



OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: JUNE 20, 2019
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, June 24, 2019:**

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

- 3:30 P.M.** **PERSONNEL & FINANCE** **CHAIRPERSON, WHITE**
1. [Bill No. 16-19](#)- June 2019 Transfer Ordinance
 2. [Bill No. 17-19](#)- June 2019 Appropriation Ordinance- Civil City Funds
 3. [Bill No. 18-19](#)- June 2019 Appropriation Ordinance- Enterprise Funds
- 3:50 P.M.** **HEALTH & PUBLIC SAFETY** **CHAIRPERSON, BRODEN**
1. **Update:** South Shore (15 minutes)- Eric Horvath, Director of Public Works
 2. **Update:** Quiet Zones (15 minutes)- Eric Horvath, Director of Public Works
- 4:25 P.M.** **UTILITIES** **CHAIRPERSON, TESHKA**
1. **Update:** Public Works Response to HB1347- Eric Horvath, Director of Public Works
- 4:45 P.M.** **COMMUNITY RELATIONS** **CHAIRPERSON, PRESTON**
1. [Bill No. 19-46](#)- Restorative Justice Initiative Resolution
- 5:05 P.M.** **ZONING & ANNEXATION** **CHAIRPERSON, DAVIS**
1. **Update:** Zoning Ordinance- Tim Corcoran, Director of Planning- Community Investment
 2. [Bill No. 12-19](#)- Northeast Corner of Corby Boulevard and Eddy Street Rezoning
 3. [Bill No. 13-19](#)- 3102 Mishawaka Avenue Rezoning
 4. **Substitute** [Bill No. 14-19](#)- SF3 Zoning Ordinance Amendment
 5. **Substitute** [Bill No. 15-19](#)- CBD Zoning Ordinance Amendment

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

- INFORMAL MEETING OF THE COMMON COUNCIL** **PRESIDENT, T. SCOTT**
1. Discussion of Council Agenda
 2. Update and Announcements

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK



3. July 4th Filing Deadline
4. Adjournment

cc: Mayor Pete Buttigieg
Committee Meeting List
Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, June 24, 2019

7:00 P.M.

1. **INVOCATION- PAMELA BLAIR- BOARD MEMBER-THE LGBTQ CENTER,
SOUTH BEND**

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**

5. **SPECIAL BUSINESS**

BILL NO.

19-44 A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA HONORING AND THANKING THE 2018-2019 NOTRE DAME WOMEN'S BASKETBALL TEAM AND ITS VERY SPECIAL HEAD COACH, MUFFET MCGRAW FOR CONTRIBUTIONS TO THE SOUTH BEND COMMUNITY

19-47 A SPECIAL RESOLUTION TO ADDRESS THE IMPACT ON THE CITIZENS OF SOUTH BEND WITH RESPECT TO THE TEMPORARY RELOCATION OF THE ST. JOSEPH COUNTY LIBRARY

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

12-19 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF CORBY BOULEVARD AND SOUTH BEND AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

13-19 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3102 E MISHAWAKA

AVENUE, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

[14-19](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 1 BASIC PROVISIONS, ARTICLE 2 RESIDENTIAL DISTRICTS, ARTICLE 7 GENERAL REGULATIONS, AND ARTICLE 11 DEFINITIONS TO ADD A NEW SF3 RESIDENTIAL FLEX DISTRICT

[15-19](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS TO REPEAL AND REPLACE SECTION 21-03.06 CBD CENTRAL BUSINESS DISTRICT

[16-19](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2019

[17-19](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2019 OF \$85,857 FROM GENERAL FUND (#101), \$657,159 FROM PARKS & RECREATION FUND (#201), \$28,150 FROM GIFT, DONATION, BEQUEST FUND (#217), \$97,077 FROM HALL OF FAME DEBT SERVICE FUND (#313), \$321,707 FROM 2018 FIRE ST #9 BOND DEBT SERVICE FUND (#350), \$178,534 FROM PROFESSIONAL SPORTS DEVELOPMENT FUND (#377), \$1,811,500 FROM COUNTY OPTION INCOME TAX FUND (#404), \$3,300,000 FROM 2018 ZOO BOND CAPITAL FUND (#453), AND \$70,000 FROM SMART STREETS BOND CAPITAL FUND (#753).

[18-19](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2019 OF \$960,000 FROM EMS CAPITAL FUND (#287), \$177,475 FROM CENTURY CENTER OPERATING FUND (#670), AND \$63,000 FROM CENTURY CENTER CAPITAL FUND (#671).

8. **BILLS ON THIRD READING**
BILL NO.

TIME: _____

[12-19](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT THE NORTHEAST CORNER

OF CORBY BOULEVARD AND SOUTH BEND AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

- [13-19](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3102 E MISHAWAKA AVENUE, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA
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9. **RESOLUTIONS**

BILL NO.

19-46 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SUPPORTING AND ENDORSING A RESTORATIVE JUSTICE INITIATIVE FOR THE CITY OF SOUTH BEND AND A PROPOSED TIER I COMMUNITY PILOT PROGRAM TO IMPLEMENT THE INITIATIVE

10. **BILLS ON FIRST READING**

BILL NO.

19-19 FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1510 AND 1520 WASHINGTON STREET AND 1636 CIRCLE AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

11. **UNFINISHED BUSINESS**

BILL NO.

19-45 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 407, 411, 419, 423 AND 427 SOUTH FRANCES 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 officiate 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.



2019 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-10-19)

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

Gavin Ferlic, Vice-Chairperson

John Voorde, Member

Jo M. Broden, 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

Karen L. White, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability and access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Jake Teshka, 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

Jake Teshka, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2019 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-10-19)

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
John Voorde, Vice-Chairperson

Regina Williams-Preston, Member
Jo M. Broden, 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
Karen L. White, 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
Sharon L. McBride, 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, Member
Jake Teshka, Member



2019 COMMON COUNCIL STANDING COMMITTEES (Rev.01-10-19)

TIM SCOTT, 1ST District Council Member

President

Information and Technology Committee, 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

Public Works & Property Vacation, Vice-Chair

Community Investment Committee, Member
Information & Technology Committee, Member
Utilities Committee, Member
Residential Neighborhoods 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
Community Relations Committee, Member
Personnel and Finance Committee, Member

JAKE TESHKA, 5TH District Council Member

Utilities Committee, Chairperson

PARC Committee, Vice-Chairperson

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

OLIVER J. DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson

Utilities Committee, Vice-Chairperson

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

GAVIN FERLIC, AT LARGE Council Member

Community Investment Committee, Chairperson

Information & Technology Committee, Vice-Chairperson

Community Relations Committee, Vice-Chairperson

Council Rules Committee, Member
Zoning & Annexation Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Vice-President

Residential Neighborhood Committee, Chairperson

Personnel & Finance Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

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

JOHN VOORDE, AT LARGE Council Member

Chairperson, Committee of the Whole

Public Works & Property Vacation, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Personnel and Finance Committee, Vice-Chairperson

Community Relations Committee, Member
PARC Committee, Member
Health and Public Safety Committee, Member



BILL NO. 12-19 - District No 4-
(Councilmember Jo. M. Broden)

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

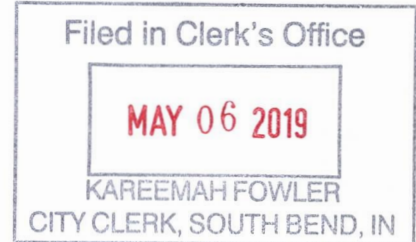
Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

May 6, 2019

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



RE: Northeast Corner of Corby Boulevard and Eddy Street
APC# 2899-19

Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your May 13th, 2019 Council meeting, and set it for public hearing at your June 24th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the June 18th, 2019 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.

The petitioner provided the following narrative to describe the proposed project:

The property is requesting to be rezoned to allow for a four-story mixed use building, with offices on the first three floors, and two residential units on the fourth floor.

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

Sincerely,

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 12-19

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF CORBY BOULEVARD AND SOUTH BEND AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from MU Mixed Use District and SF2 Single Family & Two Family District to MU Mixed Use District..

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

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

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING A PART OF LOTS 1-4 OF THE RECORDED PLAT OF PORTAGE LAND CO'S SUBDIVISION OF LOT NO. 5 IN ME. LISTENBURGER'S FIRST ADDITION TO SOUTH BEND, AND A PART OF LOTS 10-13 OF THE RECORDED PLAT OF BERGAN'S REP LAT OF LOT'S 1-3 & 4 LISTENBURGER'S 1ST ADDITION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF SAID PORTAGE LAND CO. SUBDIVISION; THENCE SOUTH 00°38'57" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF A 14 FOOT PUBLIC ALLEY 308.60 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CORBY STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF CORBY STREET FOR THE NEXT THREE (3) COURSES, NORTH 55°44'39" WEST 60.95 FEET; THENCE NORTH 55°27'29" WEST 140.56 FEET; THENCE NORTH 13°13'55" WEST 10.97 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE (STATE ROAD 23); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE FOR THE NEXT FOUR (4) COURSES, WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 175.95 FEET, WITH A RADIUS OF 1400. 00 FEET, WITH A CHORD BEARING OF NORTH 41°11 '39" EAST, WITH A CHORD LENGTH OF 175.83 FEET, AND NORTH 00°38'28" WEST 16.94 FEET, AND NORTH 46°08'54" EAST 49.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF

HOWARD STREET, · THENCE NORTH 89°21'26" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 13.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.64 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS' EASEMENTS, AND RESTRICTIONS OF RECORD.

be and the same is hereby established as MU Mixed Use 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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, 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:

*Vacant Property at the Northeast corner Corby Boulevard and South Bend Avenue,
South Bend, IN 46617*

2) The property Tax Key Number(s) is/are: *018-5094-3319; 018-5094-3326; 018-5094-3327; 018-5094-3328*

3) Legal Descriptions:

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING A PART OF LOTS 1-4 OF THE RECORDED PLAT OF PORTAGE LAND CO'S SUBDIVISION OF LOT NO. 5 IN M.E. LISTENBURGER'S FIRST ADDITION TO SOUTH BEND, AND A PART OF LOTS 10-13 OF THE RECORDED PLAT OF BERGAN'S REPLAT OF LOT'S 1-3 & 4 LISTENBURGER'S 1ST ADDITION, AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT 3 OF SAID PORTAGE LAND CO. SUBDIVISION; THENCE SOUTH 00°38'57" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF A 14 FOOT PUBLIC ALLEY, 308.60 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CORBY STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF CORBY STREET FOR THE NEXT THREE (3) COURSES, NORTH 55°44'39" WEST, 60.95 FEET; THENCE NORTH 55°27'29" WEST, 140.56 FEET; THENCE NORTH 13°13'55" WEST, 10.97 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE (STATE ROAD 23); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE FOR THE NEXT FOUR (4) COURSES, WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 175.95 FEET, WITH A RADIUS OF 1400.00 FEET, WITH A CHORD BEARING OF NORTH 41°11'39" EAST, WITH A CHORD LENGTH OF 175.83 FEET, AND NORTH 00°38'28" WEST, 16.94 FEET; AND NORTH 46°08'54" EAST, 49.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HOWARD STREET; THENCE NORTH 89°21'26" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 13.67 FEET TO THE POINT OF BEGINNING. CONTAINING 0.64 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS' EASEMENTS, AND RESTRICTIONS OF RECORD.

4) Total Site Area: *0.64+/- Acres*

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

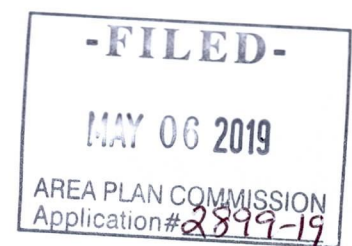
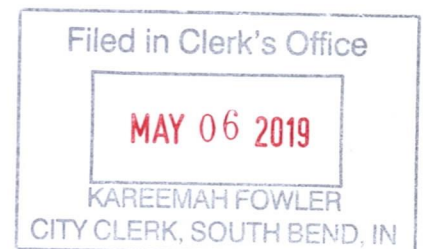
*Five Corners LLC
814 Marietta Street
South Bend, IN 46601
Phone number with Area Code: 574-233-1296
E-Mail Address- N/A*

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

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

Name and address of additional property owners, if applicable:

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



From: SF2 Single Family Two Family District MU Mixed Use District

To: MU Mixed Use District



8) This rezoning is requested to allow the following use(s): *Professional Office Building & Residential Units*

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

1)

- 1). *From maximum building height of 40 feet and three (3) stories to 63 feet and four (4) stories.*
- 2). *From the required perimeter landscaping to proposed landscaping shown along public streets and public alley.*
- 3). *From the NNZO District maximum building height of 60 feet to 63 feet.*
- 4). *From the NNZO District to allow parking 5 feet from the adjacent public streets.*
- 5). *From the NNZO District 15 ft. setback of parking from building to a minimum of 9 feet.*
- 6). *From the NNZO District maximum 5 ft. building setback to 12 feet if required for utility placement.*

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 approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed development is being done to be consistent with other mixed use developments in the Eddy Street Commons corridor area. The proposed building project will comply with all State and local codes.*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The property to be rezoned lies within an established revitalization corridor where new mixed use developments have been approved. The existing property adjacent to the project site is vacant. It is hoped that the proposed mixed use development will spur additional growth both mixed use and residential in the neighborhood and along South Bend Avenue.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property. The proposed project site is unique in that it is bordered by public streets on the west and south and an existing public alley to the east. The project site was affected by the re-alignment of Corby Boulevard with Howard Street. The owners worked with the Department of Community Investment for site layout for the building and parking placement. The owners do not believe that asking for relief of the building height, building location, and parking location would adversely affect any adjacent property. There are other buildings to the north of the project site with the higher building heights than the maximum allowed 40 feet. The parking placement will be screened along both public streets and screening will be provided along the east property line to create a buffer from the residential zoning to the east. The perimeter landscaping will consist of deciduous overstory and ornamental trees to compliment the building and work with the proposed parking bays and required driveways. The request for parking setback from the building will allow for efficient parking layout without affecting any adjacent property. The request for the building setback is to allow for flexibility in case the City requires a larger setback from existing utility infrastructure in the public rights-of-way.*

- (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:

*Danch, Harner & Associates
1643 Commerce Drive
South Bend, IN 46628
574-234-4003
mdanch@danchharner.com*

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

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

Anne Hayes



DHIA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

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

1643 Commerce Drive ■ South Bend, IN 46628

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

May 3, 2019

RE: Rezoning Petition for the Northeast corner of South Bend Avenue & Corby Boulevard,
South Bend, Indiana;

Dear Council Members:

Our clients are requesting the approval of a Rezoning Petition for the property located at Northeast corner of South Bend Avenue and Corby Boulevard, South Bend, Indiana.

This requested Rezoning would allow for the approval of a proposed new Four (4) Story Mixed Use Building which will contain professional office space and on the top floor residential units. This property is located at the Southern edge to the Eddy Street Commons development area.

Our clients believe the proposed project development as proposed would be a compatible use in the surrounding mixed-use neighborhood.

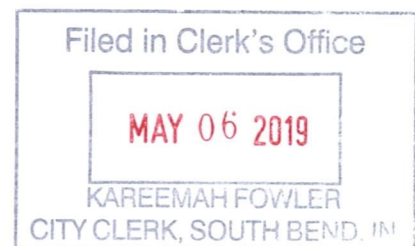
If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch

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

File No. 190105 "C" Md



PRELIMINARY SITE PLAN

PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

SURVEYED LEGAL DESCRIPTION:

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING A PART OF LOTS 1-4 OF THE RECORDED PLAT OF PORTAGE LAND CO'S SUBDIVISION OF LOT NO. 5 IN M.E. LISTENBURGER'S FIRST ADDITION TO SOUTH BEND, AND A PART OF LOTS 10-13 OF THE RECORDED PLAT OF BERGAN'S REPLAT OF LOT'S 1-3 & LISTENBURGER'S 1ST ADDITION, AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT 3 OF SAID PORTAGE LAND CO. SUBDIVISION; THENCE SOUTH 00°38'57" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF A 14 FOOT PUBLIC ALLEY, 308.60 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CORBY STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF CORBY STREET FOR THE NEXT THREE (3) COURSES, NORTH 55°44'39" WEST, 60.95 FEET; THENCE NORTH 55°27'29" WEST, 140.56 FEET; THENCE NORTH 13°13'55" WEST, 10.97 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE (STATE ROAD 23); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE FOR THE NEXT FOUR (4) COURSES, WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 175.95 FEET, WITH A RADIUS OF 1400.00 FEET, WITH A CHORD BEARING OF NORTH 41°11'39" EAST, WITH A CHORD LENGTH OF 175.83 FEET, AND NORTH 00°38'28" WEST, 16.94 FEET; AND NORTH 46°08'54" EAST, 49.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HOWARD STREET; THENCE NORTH 89°21'26" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 13.67 FEET TO THE POINT OF BEGINNING.

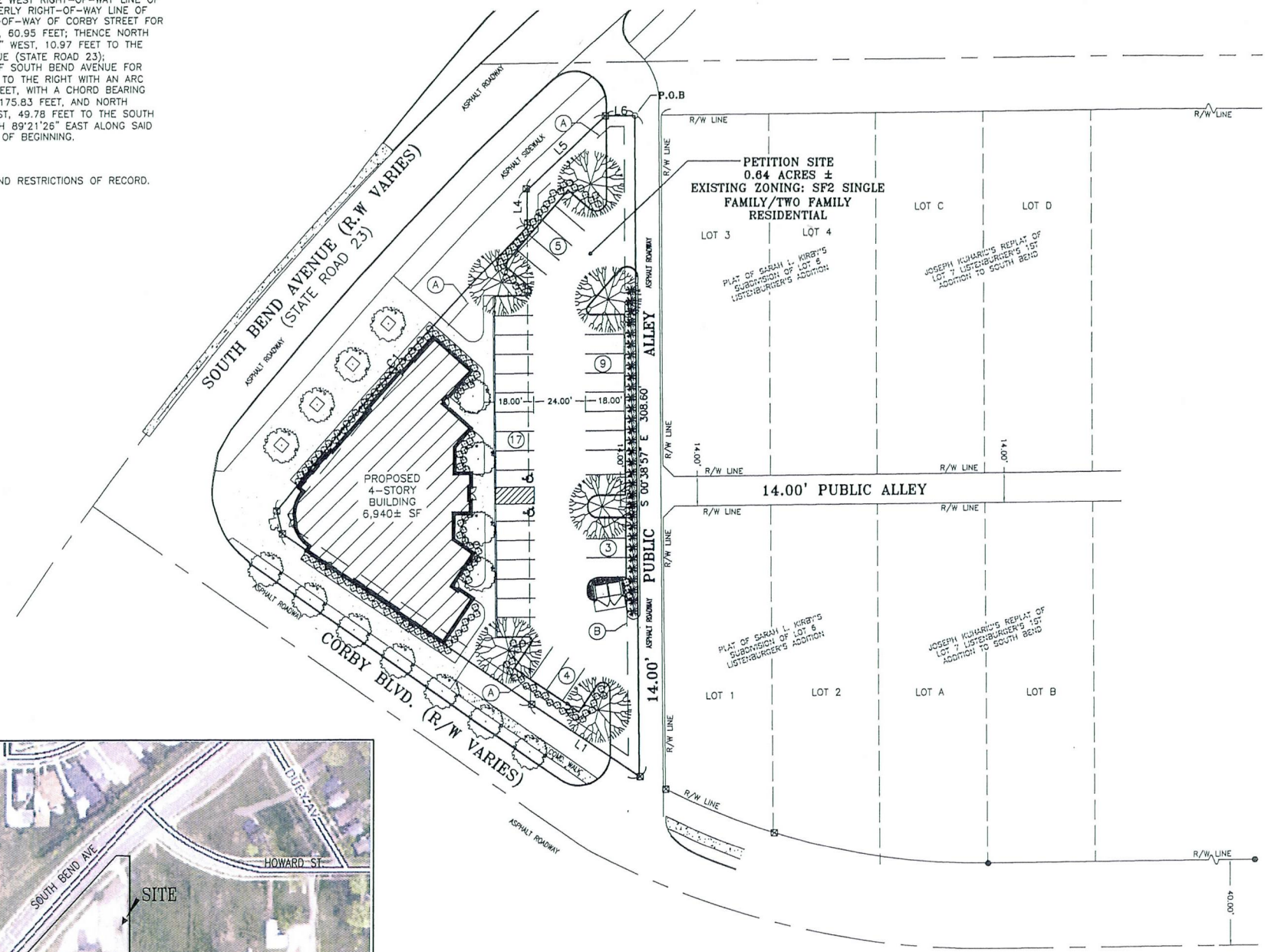
CONTAINING 0.64 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS' EASEMENTS, AND RESTRICTIONS OF RECORD.



Filed in Clerk's Office
MAY 06 2019
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND IN

-FILED-
 MAY 06 2019
 AREA PLAN COMMISSION
 Application # 2899-19



TABULATED SITE DATA:

- SITE ACREAGE..... 0.64± ACRES
- PROPOSED LAND USE: 4-STORY PROFESSIONAL OFFICE/RESIDENTIAL
 PROPOSED PROFESSIONAL OFFICES: STORIES 1-3
 PROPOSED RESIDENTIAL: 4TH STORY (2 RESIDENTIAL UNITS)
 CURRENT USE: VACANT/PARKING
- PROPOSED LAND COVERAGE:

	SQ. FT.	% OF SITE
A). BUILDINGS.....	6,940	24.80
B). ASPHALT PAVEMENT.....	13,400	48.14
C). CONCRETE WALKS.....	1,510	5.43
D). OPEN SPACE.....	5,983	21.63
TOTAL	27,833	100.00
- PARKING DATA:
 - TOTAL NUMBER OF SPACES REQUIRED.....(0) SPACES
 - TOTAL NUMBER OF SPACES PROVIDED.....(38) SPACES
- ALL SURFACE DRAINAGE IS TO BE HANDLED BY ON-SITE DRAINAGE SYSTEM SIZED PER CITY OF SOUTH BEND, INDIANA, ENGINEERING STANDARDS.
- THE PROPERTY IS TO BE SERVED BY PUBLIC WATER & SEWER SYSTEM.
- BUILDING HEIGHT IS 63-FT (4-STORY)

REQUESTED REZONING:

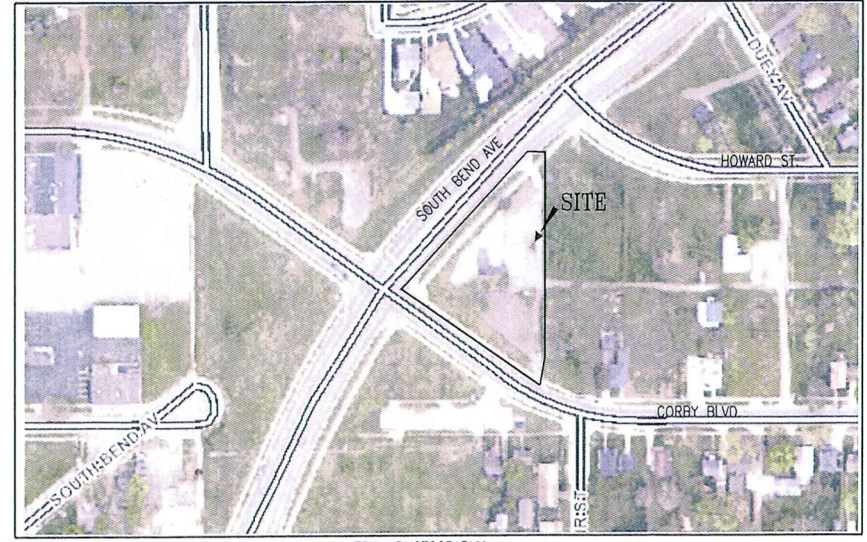
- TO REZONE FROM SF2 SINGLE-FAMILY RESIDENTIAL/TWO FAMILY RESIDENTIAL TO MU MIXED USE DISTRICT

REQUIRED VARIANCES FROM THE MU RESIDENTIAL DISTRICT:

- FROM MAXIMUM BUILDING HEIGHT OF 40 FEET AND THREE (3) STORIES TO 63 FEET AND FOUR (4) STORIES.
- FROM THE REQUIRED PERIMETER LANDSCAPING TO PROPOSED LANDSCAPING SHOWN ALONG PUBLIC STREETS AND PUBLIC ALLEY.

REQUIRED VARIANCES FROM NORTHEAST NEIGHBORHOOD OVERLAY ZONING DISTRICT:

- FROM THE NNZO DISTRICT MAXIMUM BUILDING HEIGHT OF 60 FEET TO 63 FEET.
- FROM THE NNZO DISTRICT TO ALLOW PARKING 5 FEET FROM THE ADJACENT PUBLIC STREETS.
- FROM THE NNZO DISTRICT 15 FT. SETBACK OF PARKING FROM BUILDING TO A MINIMUM OF 9 FEET.
- FROM THE NNZO DISTRICT MAXIMUM 5 FT. BUILDING SETBACK TO 12 FEET IF REQUIRED FOR UTILITY PLACEMENT.

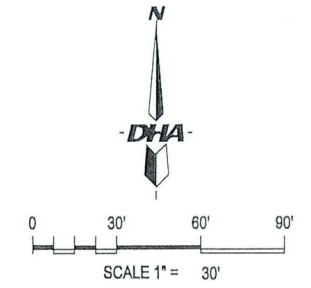


SETBACK KEY LEGEND

- (A) 5' FRONT-YARD SETBACK
- (B) 5' REAR-YARD SETBACK

LINE	BEARING	DISTANCE
L1	N 55°44'39" W	60.95
L2	N 55°27'29" W	140.56
L3	N 13°13'55" W	10.97
L4	N 00°38'28" W	16.94
L5	N 46°08'54" E	49.78
L6	N 89°21'26" E	13.67

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1400.00'	175.95'	175.83'	N 41°11'39" E



SURVEYORS & ENGINEERS:
 DANCH, HARNER & ASSOCIATES, INC.
 1643 COMMERCE DRIVE
 SOUTH BEND, IN. 46628
 (574) 234-4003
 ATTN: MICHAEL DANCH

DATE	DRAWN BY:	REVISIONS	
5-3-19	GGS	DATE	BY
SCALE	CHECKED BY:		
1" = 30'	MJD		
FILE #	PROJ. MANAGR:		
190105	MJD		

Danch, Harner & Associates, Inc.
 Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners
 Office: (574)234-4003 / (800)204-4003 • Fax: (574)234-4117
 1643 Commerce Drive • South Bend, IN 46628

SHEET
1 OF
1



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

June 19, 2019

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

RE: Bill #12-19
Rezoning: APC#2899-19 Northeast Corner of Corby Boulevard and South Bend Avenue

Dear Council Members:

The Area Plan Commission held a public hearing on June 18th, 2019 for the above referenced petition. This petition is set for public hearing before the Common Council on Monday, June 24th, 2019.

Ordinance & Petition Amendments:

No changes.

Public Hearing Summary:

There were three people who spoke in favor of the petition. Mo Miller was the treasurer for the Triangle HOA. She spoke for the residents saying they were in favor of the development. Pat Matthews spoke that he believed that this is an appropriate development for the busy intersection. Tim Corcoran spoke in favor of the rezoning and read DCI's recommendations in to the record.

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 be 'Jordan Wyatt', written over a light blue horizontal line.

Jordan Wyatt
Planner

CC: Bob Palmer

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



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, June 19, 2019

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

RE: A proposed ordinance of Five Corners LLC to zone from SF2 Single Family & Two Family District and MU Mixed Use District to MU Mixed Use District, property located at Northeast Corner of Corby Boulevard and South Bend Avenue, City of South Bend – APC# 2899-19.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Five Corners LLC was legally advertised on June 6, 2019 and that the Area Plan Commission at its public hearing on June 18, 2019 took the following action:

Upon a motion by Oliver Davis, being seconded by Daniel H. Brewer and unanimously carried, a proposed ordinance of Five Corners LLC to zone from SF2 Single Family & Two Family District and MU Mixed Use District to MU Mixed Use District, property located at Northeast Corner of Corby Boulevard and South Bend Avenue, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this site will allow for the reutilization of a high-visibility corner for a dense commercial development that will meet the needs of the surrounding community.

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

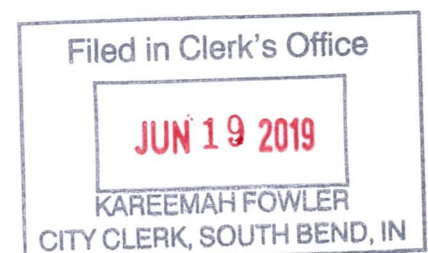
Sincerely,

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

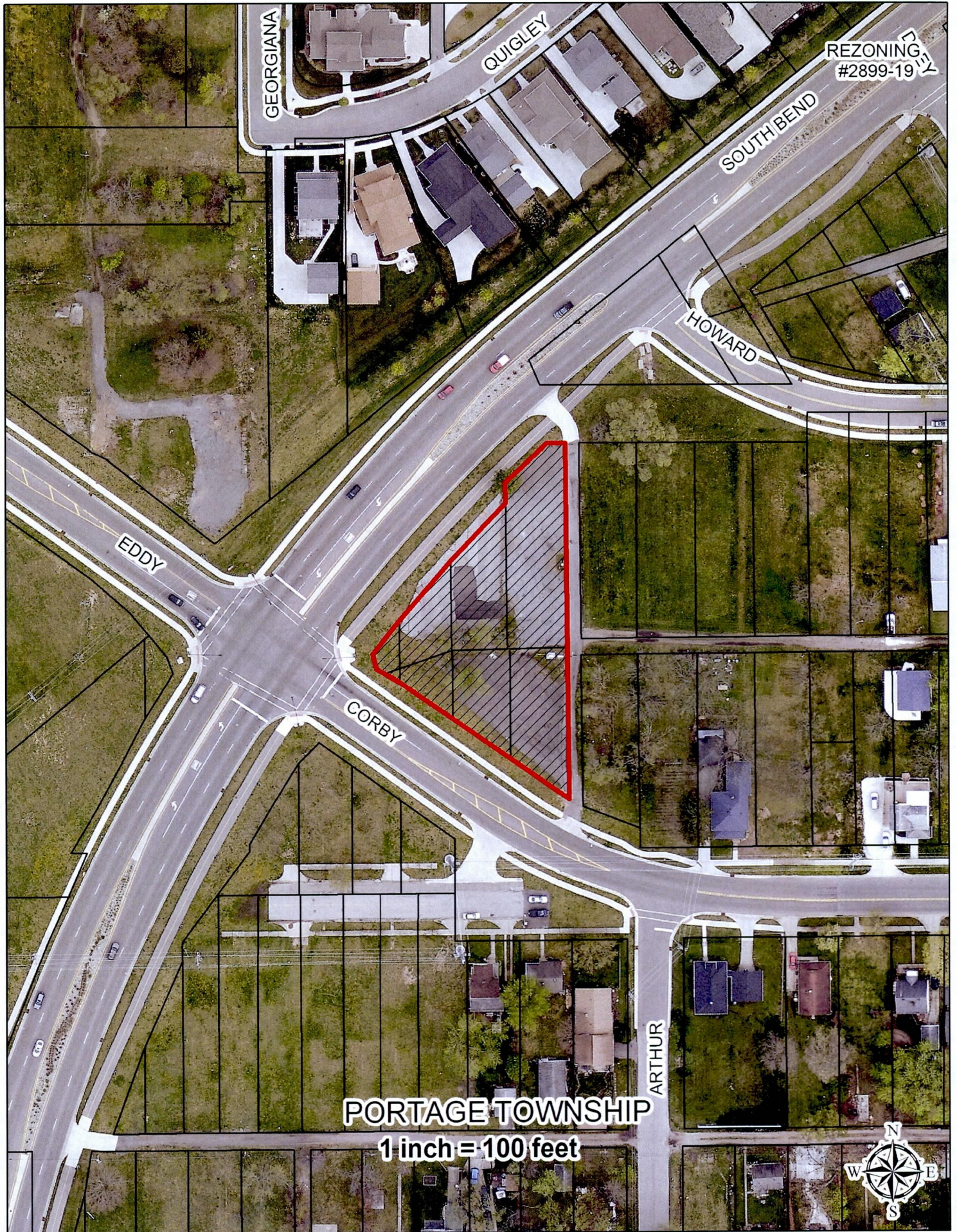
Lawrence P. Magliozzi

Attachment

CC: Five Corners LLC

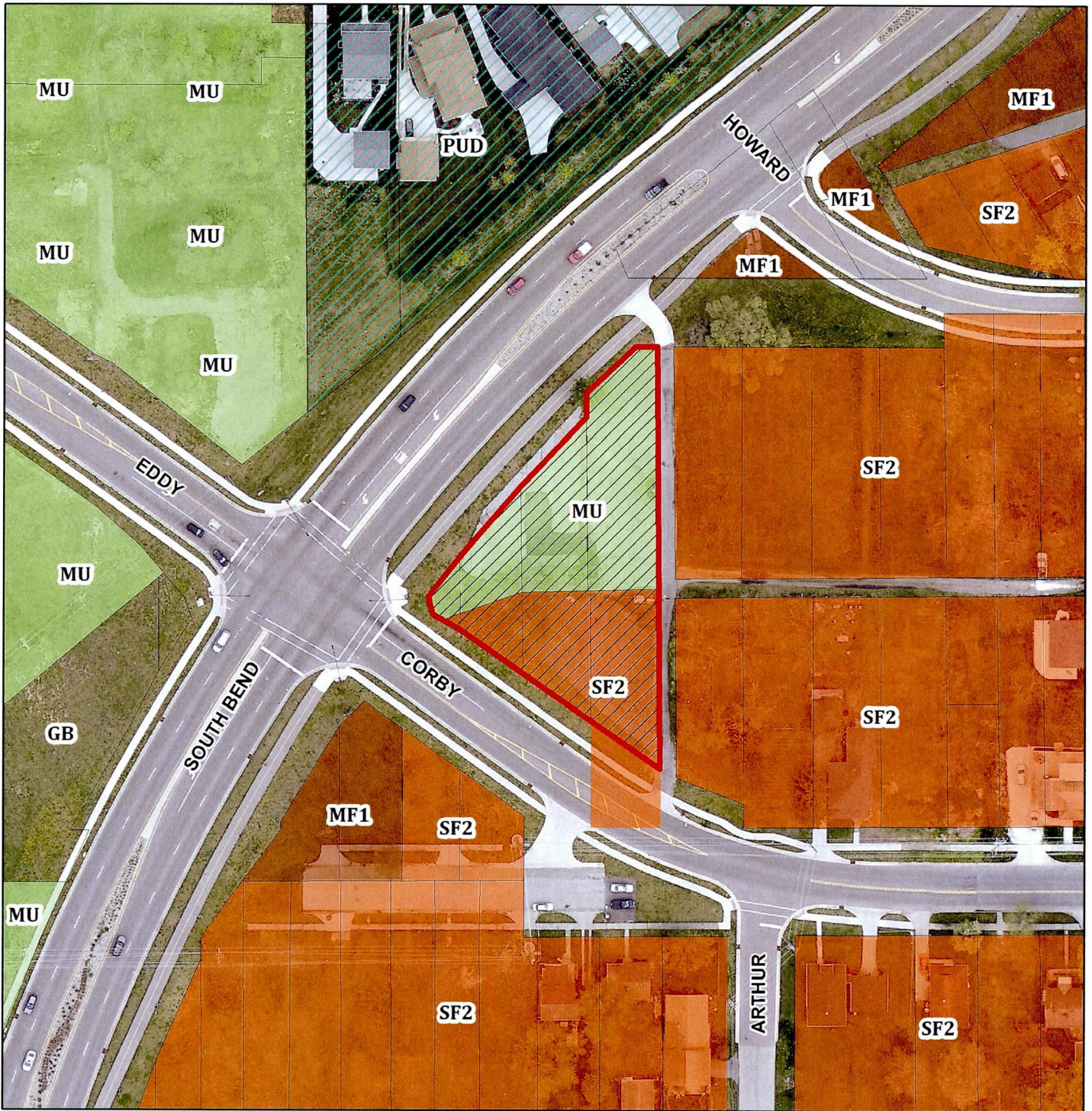


REZONING
#2899-19







PORTAGE TOWNSHIP
1 inch = 100 feet

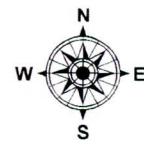




Rezoning from: SOUTH BEND SF2 SINGLE FAMILY & TWO FAMILY DISTRICT AND MU MIXED USE DISTRICT TO MU MIXED USE DISTRICT

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT
-  SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "PUD" PLANNED UNIT DEVELOPMENT



1 inch = 100 feet

APC # 2899-19

Staff Report

6/12/2019

APC # 2899-19
Owner: Five Corners LLC
Location: Northeast Corner of Corby Boulevard and South Bend Avenue
Jurisdiction: City of South Bend
Public Hearing Date: 6/18/2019

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District and MU Mixed Use District to MU Mixed Use District

Land Uses and Zoning:

On site: On site is vacant property.
North: To the north, across South Bend Avenue, are single-family homes zoned PUD Planned Unit Development.
East: To the east is vacant land and single-family homes zoned SF2 Single Family & Two Family District.
South: To the south, across Corby Boulevard are single-family homes zoned SF2 Single Family & Two Family District.
West: To the west, across South Bend Avenue, is vacant land zoned MU Mixed Use District and GB General Business District.

District Uses and Development Standards:

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

Site Plan Description:

The site plan shows the placement of a new mixed-use building with three floors of office space and the top floor being residential. Parking is placed behind the front façade of the building and connects with the existing alley. A new plaza area will be constructed at the corner that integrates the existing trail. Future development will need to meet the development standards of the MU Mixed Use District.

Zoning and Land Use History And Trends:

The single-family homes to the north across South Bend Avenue were rezoned to PUD in 2011. Northwest across South Bend Avenue was rezoned to MU Mixed Use District for Eddy Street Phase 2 in 2016.

Traffic and Transportation Considerations:

South Bend Avenue is four lanes with left turn lanes. A multimodal path is located directly adjacent on the north side of the property. Corby Boulevard is two lanes with a

left turn lane.

Utilities:

The site is served by municipal water and sewer.

Agency Comments:

City Engineering offered favorably of the rezoning. They stated that an easement for a water main will be needed along South Bend Avenue. The Department of Community investment offers a favorable recommendation on the zoning change, but does not support the increase in building height.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

This petition is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future; and Objective ED 7: Support neighborhood-based economic development.

Land Use Plan:

The Future Land Use Plan identifies the site for mixed-use and medium-density residential.

Plan Implementation/Other Plans:

The Northeast Neighborhood Development Area Plan (2003) identifies this site for mixed-use development.

2. Current Conditions and Character:

South Bend Avenue is major corridor with a mix of residential and commercial uses. This area has developed primarily as single- and multi-family residential uses, with commercial uses located to the west across South Bend Avenue.

3. Most Desirable Use:

The most desirable use for the property is one that activates this community node and features a mix of uses to meet the needs of the surrounding properties.

4. Conservation of Property Values:

With proper landscaping, developing a currently vacant site for office and residential uses should not adversely affect adjacent property values.

5. Responsible Development And Growth:

It is responsible development and growth to locate dense, mixed-use buildings at major intersections and corridors.

Combined Public Hearing

This is a combined public hearing procedure. The rezoning will be sent to the Common Council with or without a recommendation. The variances will be approved or denied.

The petitioner is seeking the following variance(s):

- 1) from the maximum allowed building height of 40 feet and 3 stories to 63 feet and 4 stories
- 2) from the NNZO maximum allowed building height of 60' to 63'
- 3) from the required landscaping to the proposed landscaping shown;
- 4) from the NNZO minimum parking setback from building facades of 15' to 9'

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

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

Approving variances 3 and 4 will not be injurious to the public health, safety, morals and general welfare of the community. Approving variances 1 and 2 may impact the general welfare of the surrounding community by establishing a denser urban environment than what currently exists.

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

By placing proper landscaping adjacent property should not adversely be affected by approving variances 3 and 4. By approving variance 1 and 2, the use and value of the adjacent area is at risk since no other development in the area is at the proposed height.

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

Not approving variances 3 and 4 would cause practical difficulties due to the triangular configuration of the site and being bordered on all sides by two streets and an alley. There is no practical difficulty on the site that would cause an increase in the height of the building.

Staff Comments:

The staff is unsure of what the hardship is of meeting the required building height.

Recommendation:

Based on information available prior to the public hearing, the staff recommends sending this rezoning petition to the Common Council with a favorable recommendation. The staff recommends denial of variances 1 and 2.

Analysis:

Rezoning this site will allow for the reutilization of a high-visibility corner for a dense commercial development that will meet the needs of the surrounding community.



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

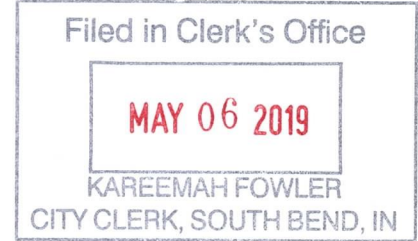
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

May 6, 2019

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



RE: 3102 Mishawaka Avenue
APC# 2896-19

Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your May 13th, 2019 Council meeting, and set it for public hearing at your June 24th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the June 18th, 2019 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.

The petitioner provided the following narrative to describe the proposed project:

The rezone is being requested to remodel a duplex that was nonconforming.

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

Sincerely,

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 13-19

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF CORBY BOULEVARD AND SOUTH BEND AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from MU Mixed Use District and SF2 Single Family & Two Family District to MU Mixed Use District..

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

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

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING A PART OF LOTS 1-4 OF THE RECORDED PLAT OF PORTAGE LAND CO'S SUBDIVISION OF LOT NO. 5 IN ME. LISTENBURGER'S FIRST ADDITION TO SOUTH BEND, AND A PART OF LOTS 10-13 OF THE RECORDED PLAT OF BERGAN'S REP LAT OF LOT'S 1-3 & 4 LISTENBURGER'S 1ST ADDITION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF SAID PORTAGE LAND CO. SUBDIVISION; THENCE SOUTH 00°38'57" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF A 14 FOOT PUBLIC ALLEY 308.60 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CORBY STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF CORBY STREET FOR THE NEXT THREE (3) COURSES, NORTH 55°44'39" WEST 60.95 FEET; THENCE NORTH 55°27'29" WEST 140.56 FEET; THENCE NORTH 13°13'55" WEST 10.97 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE (STATE ROAD 23); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE FOR THE NEXT FOUR (4) COURSES, WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 175.95 FEET, WITH A RADIUS OF 1400. 00 FEET, WITH A CHORD BEARING OF NORTH 41°11 '39" EAST, WITH A CHORD LENGTH OF 175.83 FEET, AND NORTH 00°38'28" WEST 16.94 FEET, AND

NORTH 46°08'54" EAST 49.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HOWARD STREET, · THENCE NORTH 89°21'26" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 13.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.64 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS' EASEMENTS, AND RESTRICTIONS OF RECORD.

be and the same is hereby established as MU Mixed Use 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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

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

Address(es) - if none, give the general location with the nearest intersection
3102 / 3102 1/2 Mishawaka Avenue, South Bend IN 46615

2) The property Tax Key Number(s) is/are: Enter property tax key number(s)

018-6057-1927

3) Legal Descriptions: Enter full legal description

APN / Parcel ID: 71-09-17-203-001-000-026
Lot numbered One (1) as shown on the recorded plat of Fordham, an addition to the town of River Park, now within and a part of the city of South Bend, recorded June 20, 1899 in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 7, Page 41, situated St. Joseph County, Indiana.

4) Total Site Area: Enter total acres to be rezoned

.13 acres

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

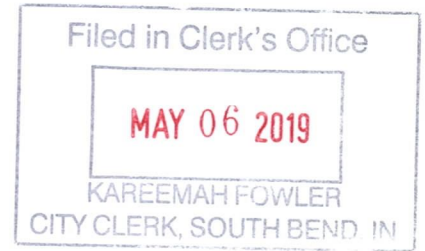
Name: Xaris Properties LLC
Address: 1628 Fortage Avenue
City, State Zip Code: South Bend IN 46616
Phone number with Area Code: 574 386-8501
E-Mail Address: dsunvez@nd.edu

Name and address of additional property owners, if applicable:

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

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

Name and address of additional property owners, if applicable:



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

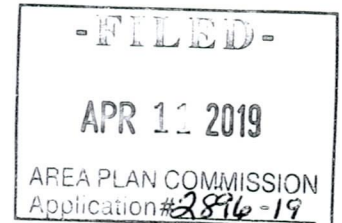
From: Choose current zoning district Additional zoning district, if applicable CF Office Buffer

To: Choose proposed zoning district MU

8) This rezoning is requested to allow the following use(s): Insert intended use(s) 2 family dwellings

9) Provide a brief and descriptive narrative of the proposed project:

Insert narrative legalize 2 family dwelling



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*

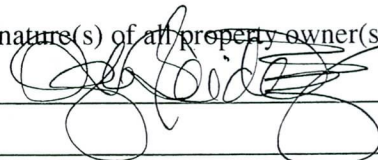
* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

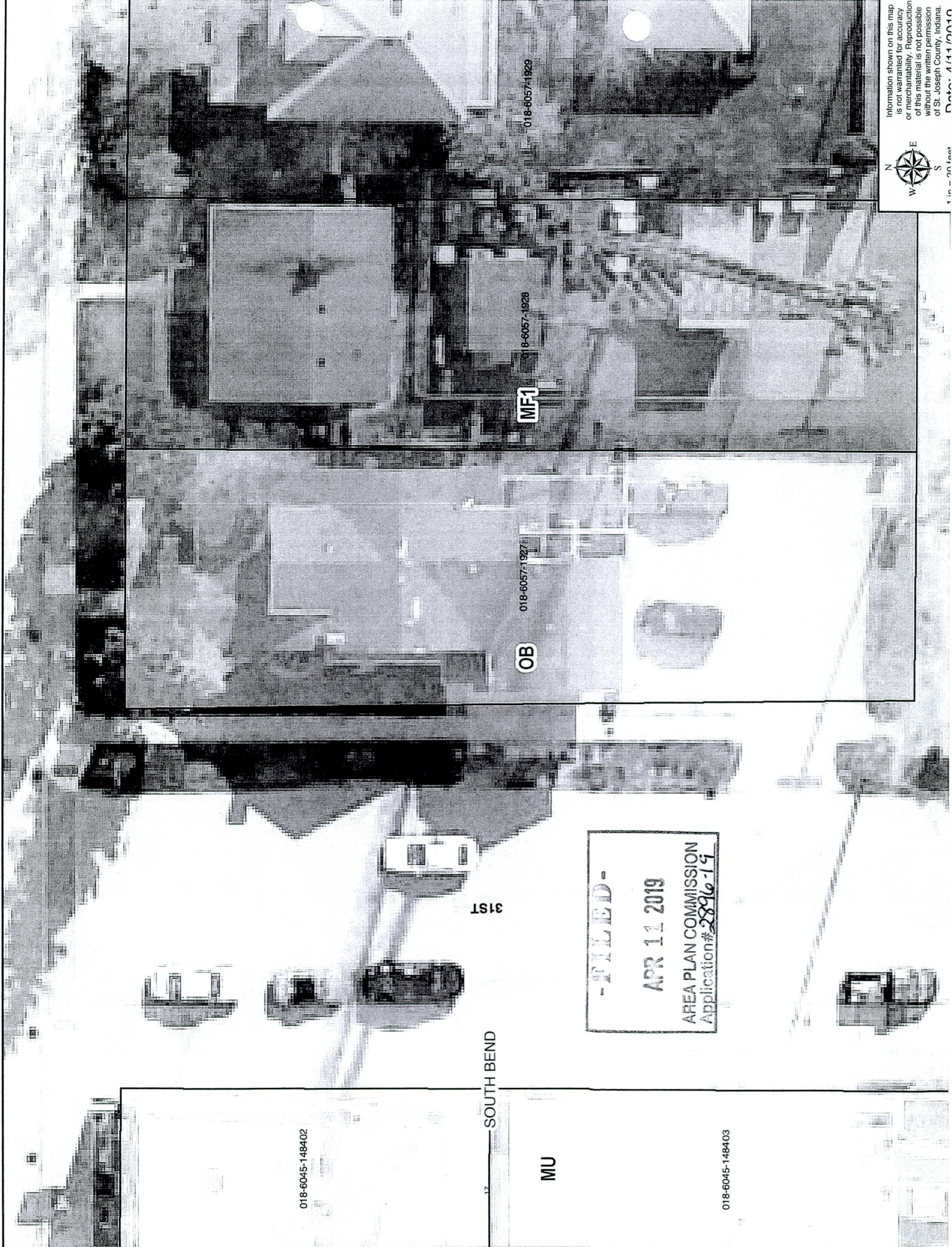
Name	Dayle Nunez
Address	1628 Portale Avenue
City, State Zip Code	South Bend IN 46616
Phone number with Area Code	574 386-8591
E-Mail Address	dsnunez@nd.edu

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):



- FILED -
 APR 11 2019
 AREA PLAN COMMISSION
 Application # 2876-19



018-6045-148402

SOUTH BEND

MU

018-6045-148403

31ST

-FILED-
APR 11 2019
AREA PLAN COMMISSION
Application # 2896-19

OB

018-6057-1927

MF1

018-6057-1928

018-6057-1929



1 in = 20 feet

Information shown on this map is not warranted for accuracy or merchantability. Reproduction of this material is not possible without the written permission of St. Joseph County, Indiana.
Date: 4/11/2019



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

June 19, 2019

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

RE: Bill #13-19
Rezoning: APC#2896-19 3102 Mishawaka Avenue

Dear Council Members:

The Area Plan Commission held a public hearing on June 18th, 2019 for the above referenced petition. This petition is set for public hearing before the Common Council on Monday, June 24th, 2019.

Ordinance & Petition Amendments:

The site plan was changed and is attached.

Public Hearing Summary:

There was no one to speak in favor or against the 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 be 'Jordan Wyatt', written over a horizontal line.

Jordan Wyatt
Planner

CC: Bob Palmer



LAWRENCE P. MAGLIOZZI
EXECUTIVE 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, June 19, 2019

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

RE: A proposed ordinance of Xaris Properties, LLC to zone from OB Office Buffer District to MU Mixed Use District, property located at 3102 Mishawaka Avenue, City of South Bend - APC# 2896-19.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Xaris Properties, LLC was legally advertised on June 6, 2019 and that the Area Plan Commission at its public hearing on June 18, 2019 took the following action:

Upon a motion by John R. McNamara, being seconded by Oliver J. Davis and unanimously carried, a proposed ordinance of Xaris Properties, LLC to zone from OB Office Buffer District to MU Mixed Use District, property located at 3102 Mishawaka Avenue, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this site to MU Mixed Use District is consistent with the Mishawaka Avenue Corridor and will allow for residential development consistent with the neighboring properties.

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, appearing to read 'Lawrence P. Magliozzi', written over a horizontal line.

Lawrence P. Magliozzi

CC: Xaris Properties, LLC

REZONING
#2896-19

31ST

MISHAWAKA

32ND

VINE






PORTAGE TOWNSHIP
1 inch = 100 feet

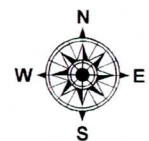




**Rezoning from: SOUTH BEND OB OFFICE BUFFER DISTRICT TO
MU MIXED USE DISTRICT**

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT
-  SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
-  SOUTH BEND "OB" OFFICE BUFFER DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "LB" LOCAL BUSINESS DISTRICT



1 inch = 100 feet

APC # 2896-19

Staff Report

6/12/2019

APC # 2896-19
Owner: Xaris Properties, LLC
Location: 3102 Mishawaka Avenue
Jurisdiction: City of South Bend
Public Hearing Date: 6/18/2019

Requested Action:

The petitioner is requesting a zone change from OB Office Buffer District to MU Mixed Use District.

Land Uses and Zoning:

- On site: On site is a single-family home with a parking area located on the south side of the property.
- North: To the north, across Mishawaka Avenue, are business zoned MU Mixed Use District.
- East: To the east are homes zoned MF1 Urban Corridor Multifamily District.
- South: To the south are single-family homes zoned SF2 Single Family & Two Family District.
- West: To the west, across 31st Street, is are businesses zoned MU Mixed Use District.

District Uses and Development Standards:

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

Site Plan Description:

The site plan shows the existing home, which will be used as a two-family dwelling, and parking to remain. The proper landscaping will be added on the west side of the property. Bumpers will be installed along the west edge of the parking lot to separate the sidewalk from the parking area.

Zoning and Land Use History And Trends:

Mishawaka Avenue has consistently been developed as a mixed-use corridor.

Traffic and Transportation Considerations:

Mishawaka Avenue is two lanes, with bike lanes and on-street parking. 31st Street, which the site will be accessed from, is two lanes with on-street parking.

Utilities:

The site is on municipal water and sewer.

Agency Comments:

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

This petition is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future; and Objective ED 7: Support neighborhood-based economic development.

Land Use Plan:

The Future Land Use Plan identifies the site for commercial uses.

Plan Implementation/Other Plans:

The site is located within the boundaries of the River Park Neighborhood Preservation Plan (1997), but there is no specific mention of the property in the plan. The plan calls for the overall beautification of the Mishawaka Avenue Corridor.

2. Current Conditions and Character:

Mishawaka Avenue features a mix of residential and neighborhood-based businesses that addresses the needs of the surrounding community.

3. Most Desirable Use:

The most desirable use for the property is residential or mixed-use that is compatible with the surrounding properties.

4. Conservation of Property Values:

Locating a residential use should not adversely affect the property values of the adjacent properties. Any potential commercial development in the future will need to meet the appropriate development standards and is consistent with the Mishawaka Avenue Corridor.

5. Responsible Development And Growth:

It is responsible development and growth to zone for mixed-use development along a historically mixed-use corridor.

Staff Comments:

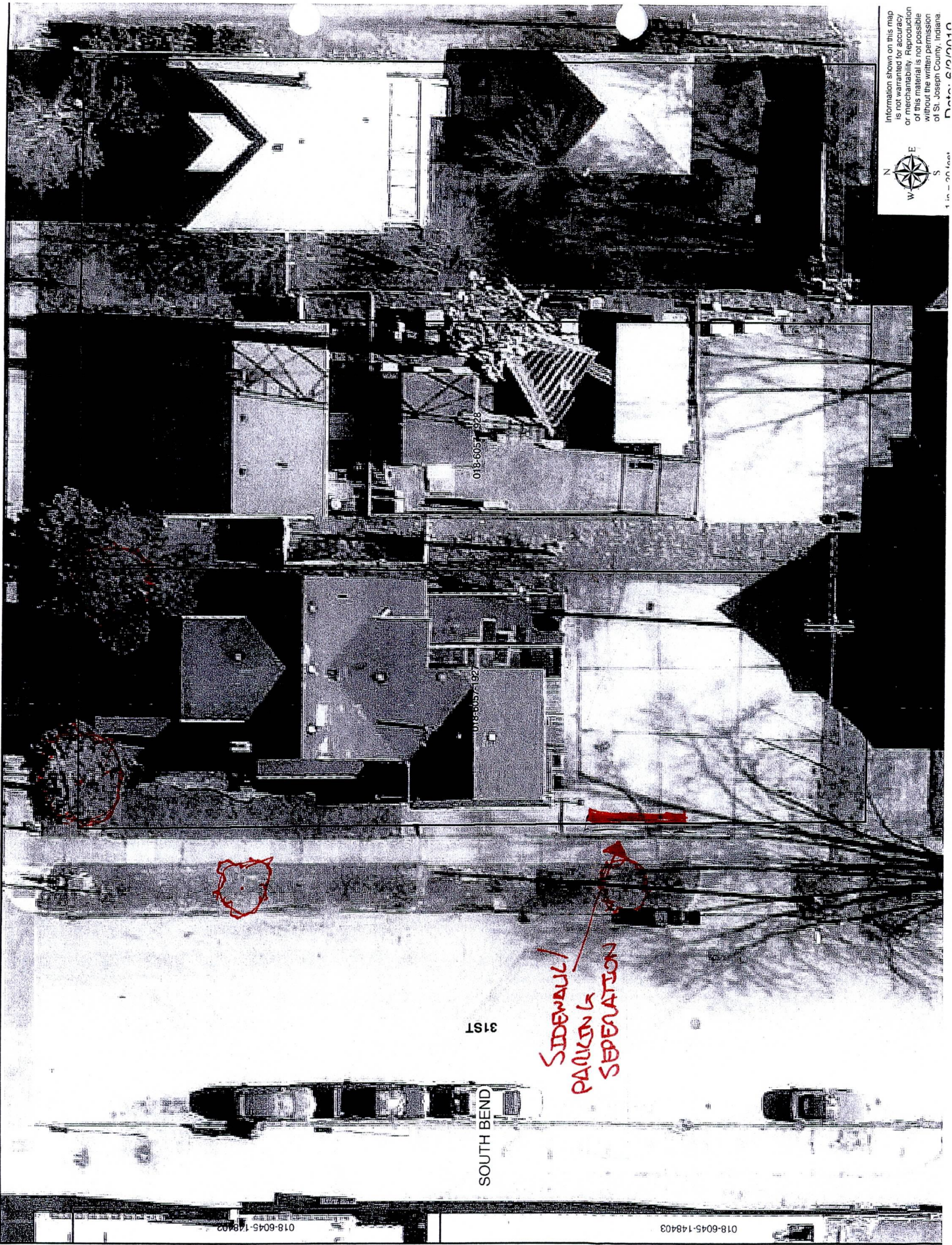
The staff has no additional comments at this time.

Recommendation:

Based on information available prior to the public hearing, the staff recommends sending this variance to the Common Council with a favorable recommendation.

Analysis:

Rezoning this site to MU Mixed Use District is consistent with the Mishawaka Avenue Corridor and will allow for residential development consistent with the neighboring properties.



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31ST

SOUTH BEND

SIDEWALK /
PARKING
SEPERATION

018-6045-148403

018-6045-148402

018-6057-192

018-6057-228



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

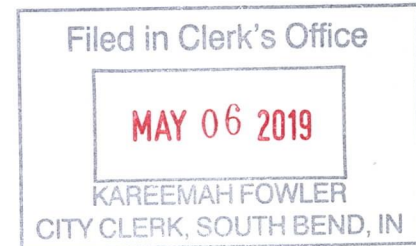
Angela M. Smith
Deputy Director

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

May 6, 2019

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

RE: SF3 Zoning Ordinance Amendment
APC# 2897-19



Dear Council Members:

Enclosed is an Ordinance for the proposed Zoning Ordinance Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your May 13th, 2019 Council meeting, and set it for public hearing at your June 24th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the June 18th, 2019 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

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

Jordan Wyatt
Planner

CC: Bob Palmer

SUBSTITUTE NO. 14-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 1 BASIC PROVISIONS, ARTICLE 2 RESIDENTIAL DISTRICTS, ARTICLE 7 GENERAL REGULATIONS, AND ARTICLE 11 DEFINITIONS TO ADD A NEW SF3 RESIDENTIAL FLEX DISTRICT

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. The ordinance does not facilitate development of "missing middle" housing, units on the housing spectrum between detached single-family homes and mid-rise apartment buildings. Such housing can be built at a form and scale that is compatible with single-family neighborhoods, and it offers further housing choice and affordability. This ordinance would allow the construction of a mixture of single-family housing, multifamily housing of up to four units, and accessory dwelling units in walkable neighborhoods.

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 1 Basic Provisions, Section 21-01.02 (a) Establishment of *Districts*, is hereby amended as follows:

- (1) *Districts* – The following *districts* are hereby established for the corporate limits of the City of South Bend, and land within said areas shall be designated on the Official Zone Map by the following symbols:

GENERAL USE DISTRICTS	SYMBOL
Residential Districts	
Single Family and Two Family	SF1
Single Family and Two Family	SF2
Residential Flex	SF3
Multifamily - Urban Corridor	MF1
Multifamily - High Density	MF2
Commercial / Mixed Use Districts	
Office Buffer	OB
Mixed Use	MU
Office	O
Local Business	LB
Community Business	CB
Central Business District	CBD
General Business	GB
Industrial Districts	
Light Industrial	LI
General Industrial	GI
Planned Unit Developments	PUD
Overlay and Special Use Districts	HP, U

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Residential Districts, is hereby amended by adding a new Section 21-02.05 as follows:

Section 21-02.05 SF3 Residential Flex District.

Intent – The SF3 *District* is established to provide for, promote, and maintain the development of diverse housing types in urban neighborhoods located near neighborhood centers in both core and outlying areas of the City. The following are typical characteristics of the SF3 district: primarily for *single family dwellings* and *two family dwellings*, allowing up to four units and the addition of *accessory dwellings* to help meet the demand for affordable, urban living; buildings with modest setbacks and inviting building frontages, primarily of stoops and porches, that create a consistent block face along smaller city blocks; detached garages accessed from an alley; and pedestrian-oriented scale with sidewalks and regularly spaced street trees.

(a) Permitted Uses.

(1) *Primary Uses.*

- (A) One (1) *Single Family Dwelling.*
- (B) One (1) *Two Family Dwelling.* *
- (C) One (1) *Multifamily Dwelling* with no more than four units. *

- (D) One (1) Cottage Court (see Section 21-02.05 (b) (13) for additional *development standards*).
- (E) *Accessory Dwelling* (see Section 21-02.05 (b) (14) for additional *development standards*).
- (F) *Residential Facility for the Developmentally Disabled*.
- (G) *Residential Facility for the Mentally Ill*.
- (H) *Child Care Home* (that is used as the primary residence of the person who operates the *child care home*).
- (I) *Religious Use*.
- (J) *Public Park – Active or Passive*.
- (K) *Private Park – Passive*.
- (L) Schools, Public or Private.

* = Conversions that add one or more *dwelling* units, other than an *accessory dwelling*, to an existing *Single Family Dwelling* or *Two Family Dwelling* shall require a *special exception*.

(2) *Special Exception Uses.*

- (A) Educational Use: Including but not limited to: *Child Care Center*; *Child Care Ministry*; College; Pre-school; Public Library; University.
- (B) Governmental Use: Including but not limited to: Fire Station or Police Station.
- (C) Miscellaneous: Including but not limited to: *Bed & Breakfast*.
- (D) Public Facilities: Including but not limited to: Cemetery – with or without Crematory, Funeral Home, Mausoleum or Mortuary; Community Center; Funeral Home; Mortuary; *Parking Lot – Accessory*; *Private Park – Active*.
- (E) Recreation: Including but not limited to: Swimming Pool - private or public.
- (F) Residential: Including but not limited to: Assisted Living; *Group Home*; Nursing Home.
- (G) Utilities: Including but not limited to: Public Utility Substation; Public Wells; Pumping Station; Sewage Treatment Plant; Telephone Exchange; Water Tower; Water Treatment Plant.

(3) *Accessory Uses* – See Section 21-02.11 (a) – Accessory Uses, Buildings and Structures.

(4) *Temporary Uses* – See Section 21-02.11 (b) – Temporary Uses, Buildings and Structures.

(5) *Home Occupations* – See Section 21-02.11 (c) – Home Occupations.

(b) **Development Standards.**

- (1) Utilities – Connection to public water and public sanitary sewer facilities shall be mandatory for development in this *district*.
- (2) Minimum *Lot Width* – 15 feet. *Access* shall be from either a *public street* or an abutting *alley*; provided, however, if *access* is available from an *alley* which is open to traffic, there shall be no *access* from the *public street*.
- (3) Maximum *Lot Coverage* – 60 percent.
- (4) Minimum *Yards and Building Setbacks*

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

	<u>Minimum</u>	<u>Maximum</u>
<i>Primary Building: Residential Uses</i>	10'	20'
<i>Primary Building: Nonresidential Uses</i>	10'	NA

In elevation view from the *street frontage*, at least sixty-five (65) percent of the length of the *façade(s)* of the *building(s)* facing a *primary street* and fifty (50) percent facing a *secondary street* shall be located at or between the *minimum setback* and the *maximum setback*.

(B) Side – a minimum *side yard* shall be provided along all *side lot lines* as follows:

Primary Building: Residential Uses – 5'
Primary Building: Nonresidential Uses – 20'
Accessory Building – 5'

A side setback is not required between attached dwellings. For the purposes of this regulation, no more than four dwellings, whether on one or more than one *lot*, shall be attached.

(C) Rear – a minimum *rear yard* shall be provided along all *rear lot lines* as follows:

Primary Building – 20'
Accessory Building – 5'

- (5) *Maximum Building Height*
- (A) *Primary Building* – 35', but not to exceed two and one-half (2 ½) stories
 - (B) *Accessory Building* – 18'; provided, however, an *accessory dwelling* may be built to a maximum height of 24' if it is located at least 20' from the *rear lot line* of an abutting *lot*.
- (6) *Landscaping* – See Section 21-07.01 – Landscape Regulations.
- (7) *Lighting* – See Section 21-07.02 – Lighting Regulations.
- (8) *Signs* – See Section 21-07.03 – Sign Regulations.
- (9) *Parking* – *Off-street parking areas* shall not be required for any *use* located in the *SF3 District*. Any *off-street parking areas* which are provided, even if not required, shall be developed in compliance with the design and construction standards set forth in Section 21-07.04 – Off-Street Parking Regulations.
- (10) *Loading* – See Section 21-07.05 – Off-Street Loading Regulations.
- (11) *Greenway Connection Required* – If a development abuts any portion of a *greenway*, a direct linkage from the development to such *greenway* shall be provided.
- (12) *Orientation*.
- (A) The main entrance must be located on the *front* or *side façade* and be visible from the *street*. Additional entrances may be located on any *façade*.
 - (B) A *walkway* shall connect the *sidewalk* to the main entrance.
- (13) *Development Standards for Cottage Courts* – More than one *single family dwelling* may be located on a *lot* when such *dwellings* are developed as a cottage court having no more than four primary *dwellings*. The *Zoning Administrator* shall determine whether a *project* qualifies as a cottage court.

- (14) *Development Standards for Accessory Dwellings.*
- (A) The owner(s) of the lot upon which the *accessory dwelling* is located shall occupy at least one of the *dwellings* on the premises.
 - (B) Only one *accessory dwelling* is allowed per lot.
 - (C) The living area of an *accessory dwelling* shall be no more than 75% of the living area of the primary *dwelling* unit or 800 square feet, whichever is less.
 - (D) An attached *accessory dwelling* shall be set back at least 20 feet from the *front façade* of the primary *building* and must meet all required side and rear *setbacks* for a primary *building*.
 - (E) A detached *accessory dwelling* shall be located behind the *rear façade* of the primary *building*, shall be separated from other buildings by at least 10', and shall meet all required *setbacks* for an *accessory building*.
 - (F) A detached *accessory dwelling* shall not be taller in feet than the primary *building* on the *lot* and must meet all accessory height requirements.
 - (G) A detached *accessory dwelling* shall not be wider than 36 feet.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 General Regulations, Section 21-07.01 (b) Landscaping of Required Perimeter Yards and Residential Bufferyards, is hereby amended as follows:

TABLE 21-07.01 – A: RESIDENTIAL BUFFERYARD LANDSCAPING

Zoning of Adjacent Property	Zoning of Subject Property										
	SE / U ⁽¹⁾	OB	MU	O	LB	CB	CBD	GB	LI	GI	PUD
SF1 ⁽⁴⁾	B	B	B	B	B	B	B	C	C	C	(2)
SF2 ⁽⁴⁾	B	B	B	B	B	B	B	C	C	C	(2)
<u>SF3</u> ⁽⁴⁾	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>(2)</u>
MF1 ⁽⁴⁾	A	B	B	B	B	B	B	C	C	C	(2)
MF2 ⁽⁴⁾	A	B	B	B	B	B	B	C	C	C	(2)
PUD ⁽³⁾	B	B	B	B	B	B	B	C	C	C	(2)

- (3) Landscaping of Required *Residential Bufferyards* for permitted non-residential uses in the SF1 Single and Two Family Residential Districts, SF2 Single and Two Family Residential District, SF3 Residential Flex District, MF1 Urban Corridor Multifamily District and MF2 High Density Multifamily District.

Landscaping required in any portion of a *front residential bufferyard*, *side residential bufferyard* or *rear residential bufferyard* which is not occupied by *improvements* permitted in sub-Section “Use of Minimum Yards and Residential Bufferyards” in the applicable district, shall consist of Type A: Open. (Ord. No. 9653-06)

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 General Regulations, Section 21-07.03 (c) On-Premise Signs, is hereby amended as follows:

- (c) **On-Premise Signs: SF1, SF2, SF3, MF1 and MF2 Districts**

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

Dwelling, Accessory: A *dwelling unit* ~~which that~~ is subordinate and incidental to ~~the primary use of a primary building on the same lot for a single family dwelling.~~ An accessory dwelling may be detached or attached to the primary building.

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

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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

June 19, 2019

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

RE: Bill #14-19
Rezoning: APC#2897-19 SF3 District

Dear Council Members:

The Area Plan Commission held a public hearing on June 18th, 2019 for the above referenced petition. This petition is set for public hearing before the Common Council on Monday, June 24th, 2019.

Ordinance & Petition Amendments:

The ordinance has changed since the original submittal and the most recent version is attached.

Public Hearing Summary:

There was one person who spoke in favor. Brian McMorrow was speaking in favor for the Home Builders Association. He stated SF3 will allow for more housing options to meet the needs of South Bend.

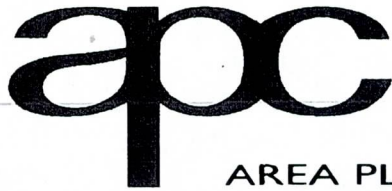
If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

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

Jordan Wyatt
Planner

CC: Bob Palmer



LAWRENCE P. MAGLIOZZI
EXECUTIVE 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, June 19, 2019

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

RE: A Ordinance initiated by the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 1 Basic Provisions, Article 2 Residential Districts, Article 7 General Regulations, and Article 11 Definitions to add a new SF3 Residential Flex District- APC# 2897-19.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Initiated by Common Council was legally advertised on June 6, 2019 and that the Area Plan Commission at its public hearing on June 18, 2019 took the following action:

Upon a motion by Daniel H. Brewer, being seconded by Robert M. Hawley and unanimously carried, a proposed ordinance initiated by Common Council is sent to the Common Council with a FAVORABLE recommendation. This ordinance will permit a mix of housing types built at a form and scale that is compatible with single-family neighborhoods which will further housing choice and affordability.

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



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

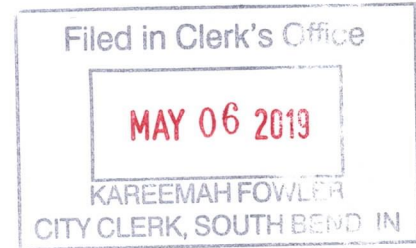
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

May 6, 2019

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



RE: CBD Zoning Ordinance Amendment
APC# 2898-19

Dear Council Members:

Enclosed is an Ordinance for the proposed Zoning Ordinance Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your May 13th, 2019 Council meeting, and set it for public hearing at your June 24th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the June 18th, 2019 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

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

Jordan Wyatt
Planner

CC: Bob Palmer

SUBSTITUTE BILL NO. 15-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE,
ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS
TO REPEAL AND REPLACE SECTION 21-03.06 CBD CENTRAL BUSINESS DISTRICT

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Experience in using the Ordinance's provisions for the CBD Central Business District has shown that development in this district is unable to meet its full potential through efficient use of sites and the incorporation of high quality design that supports a vibrant public realm. This ordinance revises uses and development standards to better support the development of a mixed-use urban core having pedestrian-oriented design.

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

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.06 CBD Central Business District, is hereby deleted and replaced with a new Section 21-03.06 as follows:

Section 21-03.06 CBD Central Business District.

Intent – The CBD Central Business *District* is established to promote the development of the downtown region of the City of South Bend as a high intensity urban center for a multicounty region. The following are typical characteristics of the Central Business District: a mixture of mid-rise and high rise mixed-use developments, including a variety of compatible building types and urban uses; buildings with active building frontages set at or close to the sidewalk; and pedestrian-oriented scale with wide sidewalks, regularly spaced street trees, and amenities that create a walkable environment.

(a) *Permitted Uses.*

(1) *Primary Uses.*

- (A) Clothing Service: Including but not limited to: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental.

- (B) Educational Uses: Including but not limited to: *Child Care Center*; *Child Care Ministry*; *Cottage School*; Public Library; School – Commercial, Trade or Business.
- (C) Food Sales and Service: Including but not limited to: Bakery – Retail; *Bar **; *Cabaret – 21 and Over **; *Cabaret – Family*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; *Manufacturing Retailers*; *Nightclub **; *Restaurant – Fast Food*; *Restaurant – Family*; *Restaurant – Family with Lounge*; *Tavern **; Yogurt Store – Retail.
- (D) Governmental Use: Including but not limited to: Governmental Offices; Post Office – without outdoor parking of delivery vehicles.
- (E) Miscellaneous: Including but not limited to: *Bed & Breakfast*; Bus, taxi, or limousine terminal, without repair; Clinic (medical, dental or optometrists); Conference Center; *Cottage Business / Residential*; Electrical / Electronics Repair; Hospital; *Hotel*; Laboratories; *Mini (Self Storage) Warehouse, Internal Access*; Print Shop; Publishing; Radio / TV Stations (provided any antenna shall comply with the regulations for Communication / Utilities); Video Production Studios.
- (F) Office / Professional Services: Including but not limited to: Architect; Artist; Bank Machines - Walk-up; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate Office; Travel Agency.
- (G) Personal Service: Including but not limited to: Barber Shop; Beauty Shop; Health Spa; Fitness Center.
- (H) Public Facilities: Including but not limited to: Community Center; Funeral Home; Mortuary; Museum; Public or Private *Park – Active or Passive*; *Religious Use*; Commercial Parking Lot; Parking *Garage*.
- (I) Recreation: Including but not limited to: Aerobics Studio; Amusement Arcade ***; Banquet Hall; Billiard Hall ***; Dance Studio; Public Dance Hall ***; Social Hall; Theater – indoor.
- (J) Residential – In CBD Districts Located West of the St. Joseph River: Including but not limited to: *Dwelling Units* or *Shared Housing* – limited to (i) floors above the first floor or (ii) ground floor of the *building* if located behind another ground floor, non-residential *permitted use*; Convalescent Home; Nursing Home; Rest Home.
- (K) Residential – In CBD Districts Located East of the St. Joseph River: Including but not limited to: *Multifamily dwellings*; *Dwelling Units* –

limited to floors above the first or ground floor of the *building*;
Convalescent Home; Nursing Home; Rest Home; *Shared Housing*.

(L) Retail: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Drug Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Liquor Store; Music Store; Newsdealer; Pawnshop *; Shoe Store; Stationery and Book Store; Tobacco Store; Video Store.

(M) Utilities: Including but not limited to: Roof-top Antenna.

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

(2) *Special Exception Uses*.

(A) Automotive Uses: Including but not limited to: Automobile Repair – major; Automobile Repair – minor; Automobile Parts Sales (new); Automobile Sales & Service; Automobile Quick Oil Change Facility; Gasoline Service Station with minor repair (not to exceed two (2) accessory indoor service bays); Gasoline Service Station without repair; Tire and Auto Service Center.

(B) Food Sales & Service: Including but not limited to: *Restaurant – Drive In*; *Restaurant – Drive Through*.

(C) Governmental Use: Including but not limited to: Post Office – with outdoor parking of delivery vehicles.

(D) Miscellaneous: Including but not limited to: Casinos, Approved Hotels and other areas where gambling games are conducted *; Off-Track Pari-mutuel Wagering Facility *.

(E) Office / Professional Services: Including but not limited to: Financial Institution with drive-up or drive-through facilities.

(F) Personal Service: Including but not limited to: Tattoo, Body Piercing, Scarifying and Branding Establishments *.

(G) Recreation: Including but not limited to: Stadium; Arena.

(H) Residential (in CBD Districts located west of the St. Joseph River): *Two Family Dwellings*; *Multifamily Dwellings*; *Group Residence*.

(I) Residential (in CBD Districts located east of the St. Joseph River): *Two Family Dwellings*; *Group Residence*.

- (J) Utilities: Including but not limited to: Electricity Relay Station; Public Utility Substation; Pumping Stations; Water Towers; Any Ground Mount Antenna Installation.

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

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

(b) *Development Standards.*

- (1) *Minimum Project Width and Frontage* - each *project* shall have a minimum *lot width* and *frontage* on a *public street* of 20 feet.
- (2) *Yards and Building Setbacks*:
 - (A) *Front* - a *front yard* and *building setback* measured from the greater of the *proposed right-of-way* or existing *right-of-way* shall be provided as follows:

	<u>Minimum</u>	<u>Maximum</u>
<i>Limited Access Highway</i> :	50'	NA
<i>All Other Streets</i> :	0'	10'

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

- i. For sites containing one *building* – in elevation view from the *street frontage*, at least eighty-five percent (85%) of the length of the *façade* of the *building* facing a *primary street* shall be located at or between the *minimum setback* and the *maximum setback*, and at least fifty percent (50%) of the length of the *façade* of the *building* facing a *secondary street* shall be located at or between the *minimum setback* and the *maximum setback*;
- ii. For sites containing multiple *buildings* – in elevation view from the *street frontage*, at least eighty-five percent (85%) of the visible *façades* of the *buildings* facing a *primary street* shall be located at or between the *minimum setback* and the *maximum setback*, and at least fifty percent (50%) of the visible *façades* of

the *buildings* facing a secondary *street* shall be located at or between the *minimum setback* and the *maximum setback*; and,

iii. *Parking areas* and *interior access drives* shall not be located in front of a line five (5) feet behind the *front building line*. If the *lot* does not have a *building*, *parking areas* and *interior access drives* shall have a *minimum front setback* of ten (10) feet. If a *parking area* or *interior access drive* is located less than fifteen (15) feet from the *front lot line*, it shall be screened by a compact row of shrubs/hedge plants planted three feet on-center (3' o.c.) immediately behind the *front building line*. Shrubs shall be at least twenty-four inches (24") at time of planting.

(B) Minimum *Side Yard* and *Setback* – Zero (0) feet, provided, however, if a *side yard* is provided along a *side lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.

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

i. Minimum *Rear Yard* - zero (0) feet, however, if a *rear yard* is provided along a *rear lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.

ii. *Minimum Rear Residential Bufferyard* – twenty (20) feet when not separated from a ground-floor *residential use* by a *public alley*. If separated from a ground-floor *residential use* by a *public alley*, no *rear residential bufferyard* is required.

(D) Minimum *Yard* and *Setback* from any *lot line* along the St. Joseph River or East Race – Fifteen (15) feet.

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

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

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

- (B) Minimum *Rear Residential Bufferyards* – may include *driveway* connections to adjoining *lots*, or *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*;
 - (C) Minimum *Yards* along the St. Joseph River and East Race – may include *walkways* or other pedestrian way connections to adjoining *lots*; *plazas*; outdoor seating areas; stoops, *patios*, *porches*, and *decks* less than 30” above grade; or, signs as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall be otherwise maintained as *open space* free from *buildings* or *structures*.
- (4) *Building Height.*
- (A) CBD *Districts* Located West of the St. Joseph River:
 - i. Minimum Front Façade Height – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. Maximum *Building Height* – the lesser of one-hundred and fifty (150) feet or twelve (12) stories.
 - (B) CBD *Districts* Located East of the East Race Waterway:
 - i. Minimum Front Façade Height – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. Maximum *Building Height* – the lesser of sixty (60) feet or five (5) stories.
 - (C) CBD *Districts* located in the area bounded by the St. Joseph River and the East Race Waterway:
 - i. Minimum Front Façade Height – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. Maximum *Building Height* – no greater than one hundred fifty (150) feet.
- (5) Landscaping – See Section 21-07.01 – Landscape Regulations.
- (6) Lighting – See Section 21-07.02 – Lighting Regulations.
- (7) *Signs* – See Section 21-07.03 – Sign Regulations.
- (8) Parking – See Section 21-07.04 – Off-Street Parking Regulations.

- (9) Loading – See Section 21-07.05 – Off-Street Loading Regulations.
- (10) *Greenway Connection Required* – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (11) *Outdoor Operations* – All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
- (A) *Outdoor seating for restaurants*, provided that such outdoor seating:
- i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works; and,
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards.
- (B) *Outdoor display* or sales of merchandise:
- i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works;
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards;
 - iii. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;
 - iv. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,
 - v. shall be merchandise normally found within the on-premise business.
- (C) *Walk-up customer service windows* or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the façade of the *building*.

(12) Building Design and Orientation.

(A) Orientation.

- i. Primary *façades* shall be oriented to the *front lot line*. When on a *corner lot*, the primary *façade* shall be oriented to the primary *street*.
- ii. The primary *building* entrance shall be located on the *front façade*.

(B) Articulation and Activation.

- i. *Front façades* greater than fifty (50) feet in width shall provide articulation as follows:
 - a. Vertical articulation, such as bays, columns, pilasters, recessed entries, awnings, or other architectural treatments, is required to visually break up the massing of the *façade* into segments no greater than 25 feet in width.
 - b. Horizontal articulation, such as belt courses, cornice lines, entablatures, friezes, changes in materials or window patterns, recessed entries, awnings or canopies, or other architectural treatments, is required.
- ii. For commercial and mixed-use *buildings*, the minimum *front façade* surface that shall be glazed (window and door surface area) is as follows:
 - a. Ground floor *front façade* surface along a primary *street* – sixty (60) percent;
 - b. Ground floor *front façade* surface along a secondary *street* or civic space – forty (40) percent;
 - c. Upper floor *front façade* surface along a primary *street* – fifteen (15) percent.

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

- iii. Except for civic buildings, the distance between building entries shall not exceed 100'.
- iv. A *walkway* shall connect from the *sidewalk* to the primary entrance.

(C) *Building Materials.*

- i. *Additions to Existing Buildings:* All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing *building*.
- ii. *Exterior Renovations, Major Additions and Accessory Buildings:* Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (iii), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (i), above, for additions to existing *buildings*.
- iii. *New Construction:* In order to create variation and interest in the built environment, all new primary *buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each *front façade*:
 - a. All brick or stone (limestone, granite, etc.), excluding window, display window, door, roofing, fascia and soffit materials, provided that the brick or stone used on each applicable *façade* shall include at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
 - b. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:
 - 1. *Primary Building Material:* The primary *building material* shall be either: brick; stone (limestone, granite, etc.); synthetic equivalents of brick or stone; architectural pre-cast concrete, if the surface looks like brick or stone; traditional lime-based stucco; or fiber cement, and shall constitute a minimum of sixty-six (66) percent of each applicable *façade* excluding glazed surfaces. Exterior insulation and finish system

(E.I.F.S.) or equivalent; vinyl; or standard, fluted, or split face concrete masonry units (CMUs) are prohibited as a primary *building material*.

2. *Secondary Building Material*: The secondary *building material* shall constitute a minimum of ten (10) percent of the *façade* excluding glazed surfaces. Glass curtain wall may qualify as a secondary *building material*.

3. *Architectural Features*: In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each *front façade*.

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

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

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

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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

Zoning Quick Fixes
 Reform to CBD Central Business District Standards
 Last updated June 4, 2019

Ordinance Section (all in Section 21-03.06)		Item	Current Standard	Proposed Standard	Notes
	Intent		Does not mention typical physical characteristics	Adds typical physical characteristics	Illustrates desired characteristics of CBD built environment
(a)(1), (a)(2)	Primary Uses		Manufacturing Retailers is a special exception use	Manufacturing Retailers is a primary use	Allows common and desired use without requiring special exception
(a)(2)	Special Exception Uses		Two Family Dwellings are not permitted	Two Family Dwellings are a special exception use	Allows for possibility of two family dwellings through special exception process
(b)(1)	Minimum Lot Width		30'	20'	Reduces minimum lot width to promote urban character and small-scale development
(b)(2)(A)	Maximum Front Setback		15'	10'	Reduces maximum setback to promote urban character
(b)(2)(A)(i), (ii)	Façade within Setback Zone along a Primary Street		50%	85%	Raises percentage of primary façade that must fall in setback zone to encourage efficient use of land and promote urban character
(b)(2)(A)(iii)	Parking Area Placement		Parking areas shall not be located in front of maximum setback (15')	Parking areas shall be located at least 5' behind front building line (10' minimum setback if no primary structure) and shall be screened by a shrub row	Reduces visual impact of parking areas while allowing fuller use of site
(b)(2)(B)(ii)	Minimum Side Residential Bufferyard		20'	0' (standard eliminated)	Allows fuller use of site consistent with traditional urban development
(b)(2)(C)(ii)	Minimum Rear Residential Bufferyard		20'	20' when not separated from a ground-floor residential uses by an alley; no bufferyard when separated from ground-floor residential uses by an alley	Allows fuller use of site consistent with traditional urban development
New	Minimum Setback along St. Joseph River and East Race		None	15'	Allows setback for views, preservation of river banks, and additional flood safety
(b)(2)(D)	Minimum Yards for Out Lots		Provides standards for out lots	None (subsection eliminated)	Use of out lots is inconsistent with intent for CBD District
(b)(3)(A)(ii)	Plaza Requirements		Requires plaza development in front yards not used for structures	None (plaza requirement eliminated)	Language ineffective in practice and largely redundant to existing landscaping standards
(b)(3)(B)	Minimum Front Residential Bufferyards		Provides standards for minimum front residential bufferyards	None (subsection eliminated)	Ordinance has no provision that creates minimum front residential bufferyard
(b)(3)(C)	Use of Minimum Side and Rear Yards		Provides standards for use of minimum side and rear yards	None (subsection eliminated)	Ordinance does not require minimum side and rear yards in CBD District
(b)(3)(D)	Use of Minimum Side and Rear Residential Bufferyards		Does not allow driveways	Allow driveways that connect to neighboring properties	Allows for private connection to neighboring lots
New	Use of Yards along St. Joseph River and East Race		None	Allows walkways, plazas, outdoor seating areas, stoops, patios, porches, decks, and signs within setback area	Allows uses that activate and interact with river to be within setback
Ordinance Section (all in Section 21-03.06)		Item	Current Standard	Proposed Standard	Notes
(b)(4)(A)(i), (b)(4)(B)(i), (b)(4)(C)(i)	Minimum Front Façade Building Height		28' west of river, 22' east of river	16'	Allows for tall one-story buildings (two-story buildings or one-story buildings with excessive extensions no longer required)

(b)(11)	Outdoor Operations (Restaurant Seating and Merchandise Sales)	Provides permissible locations for outdoor operations; limits operations to only along storefront facade	Provides permissible locations for outdoor operations; provides for ADA accessibility around outdoor operations	Clarifies provision to match intent for location of outdoor operations
(b)(12)(C)	Building Material Regulations	Applies to each facade visible from a public street	Applies to each front facade	Clarifies provision to match intent
(b)(12)(C)(i), (ii)	Building Materials	Building must be all brick or have two or more materials, including brick, stone, concrete looking like brick or stone, or EIFS	Building must be all brick or stone or have two or more materials, including brick, stone, concrete or synthetic materials looking like brick or stone, stucco, or fiber cement	Provides more flexibility with higher quality building materials
New	Building Orientation	None	Primary facades shall be oriented to the front lot line. When on a corner lot, the primary facade shall be oriented to the primary street	Provides for safer and more attractive, comfortable street environment
New	Building Entry Location	None	The primary entrance shall be located on the front facade	Provides for safer and more attractive, comfortable street environment
New	Building Articulation of Front Façade	None	Vertical articulation breaking up massing of facade into segments of no more than 25' is required; horizontal articulation is required	Prevents buildings with an overly flat appearance; provides for more attractive, comfortable street environment
New	Glazing / Windows	None	For commercial and mixed use buildings, a minimum of 60% of the ground floor front facade surface along a primary street and 15% of the upper floor front facade surface area along a primary street shall be glazed (window and door surface area). A minimum of 40% of ground floor front facade surface along a secondary street or civic space shall be glazed (window and door surface area). The ground floor front facade glazing is calculated based on the total facade area between two and eight feet above grade. The upper floor front facade surface area is calculated based on the total surface area located between the elevation of any floor to the elevation of the floor above it or the roof. Windows and doors shall have clear glass and shall open to the interior (not be faux)	Provides for safer and more attractive, comfortable street environment
New	Distance Between Building Entries	None	The distance between building entries shall not exceed 100'	Provides for safer and more attractive, comfortable street environment
New	Sidewalk Connection	None	A sidewalk shall connect from the public sidewalk to the primary entrance	Provides for safer and more attractive, comfortable street environment
New	Building Materials	None	Building materials used on front facade shall extend a minimum of 16" along side facades	Provides higher level of building quality
New	Mechanical Equipment Location	None	HVAC equipment shall not be placed in the front yard or on the front facade	Provides for more attractive street environment



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

June 19, 2019

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

RE: Bill #15-19
Rezoning: APC#2898-19 CBD District

Dear Council Members:

The Area Plan Commission held a public hearing on June 18th, 2019 for the above referenced petition. This petition is set for public hearing before the Common Council on Monday, June 24th, 2019.

Ordinance & Petition Amendments:

The ordinance has changed since the original submittal and the most recent version is attached.

Public Hearing Summary:

There were two people who spoke in favor. Brian McMorro was speaking in favor for the Home Builders Association, though he brought up a concern about listing specific building materials as those could change quickly compared to the ordinance. Dan Buckenmeyer also spoke in favor.

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 thin horizontal line.

Jordan Wyatt
Planner

CC: Bob Palmer

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LAWRENCE P. MAGLIOZZI
EXECUTIVE 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, June 19, 2019

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

RE: An ordinance initiated by the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial/Mixed Use Districts to repeal and replace CBD Central Business District - APC# 2898-19.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Initiated by Common Council was legally advertised on June 6, 2019 and that the Area Plan Commission at its public hearing on June 18, 2019 took the following action:

Upon a motion by John R. McNamara, being seconded by John DeLee and carried, a proposed ordinance initiated by Common Council is sent to the Common Council with a FAVORABLE recommendation. This ordinance revises uses and development standards to better support the development of a mixed-use urban core having pedestrain oriented design, characteristics appropriate for the urban center of a multi-county region.

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

Staff Report

6/11/2019

APC # 2898-19
Owner: Initiated by Common Council
Location: Text Amendment
Jurisdiction: City of South Bend
Public Hearing Date: 6/18/2019

Requested Action:

An Ordinance of the Common Council of the City of South Bend, Indiana, Amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial/Mixed Use Districts to Repeal and Replace Section 21-03.06 CBD Central Business District.

Staff Comments:

This ordinance was drafted to simplify regulations and stimulate development in the heart of South Bend. Experience using the Ordinance's provisions for the CBD Central Business District has shown that development in this district is unable to meet its full potential through efficient use of sites and development of standards to better support a vibrant public realm. The new CBD District seeks to promote a high intensity urban center with a mixture of mid-rise and high-rise mixed-use developments and pedestrian-oriented scale.

Recommendation:

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

Analysis:

This ordinance revises uses and development standards to better support the development of a mixed-use urban core having pedestrian-oriented design, characteristics appropriate for the urban center of a multicounty region.

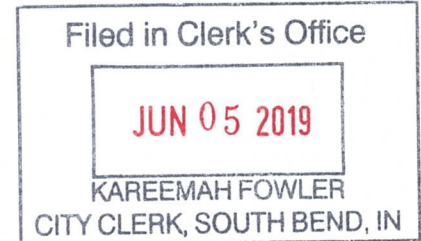


BILL NO. 16-19

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

June 5, 2019

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



RE: June 2019 Transfer Ordinance

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2019, we plan to propose adjustments during four time periods—March, June, October and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 10, 2019 with 2nd reading, public hearing and 3rd reading scheduled for June 24, 2019.

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

Regards,

A handwritten signature in blue ink, appearing to read "Daniel T. Parker".

Daniel T. Parker
City Controller

Handwritten initials in blue ink, possibly "OK" or "JTD".

BILL NO. 16-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2019

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10615-18 and 10616-18 passed on October 8, 2018) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2019.

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

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

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

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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, at _____
o'clock
____.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

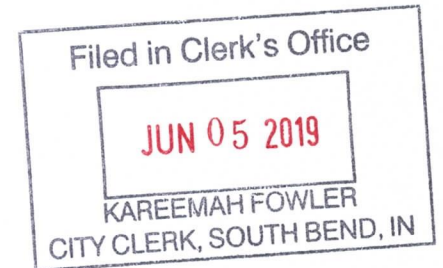


BILL NO. 17-19

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

June 5, 2019

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



RE: June 2019 Appropriation Ordinance – Civil City Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2019, we plan to propose adjustments during four time periods—March, June, October and December.

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

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 10, 2019 with 2nd reading, public hearing and 3rd reading scheduled for June 24, 2019.

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

Regards,

Daniel T. Parker
City Controller

BILL NO. 17-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2019 OF \$85,857 FROM GENERAL FUND (#101), \$657,159 FROM PARKS & RECREATION FUND (#201), \$28,150 FROM GIFT, DONATION, BEQUEST FUND (#217), \$97,077 FROM HALL OF FAME DEBT SERVICE FUND (#313), \$321,707 FROM 2018 FIRE ST #9 BOND DEBT SERVICE FUND (#350), \$178,534 FROM PROFESSIONAL SPORTS DEVELOPMENT FUND (#377), \$1,811,500 FROM COUNTY OPTION INCOME TAX FUND (#404), \$3,300,000 FROM 2018 ZOO BOND CAPITAL FUND (#453), AND \$70,000 FROM SMART STREETS BOND CAPITAL FUND (#753).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2019 operating and capital budgets in 2018 (Ordinance #10615-18 passed on October 8, 2018), which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2019 and set apart within the following designated funds for expenditures as follows:

FUND	Amount
General Fund (#101)	\$85,857
Parks & Recreation (#201)	657,159
Gift, Donation, Bequest Fund (#217)	28,150
Hall of Fame Debt Service (#313)	97,077
2018 Fire St #9 Bond Debt Service (#350)	321,707
Professional Sports Development (#377)	178,534
County Option Income Tax (#404)	1,811,500
2018 Zoo Bond Capital (#453)	3,300,000
Smart Streets Bond Capital (#753)	70,000
TOTAL	<u><u>\$6,549,984</u></u>

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

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 _____, 2019, at _____ o'clock ____ m.

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

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

Filed in Clerk's Office

JUN 05 2019

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

City of South Bend, Indiana
June 2019 Additional Appropriation Requests - Civil City Funds
(increase or decrease in total fund expenditures)
May 28, 2019

Common Council Approved ###/###/19 - Bill No. ##-19

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Supported by New Revenue							
Parks & Recreation	VPA / Leighton Grant	Capital / Land Improvements	Ken Glowacki	201-1151-452.42-01		\$ 1,000,000	Request an additional appropriation to spend the Leighton Foundation private grant towards the Howard Park project.
						\$ 1,000,000	
Capital Projects							
General Fund	Police Dept	Capital / Police Equipment	Renata Matousova	101-0801-421.43-06		\$ 85,857	Request an additional appropriation to purchase iRecord system. - Funds are needed to purchase iRecord system to replace an old system that is failing. - This purchase was originally budgeted as lease in five annual installments. - Paying in cash will save \$10,839 in interest expenses. - To speed up the purchase the City identified funds previously appropriated for other purchases. This appropriation requests is to replenish the funds for other purchases.
Parks & Recreation	VPA / Golf Division	Capital / Building Improvements	Ken Glowacki	201-1102-452.42-02		\$ 61,000	Request an additional appropriation to fund Erskine Golf Course building improvements.
County Option Income Tax (COIT)	Admin & Finance	Services / Other Professional Services	Amy Shirk	404-0672-415.31-06		\$ 1,811,500	Appropriate additional funds for implementation of the City's new accounting software: Microsoft Dynamics 365 for Finance & Operations (DFO). - The plan was originally to borrow this amount. However, with current cash reserves, the City has the opportunity to save \$150,000+ in interest costs by paying for this implementation out of cash reserves.
Smart Streets Bond Capital	Community Investment	Capital / Land Improvements	Beth Leonard	753-1001-460.42-01		\$ 70,000	Request an additional appropriation to disburse the remaining 2015 Smart Streets Bond proceeds to reimburse the City of South Bend for costs the City paid for the Smart Streets project.
						\$ 2,028,357	
Administrative Items							
Parks & Recreation	Regional Cities Grant	Services / Other Professional Services	Ken Glowacki	201-1111-452.31-06		(90,350)	Reduce budget to equal amount left to spend for the Regional Cities Grant
Parks & Recreation	Regional Cities Grant	Capital / Land Improvements	Ken Glowacki	201-1111-452.42-01		(313,491)	
						\$ (403,841)	
Gift, Donation, Bequest	Human Rights	Promotional	Rahman Johnson	217-1008-415.33-03		19,150	Annual Human Rights Dinner and other promotional expenses
Gift, Donation, Bequest	Human Rights	Scholarship Luncheon Exp	Rahman Johnson	217-1008-415.39-62		2,000	Budget for the scholarship luncheon
Gift, Donation, Bequest	Human Rights	Scholarships Paid	Rahman Johnson	217-1008-415.39-63		7,000	Budget for scholarships paid from luncheon proceeds
						\$ 28,150	- Move Human Rights scholarship program from Human Rights Federal Grant Fund 258 to the Gift, Donation, Bequest Fund 217. This will help track the scholarship cash and separate it from the HUD and EEOC grant activity.
Hall of Fame Debt Service	Admin & Finance	Interfund Transfer Out	Amy Shirk	313-0401-460.50-02		\$ 97,077	Transfer from Fund 313 to COIT Fund 404. Close Fund 313 now that HOF bonds are paid off. Transfer remaining cash balance to Fund 404 to repay Fund 404 for the debt service payment that Fund 404 made towards the HOF bonds in 2017.



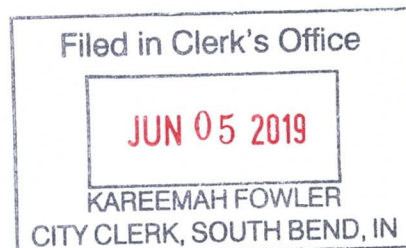
BILL NO. 18-19

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

June 5, 2019

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

RE: June 2019 Appropriation Ordinance – Enterprise Funds



Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2019, we plan to propose adjustments during four time periods—March, June, October and December.

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

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 10, 2019 with 2nd reading, public hearing and 3rd reading scheduled for June 24, 2019.

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

Regards,

Daniel T. Parker
City Controller

BILL NO. 18-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2019 OF \$960,000 FROM EMS CAPITAL FUND (#287), \$177,475 FROM CENTURY CENTER OPERATING FUND (#670), AND \$63,000 FROM CENTURY CENTER CAPITAL FUND (#671).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2019 operating and capital budgets in 2018 (Ordinance #10616-18 passed on October 8, 2018), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2019 and set apart within the following designated funds for operational expenses as follows:

FUND	Amount
EMS Capital (#287)	\$960,000
Century Center Operating (#670)	177,475
Century Center Capital (#671)	63,000
TOTAL	<u>\$1,200,475</u>

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

Tim Scott, Council President
South Bend Common Council

Attest:

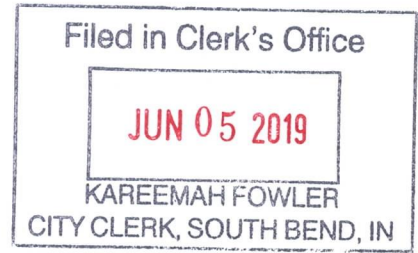
Kareemah N. Fowler, City Clerk
Office of the City Clerk

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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, at _____ o'clock _____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



City of South Bend, Indiana						
<u>June 2019 Additional Appropriation Requests - Enterprise Funds</u>						
<i>(increase or decrease in total fund expenditures)</i>						
May 28, 2019						
Common Council Approved ###/###/19 - Bill No. ##-19						
Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)
Unanticipated Expenses						
Century Center Operating	VPA / Century Center	Interfund Transfer Out	Maricela Juarez	670-1147-645.50-02		\$ 177,475
						Transfer funds from Century Center Operating Fund 670 to Century Center Capital Fund 671 to cover cost of expansion studies.
Century Center Operating	VPA / Century Center	Services / Other Professional Svcs	Maricela Juarez	671-0406-645.31-06		\$ 63,000
						Request an additional appropriation to cover cost of expansion studies.
						\$ 240,475
Capital Projects						
EMS Capital	Fire Dept	Capital / Building Improvements	Renata Matousova	287-0902-422.42-02		\$ 960,000
						Request an additional appropriation for repairs and rehabilitation of Fire Stations 3 & 6.
						- These projects were planned, but not budgeted because the full extent of the repairs needed to be determined before budget estimates could be completed.
						- If postponed, the project costs would likely go up and some temporary repairs would have to be completed this year.
						- The EMS Capital Fund has sufficient cash reserves to finance these projects.
						\$ 960,000
Total Enterprise						\$ 1,200,475



City of South Bend Common Council

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

(574) 235-9321
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<http://www.southbendin.gov>

Tim Scott
President

Oliver Davis
Vice-President

Gavin Ferlic
Chairperson, Committee
of the Whole

Tim Scott
First District

Regina Williams-Preston
Second District

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

Jake Teshka
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large

June 19, 2019

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

Filed in Clerk's Office

JUN 19 2019

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Re: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SUPPORTING AND ENDORSING A RESTORATIVE JUSTICE INITIATIVE FOR THE CITY OF SOUTH BEND AND A PROPOSED TIER I COMMUNITY PILOT PROGRAM TO IMPLEMENT THE INITIATIVE

Dear Common Council Members:

At the Committee meetings on June 10, 2019, members of the Common Council were given a very detailed presentation regarding the concept of restorative justice, its probable benefits to the South Bend Community, and a request for a resolution supporting the initiation of a pilot program for restorative justice in South Bend. Several Council members expressed support for the idea.

Unfortunately, recent events in the City have emphasized the urgent need for such a program. We are therefore submitting this resolution and request your support. As with all resolutions, this resolution is not binding on the Common Council or the Administration. Full implementation of the pilot program will require an allocation of funds, which will have to be addressed at a future date. This resolution however, expresses the Council's support for such a program and is a first step in a process that is needed in South Bend.

We request that this Resolution be placed on the Council's June 24, 2019 agenda.

Thank you for your consideration.



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 Yours,

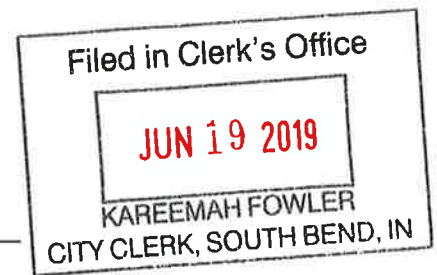
Regina Williams-Preston 2nd District
Council Member

Jake Teshka, 5th District Council Member

Gavin Ferlic, At Large Council Member

BILL NO. 19-46

RESOLUTION NO. _____



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SUPPORTING AND ENDORSING A RESTORATIVE JUSTICE INITIATIVE FOR THE CITY OF SOUTH BEND AND A PROPOSED TIER I COMMUNITY PILOT PROGRAM TO IMPLEMENT THE INITIATIVE

Whereas, communities such as South Bend cannot depend on the police department to solve all their problems. By the time the police are called, trauma has already occurred. Proactive strategies are needed to complement the work of police “outreach”; more specifically, there needs to be a plan for “in-reach” to help communities be more concretely involved in helping to prevent violence. Safety depends not only on law enforcement, but also on community cohesion--i.e., a sense of: belonging to something important and larger than oneself; responsibility to each other and for each other’s well-being; and capacity and agency, such that when conflict is escalating, or people have been harmed, there is knowledge of how to solve the problem and repair that harm without further violence; and

Whereas, injustice--including crime and other forms of harmful behavior--undoubtedly disrupt lives, leave lasting damage, weaken family and social ties, and further isolate vulnerable people.¹ Responding with retaliation or with harsh punishment can ruin lives, damage other lives, further weaken family and social ties, and undermine trust across segments of the community.² An effective alternative exists through restorative justice³, by which a community can offer more support to those who have been harmed, demanding more of those who have caused harm, and doing more to strengthen the community’s capacity for justice. Choosing this approach would lead to safer schools and safer neighborhoods as people feel less need for retaliatory violence; and

Whereas, when community members are unjustly harmed, it should be a priority to support the harmed and ensure that their resulting needs are met. Conversely, when community members have caused harm to others, they should be held accountable in ways that make them more responsible and make the community safer. Institutional responses to harm should do no further harm, should help to repair the damage done and leave community members feeling safer and more responsible; and

Whereas, restorative justice is:

- Trauma-informed, closely aligning with the principles recommended in the 2014 Trauma and Justice Strategic Initiation released by the Substance Abuse and Mental Health Services Administration.⁴
- Evidence based: a growing body of research links it with a wide range of positive outcomes, from increased school attendance and reduced suspensions and expulsions⁵ to reduced PTSD in victims of violence⁶ and reduced recidivism in criminal cases.⁷
- Complementary with educational philosophies embraced locally (e.g., Responsive Classroom, PBIS, and Montessori pedagogy) and in law enforcement (e.g., community-based policing⁸ and the Group Violence Intervention strategy).⁹
- Applicable across all kinds of injustice:
 - not only for criminal justice but also for disciplinary systems;
 - not only for minor crime or juvenile justice but also for serious and violent harms;
 - not only for isolated incidents but also for systemic harms.; and

Whereas, restorative justice is gaining national and international support and is growing in South Bend:

- In October 2018, local public officials pledged their support for restorative justice as part of the Families First Agenda led by Faith in St. Joe County.
- Our community continues to host internationally renowned RJ experts to train professionals and interested community members; in the past year, local experts have offered three additional trainings for interested school personnel (including SBCSC administrators and school board members) that have left many on a waiting list.
- At least eight South Bend schools have begun implementing RJ in order to build cohesion and shift their schools' climates and are recognizing that the work they do in schools must be matched by comparable work involving students' families and neighborhoods.
- RJ has been featured in community events sponsored by organizations such as the United Religious Communities, individual churches, the Community Forum for Economic Justice, Mamas Against Violence, and Saint Joseph County Cares.
- People from many local organizations--including the Robinson Community Learning Center, Transformation Ministries, Goodwill, Imani Unidad, Hear Our Tears, St. Paul Bethel Baptist Church, LaCasa de Amistad, the YMCA, the YWCA, the St. Joseph County Prosecutor's office, the public library, the Near Northwest Neighborhood Center, and Oaklawn--have sought RJ training elsewhere, are offering restorative justice practices, and/or are participating in conversations about how to establish restorative justice in South Bend.
- On April 5, 2017, the South Bend Common Council Community Relations Committee held a meeting "Reducing Violence by Building Peace." Local organizations including Community for Peace and Nonviolence, the Human Rights Commission, shared the work they are already doing, and each noted restorative practices.
- On January 19, 2019, more than 40 people gathered at the Robinson Community Learning Center to explore how restorative justice could help schools and community members work together for the sake of South Bend's children.
 - That meeting led to an ad hoc committee that developed this vision and pilot project proposal. Members included:
 - Anne Coglianesse, Guidance Director, Rise Up Academy, SBCSC
 - Dalila Huerta, Education & Community Programs Coordinator, La Casa de Amistad, Inc.
 - Ethan Marosz, Community Engagement Outreach Assistant at St. Joseph County Public Library
 - Denise Peters, Chief Operations Officer, YMCA of Michiana, Inc.
 - Susan Sharpe, Advisor on Restorative Justice, Center for Social Concerns, Notre Dame
 - Dania Straughan, Program Manager, Contending Modernities, Kroc Institute for International Peace Studies, Notre Dame;
 - Kathe Streeter, Restorative Justice in Education (RJE) Coordinator and District RJE Liaison, SBCSC
 - Becky Zakowski, St. Joseph County Cares Coordinator, Oaklawn, St. Joseph County; and

Whereas, restorative justice must be implemented with fidelity to support best practices because restorative justice has struggled in many communities, often falling short of its potential, because:

- Scarce time and resources often mean that people try to do good restorative justice work without adequate training and professional development, and without well-informed support and supervision; while restorative justice is a simple construct, putting it into practice can be more difficult than it appears, and developing expertise takes experience, structured reflection, and informed critique.
- Often, restorative justice is attempted through a small non-profit agency that delivers direct service in a small number of cases referred from the criminal justice system; these agencies often struggle to survive because their funding depends on grants and donations, and often fail despite doing good work.
- Sometimes restorative justice is adopted institutionally, such as in a school, juvenile court, or probation office, where the approach may run counter to established norms and the restorative initiative is dropped for lack of support or becomes absorbed as an alternative version of more familiar discipline; and

Whereas, although restorative justice is already being embraced in South Bend, thoughtful coordination is needed to:

- Support restorative justice efforts currently under way
- Cultivate restorative justice efforts in other areas of need
- Foster consistency and quality without undermining grassroots ownership.; and

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

Section I. The time is right for developing a coordinating hub which would be:

- Funded through partnership agreements involving the City of South Bend and other institutions and agencies wanting to invest in this development because it aligns with their missions; additional funding could come from donations and grants, but stable funding will lie in committed funding from community partners
- Staffed with a small team of professionals, each of them committed to supporting restorative justice in a key community sector while also informing and assisting each other's work
- A stable and broadly owned way to ensure:
 - Balanced restorative justice development across the community
 - Cross-fertilization and consistent restorative justice quality

Section II. The coordinating hub would be tasked with:

- Solidly anchoring restorative justice in key segments of the community, including:
 - Education (primarily K-12, but also college and university)
 - Neighborhood centers
 - Law enforcement and criminal justice
 - Organizations serving the community's well-being (such as medical facilities, non-profit agencies, foundations, churches)

- Steadily growing restorative justice across the community, by:
 - Co-creating a vision of community justice and bringing it to life
 - Educating the South Bend community about restorative justice and teaching and developing justice skills practitioners can use in their personal and civic relationships
 - Facilitating restorative justice processes to address systemic harms that are, at best, making it harder for many to flourish and, at worst, putting lives at risk
 - Training professionals in restorative justice practices that help them carry out their organizational missions
 - Offering direct services as needed, with the goal of coaching agencies to deliver those services independently over time.

Section III. Given the broad level of support for restorative justice in South Bend, it is time to create a one-year pilot—as described in the attached document, “Tier I Community Pilot”—for:

- Building on Tier 1 Circle work already being done in the schools and extending it into the community
- Exploring and securing support for a sustainable structure (including dedicated positions, stable funding, and oversight) from which to develop restorative justice

Section IV. The timeline for this initiative shall include the following:

- Summer 2019: City of South Bend affirms support for the goal of developing restorative justice in and across South Bend, and appropriates funding for a pilot project
- September 2019-August 2020: pilot project and restorative justice hub infrastructure planning
- Summer 2020: Common Council and other key partners affirm restorative justice hub design and authorize five years of funding to support it
- 2021-2025: Annual reporting of the restorative justice hub’s progress toward the effective development of restorative justice across the city.

Section V. Given the substantial contribution that restorative justice can make to public safety and community flourishing, the Common Council resolves that the City of South Bend should encourage community wide adoption of restorative justice.

Section VI. The Common Council also resolves that funding should be appropriated for a pilot project that will:

- Test neighborhood support for adopting restorative justice,
- Explore the potential for local agencies and institutions to invest as partners in restorative justice
- Design an appropriate structure for implementing and supporting restorative justice, effectively and sustainably.

Section VII. The Common Council also resolves that, at the end of this pilot project, the City of South Bend should support the long-term development of restorative justice, as guided by the design of an appropriate structure, and as a commitment to robust public safety.

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

¹ Susan Herman, *Parallel Justice for Victims of Crime* (Washington, DC: National Center for Victims of crime, 2010), 9-27; Danielle Scred, *Until We Reckon: Violence, Mass Incarceration, and A Road to Repair* (New York: The New Press, 2018), 18-20.

² US Commission on Civil Rights, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* (Washington, DC: US Commission on Civil Rights, briefing report, 2019), 9-32; National Research Council (Jeremy Travis, Bruce Western, and Steve Redburn, eds.), *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (Washington, DC: The National Academies Press, 2014), 263-302; National Network for Safe Communities, mission statement principle “Do no harm,” <https://nnscommunities.org/who-we-are/mission/>

³ Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald Press, 2005); Howard Zehr, *The Little Book of Restorative Justice, Revised and Updated* (New York: Good Books, 2015)

⁴ Substance Abuse and Mental Health Services Administration, “SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach,” 2014: <http://store.samhsa.gov>

⁵ Trevor Fronius, Sean Darling-Hammond, Hannah Persson, Sarah Guckenbug, Nancy Hurley, Anthony Petrosino, *Restorative Justice in U.S. Schools: An Updated Research Review* (San Francisco: WestEd Justice & Prevention Research Center, 2019), 24-30.

⁶ David Gustafson, “Exploring treatment and trauma recovery implications of facilitating victim-offender encounters in crimes of severe violence: lessons from the Canadian experience,” in *New directions in restorative justice: issues, practice, evaluation*, ed. Elizabeth Elliott and Robert Gordon (Collumpton: Willan Publishing), 193–227.

⁷ Lawrence W. Sherman et al, “Twelve experiments in restorative justice: The Jerry Lee program of randomized trials of restorative justice conferences,” *Journal of Experimental Criminology* 11 (2015): 501–540.

⁸ Leanne Fiftal Alarida and Carlos Montemayor, “Implementing restorative justice in police departments,” *Police Practice and Research* 13, no. 5 (October 2012) 450–463.

⁹ The mission of the National Network for Safe Communities, GVI’s parent organization, notes, at <https://nnscommunities.org/who-we-are/mission/> that “Community norms and actions – not law enforcement – do most of the work of crime control,” and restorative justice is a very close fit with the Network’s approach to police-community reconciliation, that is, “directly engaging with one another in order to address past and present harms, air grievances, and address narratives that keep both sides from moving toward their shared goal of improving public safety” (at <https://nnscommunities.org/innovations/racial-reconciliation/>).



CENTER FOR
**SOCIAL
CONCERNS**

Geddes Hall | Notre Dame, IN 46556-4633 USA
574.631.5293 | socialconcerns@nd.edu
socialconcerns.nd.edu

June 17, 2019

Office of the Mayor
Office of the City Clerk
City of South Bend
County-City Building
227 West Jefferson Blvd.
South Bend, IN 46601

To the Mayor and the Common Council:

Re: Tier 1 Community Restorative Justice Pilot Project

I write in support of the proposed Tier 1 Community Restorative Justice resolution and pilot project currently under consideration for support at the June 24, 2019 meeting of the Common Council. The University of Notre Dame's Center for Social Concerns will be pleased to support this pilot in two ways.

One is through the involvement of Susan Sharpe, who is employed at the Center as Advisor on Restorative Justice. She has been closely involved in the implementation of restorative justice in several local schools and also in the ad hoc committee that developed this proposal. Her involvement in the pilot will help to ensure continuity. Notre Dame will continue to cover Susan's salary and benefits while she invests up to half her time in support of the pilot's success.

The Center also will be glad to serve as fiscal agent for the pilot project, receiving the monies allocated and taking responsibility for spending them properly. We will be pleased to sign a detailed MOU with the City if the project is approved.

We believe the proposed restorative justice initiative will greatly benefit South Bend, so we look forward to supporting its development through the proposed pilot project.

Sincerely,

Rev. Kevin J. Sandberg, C.S.C., Ph.D.
Leo and Arlene Hawk Executive Director



Restorative Justice in South Bend: Tier I Community Pilot Proposal

While restorative justice has begun taking root in South Bend, there is a growing call to implement this approach more broadly across the community. More than forty agency members and community residents gathered in January and resolved that two things should happen: first, community members should learn a Circle practice already being taught in classrooms, where it builds socio-emotional learning, strengthens shared values, heightens the clarity of disparate perspectives, and roots dialogue in respect; and, second, newly trained community members should be assisted in sharing this practice with others in their neighborhoods, faith groups, or other organizations.

An ad hoc committee formed in order to develop a proposal for making that intention concrete. We developed a broad vision for developing institutional and sustainable partnerships to cultivate restorative justice across the community over time, but we propose starting with a pilot project that will equip community members to share a simple yet powerful practice with yet more community members, and that will provide guidance and support to increase success as they do so. The pilot also will track key outcomes, helping us learn how best to cultivate the soil for greater justice and resilience in the South Bend area.

We propose training young people and adults to be Circle keepers—that is, training them in a structured practice that connects participants, builds trust, helps them examine issues of shared concern, and strengthens their capacity for taking effective action—with the expectation that those trained will gather others for sustained dialogue that ripples out to include more community members across time. We seek the City's support for:

Pilot project:

- Two participant cohorts:
 - Half being youth(aged 15-18 who have weak connections to family, school, and/or employment)
 - Half being adult community members (mixed by age, education level, and occupation)
 - Recruited through advertising and through personal outreach
 - Selected for diversity and for commitment to this year-long pilot
- Four days of Circle training for each cohort (in September 2019)
- Biweekly support Circles (October 2019 – June 2020)
- Consultation and mentoring as needed, as cohort members arrange for, design, and co-facilitate their own Circles
- Design and delivery of public education events to raise awareness of what restorative justice is and how it can help make South Bend a healthier, more just community

Support needed: \$142,000

- Infrastructure: office & training space (in kind), phone, internet, printer, computers: \$4,000
- Staffing:

- Full-time professional staff to provide Tier I Circle training and ongoing support (\$60,000 plus benefits = \$75,000).
- Full-time administrative help for coordinating logistics (\$20,000 plus benefits = \$35,000).
- Stipend for additional trainer: \$4,000 per training
- Honoraria for participants initiating Circles (@ \$30 each): \$9600
- Food/refreshments, for trainings and for biweekly support Circles: \$9360
- Supplies—for promotion, for training materials, for cohort members' Circle work, and for gifts to mark cohort members' participation: \$1,000

Outcomes to be measured: Project staff will work with university researchers to identify ways of measuring pre- and post- levels of factors such as the cohort members':

- Regular participation
- Socio-emotional development
- Reduced use of violence for addressing conflict
- Improved attendance at school, work, or other committed activity
- Increased sense of connection to the community
- Increased sense of agency for effecting positive change in the community
- Initiative in sharing aspects of this experience with others—such as by organizing and hosting other Circles, generating social media content, giving talks, etc.

Restorative justice is not a quick fix for any of the problems distressing the South Bend community. It is a different way of responding to harms that underlie many of those problems, and adopting this approach effectively takes time. But if we invest that time, restorative justice can have a powerful role in repairing and preventing harms that become recurring problems, damaging the whole community. The need is high, and this pilot can be an important start.

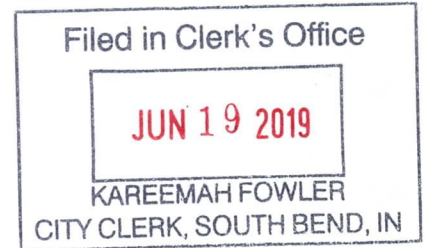


AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

June 13, 2019

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



RE: 1510 and 1520 Washington Street and 1636 Circle Avenue
APC# 2906-19

Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your June 24th, 2019 Council meeting and set it for public hearing at your July 22nd, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the July 16th, 2019 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.

The petitioner provided the following narrative to describe the proposed project:

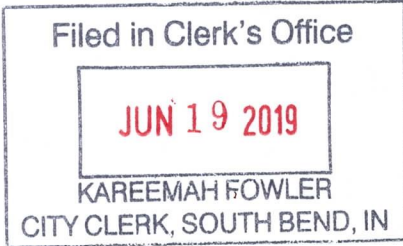
The proposed project will allow for the construction of a multi-family complex.

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

Sincerely,

Shawn Klein
Planner

CC: Bob Palmer



BILL NO. 19-19

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1510 AND 1520 WASHINGTON STREET AND 1636 CIRCLE AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from LI to MU for the construction of a multi-family dwelling complex.

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

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

PARCEL I: ALL THAT PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 2 EAST, SITUATED IN THE CITY OF SOUTH BEND, COUNTY OF ST. JOSEPH AND STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 8, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF HARLINS SUBDIVISION OF LOT 82 OF STATE BANKS SECOND PLAT OF OUTLOTS, SAID SUBDIVISION BEING RECORDED IN PLAT BOOK 8, PAGE 161 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 90° WEST, ALONG THE SOUTH LINE OF WASHINGTON STREET (82.5 FEET WIDE) A DISTANCE OF 139.75 FEET TO THE NORTHWEST CORNER OF LAND DEEDED TO PACER OIL COMPANY, INCORPORATED IN DEED RECORD 678, PAGE 117 IN THE SAID OFFICE OF THE RECORDER, SAID POINT BEING THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 0°16' EAST, ALONG THE WEST LINE OF SAID PACER OIL COMPANY, INCORPORATED LAND A DISTANCE OF 258.4 FEET TO A POINT; THENCE SOUTH 5°39' EAST, ALONG THE WEST LINE OF SAID PACER OIL COMPANY, INCORPORATED LANCE A DISTANCE OF 8.43 FEET TO A POINT; THENCE SOUTH 90° WEST, PARALLEL WITH THE SOUTH LINE OF SAID WASHINGTON STREET A DISTANCE OF 44.47 FEET TO A POINT, SAID POINT BEING

50 FEET (MEASURED AT RIGHT ANGLES) FROM THE CENTERLINE OF THE FORMER PENN CENTRAL RAILROAD RACK; THENCE NORTH 27°31'30" WEST, PARALLEL WITH AND 50 FEET (MEASURED AT RIGHT ANGLES) FROM THE CENTERLINE OF SAID RAILROAD TRACK A DISTANCE OF 129.51 FEET TO A POINT; THENCE NORTH 0°16' WEST, PARALLEL WITH THE WEST LINE OF SAID PACER OIL COMPANY, INCORPORATED LAND A DISTANCE OF 151.92 FEET TO A POINT ON THE SOUTH LINE OF SAID WASHINGTON STREET; THENCE NORTH 90° EAST, ALONG THE SOUTH LINE OF SAID WASHINGTON STREET A DISTANCE OF 103 FEET TO THE PLACE OF BEGINNING.

PARCEL II: A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN IN THE CITY OF SOUTH BEND MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF WASHINGTON STREET WITH THE EAST LINE OF SAID SECTION 10, SAID POINT BEING 25 FEET WEST OF THE NORTHWEST CORNER OF LOT NUMBERED 8 AS SHOWN ON HARLIN'S SUBDIVISION OF BANK OUT LOT NUMBERED 82 IN SAID CITY; THENCE SOUTH AT AN INTERIOR ANGLE OF 90°05' ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 325 FEET; THENCE WEST AT AN ANGLE OF 89°55' A DISTANCE OF 107.96 FEET; THENCE NORTHWESTERLY AT AN ANGLE OF 95°39' A DISTANCE OF 66.78 FEET; THENCE NORTH AT AN ANGLE OF 174°37' A DISTANCE OF 258.4 FEET TO THE AFORESAID SOUTH LINE OF WASHINGTON STREET; THENCE EAST AT AN ANGLE OF 89°44' ALONG THE SOUTH LINE OF SAID WASHINGTON STREET A DISTANCE OF 114.75 FEET TO THE PLACE OF BEGINNING.

PARCEL III: BEGINNING AT THE INTERSECTION OF WASHINGTON AVENUE IN THE CITY OF SOUTH BEND, WITH THE WEST LINE OF BANK OUT LOT NUMBERED EIGHTY-TOW (82) OF THE SECTION PLAT OF OUT LOTS OF THE TOWN, NOW CITY OF SOUTH BEND, PLATTED BY THE STATE BANK OF INDIANA; THENCE RUNNING EAST ON THE SOUTH LINE OF WASHINGTON AVENUE 140 FEET TO THE WEST LINE OF A PUBLIC ALLEY 14 FEET WIDE; THENCE SOUTH ALONG THE WEST LINE OF SAID ALLEY 373 FEET; THENCE WEST 140 FEET MORE OR LESS TO THE WEST LINE OF SAID BANK OUT LOT NUMBERED 82; THENCE NORTH ON THE WEST LINE OF SAID BANK OUT LOT NUMBERED 82, 373 FEET TO THE PLACE OF BEGINNING; AND BEING ALL OF PART WHICH WAS FORMERLY LOTS NUMBERED SIX (6), SEVEN (7), EIGHT (8), SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19), TWENTY (20), TWENTY-ONE (21) AND ALL OF LOT NUMBERED FIVE (5), EXCEPTING 7 FEET OFF OF THE EAST SIDE AND ALL OF LOT NUMBERED 22, EXCEPTING 4 FEET OFF OF THE SOUTH SIDE THEREOF, TOGETHER WITH THE VACATED HARLIN COURT LYING WEST OF THE SAME AND THE VACATED ALLEY LYING NORTH OF SAID LOT NUMBERED 16, AS SHOWN ON THE RECORDED PLAT OF HARLIN SUBDIVISION OF SAID BANK OUT LOT NUMBERED 82 NOW VACATED AND COMMONLY KNOWN AS 1510 WEST WASHINGTON STREET, IN SOUTH BEND, INDIANA.

CONTAINING 2.64 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF
RECORD.

be and the same is hereby established as MU Mixed Use District.

SECTION II.

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

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

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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, 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:

*1510 Washington, 1520 Washington, and 1636 Circle
South Bend, IN 46601*

2) The property Tax Key Number(s) is/are: *018-3077-3062, 018-2002-001703, 018-2002-001705*

3) Legal Descriptions: *PARCEL I: All that parcel of land being a part of the Northeast Quarter of Section 10, Township 37 North, Range 2 East, situated in the City of South Bend, County of St. Joseph and State of Indiana, being more particularly described as follows: Commencing at the Northwest corner of Lot 8, as said Lot is known and designated on the recorded Plat of Harlins Subdivision of Lot 82 of state Banks Second Plat of Outlots, said Subdivision being recorded in Plat Book 8, page 161 in the Office of the Recorder of St. Joseph County, Indiana; thence South 90° West, along the South line of Washington Street (82.5 feet wide) a distance of 139.75 feet to the Northwest corner of land deeded to Pacer Oil Company, Incorporated in Deed Record 678, page 117 in the said Office of the Recorder, said point being the place of beginning of this description; thence South 0°16' East, along the West line of said Pacer Oil Company, Incorporated land a distance of 258.4 feet to a point; thence South 5°39' East, along the West line of said Pacer Oil Company, Incorporated lance a distance of 8.43 feet to a point; thence South 90° West, parallel with the South line of said Washington Street a distance of 44.47 feet to a point, said point being 50 feet (measured at right angles) from the centerline of the former Penn Central Railroad Rack; thence North 27°31'30" West, parallel with and 50 feet (measured at right angles) from the centerline of said Railroad Track a distance of 129.51 feet to a point; thence North 0°16' West, parallel with the West line of said Pacer Oil Company, Incorporated land a distance of 151.92 feet to a point on the South line of said Washington Street; thence North 90° East, along the South line of said Washington Street a distance of 103 feet to the place of beginning.*

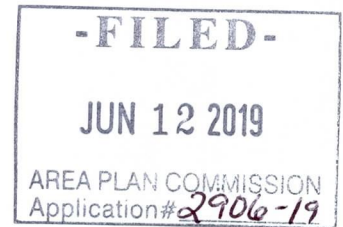
PARCEL II: A parcel of land in the Northeast Quarter of Section 10, Township 37 North, Range 2 East of the Second Principal Meridian in the City of South Bend more particularly described as follows, viz: Beginning at the point of intersection of the South line of Washington Street with the East line of said Section 10, said point being 25 feet West of the Northwest corner of Lot Numbered 8 as shown on Harlin's Subdivision of Bank Out Lot Numbered 82 in said city; thence South at an interior angle of 90°05' along the East line of said Section a distance of 325 feet; thence West at an angle of 89°55' a distance of 107.96 feet; thence Northwesterly at an angle of 95°39' a distance of 66.78 feet; thence North at an angle of 174°37' a distance of 258.4 feet to the aforesaid South line of Washington Street; thence East at an angle of 89°44' along the South line of said Washington Street a distance of 114.75 feet to the place of beginning.

PARCEL III: Beginning at the intersection of Washington Avenue in the City of South Bend, with the West line of Bank Out Lot Numbered Eighty-two (82) of the Section Plat of Out Lots of the Town, now City of South Bend, platted by the State Bank of Indiana; thence running East on the South line of Washington Avenue 140 feet to the West line of a public alley 14 feet wide; thence South along the West line of said alley 373 feet; thence West 140 feet more or less to the West line of said Bank Out Lot Numbered 82; thence North on the West line of said Bank Out Lot Numbered 82, 373 feet to the place of beginning; and being all of part which was formerly Lots Numbered Six (6), Seven (7), Eight (8), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-One (21) and all of Lot Numbered Five (5), excepting 7 feet off of the East side and all of Lot Numbered 22, excepting 4 feet off of the South side thereof, together with the vacated Harlin Court lying West of the same and the vacated alley lying North of said Lot Numbered 16, as shown on the recorded Plat of Harlin Subdivision of said Bank Out Lot Numbered 82 now vacated and commonly known as 1510 West Washington Street, in South Bend, Indiana.

4) Total Site Area: *2.64 acres*

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

*Department of Redevelopment City of South Bend
227 W Jefferson
South Bend, IN 46601*



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

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

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

From: LI Light Industrial District

To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): *Multi-family Housing*

9) Provide a brief and descriptive narrative of the proposed project:

The proposed project will allow for the construction of a multi-family complex.

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: *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: *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: *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.

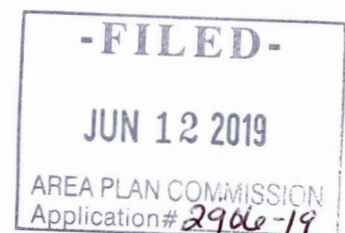
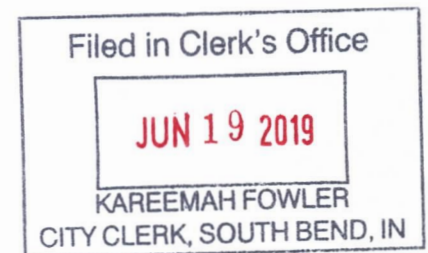
CONTACT PERSON:

*South Bend Heritage Foundation
803 Lincolnway West
South Bend, IN 46616
574-289-1066*

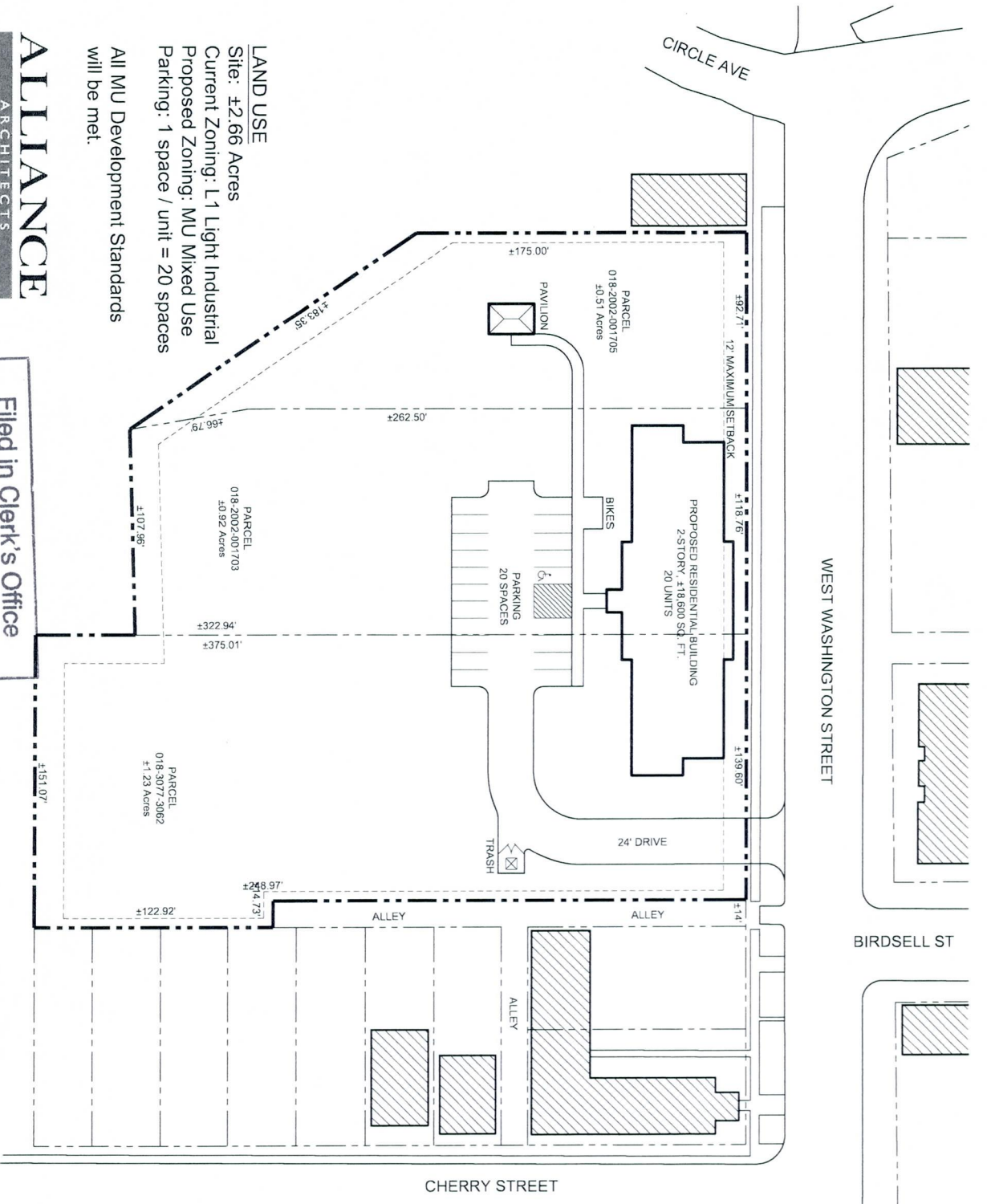
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

Daniel L. Byler



- FILED -
JUN 12 2019
 AREA PLAN COMMISSION
 Application# 2906-19



LAND USE
 Site: ±2.66 Acres
 Current Zoning: L1 Light Industrial
 Proposed Zoning: MU Mixed Use
 Parking: 1 space / unit = 20 spaces
 All MU Development Standards
 will be met.

ALLIANCE
 ARCHITECTS

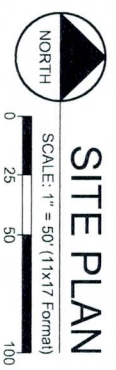
929 Lincolnway East, Suite 200 | South Bend, Indiana 46601 June 11 2019

Filed in Clerk's Office
JUN 19 2019
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

PERMANENT SUPPORTIVE
 HOUSING 2019
 West Washington Street
 South Bend, Indiana



South Bend
 Heritage

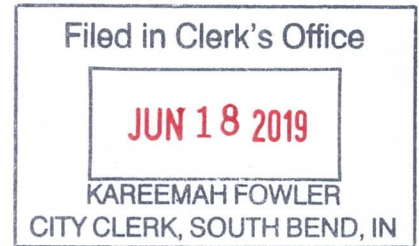


SITE PLAN

SCALE: 1" = 50' (1/4" = 1' Form)

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, June 13, 2019

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

RE: The petition of RIVER WALK, LLC seeking a Special Use for two-family dwellings in the SF2 Single Family & Two Family District (South Bend) for property located at 407, 411, 415, 419, 423 AND 427 SOUTH FRANCES STREET, City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance of RIVER WALK, LLC was legally advertised on May 30, 2019 and that the Area Board of Zoning Appeals at its public hearing on June 12, 2019 took the following action:

Upon a motion by Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by RIVER WALK, LLC seeking a Special Use for two-family dwellings for property located at 407, 411, 415, 419, 423 AND 427 SOUTH FRANCES STREET, 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.

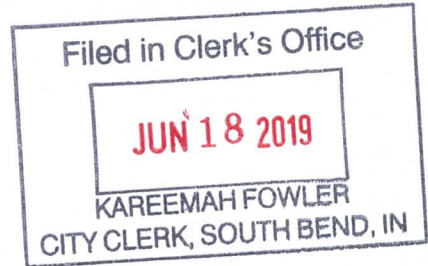
Sincerely,

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

Lawrence P. Magliozzi, Executive Director

Attachment

CC: RIVER WALK, LLC
David Sieradzki c/o Century Builders



BILL NO. 19-46

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
407, 411, 419, 423 & 427 SOUTH FRANCES 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:

407, 411, 419, 423 & 427 South Frances Street

In order to permit two-family dwellings.

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.

Member of the Common Council