said boundary South 13°59'58" West, a distance of 53.00 feet to the Northerly boundary of S.R. 23; thence along said boundary by the following courses; South 44°53'48" West, a distance of 538.62 feet; thence around a 7227.00 foot radius

curve to the left 93.00 feet terminating at the end of a 93.00 foot long chord bearing South 42°45'48" West; thence South 45°53'48" West, a distance of 304.30 feet; thence South 37°46'48" West, a distance of 202.50 feet; thence South 89°59'22" West, a distance of 124.30 feet to the West line of said Quarter Section; thence departing said boundary North 00°00'38" West, a distance of 1673.30 feet along said West line to the place of beginning.

PACEL 3

The North Half of the East Half of the East Half of the Southwest Quarter of the Southwest Quarter of Section 16, Township 3 7 North, Range 2 East, and the East Half of the North Half of the West Half of the East Half of the Southwest Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East.

ALSO:

The West Half of the Southwest Quarter of the Southwest Quarter of Section Number 16, Township Number 37 North, Range Number 2 East, EXCEPTING THEREFROM the right-of-way of the Indiana, Illinois and Iowa Railroad Company (New York Central Lines) across said land.

ALSO:

TRACT I: The West Half of a five acre tract of land, described, as the West Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East, in St. Joseph County, Indiana.

TRACT II: The East Half of a five acre tract being the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter, of Section 16, Township 37 North, Range 2 East in St. Joseph County, Indiana.

ALSO:

The South Half (1/2) of the East Half (1/2) of the East Half (1/2) of said Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 16, Township 37 North, Range 2 East.

ALSO:

The West Half (1/2) of the North Half (1/2) of the West Half (1/2) of the East Half (1/2) of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 16, Township 37 North, Range 2 East.

EXCEPTING: A parcel of land located in Section 16, Township 37 North, Range 2 East, St. Joseph County, Indiana; more particularly described as follows: A tract of land 30 feet wide lying South and adjacent to the North line of the South Half (S1/2) of the Southwest Quarter (SW 1/4) of Section 16, commencing at the Northeast corner of the South Half (S1/2) of the Southwest Quarter (SW 1/4), thence West 562.82 feet along the North line of the South Half (S1/2) of the Southwest Quarter (SW 1/4) to the East right of way line of the N.J.I. & I. Railroad, thence South 22 degrees 18 minutes 50 seconds West 32.43 feet, thence North 90 degrees 00 minutes 00 seconds East (assumed) 575.14 feet to the East line of the Southwest Quarter (1/4); thence North 30.00 feet to the point of beginning.

FURTHER EXCEPTING: A parcel of land situated in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Sixteen (16), Township Thirty-seven (37) North, Range Two (2) East, Portage Township, St. Joseph County, Indiana, more particularly described as follows: That portion of said Quarter-Quarter Section that lies North and West of the Right-of-way of Indiana, Illinois and Iowa Railroad Company (New York Central Railroad Company).

PARCEL 4

The Southeast Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East, EXCEPTING THEREFROM the right-of-way of the New Jersey, Indiana and Illinois Railroad across said land and FURTHER EXCEPTING THEREFROM, a tract of land thirty feet wide lying south and adjacent to the north line of the South Half of the Southwest Quarter of said Section 16, commencing at the northeast corner of the South Half of the Southwest Quarter of said Section 16; thence West 562.82 feet along the north line of the South Half of the Southwest Quarter of Section 16, to the east right-of-way line of the New Jersey, Indiana, and Illinois Railroad; thence South 22°18'50" West, 32.43 feet; thence North 90°00'00" East (assumed) 575.14 feet to the east line of the Southwest Quarter of said Section 16; thence North 30.00 feet to the point of beginning.

Subject to legal highways.

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:

PARCEL 1

The North Half of the Northwest Quarter of Section Number 21, Township Number 37 North, Range Number 2 East, excepting therefrom the right-of-way of the New Jersey, Indiana and Illinois Railroad across said land.

Also, the South Half (1/2) of the Northwest Quarter (1/4) of Section Numbered 21, Township Numbered Thirty-seven (37) North, Range Numbered 2 East, excepting therefrom the right-of-way of the New Jersey, Indiana and Illinois Railroad Company across said tract. Together with a right-of-way 20 feet in width, East and West, taken off of and from the entire length of the East side of the East Half (1/2) of the Southwest Quarter (1/4) of Section Numbered 21, Township Numbered 37 North, Range 2 East, lying North of the Liberty Highway, for the purpose of egress and ingress.

EXCEPTING THEREFROM: Commencing at the Northwest corner of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana; thence South 427.3 feet along the West line of said Section to the point of beginning of Parcel No. 2 Limited Access Right of Way; thence South 55 degrees 32 minutes East, 1,200.9 feet to the Westerly Right of Way of N. J. I. and I. Railroad; thence South 22 degrees 05 minutes West, 266.2 feet along said Right of Way; thence North 55 degrees 32 minutes West, 1,076.7 feet; thence North 00 degrees 25 minutes West 317.0 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: Commencing at the Southeast corner of the Northwest Quarter of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana; thence North 346.2 feet along the East line of said Quarter Section to the point of beginning of Parcel No. 2 Limited Access Right of Way; Thence South 00 degrees 57 minutes

East, 210.0 feet; thence North 51 degrees 49 minutes West, 93.8 feet; thence North 55 degrees 51 minutes West, 900.0 feet; thence North 57 degrees 49 minutes West, 1,000.8 feet; thence North 55 degrees 32 minutes West, 72.9 feet to the southeast right of way of N. J. I. and I. Railroad; thence North 22 degrees 05 minutes East, 256.0 feet along said right of way; thence South 55 degrees 32 minutes East, 127.9 feet; thence South 53 degrees 14 minutes East, 1,000.8 feet; thence South 55 degrees 32 minutes East, 871.9 feet to the point of beginning.

PARCEL 2

The West One-Half (1/2) of the East One-Half (1/2) of Section Twenty-one (21) Township Thirty-seven (37) North, Range Two (2) East.

EXCEPTING THEREFROM: A part of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, bounded by a line running as follows, viz: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 21; thence North 0 degrees 0 minutes 0 seconds (bearing assumed) 1,532.08 feet; thence North 63 degrees 46 minutes 30 seconds West 237.33 feet; thence South 44 degrees 15 minutes West 466.60 feet; thence North 44 degrees 26 minutes 30 seconds West 90.25 feet; thence South 44 degrees 06 minutes 30 seconds West 394.65 feet; thence South 32 degrees 43 minutes 30 seconds West 99.75 feet; thence South 42 degrees 14 minutes 30 seconds West 198.30 feet; thence South 40 degrees 57 minutes 30 seconds West 389.05 feet; thence South 549.85 feet to the South line of the West Half of the Southeast Quarter; thence East 1,321.25 feet along the said South line to the place of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Southwest corner of the Northeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Northerly 346.2 feet to the point of beginning of Parcel No. 3 Limited Access right of way; thence South 57 degrees 17 minutes East, 327.3 feet; thence South 55 degrees 32 minutes East, 200.2 feet; thence South 57 degrees 10 minutes East, 128.3 feet; thence Southeasterly 84.4 feet along an arc to the left and having a radius of 814.4 feet and subtended by a long chord having a bearing of South 67 degrees 33 minutes East and a length of 84.4 feet; thence South 70 degrees 31 minutes East, 537.5 feet; thence Southeasterly 95.1 feet along an arc to the right and having a radius of 904.4 feet and subtended by a long chord having a bearing of South 67 degrees 31 minutes East, and a length of 95.0 feet; thence South 64 degrees 30 minutes East, 125.6 feet; thence South 00 degrees 53 minutes East, 80.1 feet to the Northwesterly boundary of State Road 23; thence along said boundary with the following courses; thence South 46 degrees 40 minutes West, 191.7 feet; thence South 42 degrees 05 minutes West, 251.9 feet; thence South 45 degrees 30 minutes West, 150.0 feet; thence departing from said boundary; thence North 13 degrees 36 minutes East, 53.0 feet; thence North 44 degrees 30 minutes West, 270.0 feet; thence North 38 degrees 48 minutes West, 100.5 feet; thence North 44 degrees 30 minutes West, 600.0 feet; thence North 60 degrees 35 minutes West, 98.5 feet; thence North 40 degrees 57 minutes West 94.7 feet; thence North 51 degrees 49 minutes West, 137.8 feet; thence North 00 degrees 57 minutes West, 210.0 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1023.7 feet along the West line of said West Half of the Southeast Quarter; thence West 20 feet to the point of beginning of Parcel No. 3 A Limited Access right of way; thence North 64 degrees 30 minutes West, 238.7 feet; thence South 45 degrees 05 minutes

West, 399.9 feet; thence North 44 degrees 30 minutes West, 109.5 feet to the Southeasterly Boundary of State Road 23; thence along said boundary with the following courses; thence North 42 degrees 29 minutes East, 57.1 feet; thence North 42 degrees 20 minutes East, 136.2 feet; thence North 42 degrees 41 minutes East, 126.2 feet; thence North 43 degrees 52 minutes East, 133.1 feet; thence North 44 degrees 53 minutes East, 141.0 feet; thence North 44 degrees 21 minutes East, 100.00 feet; thence North 45 degrees 13 minutes East, 128.1 feet to the westerly boundary of Magnolia Road; thence South 00 degrees 53 minutes East, 491.7 feet along said boundary to the point of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1023.7 feet along the West line of said East Half of said Southeast Quarter; thence West 20 feet to the point of beginning of Parcel No. 3 a permanent right of way; thence South 00 degrees 53 minutes East, 63.6 feet along the Westerly boundary of Magnolia Road; thence North 64 degrees 30 minutes West, 220.3 feet; thence South 43 degrees 34 minutes West, 467.0 feet; thence North 45 degrees 22 minutes West, 90.0 feet; thence Southwesterly 395.5 feet along an arc to the left and having a radius of 7,082.0 feet and subtended by a long chord having a bearing of South 43 degrees 02 minutes West, and a length of 395.5 feet; thence South 35 degrees 16 minutes West, 99.3 feet; thence Southwesterly 197.5 feet along an arc to the left and having a radius of 7,072.0 feet and subtended by a long chord having a bearing of South 39 degrees 50 minutes West, and a length of 197.5 feet; thence South 40 degrees 15 minutes West, 402.9 feet; thence North 00 degrees 57 minutes West, 66.5 feet to the Southeasterly boundary of State Road 23; thence along said boundary by the following courses: thence North 37 degrees 03 minutes East, 451.8 feet; thence North 38 degrees 26 minutes East, 399.8 feet; thence North 41 degrees 14 minutes East, 307.7 feet; thence leaving said boundary; thence South 44 degrees 30 minutes East, 109.5 feet; thence North 45 degrees 05 minutes East, 399.9 feet; thence South 64 degrees 30 minutes East, 238.7 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Northwest corner of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1899 .6 feet along the west line of said Quarter SectioB to the point of beginning of Parcel No. 3B Permanent right of way; thence North 00 degrees 57 minutes West, 55.2 feet; thence North 33 degrees 13 minutes East, 234.0 feet; thence North 38 degrees 26 minutes East, 202.5 feet; thence North 46 degrees 33 minutes East, 304.3 feet; thence Northeasterly 93.0 feet along an arc to the right and having a radius of 7,227.0 feet and subtended by a long chord having a bearing of North 43 degrees 25 minutes East, and a length of 93.0 feet to the Northwesterly boundary of State Road 23; thence along said boundary by the following courses: thence South 41 degrees 19 minutes West, 93.1 feet; thence South 38 degrees 02 minutes West, 202.0 feet; thence South 38 degrees 15 minutes West, 372.3 feet; thence South 36 degrees 21 minutes West, 205.0 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM: That part of the following real estate which is located within the West half of the East half of the Section 21: A parcel of land being a part of the East Half of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the Northwest corner of the East Half of the Southeast Quarter of said Section 21, said point being the Northwest corner of a tract of land conveyed to the Trustees of the Heryn Kanzig Trust by Instrument Number

8822658 as the same is recorded in the Office of the Recorder of St. Joseph County, Indiana; thence South 00 degrees 00 minutes 00 seconds West (bearing assumed for this description) along the West line of said Kanzig tract, a distance of 359.61 feet to a point on the northerly right-of-way line of U.S. Highway #31; thence for the next ten courses along said Northerly right-of-way line, the first course being North 63 degrees 43 minutes 45 seconds West, a distance of 43.05 feet; thence North 64 degrees 17 minutes 38 seconds West, a distance of 113.01 feet; thence North 68 degrees 40 minutes 04 seconds West, a distance of 111.07 feet; thence North 69 degrees 59 minutes 33 seconds West, a distance of 209.53 feet; thence North 70 degrees 04 minutes 25 seconds West, a distance of 102.10 feet; thence North 70 degrees 00 minutes 11 seconds West, a distance of 106.69 feet; thence North 69 degrees 39 minutes 40 seconds West, a distance of 99.95 feet; thence North 66 degrees 32 minutes 35 seconds West a distance of 59.97 feet; thence North 56 degrees 36 minutes 14 seconds West, a distance of 76.89 feet; then North 53 degree 30 minutes 38 seconds West, a distance of 105.35 feet to a point near the top of the Southerly bank of a private drainage ditch; thence for the next five courses along said top, the first course being North 57 degrees 26 minutes 56 seconds East, a distance of 261.80 feet; thence North 86 degrees 31 minutes 01 seconds East, a distance of 57.30 feet; thence North 84 degrees 28 minutes 02 seconds East, a distance of 176.85 feet; thence North 83 degrees 45 minutes 22 seconds East, a distance of 192.36 feet; thence North 83 degrees 19 minutes 27 seconds East, a distance of 291.31 feet, to a point; thence North 89 degrees 24 minutes 59 seconds East, at right angles with the west line of a tract of land conveyed to Bruno and Rosa Cataldo by a deed recorded as Instrument No. 9003257 in said Recorder's Office, a distance of 555.45 feet to a point on said West line; thence South 00 degrees 35 minutes 01 seconds East, along said west line, a distance of 227.33 feet to a point on the northerly right-of-way line of State Road 23; thence South 50 degrees 32 minutes 16 seconds West along said Northerly line, a distance of 87.35 feet to the North line of said East Half of the Southeast Quarter of Section 21; thence North 88 degrees 59 minutes 43 seconds West, along said North line, a distance of 488.03 feet to the place of beginning.

FURTHER EXCEPTING THEREFROM: {0235679} Beginning at the Northwest corner of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence South 89°24'52" East, a distance of 131.19 feet to the Southerly boundary of U.S. 31 (being a limited access right-of-way by deed); thence along said boundary by the following courses; South 40°33 '02 East, a distance of 69.83 feet; thence South 60° 1 1 '02" East a distance of 98.50 feet; thence South 44°06'02" East, a distance of 600.00 feet; thence South 44°06'02" East, a distance of 270.00 feet; thence departing said boundary South 13°59'58" West, a distance of 53.00 feet to the Northerly boundary of S.R. 23; thence along said boundary by the following courses; South 44°53'48" West, a distance of 538.62 feet; thence around a 7227.00 foot radius curve to the left 93.00 feet terminating at the end of a 93.00 foot long chord bearing South 42°45'48" West; thence South 45°53'48" West, a distance of 304.30 feet; thence South 37°46'48" West, a distance of 202.50 feet; thence South 89°59'22" West, a distance of 124.30 feet to the West line of said Quarter Section; thence departing said boundary North 00°00'38" West, a distance of 1673.30 feet along said West line to the place of beginning.

PACEL 3

The North Half of the East Half of the East Half of the Southwest Quarter of the Southwest

Quarter of Section 16, Township 3 7 North, Range 2 East, and the East Half of the North Half of the West Half of the East Half of the Southwest Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East.

ALSO:

The West Half of the Southwest Quarter of the Southwest Quarter of Section Number 16, Township Number 37 North, Range Number 2 East, EXCEPTING THEREFROM the right-of-way of the Indiana, Illinois and Iowa Railroad Company (New York Central Lines) across said land.

ALSO:

TRACT I: The West Half of a five acre tract of land, described, as the West Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East, in St. Joseph County, Indiana.

TRACT II: The East Half of a five acre tract being the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter, of Section 16, Township 37 North, Range 2 East in St. Joseph County, Indiana.

ALSO:

The South Half (1/2) of the East Half (1/2) of the East Half (1/2) of said Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 16, Township 37 North, Range 2 East.

ALSO:

The West Half (1/2) of the North Half (1/2) of the West Half (1/2) of the East Half (1/2) of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 16, Township 37 North, Range 2 East.

EXCEPTING: A parcel of land located in Section 16, Township 37 North, Range 2 East, St. Joseph County, Indiana; more particularly described as follows: A tract of land 30 feet wide lying South and adjacent to the North line of the South Half (S1/2) of the Southwest Quarter (SW 1/4) of Section 16, commencing at the Northeast corner of the South Half (S1/2) of the Southwest Quarter (SW 1/4), thence West 562.82 feet along the North line of the South Half (S1/2) of the Southwest Quarter (SW 1/4) to the East right of way line of the N.J.I. & I. Railroad, thence South 22 degrees 18 minutes 50 seconds West 32.43 feet, thence North 90 degrees 00 minutes 00 seconds East (assumed) 575.14 feet to the East line of the Southwest Quarter (1/4); thence North 30.00 feet to the point of beginning.

FURTHER EXCEPTING: A parcel of land situated in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Sixteen (16), Township Thirty-seven (37) North, Range Two (2) East, Portage Township, St. Joseph County, Indiana, more particularly described as follows: That portion of said Quarter-Quarter Section that lies North and West of the Right-of-way of Indiana, Illinois and Iowa Railroad Company (New York Central Railroad Company).

PARCEL 4

The Southeast Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East, EXCEPTING THEREFROM the right-of-way of the New Jersey, Indiana and Illinois Railroad across said land and FURTHER EXCEPTING THEREFROM, a tract of land thirty feet wide lying south and adjacent to the north line of the South Half of the Southwest Quarter of said Section 16, commencing at the northeast corner of the South Half of the Southwest Quarter of said Section 16; thence West 562.82 feet along the north line of the South Half of the Southwest Quarter of Section 16, to the east right-of-way line of the New Jersey, Indiana, and Illinois

Railroad; thence South 22°18'50" West, 32.43 feet; thence North 90°00'00" East (assumed) 575.14 feet to the east line of the Southwest Quarter of said Section 16; thence North 30.00 feet to the point of beginning.

Subject to legal highways.

be and the same is hereby established as GI General Industrial District.

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

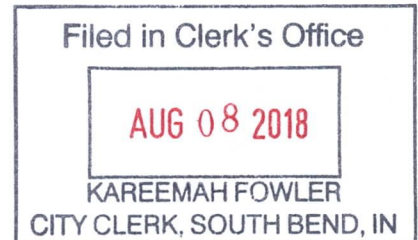
I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

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

Property is located at the west end of Calvert Street, and is bisected by U.S. Highway 31. Nearest intersections are U.S. Highway 31/State Route 23 intersection, and Calvert Street/New Energy Drive intersection. The Property is part of the southwest corner of section 16 & the north half of section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana

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

*017-1007-0223
017-1012-0307
017-1012-030901*



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 attached Exhibit A for legal description and survey of property for annexation*

4) Total Site Area (excluding right-of-way): *228.66 acres.*

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

*Ceres Farms LLC
1251 North Eddy Street, Suite 200
South Bend, Indiana, 46617
855.242.3737
bzick@cerespartners.com*

Name and address of additional property owners, if applicable:

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

Not Applicable



Name and address of additional property owners, if applicable:

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

From: *A: Agricultural District (County)* Additional Districts, if applicable

To: *GI General Industrial District*

8) This rezoning is requested to allow the following use(s): *Agricultural use along with other uses allowed in GI district.*

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

1) *List each variance, if applicable. Please contact staff for assistance with wording if needed.*

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: *Please explain how your variance petition addresses this criteria*
- (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: *Please explain how your variance petition addresses this criteria*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Please explain how your variance petition addresses this criteria*

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: *Insert text*
- 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: *Please explain how your Special Exception Use petition addresses this criteria*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Please explain how your Special Exception Use petition addresses this criteria*
 - (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: *Please explain how your Special Exception Use petition addresses this criteria*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *Insert text Please explain how your Special Exception Use petition addresses this criteria*

* 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:

*Ceres Farms LLC
 ATTN: Brandon Zick
 1251 North Eddy Street Suite 200
 South Bend, Indiana 46617
 855.242.3737
 bzick@cerespartners.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):

CERES FARMS, LLC by [Signature] AUTHORIZED Agent



EXHIBIT A
LEGAL DESCRIPTION

Filed in Clerk's Office
AUG 08 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Land situated in the County of St Joseph, State of Indiana, is described as follows:

Parcel IV:

The North Half of the Northwest Quarter of Section Number 21, Township Number 37 North, Range Number 2 East, excepting therefrom the right-of-way of the New Jersey, Indiana and Illinois Railroad across said land.

Also, the South Half (1/2) of the Northwest Quarter (1/4) of Section Numbered 21, Township Numbered Thirty-seven (37) North, Range Numbered 2 East, excepting therefrom the right-of-way of the New Jersey, Indiana and Illinois Railroad Company across said tract. Together with a right-of-way 20 feet in width, East and West, taken off of and from the entire length of the East side of the East Half (1/2) of the Southwest Quarter (1/4) of Section Numbered 21, Township Numbered 37 North, Range 2 East, lying North of the Liberty Highway, for the purpose of egress and ingress.

EXCEPTING THEREFROM: Commencing at the Northwest corner of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana; thence South 427.3 feet along the West line of said Section to the point of beginning of Parcel No. 2 Limited Access Right of Way; thence South 55 degrees 32 minutes East, 1,200.9 feet to the Westerly Right of Way of N. J. I. and I. Railroad; thence South 22 degrees 05 minutes West, 266.2 feet along said Right of Way; thence North 55 degrees 32 minutes West, 1,076.7 feet; thence North 00 degrees 25 minutes West 317.0 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: Commencing at the Southeast corner of the Northwest Quarter of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana; thence North 346.2 feet along the East line of said Quarter Section to the point of beginning of Parcel No. 2 Limited Access Right of Way; Thence South 00 degrees 57 minutes East, 210.0 feet ; thence North 51 degrees 49 minutes West, 93.8 feet; thence North 55 degrees 51 minutes West, 900.0 feet; thence North 57 degrees 49 minutes West, 1,000.8 feet; thence North 55 degrees 32 minutes West, 72.9 feet to the southeast right of way of N. J. I. and I. Railroad; thence North 22 degrees 05 minutes East, 256.0 feet along said right of way; thence South 55 degrees 32 minutes East, 127.9 feet; thence South 53 degrees 14 minutes East, 1,000.8 feet; thence South 55 degrees 32 minutes East, 871.9 feet to the point of beginning.

- FILED -
AUG 01 2018
AREA PLAN COMMISSION
Application# *2874-18*

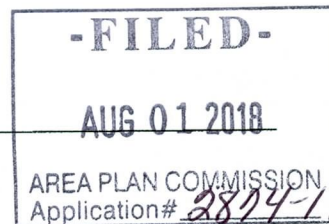
Parcel V:

The West One-Half (1/2) of the East One-Half (1/2) of Section Twenty-one (21) Township Thirty-seven (37) North, Range Two (2) East.

EXCEPTING THEREFROM: A part of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, bounded by a line running as follows, viz: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 21; thence North 0 degrees 0 minutes 0 seconds (bearing assumed) 1,532.08 feet; thence North 63 degrees 46 minutes 30 seconds West 237.33 feet; thence South 44 degrees 15 minutes West 466.60 feet; thence North 44 degrees 26 minutes 30 seconds West 90.25 feet; thence South 44 degrees 06 minutes 30 seconds West 394.65 feet; thence South 32 degrees 43 minutes 30 seconds West 99.75 feet; thence South 42 degrees 14 minutes 30 seconds West 198.30 feet; thence South 40 degrees 57 minutes 30 seconds West 389.05 feet; thence South 549.85 feet to the South line of the West Half of the Southeast Quarter; thence East 1,321.25 feet along the said South line to the place of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Southwest corner of the Northeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Northerly 346.2 feet to the point of beginning of Parcel No. 3 Limited Access right of way; thence South 57 degrees 17 minutes East, 327.3 feet; thence South 55 degrees 32 minutes East, 200.2 feet; thence South 57 degrees 10 minutes East, 128.3 feet; thence Southeasterly 84.4 feet along an arc to the left and having a radius of 814.4 feet and subtended by a long chord having a bearing of South 67 degrees 33 minutes East and a length of 84.4 feet; thence South 70 degrees 31 minutes East, 537.5 feet; thence Southeasterly 95.1 feet along an arc to the right and having a radius of 904.4 feet and subtended by a long chord having a bearing of South 67 degrees 31 minutes East, and a length of 95.0 feet; thence South 64 degrees 30 minutes East, 125.6 feet; thence South 00 degrees 53 minutes East, 80.1 feet to the Northwesterly boundary of State Road 23; thence along said boundary with the following courses; thence South 46 degrees 40 minutes West, 191.7 feet; thence South 42 degrees 05 minutes West, 251.9 feet; thence South 45 degrees 30 minutes West, 150.0 feet; thence departing from said boundary; thence North 13 degrees 36 minutes East, 53.0 feet; thence North 44 degrees 30 minutes West, 270.0 feet; thence North 38 degrees 48 minutes West, 100.5 feet; thence North 44 degrees 30 minutes West, 600.0 feet; thence North 60 degrees 35 minutes West, 98.5 feet; thence North 40 degrees 57 minutes West 94.7 feet; thence North 51 degrees 49 minutes West, 137.8 feet; thence North 00 degrees 57 minutes West, 210.0 feet to the point of beginning.

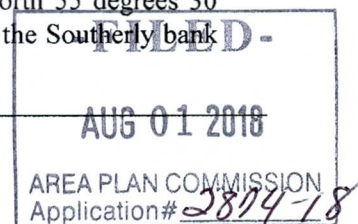
FURTHER EXCEPTING THEREFROM: Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1023.7 feet along the West line of said West Half of the Southeast Quarter; thence West 20 feet to the point of beginning of Parcel No. 3 A Limited Access right of way; thence North 64 degrees 30 minutes West, 238.7 feet; thence South 45 degrees 05 minutes West, 399.9 feet; thence North 44 degrees 30 minutes West, 109.5 feet to the Southeasterly Boundary of State Road 23; thence along said boundary with the following courses; thence North 42 degrees 29 minutes East, 57.1 feet; thence North 42 degrees 20 minutes East, 136.2 feet; thence North 42 degrees 41 minutes East, 126.2 feet; thence North 43 degrees 52 minutes East, 133.1 feet; thence North 44 degrees 53 minutes East, 141.0 feet; thence North 44 degrees 21 minutes East, 100.00 feet; thence North 45 degrees 13 minutes East, 128.1 feet to the westerly boundary of Magnolia Road; thence South 00 degrees 53 minutes East, 491.7 feet along said boundary to the point of beginning.



FURTHER EXCEPTING THEREFROM: Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1023.7 feet along the West line of said East Half of said Southeast Quarter; thence West 20 feet to the point of beginning of Parcel No. 3 a permanent right of way; thence South 00 degrees 53 minutes East, 63.6 feet along the Westerly boundary of Magnolia Road; thence North 64 degrees 30 minutes West, 220.3 feet; thence South 43 degrees 34 minutes West, 467.0 feet; thence North 45 degrees 22 minutes West, 90.0 feet; thence Southwesterly 395.5 feet along an arc to the left and having a radius of 7,082.0 feet and subtended by a long chord having a bearing of South 43 degrees 02 minutes West, and a length of 395.5 feet; thence South 35 degrees 16 minutes West, 99.3 feet; thence Southwesterly 197.5 feet along an arc to the left and having a radius of 7,072.0 feet and subtended by a long chord having a bearing of South 39 degrees 50 minutes West, and a length of 197.5 feet; thence South 40 degrees 15 minutes West, 402.9 feet; thence North 00 degrees 57 minutes West, 66.5 feet to the Southeasterly boundary of State Road 23; thence along said boundary by the following courses: thence North 37 degrees 03 minutes East, 451.8 feet; thence North 38 degrees 26 minutes East, 399.8 feet; thence North 41 degrees 14 minutes East, 307.7 feet; thence leaving said boundary; thence South 44 degrees 30 minutes East, 109.5 feet; thence North 45 degrees 05 minutes East, 399.9 feet; thence South 64 degrees 30 minutes East, 238.7 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM: Commencing at the Northwest corner of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence Southerly 1899.6 feet along the west line of said Quarter Section to the point of beginning of Parcel No. 3B Permanent right of way; thence North 00 degrees 57 minutes West, 55.2 feet; thence North 33 degrees 13 minutes East, 234.0 feet; thence North 38 degrees 26 minutes East, 202.5 feet; thence North 46 degrees 33 minutes East, 304.3 feet; thence Northeasterly 93.0 feet along an arc to the right and having a radius of 7,227.0 feet and subtended by a long chord having a bearing of North 43 degrees 25 minutes East, and a length of 93.0 feet to the Northwesterly boundary of State Road 23; thence along said boundary by the following courses: thence South 41 degrees 19 minutes West, 93.1 feet; thence South 38 degrees 02 minutes West, 202.0 feet; thence South 38 degrees 15 minutes West, 372.3 feet; thence South 36 degrees 21 minutes West, 205.0 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM: That part of the following real estate which is located within the West half of the East half of the Section 21: A parcel of land being a part of the East Half of Section 21, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the Northwest corner of the East Half of the Southeast Quarter of said Section 21, said point being the Northwest corner of a tract of land conveyed to the Trustees of the Henry Kanzig Trust by Instrument Number 8822658 as the same is recorded in the Office of the Recorder of St. Joseph County, Indiana; thence South 00 degrees 00 minutes 00 seconds West (bearing assumed for this description) along the West line of said Kanzig tract, a distance of 359.61 feet to a point on the northerly right-of-way line of U.S. Highway #31; thence for the next ten courses along said Northerly right-of-way line, the first course being North 63 degrees 43 minutes 45 seconds West, a distance of 43.05 feet; thence North 64 degrees 17 minutes 38 seconds West, a distance of 113.01 feet; thence North 68 degrees 40 minutes 04 seconds West, a distance of 111.07 feet; thence North 69 degrees 59 minutes 33 seconds West, a distance of 209.53 feet; thence North 70 degrees 04 minutes 25 seconds West, a distance of 102.10 feet; thence North 70 degrees 00 minutes 11 seconds West, a distance of 106.69 feet; thence North 69 degrees 39 minutes 40 seconds West, a distance of 99.95 feet; thence North 66 degrees 32 minutes 35 seconds West a distance of 59.97 feet; thence North 56 degrees 36 minutes 14 seconds West, a distance of 76.89 feet; thence North 55 degrees 30 minutes 38 seconds West, a distance of 105.35 feet to a point near the top of the Southerly bank



of a private drainage ditch; thence for the next five courses along said top, the first course being North 57 degrees 26 minutes 56 seconds East, a distance of 261.80 feet; thence North 86 degrees 31 minutes 01 seconds East, a distance of 57.30 feet; thence North 84 degrees 28 minutes 02 seconds East, a distance of 176.85 feet; thence North 83 degrees 45 minutes 22 seconds East, a distance of 192.36 feet; thence North 83 degrees 19 minutes 27 seconds East, a distance of 291.31 feet, to a point; thence North 89 degrees 24 minutes 59 seconds East, at right angles with the west line of a tract of land conveyed to Bruno and Rosa Cataldo by a deed recorded as Instrument No. 9003257 in said Recorder's Office, a distance of 555.45 feet to a point on said West line; thence South 00 degrees 35 minutes 01 seconds East, along said west line, a distance of 227.33 feet to a point on the northerly right-of-way line of State Road 23; thence South 50 degrees 32 minutes 16 seconds West along said Northerly line, a distance of 87.35 feet to the North line of said East Half of the Southeast Quarter of Section 21; thence North 88 degrees 59 minutes 43 seconds West, along said North line, a distance of 488.03 feet to the place of beginning.

FURTHER EXCEPTING THEREFROM: {0235679} Beginning at the Northwest corner of the Southeast Quarter of Section 21, Township 37 North, Range 2 East, St. Joseph County, Indiana; thence South 89°24'52" East, a distance of 131.19 feet to the Southerly boundary of U.S. 31 (being a limited access right-of-way by deed); thence along said boundary by the following courses; South 40°33'02" East, a distance of 69.83 feet; thence South 60°11'02" East a distance of 98.50 feet; thence South 44°06'02" East, a distance of 600.00 feet; thence South 44°06'02" East, a distance of 270.00 feet; thence departing said boundary South 13°59'58" West, a distance of 53.00 feet to the Northerly boundary of S.R. 23; thence along said boundary by the following courses; South 44°53'48" West, a distance of 538.62 feet; thence around a 7227.00 foot radius curve to the left 93.00 feet terminating at the end of a 93.00 foot long chord bearing South 42°45'48" West; thence South 45°53'48" West, a distance of 304.30 feet; thence South 37°46'48" West, a distance of 202.50 feet; thence South 89°59'22" West, a distance of 124.30 feet to the West line of said Quarter Section; thence departing said boundary North 00°00'38" West, a distance of 1673.30 feet along said West line to the place of beginning.

Parcel VI:

The North Half of the East Half of the East Half of the Southwest Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East, and the East Half of the North Half of the West Half of the East Half of the Southwest Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East.

ALSO:

The West Half of the Southwest Quarter of the Southwest Quarter of Section Number 16, Township Number 37 North, Range Number 2 East, EXCEPTING THEREFROM the right-of-way of the Indiana, Illinois and Iowa Railroad Company (New York Central Lines) across said land.

ALSO:

TRACT I: The West Half of a five acre tract of land, described, as the West Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East, in St. Joseph County, Indiana.

-FILED-

AUG 01 2018

AREA PLAN COMMISSION
Application# 2894-18

TRACT II: The East Half of a five acre tract being the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter, of Section 16, Township 37 North, Range 2 East in St. Joseph County, Indiana.

ALSO:

The South Half (1/2) of the East Half (1/2) of the East Half (1/2) of said Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 16, Township 37 North, Range 2 East.

ALSO:

The West Half (1/2) of the North Half (1/2) of the West Half (1/2) of the East Half (1/2) of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 16, Township 37 North, Range 2 East.

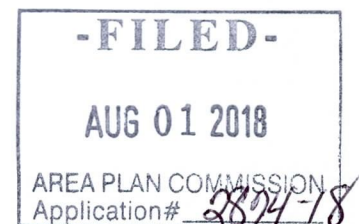
EXCEPTING: A parcel of land located in Section 16, Township 37 North, Range 2 East, St. Joseph County, Indiana; more particularly described as follows: A tract of land 30 feet wide lying South and adjacent to the North line of the South Half (S1/2) of the Southwest Quarter (SW 1/4) of Section 16, commencing at the Northeast corner of the South Half (S1/2) of the Southwest Quarter (SW 1/4), thence West 562.82 feet along the North line of the South Half (S1/2) of the Southwest Quarter (SW 1/4) to the East right of way line of the N.J.I. & I. Railroad, thence South 22 degrees 18 minutes 50 seconds West 32.43 feet, thence North 90 degrees 00 minutes 00 seconds East (assumed) 575.14 feet to the East line of the Southwest Quarter (1/4); thence North 30.00 feet to the point of beginning.

FURTHER EXCEPTING: A parcel of land situated in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Sixteen (16), Township Thirty-seven (37) North, Range Two (2) East, Portage Township, St. Joseph County, Indiana, more particularly described as follows: That portion of said Quarter-Quarter Section that lies North and West of the Right-of-way of Indiana, Illinois and Iowa Railroad Company (New York Central Railroad Company).

Parcel IX:

The Southeast Quarter of the Southwest Quarter of Section 16, Township 37 North, Range 2 East, EXCEPTING THEREFROM the right-of-way of the New Jersey, Indiana and Illinois Railroad across said land and FURTHER EXCEPTING THEREFROM, a tract of land thirty feet wide lying south and adjacent to the north line of the South Half of the Southwest Quarter of said Section 16, commencing at the northeast corner of the South Half of the Southwest Quarter of said Section 16; thence West 562.82 feet along the north line of the South Half of the Southwest Quarter of Section 16, to the east right-of-way line of the New Jersey, Indiana, and Illinois Railroad; thence South 22°18'50" West, 32.43 feet; thence North 90°00'00" East (assumed) 575.14 feet to the east line of the Southwest Quarter of said Section 16; thence North 30.00 feet to the point of beginning.

Subject to legal highways.





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

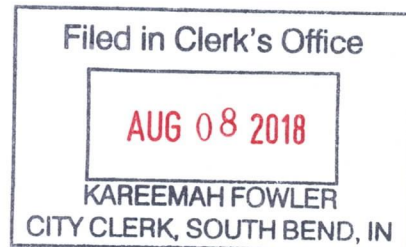
Angela M. Smith
Deputy Director

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

August 8, 2018

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

RE: 1939 & 1947 Charles Street
APC# 2875-18



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 August 13th, 2018 Council meeting, and set it for public hearing at your September 24th, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the September 18th, 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,

Jordan Wyatt
Zoning Planner

CC: Bob Palmer

BILL NO. 36-18

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 1939 & 1947 CHARLES STREET, COUNCILMANIC DISTRICT NO. 1
IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from SF1 to LB for a parking lot.

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:

Lots 20 – 23 of Pensinger’s Subdivision

be and the same is hereby established as LB Local Business District.

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

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

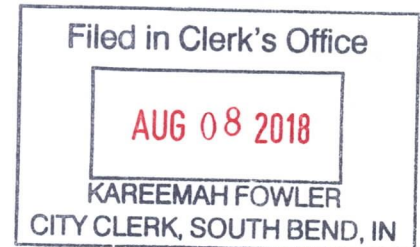
1) The property sought to be rezoned is located at:

*1939 and 1947 Charles St
South Bend, IN 46637*

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

*1939 Charles St:
024-1008-0663
024-1008-0664*

*1947 Charles St:
024-1008-0665*



3) Legal Descriptions:

Lots 20 - 23 of Pensinger's Subdivison

4) Total Site Area: *1.3 acres*

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

*FTC Properties LLC
1822 South Bend Ave
South Bend, IN 46637
(574) 855-5550
bwynen@ftcprop.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: *SF1 Single Family Two Family District SF1 Single Family Two Family District*

To: *LB Local Business District*

8) This rezoning is requested to allow the following use(s): *Use of the house as a rental property on Charles Street and the backyard area as a parking lot for adjoining businesses.*

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

- 1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*
- 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: *Please explain how your variance petition addresses this criteria*
 - (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: *Please explain how your variance petition addresses this criteria*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Please explain how your variance petition addresses this criteria*

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

- 1) The Special Exception Use(s) being requested: *Insert text*
- 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: *Please explain how your Special Exception Use petition addresses this criteria*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Please explain how your Special Exception Use petition addresses this criteria*
 - (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: *Please explain how your Special Exception Use petition addresses this criteria*
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Please explain how your Special Exception Use petition addresses this criteria*

* 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:

*Bryan Wynen
 1822 South Bend Ave
 South Bend, IN 46637
 (574) 855-5549
 bwynen@ftcprop.com*

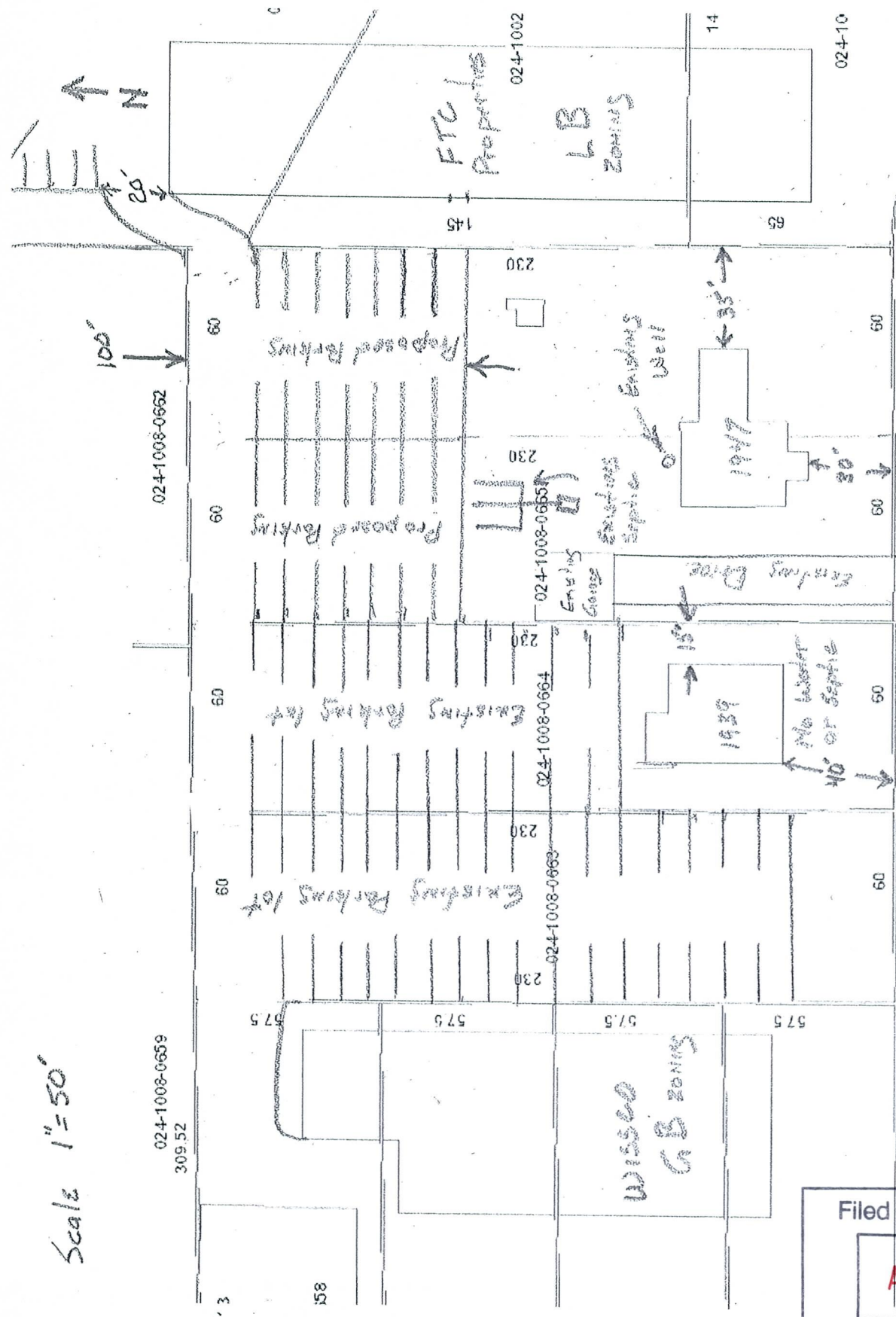


BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

Bryan Wynen

Scale 1"=50'



Charles St

25' Setback Line

Note: Site will comply with current ordinances

No new signage or buildings

- FILED -
AUG 01 2018
 AREA PLAN COMMISSION
 Application # 2018/8

Filed in Clerk's Office
AUG 08 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

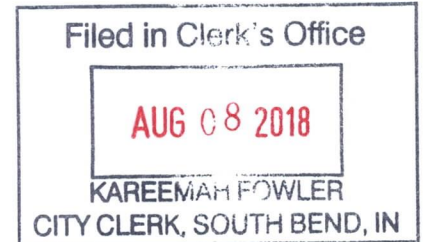
Angela M. Smith
Deputy Director

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

August 8, 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 August 13th, 2018 Council meeting, and set it for public hearing at your September 24th, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the September 18th, 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,

Jordan Wyatt
Zoning Planner

A handwritten signature in dark ink, appearing to be "Jordan Wyatt", written over the typed name.

CC: Bob Palmer

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 14 SUBDIVISIONS TO DELETE FLOODPLAIN DEFINITIONS THAT HAVE BEEN UPDATED IN THE ZONING ORDINANCE, DELETE STREET AND ALLEY STANDARDS THAT DUPLICATE BOARD OF PUBLIC WORKS STANDARDS, AND DELETE CERTAIN LOT DESIGN STANDARDS THAT DUPLICATE LOT SIZE STANDARDS IN THE ZONING ORDINANCE

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new subdivision ordinance that went into effect on May 7, 2004. The subdivision ordinance contains several standards that are now redundant or conflicting with City standards found elsewhere in the zoning ordinance or other City regulations. On December 1, 2015, the zoning ordinance's Floodplain Regulations (Section 21-12) was replaced in its entirety, including revised definitions for floodplain-related terms. The subdivision ordinance's street design standards replicate rules found in the Design & Construction Standards of the Board of Public Works. The subdivision ordinance included lot standards that are established in other sub-sections of the zoning ordinance.

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 14 Subdivisions, Section 21-14.02 (a) Definitions, is hereby amended as follows:

- (18) ~~Federal Insurance Administration means the administrative office of the National Flood Insurance Program.~~ Reserved.
- (19) ~~Flood or floodwater means the water of any river or stream which is above its banks and/or outside its channels and banks.~~ Reserved.
- (20) ~~Flood hazard area means that portion of a floodplain which is not adequately protected from flooding by means of dikes, levees, reservoirs, or other works approved by the Natural Resources Commission.~~ Reserved.
- (21) ~~Floodplain means the area adjoining a river or stream which has been or which may hereafter be flooded, and is so designated by the Federal Insurance Administration and/or the Natural Resources Commission.~~ Reserved.
- (39) ~~Regulatory flood means the one hundred year flood as designated by the Federal Insurance Administration.~~ Reserved.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 14 Subdivisions, Section 21-14.03 (b) Street requirements, is hereby amended as follows:

- ~~(2) — *Minor streets shall be laid out so that their use by through traffic will be discouraged.*~~

- ~~(3) — *Where a subdivision borders on or contains an existing or proposed street as shown in the *Land Use and Transportation Plan*, the *Commission* may require a marginal access street or reverse frontage with screen planting contained in a nonaccess reservation, which shall have a minimum width of ten (10) feet along the rear property line, or such other treatment as may be adequate for protection of residential properties and to afford separation of through and local traffic.*~~

- ~~(4) (2)~~
- ~~(5) (3)~~
- ~~(6) (4)~~
- ~~(7) (5)~~
- ~~(8) (6)~~
- ~~(9) (7)~~
- ~~(10) (8)~~

- ~~(11) (9) *Culs-de-sac* and dead-end streets, designed to be so permanently, shall generally not be longer than ~~six hundred (600)~~ five hundred (500) feet. All dead-end streets shall terminate in a circular right-of-way within a minimum radius of fifty (50) feet with an effective turning radius of forty (40) feet.~~

- ~~(12) (10) The minimum right-of-way width of all streets shall be ~~as scheduled under section 21-14.08(e)(2)~~ per the latest standards adopted by the Board.~~

- ~~(13) (11)~~
- ~~(14) (12)~~

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 14 Subdivisions, Section 21-14.03 (c) Alleys; standards, is hereby amended as follows:

- ~~(2) — *Alleys shall be prohibited in residential areas except where topographical or other conditions may necessitate their use.*~~

- ~~(3) — *The width of an alley shall not be less than twenty (20) feet.*~~

- ~~(4) (2)~~
- ~~(5) (3)~~

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 14 Subdivisions, Section 21-14.03 (e) Blocks; standards, is hereby amended as follows:

- (1) The width of *blocks* shall be sufficient to ~~allow two (2) tiers of~~ avoid double frontage lots, except where reverse frontage on a major thoroughfare is required.
- (2) Where effective use of land does not require otherwise, *blocks* in residential subdivisions shall not exceed ~~sixteen hundred (1,600)~~ one thousand (1,000) feet in length.
- (3) ~~In the event of block length exceeding one thousand (1,000) feet where the blocks are not arranged in the direction of natural traffic flow, a crosswalk or pedestrianway not less than ten (10) feet in width may be required near the center and entirely across any block. Such pedestrianway shall be dedicated and paved to a width of five (5) feet. The perimeter of any block shall not exceed two thousand eight hundred (2,800) feet in length.~~

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 14 Subdivisions, Section 21-14.03 (f) Lots; standards, is hereby amended as follows:

- ~~(1) Residential lots shall in no case be less than sixty (60) feet in width at the building line, nor contain less than six thousand (6,000) square feet in area.~~
- ~~(2) Corner lots shall in no case be less than sixty five (65) feet in width at the building line, nor contain less than seven thousand (7,000) square feet in area.~~
- ~~(3) The depth to width ratio of the useable area, i.e., the area which is not unuseable for normal building, service, recreational, or similar activities by reason of the existence of geologic, topographic, drainage, or other similar conditions, of a lot in a residential district shall be a maximum of two and one-half (2.5) to one (1.0), except where a variance becomes necessary for the purpose of using up odd shaped parcels.~~
- ~~(4) (1)~~
- ~~(5) (2) Every lot shall abut on a public street or have dedicated access to a public street as permitted by the Zoning Ordinance.~~
- ~~(6) (3) Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width, across which there shall be no access, shall be provided along the line of lots abutting such traffic arteries or other disadvantageous use.~~

~~(7) Where larger than normal lots are proposed, they shall be of such shape and dimensions that future streets may be platted along lot lines.~~

(8) ~~(4)~~ Lots shall be numbered consecutively throughout the entire subdivision.

SECTION VI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 14 Subdivisions, Section 21-14.04 (b)(1)(A) vii. is hereby amended as follows:

vii. ~~Dimensioned building setback lines.~~ Reserved.

SECTION VII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 14 Subdivisions, Section 21-14.08 (b) Required Improvements, is hereby amended as follows:

(6) (B) Sidewalks shall be located ~~not less than one (1) foot from the property line on all except minor streets to prevent interference or encroachment by fencing, walls, hedges, or other planting or structure placed on the property line at a later date.~~ In single family residential areas, concrete sidewalks shall be five (5) feet wide and four (4) inches thick. Maximum gradient on walks shall be not more than five (5) percent. In multifamily or group housing developments, sidewalks shall be of a width determined by the Commission installed per the latest standards adopted by the Board. Sidewalks in commercial areas shall have a minimum width of ten (10) feet.

~~(8) Trees of a variety approved by the Commission and the Superintendent of Parks shall be considered a recommended improvement. If such planting is accomplished, the trees shall be planted no closer than five (5) feet to the front property line on the property side and shall be spaced no closer than forty (40) feet apart. They shall be a minimum of one and one half (1 1/2) inches in diameter measured one (1) foot above the ground. These restrictions shall apply to the front yard area only.~~

SECTION VIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 14 Subdivisions, Section 21-14.08 (c) Streets and alleys; specifications, is hereby amended as follows:

(2) All streets shall be surfaced and improved in the manner determined by the Board and shall conform to the ~~following schedule:~~ latest standards adopted by the Board.

TABLE INSET:

Street Type	Right-of-Way Width	Width of Pavement*
<i>Major streets</i>	80' to 120' or as shown on the <i>Land Use and Transportation Plan</i>	Variable
<i>Collector streets</i>	60'	36'
<i>Minor streets</i> for row houses and apartments	60'	32' to 36'
<i>Minor streets</i> for single-family detached dwellings	50'	26'
Marginal access**	40'	18'
<i>Culs-de-sac</i> and short loop streets	50'	26'
<i>Alleys</i>	20'	18'

On all *minor streets* an improved, all-weather driveway and driveway apron shall be provided. The maximum gradient between vertical transitions shall be not greater than fourteen (14) percent.

* Measured gutter line to gutter line.

**Curb and gutter shall generally not be required on the highway side. A planting strip with a minimum width of ten (10) feet may be required on the highway side.

SECTION IX. 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.

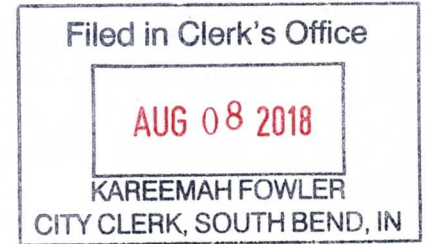
Kareemah N. Fowler, City Clerk
Office of the City Clerk

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

Pete Buttigieg, Mayor
Mayor, City of South Bend, Indiana

A R E A B O A R D O F Z O N I N G A P P E A L S

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



Wednesday, August 08, 2018

Honorable Common Council
227 W. Jefferson Boulevard – 4th Floor
South Bend, IN 46601

RE: The petition of CITY OF SOUTH BEND DEPT OF REDEVELOPMENT seeking a Special Exception Use to allow a drive-thru restaurant in the Central Business District in the CBD Central Business District (South Bend) for property located at 213 and 217 SOUTH MAIN ST., City of South

Dear Council Members:

I hereby Certify that the above referenced ordinance of CITY OF SOUTH BEND DEPT OF REDEVELOPMENT was legally advertised on July 26, 2018 and that the Area Board of Zoning Appeals at its public hearing on August 8, 2018 took the following action:

Upon a motion by John Leszczynski, being seconded by Jack Young and unanimously carried, a petition by CITY OF SOUTH BEND DEPT OF REDEVELOPMENT seeking a Special Exception Use for to allow a drive-thru restaurant in the Central Business District for property located at 213 and 217 SOUTH MAIN 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 blue ink that reads "L. P. Magliozzi".

Lawrence P. Magliozzi
Executive Director

Attachment

CC: CITY OF SOUTH BEND DEPT OF REDEVELOPMENT
Jeff Smoke



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

MEMORANDUM

DATE: July 30, 2018
TO: Area Board of Zoning Appeals
FROM: Angela M. Smith, Deputy Director
SUBJECT: August 8, 2018 Area Board of Zoning Appeals Hearing

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*

7. Petition of City of South Bend, Department of Redevelopment

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 drive-through will 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.*

The proposed use is located within the dense Central Business District, and is thus compatible with other uses in the area. Unlike a traditional, suburban drive-thru facility, the proposed facility is part of a 6-story building, consistent with neighboring downtown structures. Furthermore, the proposed development is expected to increase neighboring property values because the subject property is currently only a parking lot and vacant land.

- (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 drive-thru is an appropriate use within the Central Business District zone because it will accommodate all visitors to the area, including automobile users, pedestrians, cyclists, and mass transit users.

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

Objective LU 3.1 of the City of South Bend Comprehensive Plan states that the City should "provide incentives to build on underutilized and vacant lots to increase the density of the CBD." The proposed project will accomplish this objective, and the drive-thru function will allow for more density with less space devoted to parking. Furthermore, the proposed project accomplishes many of the sub-goals of the South Bend Central Development Area Development Plan. Specifically pertaining to the drive-thru request, sub-goal #10 states that the City needs "to create an overall environmental quality that recognizes the pervasive use and influence of the automobile on the Area but at the same time provides pedestrians, cyclists and mass transit users with a safe, accessible, and attractive circulation system." A drive-thru accommodates automobile users, while the site design, site location, and bicycle facilities accommodate pedestrians, cyclists and mass transit users. Additionally, the South Bend Economic Development Office has indicated strong support for the proposed project.

BILL NO. 18-40

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 213 AND 217 SOUTH MAIN 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:

213 and 217 SOUTH MAIN STREET

In order to permit insert a DRIVE THROUGH RESTAURANT/COFFEE SHOP

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