

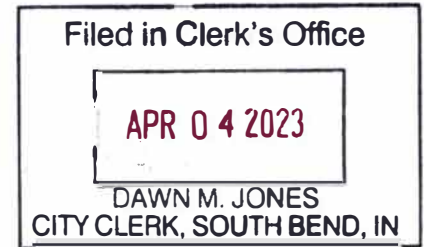
BILL NO. 11-23

City of South Bend BOARD OF ZONING APPEALS

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627

April 4, 2023

Common Council of South Bend
227 W. Jefferson Blvd, 4th Floor
South Bend, IN 46601



Re: The petition of RED TAIL PROPERTIES LLC seeking a Special Exception for Heavy Industrial in the I Industrial for property located at 1306, 1330 HIGH ST, & 909 E BROADWAY ST, Bill#11-23

Dear Council Members:

I hereby Certify that the above referenced petition of RED TAIL PROPERTIES LLC was legally advertised on March 24, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on April 3, 2023 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by RED TAIL PROPERTIES LLC seeking a Special Exception for Heavy Industrial for property located at 1306, 1330 HIGH ST, & 909 E BROADWAY ST, City of South Bend, is sent to the Common Council with an **unfavorable recommendation**, and will issue written Findings of Fact.

The staff comments related to this petition and exhibits received prior to the meeting are attached. The Findings of Fact will be adopted at the next South Bend Board of Zoning Appeals meeting. The recording of the meeting is available on our website. Official minutes of the public hearing will be posted on our website once approved.

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

Sincerely,

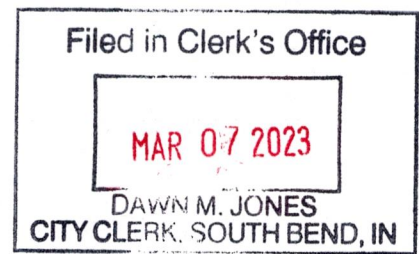
Angela M. Smith

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

Angela M. Smith
Zoning Administrator

Attachment

CC: RED TAIL PROPERTIES LLC
Bryan Cook



BILL NO. 11-23

ORDINANCE NO. 10926-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1306, 1330 HIGH ST. AND 909 E BROADWAY ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception for Heavy Industrial to allow for a salvage yard.

NOW, THEREFORE, BE IT ORDAINED 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 Advisory 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:

1306, 1330 High St. and 909 E Broadway St. South Bend, IN 46618. 018-7017-072604, 018-7017-072601, and 018-7010-037101

In order to permit Heavy Industrial

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory 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 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, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

Dawn M. Jones, 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 _____, 2023, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Property Information

Location: 1306, 1330 HIGH ST, & 909 E BROADWAY ST
Owner: RED TAIL PROPERTIES LLC

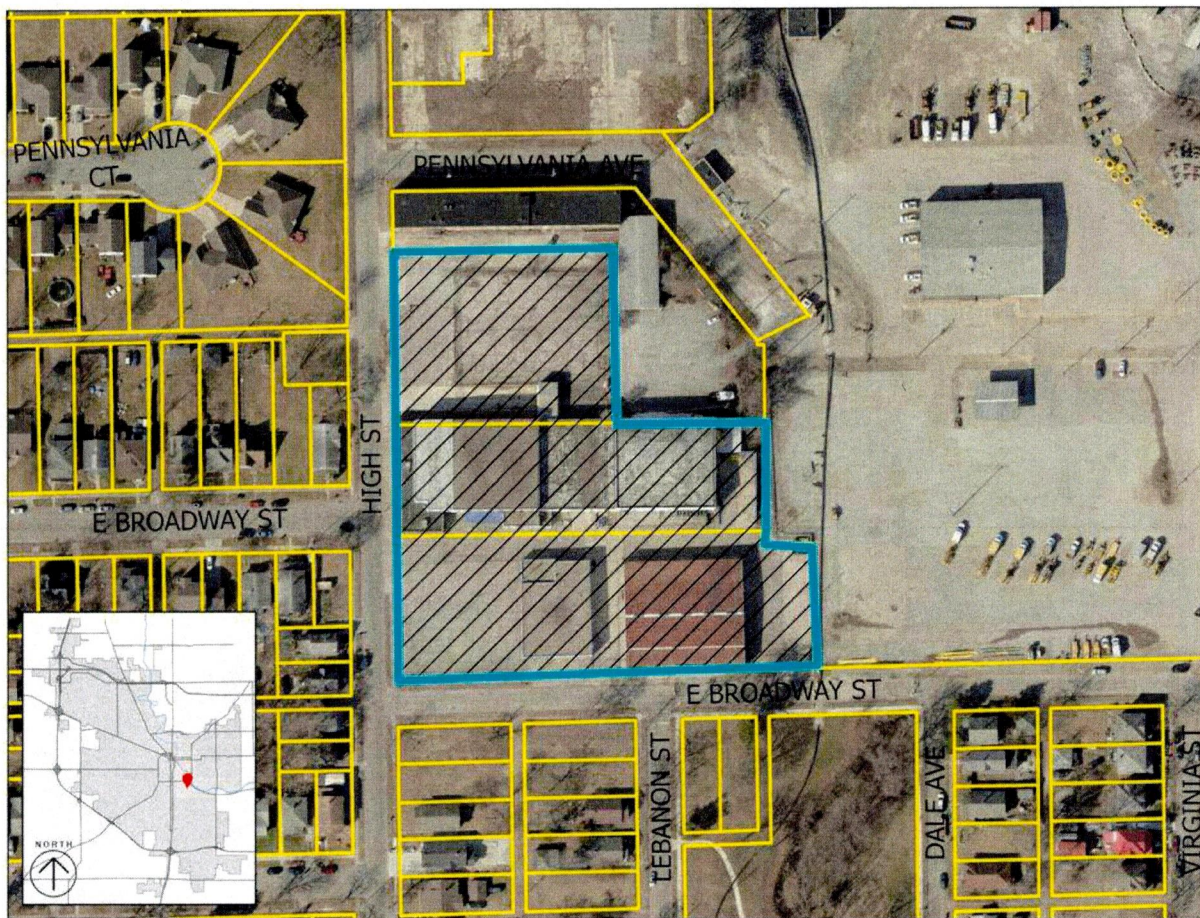
Project Summary

Vehicle towing, dismantling and auto repair. 2 fenced in lots on property for storage of vehicles.

Requested Action

Special Exception: Heavy Industrial

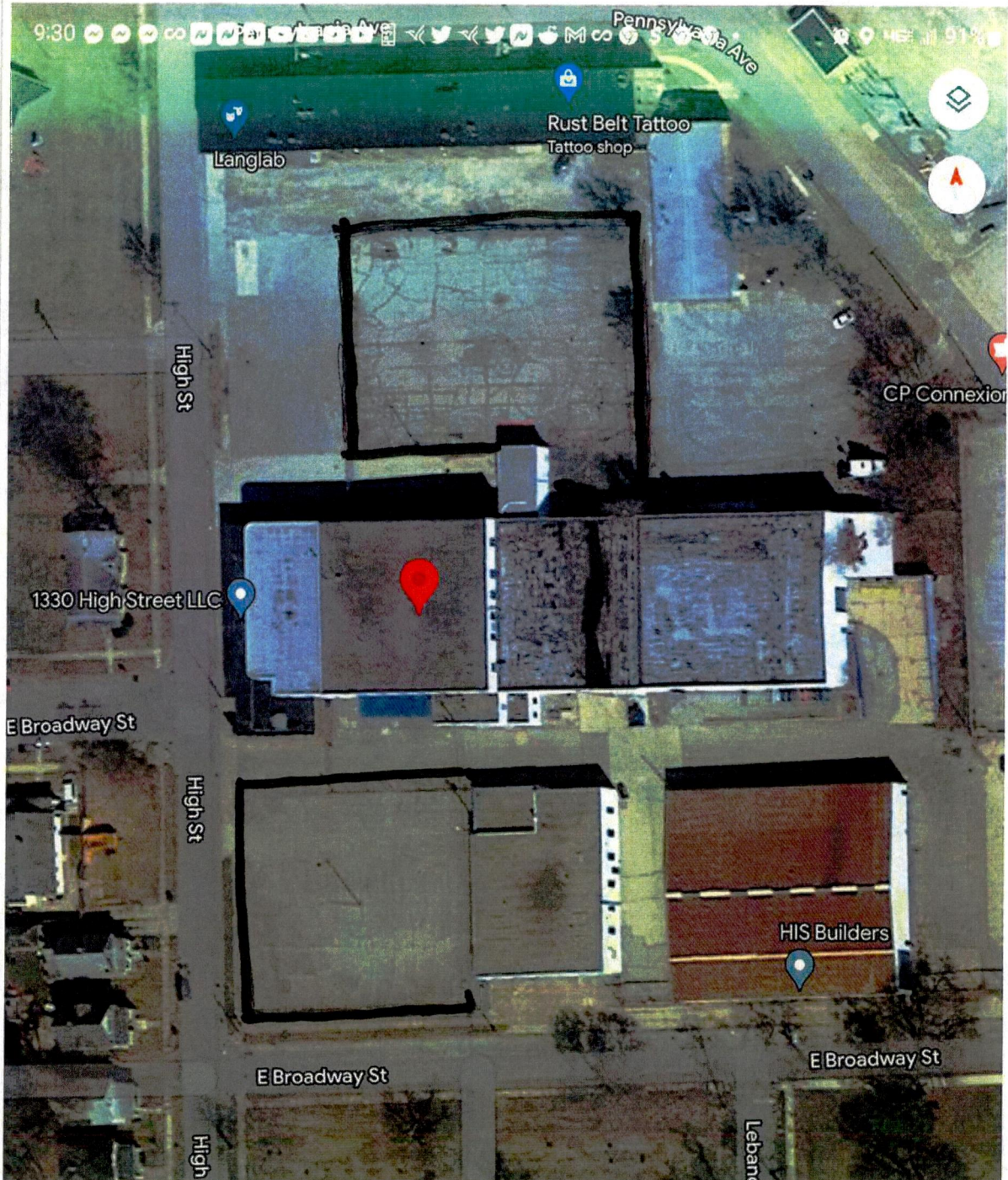
Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation.

Proposed Site Plan



Criteria for Decision Making: Special Exception

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

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

The proposed use could be injurious to the public healthy, safety and general welfare of the community. The area is largely residential with small scale commercial surrounding the immediate property. Auto services and repair would be allowed by right, however, those services would be performed inside the buildings with restrictions on how long vehicles can remain on the lot.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

The proposed use could adversely affect the use and values of the adjacent properties and area. Heavy Industrial uses are not appropriate when adjacent to or located within a residential neighborhood. Heavy Industrial uses can have a negative impact on future residential development.

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

The proposed use of Heavy Industrial is not consistent with the character of the surrounding neighborhood. The site is zoned I Industrial but Heavy Industrial is not appropriate located in the middle of a neighborhood.

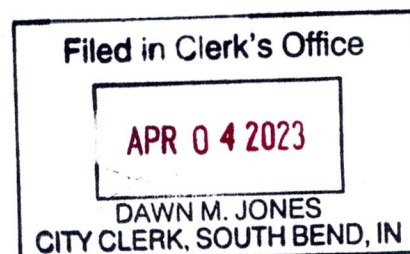
(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

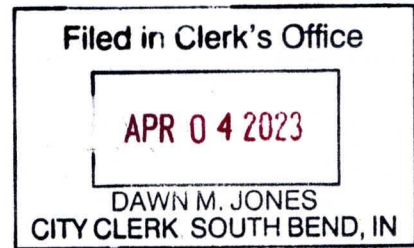
The proposed use is not compatible with the recommendations of the Comprehensive Plan. The Southeast Neighborhood Master Plan (2015) specifically states this location should be a mixed use community center to expand upon LangLab and the amenities offered to the neighborhood.

Analysis & Recommendation

Analysis: Heavy Industrial uses are not appropriate when adjacent to, or located within, a residential neighborhood. The area is largely residential with small scale commercial surrounding the immediate property

Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation.





Southeast Organized Area Residents, Inc.
1412 South Carroll Street
South Bend, Indiana 46613

February 25, 2023

Dear Tim Corcoran:

Although I talked with you about this issue at the talk to the mayor session at Riley High School, at our monthly SOAR meeting on February 14, it was decided that I should write an official letter of concern and assistance for the city to close the “junk yard” which has been established at the former site of the Pepsi Cola Bottling Plant.

This eyesore should not be allowed in a predominantly residential neighborhood. We know that light industrial is the official zoning of the area north of Broadway, east of High, south of Sample, and west of Miami, but there must be some limits. In addition, was the buyer honest about his intention for this property at the time he purchased it, and would the sale have been finalized with this intent? What can we do about this?

Stephenie at LangLab told me that you called her the next day expressing concern. We are grateful for that. We hope LangLab can thrive, but its surrounding area will need to be attractive to their customers. Especially as they plan to make major improvements to their building and parking lot.

Please do whatever the city can to end this use, and the abuse of our residential area. And please keep us informed of what is going on, and let us know if there is anything we can do to help.

Thank you.

Sincerely,

Conrad Damian, President

Kate Bolze

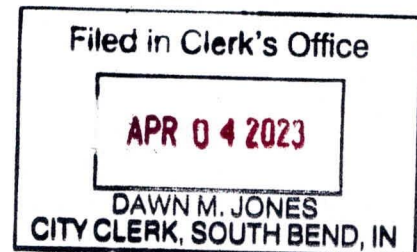
From: Rahman Johnson <rocknd9393@gmail.com>
Sent: Monday, April 3, 2023 1:28 PM
To: Zoning
Subject: BZA#0183-23 RED TAIL PROPERTIES LLC 1330 and 1306 High St.

Dear Board of Zoning Appeals,

Please accept this letter as opposition to the requested action of **Special Exemption for Heavy Industrial** at the location referenced above. My name is Rahman Johnson and I reside at the following address: 728 Pennsylvania Ave. , South Bend, IN 46601.

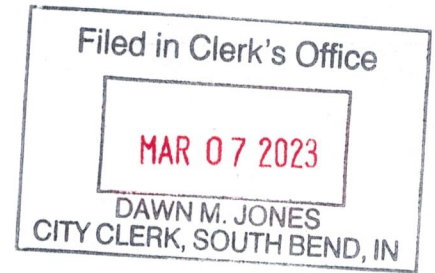
I believe this site or Junkyard poses a serious threat to the health of the residents and environment that live near this site. This threat includes hazardous materials such as lead batteries, mercury from light switches, anti-freeze, freon from cooling systems, polychlorinated Biphenyls (PCBs) Chlorofluorocarbons (CFCs), asbestos found in brake pads, motor oil, and heavy other metals. These toxins pose real health risks and can be linked to kidney disease, possible brain damage, problems with the blood and damage to the reproductive and nervous systems. In addition, PCBS and asbestos are carcinogenic. The environmental concerns include plant contamination, endanger animals, soil and groundwater. These heavy metals and other contaminants may enter drinking water and pose risk to everyone living near this site.

Again, my name is Rahman J



City of South Bend

BOARD OF ZONING APPEALS



March 7, 2023

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1306, 1330 High St. and 909 E Broadway St.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **March 13, 2023**, Council meeting and set it for public hearing at your **April 10th, 2023** Council meeting. The petition is tentatively scheduled for public hearing at the April 3rd, 2023 South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception for Heavy Industrial to allow for a salvage yard.

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

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

Sincerely,

A handwritten signature in black ink that reads "Rachel Boyles".

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

City of South Bend
BOARD OF ZONING APPEALS

RECEIVED MAR 03 2023

Petition for Variance - Special Exception

Property Information

018-7017-072604, 018-7017-072601, 018-7010-037101

Tax Key Number:

Address: 1330 High St South Bend, IN 46601

Owner: Redtail Properties LLC

Zoning: I

Project Summary:

Vehicle Towing, Dismantling, and Auto repair. I need 2 fenced in lots on the property for storage of vehicles.

Requested Action

Special Exception – complete and attach Criteria for Decision Making

Use requested: Industrial, Heavy - Salvage Yard

Variance(s) - List variances below, complete and attach Criteria for Decision Making

Variance(s) requested:

Required Documents

Completed Application (including Criteria for Decision Making and Contact Information)

Site Plan drawn to scale

Filing Fee

PAID

MAR 05 2023

Per KB
\$300 - cash

Criteria for Decision Making

Special Exception - If applicable

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

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

I intend to follow all rule and regulations required by the city, County, and state.

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

I will keep areas clean and neat. I will comply with all requirments for landscaping and fence Height.

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

I follow all Zoning regulation.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

I will follow the character of the District.

Contact Information

Property owner(s) of the petition site:

X Name: REDTAIL PROPERTIES, LLC

Address: 4100 EDISON LAKES PARKWAY SUITE 350
MISHAWAKA, IN 46545

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Bryan Cook

Address: 5308 Miami St
South Bend, IN. 46614

Phone Number: 870 456 3882

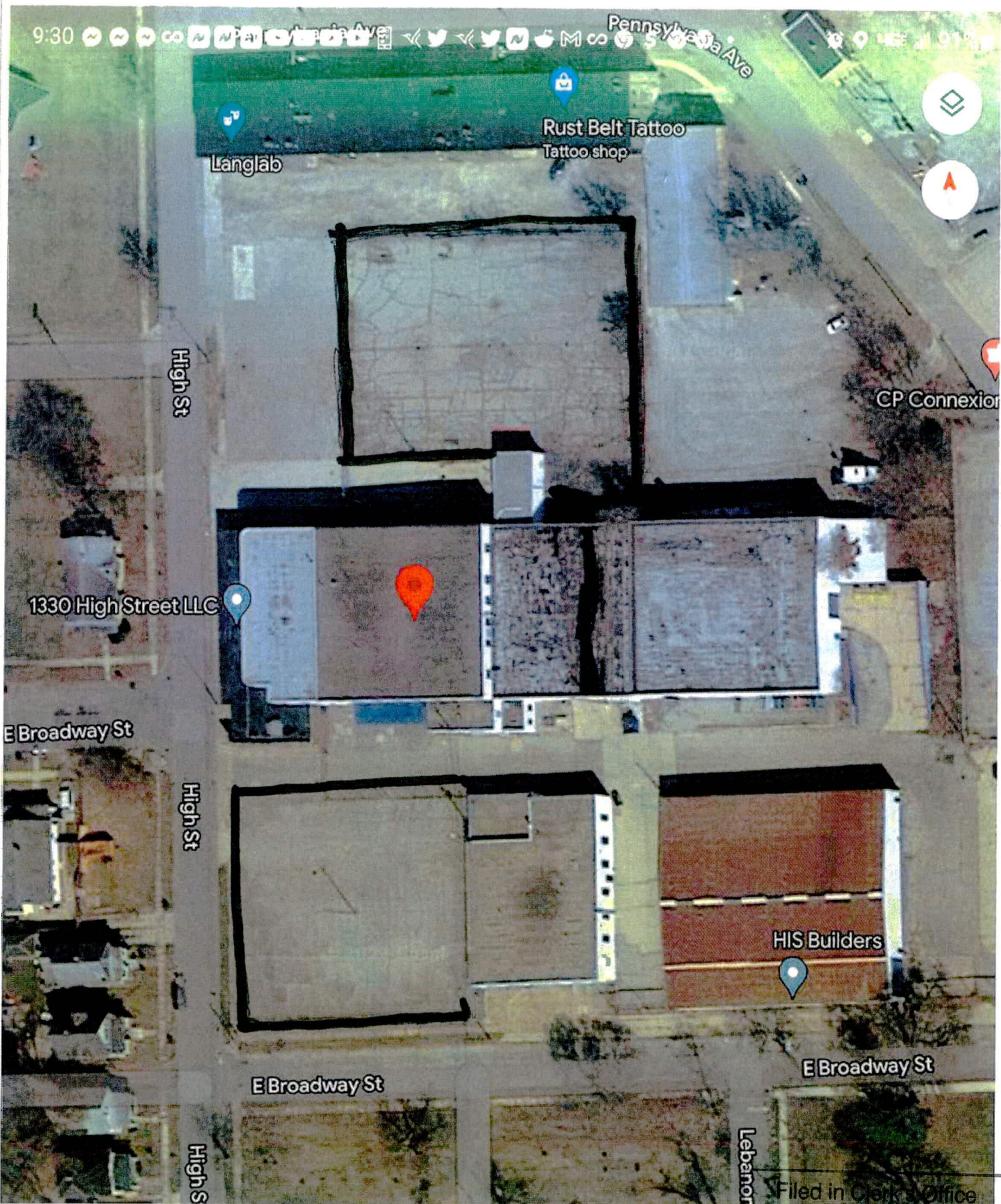
E-mail: BryanCook77@gmail.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:

X Sarah Pusek as agent for Red Tail Properties, LLC



Filed in Clerk's Office
MAR 07 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN