



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, July 25, 2016
7:00 P.M.

1. **INVOCATION- HINDU TEMPLE AND COMMUNITY CENTER OF MICHIANA**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

DR. MARTIN LUTHER KING, JR. STREET RENAMING COMMITTEE REPORT

BILL NO.

[16-57](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY ACKNOWLEDGING AND COMMENDING THE MONROE CIRCLE COMMUNITY CENTER ON THEIR 10th ANNIVERSARY OF SERVICE, OUTREACH AND PARTNERSHIP

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

[28-16](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1311 NORTH IRONWOOD DRIVE, SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[31-16](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 314 & 318 ST. PETER STREET, 401 NOTRE DAME AVENUE, AND 325 FRANCES STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[28-16](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1311 NORTH IRONWOOD DRIVE, SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[31-16](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 314 & 318 ST. PETER STREET, 401 NOTRE DAME AVENUE, AND 325 FRANCES STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

9. **RESOLUTIONS**

BILL NO.

[16-57](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA IN SUPPORT OF A REASONABLE TRANSITION TO CLEAN ENERGY FOR SOUTH BEND

10. **BILLS ON FIRST READING**

11. **UNFINISHED BUSINESS**

BILL NO.

[35-16](#) AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN CENTRE TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 22575 BLOCK U.S. 20 WEST, 22875 BLOCK U.S.20 WEST, 22965 U.S. 20 WEST, 24632 U.S. 20 WEST, 24650 U.S. 20 WEST, 24700 U.S 20 WEST, AND 54270 PINE ROAD, SOUTH BEND, INDIANA

[39-16](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS OF ST. JOSEPH COUNTY, INDIANA FOR THE PROPERTY LOCATED AT 214 OLIVE STREET, SOUTH BEND, INDIANA

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

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

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



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: JULY 21, 2016
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, JULY 25, 2016** at:

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

4:30 P.M. **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**

1. [Bill No. 28-16](#)- 1311 North Ironwood Rezone
2. [Bill No. 31-16](#)- River Walk, LLC Rezone

4:40 P.M. **UTILITIES** **DR. DAVID VARNER, CHAIRPERSON**

1. [Bill No. 16-57](#)- Reasonable Transition to Clean Energy

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

INFORMAL MEETING OF THE COMMON COUNCIL **TIM SCOTT, COUNCIL PRESIDENT**

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

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

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY
CHIEF OF STAFF

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

EMILY SEXTON
ORDINANCE VIOLATION CLERK



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real & personal tax abatement requests.

Gavin Ferlic, Chairperson
Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member
Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Office of Community Affairs and is charged with facilitating partnerships & ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson
Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member
Karen White, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member
Jo Broden, Member

Dr. David Varner, Member
Karen White

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.

John Voorde, Chairperson
Karen L. White, Vice-Chairperson

Oliver Davis, Member
Jo Broden, Member

INFORMATION AND TECHNOLOGY COMMITTEE

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

Tim Scott, Chairperson
Gavin Ferlic, Vice-Chairperson

Dave Varner, Member
Karen White, Member

PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Coveleski Regional Stadium, Morris Performing Arts Center, Stuebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson
Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member
John Voorde, Member



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

PERSONNEL AND FINANCE COMMITTEE

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

Karen L. White, Chairperson
Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works & related public works & property vacation issues.

Jo Broden, Chairperson
John Voorde, Vice-Chairperson

Randy Kelly, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Dr. David Varner, Chairperson
Oliver Davis, Vice-Chairperson

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott
Dr. David Varner



2016 COMMON COUNCIL STANDING COMMITTEES (Rev.01-6-16)

TIM SCOTT, 1ST District Council Member

PRESIDENT

Information and Technology, Chairperson

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

REGINA WILLIAMS-PRESTON 2nd District Council Member

Community Relations Committee, Chairperson
Community Investment Committee, Vice-Chairperson

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

RANDY KELLY, 3rd District Council Member

PARC Committee, Chairperson

Community Relations Committee, Vice Chairperson

Community Investment Committee, Member
Public Works & Property Vacation, Member
Utilities Committee, Member

JO BRODEN, 4TH District Council Member

Public Works & Property Vacation, Chairperson

Residential Neighborhood Committee, Vice-Chairperson

Council Rules Committee, Member
Health & Public Safety Committee, Member
Zoning & Annexation Committee, Member

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson

PARC Committee, Vice-Chairperson

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

OLIVER DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson

Utilities Committee, Vice-Chairperson

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

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson

Information & Technology Committee, Vice-Chairperson
Personnel & Finance Committee, Vice-Chairperson

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

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson

Personnel & Finance Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Community Relations Committee, Member
Information & Technology Committee, Member
Council Rules Committee, Member

JOHN VOORDE, AT LARGE Council Member

Health & Public Safety Committee, Chairperson

Public Works & Property Vacation, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson

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



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY ACKNOWLEDGING AND COMMENDING THE MONROE CIRCLE COMMUNITY CENTER ON THEIR 10TH ANNIVERSARY OF SERVICE, OUTREACH AND PARTNERSHIP

Whereas, the South Bend Common Council notes that the Monroe Circle Community Center (MC3) is located at 526 West Washington Avenue in the City of South Bend and proud uses the motto “A Place Where Neighbors Love Neighbors” ; and

Whereas, MC3’s early beginnings started in 2001 when two (2) volunteers from Granger Community Church (GCC) were given permission to mentor children in the Monroe Circle public housing complex which became “Son City Kids” and together they partnered to work so that this area of South Bend would develop “...into a vibrant community that cares for, dignifies, equips and guides each other”; and

Whereas, MC3 continued to network, with GCC purchasing the Ko-Op 65 food pantry in 2005 and with GCC beginning their efforts to acquire adjoining buildings which resulted in “donated funds, labor, and in kind gifts, community and business partnerships” whereby MC3 was renovated and historically restored in 2007; and

Whereas, MC3 has dedicated itself “to help each adult and each child living on South Bend’s Near West Side take their next step toward a full and meaningful life, to add value, and to encourage and help each person discover their worth for the purposes of developing a vibrant, safe and strong community with strong values” which focus on the framework of VALUE whose letters reflect: V - vocational, A - art expression, L - leadership and spiritual development, U – unique health and wellness, and E – education empowerment ; and

Whereas, today, MC3 provides a host of multi-faceted opportunities in areas creatively and enthusiastically hosted by volunteers and community partners, some of which include:

- **Open Café** – open every Monday and Tuesday mornings for free coffee, Internet access, television and music
- **Food Pantry and Personal Care Item Pantry** – serving the residents of five (5) public housing neighborhoods: Rabbi Shulman, Monroe Circle, “The Quads”, Wescott Tower and Laurel Court
- **Financial Peace and Literacy** – provided in partnership with First Federal Savings Banks
- **Adult Basic Education – High School Equivalency** – open enrollment for those 16-year-olds and up
- **Construction “Carpenter’s Hands”** – developing a volunteer construction team

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

Section I. The South Bend Common Council proudly recognizes **MONROE CIRCLE COMMUNITY CENTER ON THEIR 10TH ANNIVERSARY** as they continue to engage with many community partners and volunteers focusing on building a “vibrant community that cares for, dignifies, equips and guides each other” as they pursue VALUE.

Section II. The Common Council notes MC3 also hosts twelve (12) community-wide event each year, hosts weekly Narcotics Anonymous Programs, hosts E-Senior care enabling seniors to connect with technology and offers a host of activities through “Aging in Place” focusing on exercise, education, nutrition and social activity. The Council wishes MC3 continued success as they provide needed outreach for the betterment of South Bend.

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

Tim Scott, 1st District Council Member

Oliver J. Davis, 6th District Council Member

Regina Williams Preston., 2nd District

John Voorde, At Large Council Member

Randy Kelly, 3rd District Council Member

Gavin Ferlic, At Large Council Member

Jo Broden, 4th District Council Member

Karen L. White, At Large Council Member

Dr. David Varner, 5th District

Kathleen Cekanski Farrand, Council Attorney

Attest:

Approved this ___ day of July, 2016.

Kareemah Fowler, City Clerk

Pete Buttigieg, Mayor of South Bend, Indiana



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

July 20, 2016

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

RE: Bill # 28-16
Rezoning: APC#2785-16
1311 N. Ironwood

Dear Council Members:

The Area Plan Commission held a public hearing on July 19, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, July 25, 2016.

Ordinance & Petition Amendments:

Ordinance: None

Petition:

- 1.) The petition was revised using the updated petition format.
- 2.) The address and tax key number were corrected on the Petition.

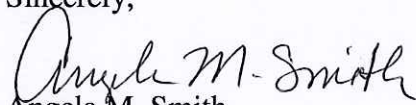
A Copy of the revised Petition is attached.

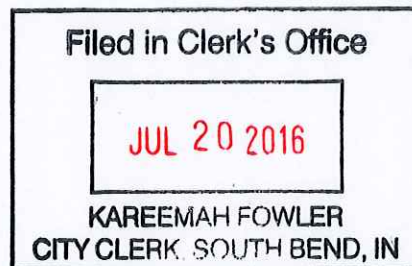
Public Hearing Summary:

There was no one present that spoke in favor or opposition to the proposed rezoning.

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

Sincerely,


Angela M. Smith
Deputy Director



CC: Kathleen Cekanski-Farrand



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

327 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571
Wednesday, July 20, 2016

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

RE: A proposed ordinance of JJAGG Properties LLC to zone from SF1 Single Family & Two Family District to OB Office Buffer District, property located at 1311 North Ironwood Drive, City of South Bend - APC# 2785-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of JJAGG Properties LLC was legally advertised on July 7, 2016 and that the Area Plan Commission at its public hearing on July 19, 2016 took the following action:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of JJAGG Properties LLC to zone from SF1 Single Family & Two Family District to OB Office Buffer District, property located at 1311 North Ironwood Drive, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. By removing the access on Ironwood Drive and connecting through the established office properties to the north, rezoning this site to OB Office Buffer District will allow a reasonable extension of services provided in this area while minimizing the impact on the residential neighborhoods in the immediate area.

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.

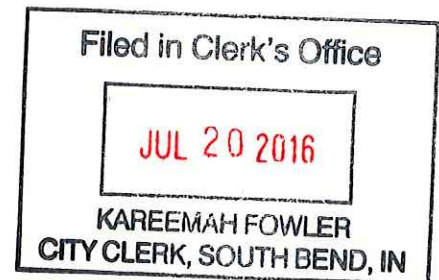
Sincerely,

Lawrence P. Magliozzi

Attachment

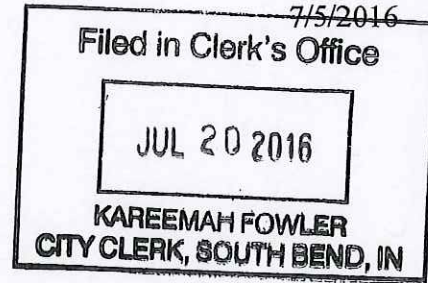
CC: JJAGG Properties LLC

Danch, Harner & Associates



Staff Report

APC # 2785-16
Owner: JJAGG Properties LLC
Location: 1311 North Ironwood Drive
Jurisdiction: City of South Bend
Public Hearing Date: 7/19/2016



Requested Action:

The petitioner is requesting a zone change from SF1 Single Family & Two Family District to OB Office Buffer District and seeking 3 variances from the development standards.

Land Uses and Zoning:

- On site: On site is a single family home.
- North: To the north is an office zoned OB Office Buffer District and a single family home zoned SF1 Single Family & Two Family District.
- East: To the east across Ironwood Drive are single family homes zoned SF1 Single Family & Two Family District.
- South: To the south is a single family home zoned SF1 Single Family & Two Family District.
- West: To the west is a single family home zoned SF1 Single Family & Two Family District.

District Uses and Development Standards:

The OB - Office Buffer District is established to promote the development of small scale office, professional, business, governmental and quasi-governmental uses. Since the types of permitted uses in the OB District are typically less commercial in appearance and are architecturally more harmonious with residential structures, this district can serve as a buffer between residential districts and more intense commercial or industrial districts. The OB District may also serve as a gradual and reasonable transition between major thoroughfares and residential districts. The OB District development standards are established to assure small scale developments.

Site Plan Description:

The 0.76 acre site contains a 2,970 square foot home that is proposed to be converted to an office building. The current access from Ironwood Drive would be removed. The access to the parking lot to the rear of the property would be from the public alley that currently terminates at this property. The site plan shows a parking lot with 17 spaces. The north and west property lines adjacent to the residential property will be screened with a 6' vinyl fence. The south property line would consist of a mixture of a proposed 6' vinyl fence and landscaping consisting of narrow spread evergreen trees and existing vegetation.

Zoning and Land Use History And Trends:

The property to the north was rezoned to Office in 1972.

Traffic and Transportation Considerations:

Ironwood Drive has two lanes.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment recommends approval, but suggests the parking lot be shifted north in order to meet the residential bufferyard on the south. In lieu of the other landscaping, DCI suggests some trees and shrubs could be planted near the west end of the new parking lot along the north and between the existing and new parking lots to visually break up the mass of combined parking. The City Engineer recommends approval subject to final site plan approval at the time of construction.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006), Objective LU 2: Encourage a compatible mix of land uses in the community.

Land Use Plan:

The future land use map identifies this area as low density residential.

Plan Implementation/Other Plans:

There are no other plans for this area.

2. Current Conditions and Character:

The intersection of Ironwood and Edison serve as a commercial node for the surrounding properties. There are 2 properties between the petition property and the commercial node to the north that serve as a buffer to the residential neighborhood to the south.

3. Most Desirable Use:

The most desirable use of the land is one that provides a buffer between the commercial properties to the north and the surrounding residential neighborhoods.

4. Conservation of Property Values:

With proper buffering, the low intensity of the proposed office surrounding property values should not be affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow the conversion of the existing structure to an office use, while retaining its residential character.

This is a combined public hearing procedure with a rezoning and 3 variances from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking the following variance(s):

- 1) From the required 15' minimum side residential bufferyard to 13';

- 2) From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan;
- 3) From the required off-street parking area screenings to none.

State statutes and the South Bend 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;

Due to the location of the parking relative to the existing parking on the adjacent site and the screening proposed, the variances should not be injurious to the general safety or welfare of the community.

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

The proposed landscaping is consistent with the intent of the ordinance to provide a visual and noise buffer to the adjacent residential properties. The use and value of the adjacent properties should not be adversely affected.

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

Due to the narrow width of the lot, strict application of the Ordinance would create practical difficulties.

Staff Comments:

Staff has no additional comments.

Recommendation:

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

Analysis:

By removing the access on Ironwood Drive and connecting through the established office properties to the north, rezoning this site to OB Office Buffer District will allow a reasonable extension of services provided in this area while minimizing the impact on the residential neighborhoods in the immediate area.



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

June 8, 2016

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

RE: Rezoning for 1311 Ironwood Drive.

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 13, 2016 Council meeting, and set it for public hearing at your July 25, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the July 19, 2016 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.

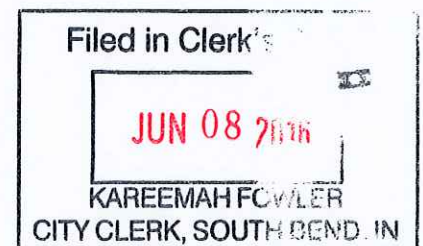
If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Chappuies'.

Matthew P. Chappuies,
Planner

CC: Kathy Cekanski-Farrand



DHA

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

June 6, 2016

RE: Rezoning Petition for 1311 North Ironwood Drive,
South Bend:

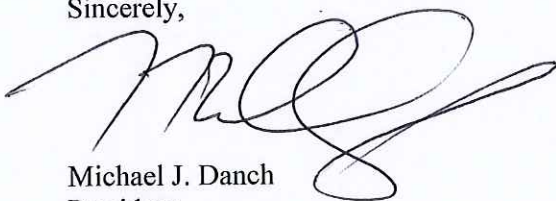
Dear Council Members:

Our clients are requesting the approval of a Rezoning Petition for their property located at 1311 North Ironwood Drive, South Bend, Indiana. This requested Rezoning would allow for the approval to renovate an existing single-family home into a professional office.

Our clients believe the improvements proposed for the property would be in keeping with the existing mixed use nature of professional offices and residential along this portion of North Ironwood Drive.

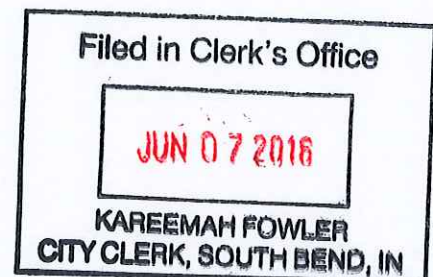
If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,



Michael J. Danch
President
Danch, Harner & Associates

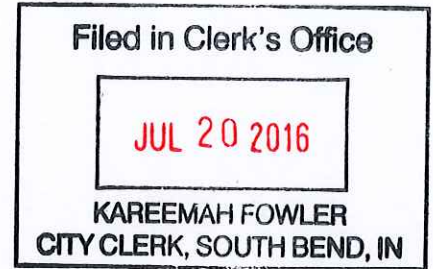
File No. 160140 "C" Md.



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:
1311 North Ironwood Drive, South Bend, Indiana 46615.
- 2) The property Tax Key Number(s) is/are: *018-5151-567401*
- 3) Legal Descriptions: *See Attached legal description*
- 4) Total Site Area: *0.76 total acres to be rezoned*
- 5) Name and address of property owner(s) of the petition site:
*JJAGG Properties LLC
1323 North Ironwood Drive
South Bend, Indiana 46615
574-232-9999
N/A E-Mail Address*



Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:
*N/A 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: SF1 Single Family Two Family District Additional zoning district, if applicable

To: OB Office Buffer District

- 8) This rezoning is requested to allow the following use(s): *Professional Office use(s)*

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

- 1) *From the required 15' minimum side residential bufferyard to 13';*
- 2) *From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan; and*
- 3) *From the required off-street parking area screenings to none.*

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

- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *See Attached text*
- (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: *See Attached text*

Requested Variances:

The Petitioners have owned the real estate shown on the attached site plan for the past several years. The property has been used for single-family. The owner is now at a point where they desire to rezone the property and renovate the existing structure to use it for a professional office. As part of the rezoning process, the Petitioner's representative met with the APC staff to discuss the project and the proposed site improvements. The attached site plan reflects the proposed site improvements, which includes the addition of a new parking lot to serve the office building. Access to the parking lot is from an existing public alley located on the north line of the site. The parking lot was centered between the north and south property lines which allows for the maximum amount of landscape area to exist between the pavement and adjacent properties. Based on the proposed use of the property and the layout shown, the Petitioners are requesting the following Variances;

- 1) From the required 15' minimum side residential bufferyard to 13';
- 2) From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan; and
- 3) From the required off-street parking area screenings to none.

The Petitioners would ask for approval of the above Variances for the following reasons:

1). From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan. Due to the limited width of the property and the meeting the City's minimum size requirements for parking spaces and driveways, the Petitioners have proposed the use of a solid vinyl screening fence and the use of narrow evergreen trees. The fencing will provide a sufficient visual screen of the proposed parking area from the adjacent residential homes. There is an existing parking lot located along a portion of the north property line which was previously approved in a residential district. No screening is believed to be required between the two shown parking areas. The proposed fencing will tie to the existing fencing that was done as part of previous rezoning and special use exception approval for the properties located to the north of the Petition site. Along the west and south property lines fencing will screen the proposed development from the existing residential uses and an evergreen screen is proposed for a portion of the south property to provide a natural visual buffer from the proposed parking area and the residential to the south. The Petitioners propose to add some new over-story deciduous trees along the front and north side of the site as shown. They would ask to be allowed to use the existing plants along the west and south property lines to meet the intent of the Ordinance. Along the north property line there is an existing overhead power, telephone and cable lines which would make it difficult to place trees in that utility area. Approval of this variance should not have an adverse impact on surrounding properties.

2). From the required 15' minimum side residential bufferyard to 13'. The Petitioners worked with the planning staff to locate the proposed parking behind the building as shown. The parking bay was centered in the property to provide the maximum landscape buffer area between the proposed parking spaces and the adjacent residential properties. The parking spaces would encroach approximately 2 feet into the bufferyard area. With the proposed fencing and landscaping the Petitioners believe this will provide an adequate buffer for the proposed improvements from the residential properties. There will also be a driveway that will cross the bufferyard area to allow the parking lot to have direct access to a public alley as shown. Approval of this variance should not have a negative impact on adjacent properties.

Filed in Clerk's Office
JUL 20 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

FILED
JUL 05 2016
AREA PLAN COMMISSION
APPLICATION NO. 2785-16

3). From the required off-street parking area screenings to none. The Petitioners would ask not to be required to add additional screening for the proposed parking bay as it will be screened by proposed fencing and evergreen plant materials as shown. The only area not directly screened is along the north where the parking on site is adjacent to existing parking. The Petitioners believe they are meeting the intent of the ordinances with the proposed screening elements. Approval of this variance should not have a negative impact on surrounding properties.

The Petitioners would contend that the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship as applied to the property for which the Variances are sought: that the request for the Variances at this location arises from such condition peculiar to the property involved and does not exist in similar property in the same zone: and that the use or value of the area adjacent to the property described in the Petition for the Variances will not be adversely affected: and that the granting will not be injurious to the public health, safety, morals, or general welfare of the community.

Filed in Clerk's Office
JUL 20 2016
KAREEMAH FOWLER
CITY CLERK SOUTH BEND, IN

FILED
JUL 05 2016
AREA PLAN COMMISSION
APPLICATION NO. 2785-16

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1311 IRONWOOD DRIVE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from SF1 Single Family & Two Family District to OB Office Buffer District.

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

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

THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT# 1 OF THE PLAT OF "WOODED ESTATES SUBDIVISION" AS RECORDED IN THE RECORDS OF THE ST JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE S. 02°-50'-32" E.(ALL BEARINGS ASSUMED) ALONG THE WEST RIGHT-OF-WAY LINE OF IRONWOOD DRIVE A DISTANCE OF 90. 0 FEET MORE OR LESS; THENCE S. 90°-00'-00" W, A DISTANCE OF 367.0 FEET MORE OR LESS; THENCE N 00°-00 '-00" W, A DISTANCE OF 91. 0 FEET MORE OR LESS TO THE SOUTH LINE OF SAID SUBDIVISION PLAT, THENCE N 90°-00'-00" E. ALONG SAID SOUTH LINE A DISTANCE OF 363.33 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 0. 76 ACRES MORE OR LESS.

be and the same is hereby established as OB Office Buffer District.

SECTION II. 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.

Member of the Common Council

Attest:

City Clerk

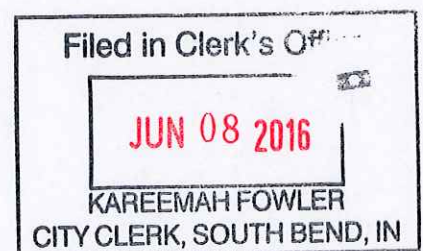
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana

PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



REZONING
#2785-16

HOODWOOD

Oak Park

SOUTH BEND

Union

Filed at Clerk's Office

JUL 20 2018

KARLEEN MATH FOWLER
CITY CLERK, SOUTH BEND, IN

1 inch = 100 feet




PORTAGE TOWNSHIP

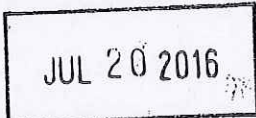


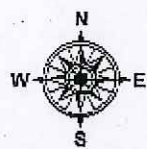


**Rezoning from: CITY OF SOUTH BEND
 "SF1" SINGLE FAMILY & TWO FAMILY DISTRICT
 to "OB" OFFICE BUREAU DISTRICT**

MASTER ZONING KEY

-  SOUTH_BEND, LB
-  SOUTH_BEND, OB
-  SOUTH_BEND, SF1


 JUL 20 2016
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN



1 inch = 100 feet

APC # 2785-16


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

July 20, 2016

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

RE: Bill #31-16
Rezoning: APC#2786-16
314 & 318 St. Peter, Part of 401 Notre Dame, and 325 Frances Street

Dear Council Members:

The Area Plan Commission held a public hearing on July 19, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, July 25, 2016.

Ordinance & Petition Amendments:

The following changes have been made to the above referenced petition:

Ordinance

- 1.) The legal description of Parcel 1 and Parcel 2A were updated to more accurately reflect the area being rezoned.

Petition:

- 1.) The petition was updated correct a couple tax key numbers, add variances for Parcel 2B, and include the MF1 Zoning classification on Parcel 2A.


A Copy of the revised Ordinance and Petition are attached.

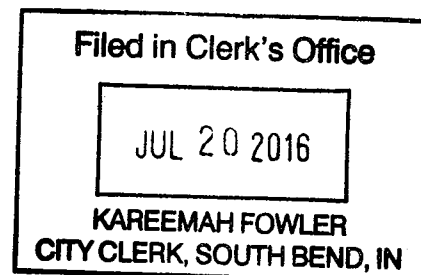
Public Hearing Summary:

There was no one present that spoke in favor or opposition to the proposed rezoning.

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

Sincerely,


Angela M. Smith
Deputy Director



CC: Kathleen Cekanski-Farrand

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:

Tract 1: 314 & 318 St. Peter Street and Part of 401 Notre Dame Avenue (0.82 Ac+/-)
Tract 2A: Part of 325 Frances Street (0.64 Ac+/-)
Tract 2B: Part of 325 Frances Street (0.33 Ac+/-)
Tract 3: Part of 325 Frances Street (1.09 Ac+/-)

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

Tract 1: 018-6004-0096, 018-6004-0097, 018-6002-0040
Tract 2A & 2B: 018-6006-0166, 018-6006-016603
Tract 3: 018-6006-0166.02, 018-6008-0183

- 3) Legal Descriptions: *See attached sheet for legal descriptions*

- 4) Total Site Area: *2.88 Ac+/-*

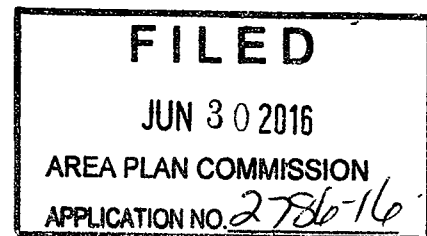
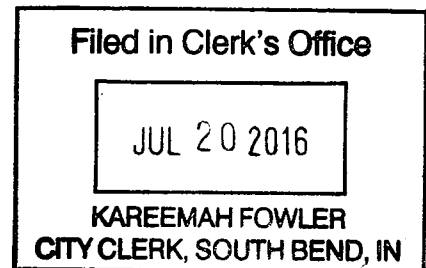
- 5) Name and address of property owner(s) of the petition site:

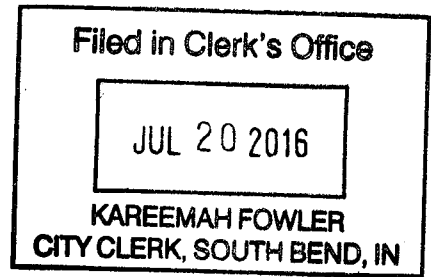
River Walk, LLC
314 Catalpa Street
Mishawaka, IN 46545
574-277-4171
david@centurycustombuilders.com

Gregory J. Gluchowski
1805 North Cedar Street
South Bend, IN 46617

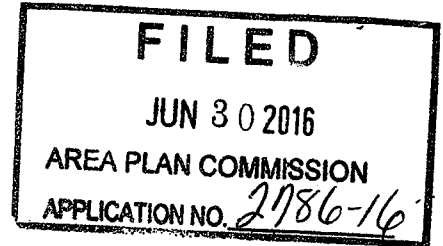
- 6) Name and address of contingent purchaser(s), if applicable:

River Walk, LLC
(Same as above)





- 7) It is desired and requested that this property be rezoned:
- Tract 1: From: SF2 Single Family Two Family District
To: MF1 Urban Corridor Multifamily District
- Tract 2A: From: MU Mixed Use District and MF1 Urban Corridor Multifamily District
To: MF1 Urban Corridor Multifamily District
- Tract 2B: From: MU Mixed Use District
To: SF2 Single Family Two Family District
- Tract 3: From: SF2 Single Family Two Family District
To: MF1 Urban Corridor Multifamily District



- 8) It is desired, too, that these variance(s) be granted to be consistent with approvals granted on May 19, 2015 and as shown on attached Site Development Plan:

- *From the required 25 foot front yard setback to a 15 foot setback for Tract 2B; and*
- *From the required side yard of five (5) feet or 10% of lot width, whichever is greater, to a side yard setback of 4 feet for Tract 2B.*

- 9) This rezoning is requested to allow the following use(s):

An appropriate mix of housing types within the urban core of the City of South Bend (as noted in #7 above), given adjacent existing and approved land uses and existing neighborhood amenities. In particular, Petitioner seeks rezoning to (a) allow for the construction of new multi-family dwellings adjacent to properties currently zoned MF-1 on St. Peter Street, to (b) allow for the construction of new multi-family dwellings on Frances Street as a transition between SF-2 zoning and MU-zoning on Frances Street, and to (c) allow for single family dwellings along Notre Dame Avenue adjacent to a portion of the block already zoned SF-2.

- 10) 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 reduced setbacks and lot width allow homes to be built in the development that will be consistent with the adjacent neighborhoods.

- (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;

The parcels are currently vacant with adjacent parcels being mixed zoning of residential, mixed use and light industrial. The Petitioner is proposing to construct new homes that would be consistent in size and value of other homes in the area. The surrounding property

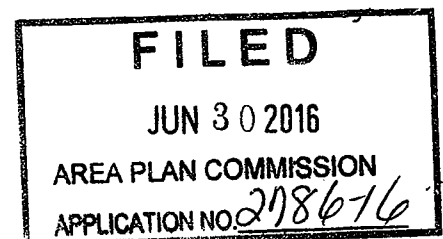
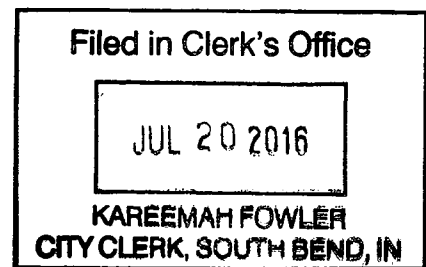
value will not be affected adversely, only improved due to commitment to the redevelopment of the neighborhood.

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

Requiring to abide by the existing required lot width and front and side yard setback requirements would result in practical difficulties since the proposed house plans would not fit on the proposed lots and the overall project would not be able to sustain the housing density required for the overall project.

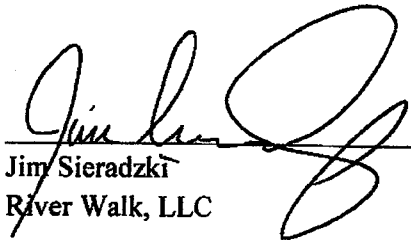
CONTACT PERSON:

*Abonmarche Consultants, Inc.
Brian McMorrow, Project Manager
750 Lincoln Way East
South Bend, IN 46601
574-232-8700
bmcorrow@abonmarche.com*




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

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



Jim Sieradzki
River Walk, LLC



Gregory J. Gluchowski

Filed in Clerk's Office
JUL 20 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

FILED
JUN 30 2016
AREA PLAN COMMISSION
APPLICATION NO. 2786-16

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 314 & 318 ST. PETER STREET, 401 NOTRE DAME AVENUE, AND 325 FRANCES STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioner seeks rezoning to a) allow for the construction of new multi-family dwellings adjacent to properties currently zoned MF1 Urban Corridor Multifamily District on St. Peter Street; to b) allow for the construction of new multi-family dwellings on Frances Street as a transition between SF2 Single Family & Two Family District and MU Mixed Use District on Frances Street, and to c) allow for single family dwellings along Notre Dame Avenue adjacent to a portion of the block already zoned SF2 Single Family & Two Family District.

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

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

A PART OF THE EAST HALF {E1/2} OF THE NORTHEAST QUARTER {NE 1/4} AND PART OF THE EAST HALF {E 1/2} OF THE SOUTHEAST QUARTER {SE 1/4} OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, IN ACCORDANCE WITH TITLE IAC: 865 OF THE STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Parcel 1:

COMMENCING AT THE NORTHEAST CORNER OF LOT 342, OF SAMUEL L. COTIRELL'S SUBDIVISION, MONUMENTED BY A FOUND 1" IRON PIPE; THENCE SOUTH 00° 16'15" EAST, ALONG THE WEST RIGHT OF WAY OF NOTRE DAME AVENUE {66' RIGHT OF WAY), A DISTANCE OF 132.25 FEET, TO A FOUND REBAR WITH CAP MONUMENTING THE NORTHEAST CORNER OF LOT 344 IN SAID COTIRELL'S SUBDIVISION. THENCE SOUTH 89°4 1 '52" WEST ALONG THE NORTH LINE OF SAID LOT 344 A DISTANCE OF 131.40 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00°16'15" EAST, PARALLEL WITH THE WEST LINE OF SOUTH NOTRE DAME AVENUE ,A DISTANCE OF 168.00 FEET TO A POINT; THENCE SOUTH 89°4 1 '52" WEST, PARALLEL WITH

THE NORTH LINE OF THE AFOREMENTIONED LOT 344, A DISTANCE OF 212.85 FEET, TO THE EAST RIGHT OF WAY OF ST. PETERS STREET; THENCE NORTH 00° 16'43" WEST, ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 168.00 FEET TO THE NORTHWEST CORNER OF LOT 338 IN SAID COTIRELL'S SUBDIVISION; THENCE NORTH 89°41'52" EAST, ALONG THE NORTH LINE OF SAID LOT 338 AND LOT 344, A DISTANCE OF 212.87 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

AND

Parcel 2A:

COMMENCING AT THE NORTHEAST CORNER, OF LOT 3, OF "WAYNE STREET PLAZA MINOR SUBDIVISION, AS SAID SUBDIVISION IS DESCRIBED IN INSTRUMENT NUMBER 0314133 AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; MONUMENTED BY A FOUND REBAR WITH CAP "PALM"; THENCE SOUTH 00°13'51" EAST, ALONG THE WEST RIGHT OF WAY OF FRANCES STREET (66 FOOT RIGHT OF WAY), A DISTANCE OF 204.99 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00°13'51" EAST, A DISTANCE OF 179.87 FEET TO A POINT; THENCE SOUTH 89°46'09" WEST, A DISTANCE OF 59.50 FEET TO A POINT; THENCE NORTH 00°13'51" WEST, A DISTANCE OF 59.85 FEET TO A POINT; THENCE NORTH 86°51'19" WEST, A DISTANCE OF 148.80 FEET TO A POINT; THENCE NORTH 00°16'15" WEST, A DISTANCE OF 110.71 FEET TO A POINT; THENCE NORTH 89°37'04" EAST, A DISTANCE OF 208.12 FEET TO A POINT; TO THE AFOREMENTIONED POINT OF BEGINNING.

AND

Parcel 3:

COMMENCING AT THE NORTHEAST CORNER, OF LOT 3, OF "WAYNE STREET PLAZA MINOR SUBDIVISION, AS SAID SUBDIVISION IS DESCRIBED IN INSTRUMENT NUMBER 0314133 AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; MONUMENTED BY A FOUND REBAR WITH CAP "PALM"; THENCE SOUTH 00°13'51" EAST, ALONG THE WEST RIGHT OF WAY OF FRANCES STREET (66 FOOT RIGHT OF WAY), A DISTANCE OF 384.86 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00°13'51" EAST, A DISTANCE OF 183.05 FEET TO A POINT; THENCE SOUTH 89°40'41" WEST, A DISTANCE OF 207.87 FEET TO A POINT; THENCE NORTH 00°16'15" WEST, A DISTANCE OF 252.00 FEET TO A POINT; THENCE SOUTH 86°51'19" EAST, A DISTANCE OF 148.80 FEET TO A POINT; THENCE SOUTH 00°13'51" EAST, A DISTANCE OF 59.85 FEET TO A POINT; THENCE NORTH 89°46'09" EAST, A DISTANCE OF 59.50 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

ABOVE DESCRIBED PARCEL TO BE KNOWN AS LOTS 2 AND PART OF LOTS 46

AND 47 OF "RIVER WALK SUBDIVISION" CONTAINING: 2.55 ACRES OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT OF WAYS OF RECORD.

be and the same is hereby established as MF1 Urban Corridor Multifamily District.

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

A PART OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE 1/4) AND PART OF THE EAST HALF (E 1 /2) OF THE SOUTHEAST QUARTER (SE 1 /4) OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, IN ACCORDANCE WITH TITLE IAC: 865 OF THE STATE OF INDIANA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Parcel 2B:

COMMENCING AT THE NORTHEAST CORNER, OF LOT 3, OF "WAYNE STREET PLAZA MINOR SUBDIVISION, AS SAID SUBDIVISION IS DESCRIBED IN INSTRUMENT NUMBER 0314133 AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY: MONUMENTED BY A FOUND REBAR WITH CAP "PALM"; THENCE SOUTH 00°13'51" EAST, ALONG THE WEST RIGHT OF WAY OF FRANCES STREET (66 FOOT RIGHT OF WAY), A DISTANCE OF 102.50 FEET, TO A REBAR WITH CAP "PALM" MONUMENTING THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 89°40'59" WEST ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 171.60 FEET TO A FOUND MAG NAIL WITH TAG "PALM" MONUMENTING THE SOUTHWEST CORNER OF SAID LOT 3, BEING A POINT ON THE EAST LINE OF LOT 2 OF SAID "WAYNE STREET PLAZA MINOR SUBDIVISION"; THENCE SOUTH 00° 01' 28" EAST A DISTANCE OF 102.68 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, MONUMENTED BY A FOUND REBAR "FIRM 0044"; THENCE SOUTH 89°37'04" WEST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 36.15 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00° 16'15" EAST, A DISTANCE OF 110.71 FEET TO A POINT; THENCE NORTH 86°51'19" WEST, A DISTANCE OF 136.24 FEET TO A POINT IN THE EAST RIGHT OF WAY OF NOTRE DAME AVENUE; THENCE NORTH 00°16'15" WEST, ALONG THE EAST RIGHT OF WAY LINE OF NOTRE DAME AVENUE, A DISTANCE OF 102.33 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89°37'04" EAST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 136.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

ABOVE DESCRIBED PARCEL TO BE KNOWN AS LOT 22 AND PART OF LOT 23 OF "RIVER WALK SUBDIVISION" CONTAINING: 0.33 ACRES OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT OF

WAYS OF RECORD.

be and the same is hereby established as SF2 Single Family & Two Family District.

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.

Member of the Common Council

Attest:

City Clerk

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

City Clerk

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

Mayor, City of South Bend, Indiana

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

Filed in Clerk's Office
JUL 20 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

327 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571
Wednesday, July 20, 2016

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

RE: An ordinance of River Walk, LLC and Gregory J. Gluchowski to zone from SF2 Single Family & Two Family District, MF1 Urban Corridor Multifamily District and MU Mixed Use District to MF1 Urban Corridor Multifamily District and SF2 Single Family & Two Family District, property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street, City of South Bend – APC #2786-16

Dear Council Members:

I hereby Certify that the above referenced ordinance of River Walk, LLC and Gregory J. Gluchowski was legally advertised on July 7, 2016 and that the Area Plan Commission at its public hearing on July 19, 2016 took the following action:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of River Walk, LLC and Gregory J. Gluchowski to zone from SF2 Single Family & Two Family District, MF1 Urban Corridor Multifamily District and MU Mixed Use District to MF1 Urban Corridor Multifamily District and SF2 Single Family & Two Family District, property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Redevelopment of this site for single family and townhome style residential will strengthen the existing Howard Park Neighborhood and address a demand for urban housing as identified by local developers, real estate professionals, and the Howard Park Neighborhood Plan.

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

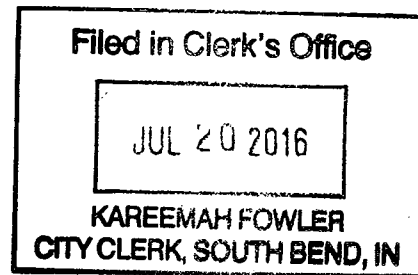
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

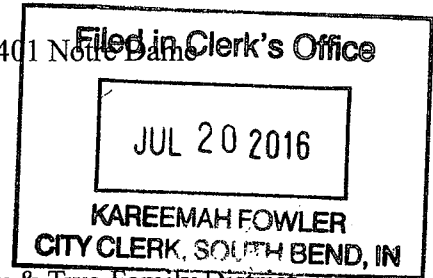
CC: River Walk, LLC
Gregory J. Gluchowski
Abonmarche Consultants, LLC



Staff Report

7/7/2016

APC # 2786-16
Owner: River Walk, LLC
Location: generally located at 314 & 318 St. Peter Street, 401 North Dames Avenue, and 325 Frances Street
Jurisdiction: City of South Bend
Public Hearing Date: 7/19/2016



Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District, MF1 Urban Corridor Multifamily District and MU Mixed Use District to MF1 Urban Corridor Multifamily District and SF2 Single Family & Two Family District

Land Uses and Zoning:

- On site: On site is vacant land.
- North: To the north of Tract 1 are homes zoned MF1 Urban Corridor Multifamily District. To the north of Tracts 2 and 3 are office buildings zoned MU Mixed Use District.
- East: To the east of Tract 1 is vacant land zoned SF2 Single Family and Two Family. To the east of Tracts 2 and 3, across Frances Street, are single family homes zoned SF2 Single Family and Two Family and Robert Henry Corporation zoned LI Light Industrial District.
- South: To the south is vacant land zoned SF2 Single Family and Two Family District.
- West: To the west of Tract 1, across St. Peter, is an office complex zoned MU Mixed Use District. To the west of Tracts 2 and 3 is vacant land zoned SF2 Single Family and Two Family.

District Uses and Development Standards:

The MF1 District is established to protect, promote and maintain the development of urban style multifamily dwellings and to provide for limited public and institutional uses that are compatible with a multifamily residential neighborhood. The development standards are designed to promote the establishment of: multifamily dwelling projects (including apartment, townhouse or row house style developments); and, high density two family dwelling developments located along a block face, in developed areas of the community which are served by a full range of public amenities.

The SF2 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings in the urban core of the City of South Bend as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district.

Site Plan Description:

The 2.88 acre site included in this petition are part of a larger development project that includes a mix of single-family home and town homes. The residential project will consist

of varying home sizes with reduced front setbacks of 15' and parking from private alleys internal to the site. The townhomes, as shown, are designed around a central courtyard.

Zoning and Land Use History And Trends:

The site has historically been focused around transportation. Originally the trolley barn for the trolley system, it later became the administration offices and service area for TRANSP0. In 2015 it was rezoned to SF2 Single Family and Two Family for the proposed housing development. Additional land has been acquired increasing the scope of the project.

Traffic and Transportation Considerations:

Frances Street has two lanes with on-street parking. The City is currently working to extend St. Peter Street south to intersect with Northside Boulevard.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation stating that it would facilitate housing options within the neighborhood and allow the developer's project to proceed. They further recommend that the end units on the courtyard homes be designed to interface with the street. The City Engineer commented that a drainage plan will be needed prior to final approval.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy H 1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Land Use Plan:

The future land use map identifies this area as mixed use and high density residential.

Plan Implementation/Other Plans:

The Howard Park Neighborhood Plan (2012) identifies this area as single family residential.

2. Current Conditions and Character:

The area has a wide mix of uses ranging from single family to industrial typical of an area that was once bordered by a rail line.

3. Most Desirable Use:

The most desirable use of the land is medium density residential.

4. Conservation of Property Values:

Due to the low impact of residential development, surrounding property values should not be affected.

5. Responsible Development And Growth:

It is responsible development and grown to support the redevelopment of this area with a mix of single family homes and townhomes.

This is a combined public hearing procedure, which includes a rezoning and 2 variances from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances

The petitioner is seeking the following variance(s):

- 1) From the required 25' minimum front yard building setback to 15' for Tract 2B;
- 2) From the required minimum side yard of 5' or 10% of lot width, whichever is greater, to 4' for Tract 2B

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

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

The reduced setback and lot width allow homes to be built in the development that will be consistent with the adjacent neighborhoods, which should not negatively impact the general welfare of the community because the appropriate infrastructure is already in place.

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

The low impact of the development should not affect surrounding property values.

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

Strict application of the ordinance would prevent the development from instituting a neighborhood layout appropriate to this specific location. It's close proximity to downtown and the river support the request for a more urban residential pattern.

Staff Comments:

The Staff has no additional comments.

Recommendation:

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

Analysis:

Redevelopment of this site for single family and townhome style residential will strengthen the existing Howard Park Neighborhood and address a demand for urban housing as identified by local developers, real estate professionals, and the Howard Park Neighborhood Plan.

REZONING
#2786-16



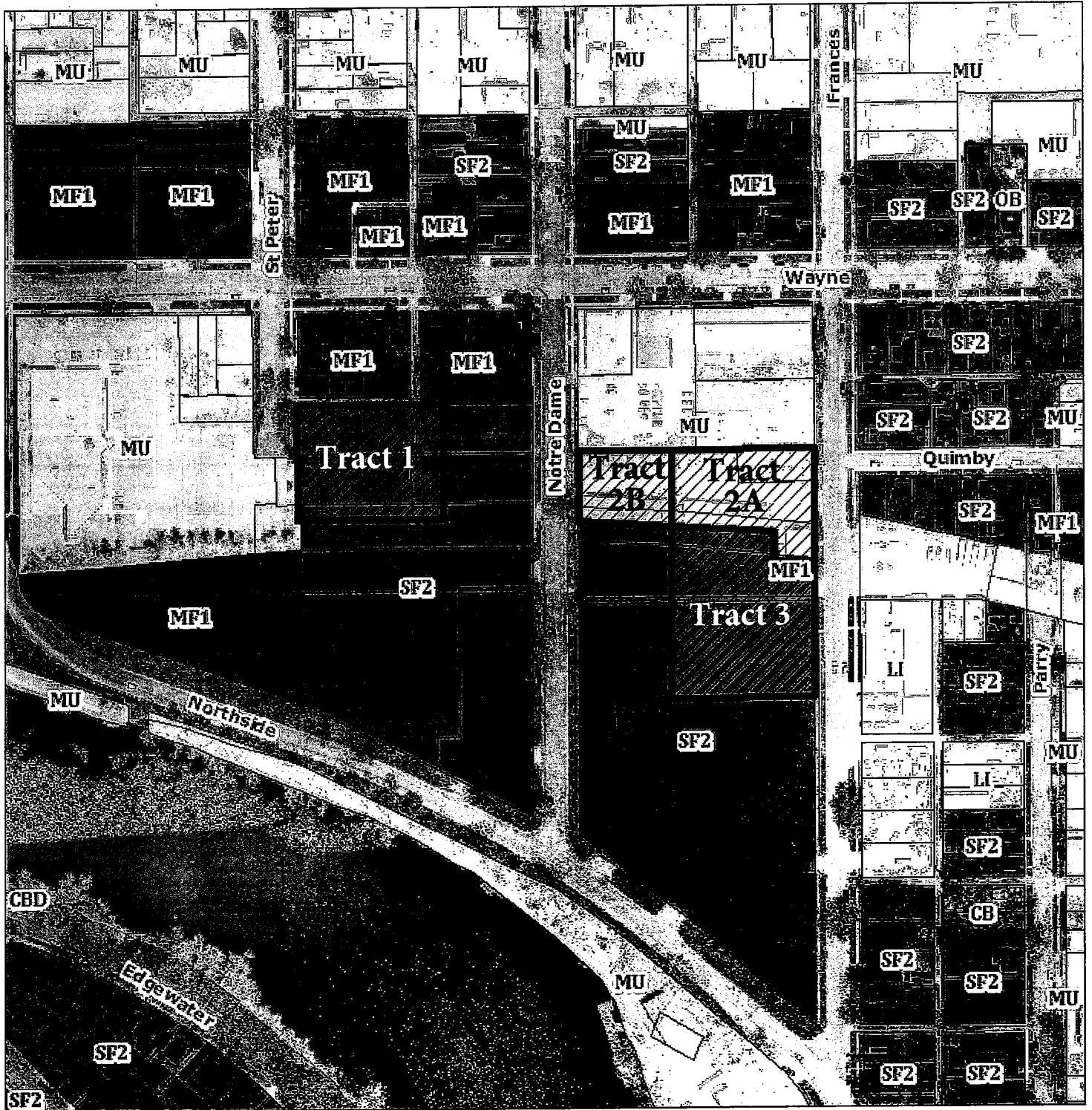
SOUTH BEND

100

SOUTH BEND, IN





1 inch = 200 feet
PORTAGE TOWNSHIP





Rezoning from: CITY OF SOUTH BEND
"SF2" SINGLE FAMILY & TWO FAMILY DISTRICT, "MU" MIXED USE DISTRICT,
AND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
 to **"SF2" SINGLE FAMILY & TWO FAMILY DISTRICT**
 AND **"MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT**

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT

Filed in Clerk's Office

JUL 20 2016

1 inch = 200 feet

KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

ABC # 2786-16

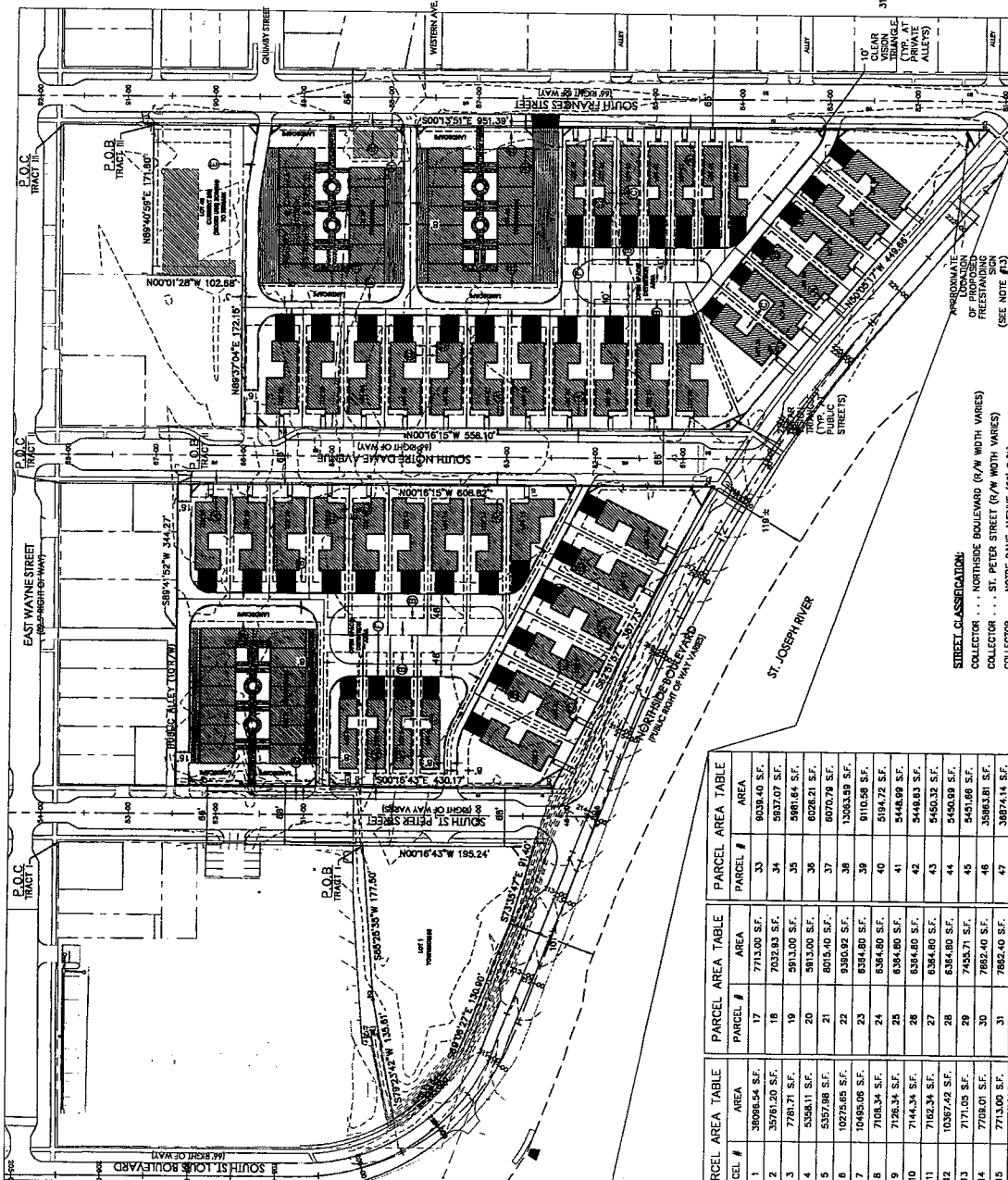
Filed in Clerk's Office

JUL 20 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

RIVER WALK SUBDIVISION
PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST,
PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

- LEGEND:**
- 4" SET 5/8" IRON BAR WITH YELLOW CAP
 - ABONMARCHE FIRM #0050
 - FOUND IRON PIPE
 - FOUND PINCHED IRON PIPE
 - FOUND
 - 15' FRONT BUILDING SETBACK (TYP. ALL LOTS EXCEPT: 22, 23, 47, & 48)
 - 15' FRONT VARIANCE APPROVED MAY 19, 2015
 - MINIMUM 20' REAR BUILDING SETBACK (TYP. LOTS: 1, 3-48)
 - MINIMUM 4' BUILDING SETBACK (TYP. LOTS: 1, 3-48)
 - MINIMUM 25' REAR BUILDING SETBACK (LOTS: 2, 46 & 47)
 - MINIMUM 15' SIDE RESIDENTIAL BUFFER YARD (BUILDING SETBACK) (LOT 48)
 - EXISTENT TREE (W/NESS/VEGETATION)
 - EXISTENT UTILITY (W/TH VARIANCE)
 - MINIMUM 5' FRONT BUILDING SETBACK (LOTS: 2, 46 & 47)
 - MINIMUM 25' FRONT BUILDING SETBACK (LOTS: 2, 46 & 47)



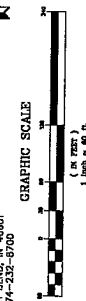
PARCEL #	AREA	PARCEL #	AREA	PARCEL #	AREA
1	39088.54 S.F.	17	7715.00 S.F.	33	6039.40 S.F.
2	35761.20 S.F.	18	7032.83 S.F.	34	5837.07 S.F.
3	7781.71 S.F.	19	5913.00 S.F.	35	5981.64 S.F.
4	5358.11 S.F.	20	5913.00 S.F.	36	6026.21 S.F.
5	5327.98 S.F.	21	8015.40 S.F.	37	6070.78 S.F.
6	10275.65 S.F.	22	9390.92 S.F.	38	13063.99 S.F.
7	10495.06 S.F.	23	6394.80 S.F.	39	6102.58 S.F.
8	7108.34 S.F.	24	6394.80 S.F.	40	5194.72 S.F.
9	7126.37 S.F.	25	6394.80 S.F.	41	5446.99 S.F.
10	7143.34 S.F.	26	6394.80 S.F.	42	5446.99 S.F.
11	7162.34 S.F.	27	6394.80 S.F.	43	5450.09 S.F.
12	10367.42 S.F.	28	6394.80 S.F.	44	5450.09 S.F.
13	7171.05 S.F.	29	7455.71 S.F.	45	5451.66 S.F.
14	7168.01 S.F.	30	7892.40 S.F.	46	39863.81 S.F.
15	7113.00 S.F.	31	7892.40 S.F.	47	39874.14 S.F.
16	7113.00 S.F.	32	8098.37 S.F.	48	20346.25 S.F.

STREET CLASSIFICATION:
COLLECTOR NORTHSHORE BOULEVARD (R/W WITH VARIANCE)
COLLECTOR ST. PETER STREET (R/W WITH VARIANCE)
COLLECTOR NOTRE DAME AVENUE (66' R/W)
COLLECTOR FRANCES STREET (66' R/W)

APPROXIMATE LOCATION OF PROPOSED PRELIMINARY SCREENING LANDSCAPING (SEE NOTE #13)

PROPERTY OWNERS:
RIVER WALK, L.L.C.
1805 NORTH CEDAR STREET
MUSKOGEE, IN 46540
731-227-4171

SURVEYED BY:
ABONMARCHE CONSULTANTS, INC.
700 LINCOLN WAY EAST
SOUTH BEND, IN 46801
317-232-6700



PROPERTY OWNER:
GREGORY J. GLUCHOWSKI
1805 NORTH CEDAR STREET
MUSKOGEE, IN 46540
317-232-6716

DATE: 06-07-16
SCALE: AS SHOWN
SHEET: 11 OF 48
JOB NO: 14-0744
PROJECT: RIVER WALK SUBDIVISION

RIVER WALK SUBDIVISION
SITE DEVELOPMENT PLAN

ABONMARCHE
CONSULTANTS, INC.
700 LINCOLN WAY EAST
SOUTH BEND, IN 46801
317-232-6700
www.abonmararche.com



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

June 8, 2016

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

RE: Rezoning for 314 & 318 St. Peter St., 401 Notre Dame Ave., and 325 Frances St.

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 13, 2016 Council meeting, and set it for public hearing at your July 25, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the July 19, 2016 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.

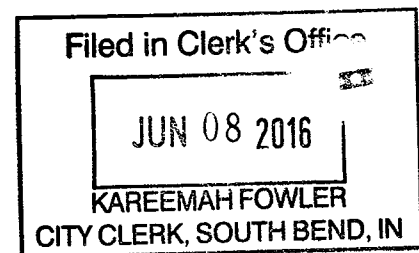
If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Chappuies'.

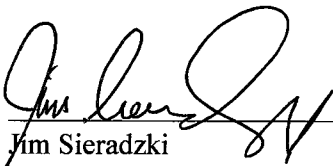
Matthew P. Chappuies,
Planner

CC: Kathy Cekanski-Farrand



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 COULCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

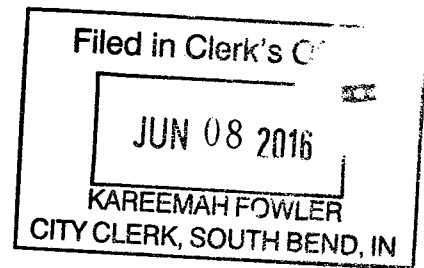
Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):



Jim Sieradzki
River Walk, LLC



Gregory J. Gluchowski



LEGAL DESCRIPTION

14-0764 RIVERWALK

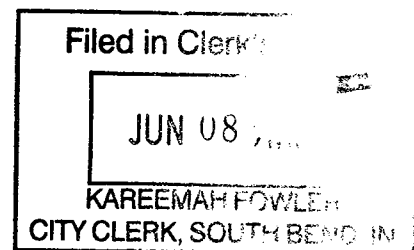
Tract 1

Re-zone SF2 to MF1

A PART OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE 1/4) AND PART OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, IN ACCORDANCE WITH TITLE IAC: 865 OF THE STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 342, OF SAMUEL L. COTTRELL'S SUBDIVISION, MONUMENTED BY A FOUND 1" IRON PIPE; THENCE SOUTH 00°16'15" EAST, ALONG THE WEST RIGHT OF WAY OF NOTRE DAME AVENUE (66' RIGHT OF WAY), A DISTANCE OF 132.25 FEET, TO A FOUND REBAR WITH CAP MONUMENTING THE NORTHEAST CORNER OF LOT 344 IN SAID COTTRELL'S SUBDIVISION. THENCE SOUTH 89°41'52" WEST ALONG THE NORTH LINE OF SAID LOT 344 TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00°16'15" EAST, PARALLEL WITH THE WEST LINE OF SOUTH NOTRE DAME AVENUE ,A DISTANCE OF 168.00 FEET TO A POINT; THENCE SOUTH 89°41'52" WEST, PARALLEL WITH THE NORTH LINE OF THE AFOREMENTIONED LOT 344, A DISTANCE OF 212.85 FEET, TO THE EAST RIGHT OF WAY OF ST. PETERS STREET; THENCE NORTH 00°16'43" WEST, ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 168.00 FEET TO THE NORTHWEST CORNER OF LOT 338 IN SAID COTTRELL'S SUBDIVISION; THENCE NORTH 89°41'52" EAST, ALONG THE NORTH LINE OF SAID LOT 338 AND LOT 344, A DISTANCE OF 212.87 FEET TO THE AFOREMENTIONED **POINT OF BEGINNING**.

ABOVE DESCRIBED PARCEL TO BE KNOWN AS LOT 2 OF RIVER WALK SUBDIVISION AND CONTAINING: 0.82 ACRES OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT OF WAYS OF RECORD.

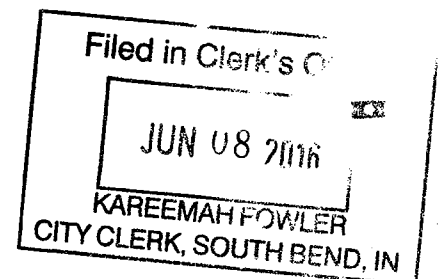


LEGAL DESCRIPTION
14-0764 RIVERWALK
TRACT 2A
Re-zone MU to MF1

A PART OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE 1/4) AND PART OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, IN ACCORDANCE WITH TITLE IAC: 865 OF THE STATE OF INDIANA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER, OF LOT 3, OF "WAYNE STREET PLAZA MINOR SUBDIVISION, AS SAID SUBDIVISION IS DESCRIBED IN INSTRUMENT NUMBER 0314133 AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; MONUMENTED BY A FOUND REBAR WITH CAP "PALM"; THENCE SOUTH 00°13'51" EAST, ALONG THE WEST RIGHT OF WAY OF FRANCES STREET (66 FOOT RIGHT OF WAY), A DISTANCE OF 102.50 FEET, TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE SOUTH 00°13'51" EAST, A DISTANCE OF 179.87 FEET TO A POINT; THENCE SOUTH 89°46'09" WEST, A DISTANCE OF 59.50 FEET TO A POINT; THENCE NORTH 00°13'51" WEST, A DISTANCE OF 59.85 FEET TO A POINT; THENCE NORTH 86°51'19" WEST, A DISTANCE OF 148.80 FEET TO A POINT; THENCE NORTH 00°16'15" WEST, A DISTANCE OF 110.71 FEET TO A POINT; THENCE NORTH 89°37'04" EAST, A DISTANCE OF 208.12 FEET TO A POINT; TO THE AFOREMENTIONED **POINT OF BEGINNING**.

ABOVE DESCRIBED PARCEL TO BE KNOW AS PART OF LOT 47 OF RIVER WALK SUBDIVISION CONTAINING: 0.64 ACRES OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT OF WAYS OF RECORD.



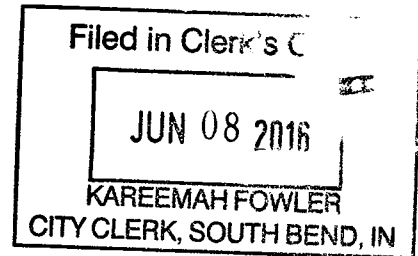
LEGAL DESCRIPTION
14-0764 RIVER WALK
Tract "2B"
MU to MF1

A PART OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE 1/4) AND PART OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, IN ACCORDANCE WITH TITLE IAC: 865 OF THE STATE OF INDIANA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER, OF LOT 3, OF "WAYNE STREET PLAZA MINOR SUBDIVISION, AS SAID SUBDIVISION IS DESCRIBED IN INSTRUMENT NUMBER 0314133 AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; MONUMENTED BY A FOUND REBAR WITH CAP "PALM"; THENCE SOUTH 00°13'51" EAST, ALONG THE WEST RIGHT OF WAY OF FRANCES STREET (66 FOOT RIGHT OF WAY), A DISTANCE OF 102.50 FEET, TO A REBAR WITH CAP "PALM" MONUMENTING THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 89°40'59" WEST ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 171.60 FEET TO A FOUND MAG NAIL WITH TAG "PALM" MONUMENTING THE SOUTHWEST CORNER OF SAID LOT 3, BEING A POINT ON THE EAST LINE OF LOT 2 OF SAID "WAYNE STREET PLAZA MINOR SUBDIVISION"; THENCE SOUTH 00° 01' 28" EAST A DISTANCE OF 102.68 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, MONUMENTED BY A FOUND REBAR "FIRM 0044"; THENCE SOUTH 89°37'04" WEST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 36.15 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00°16'15" EAST, A DISTANCE OF 110.71 FEET TO A POINT; THENCE NORTH 86°51'19" WEST, A DISTANCE OF 136.24 FEET TO A POINT IN THE EAST RIGHT OF WAY OF NOTRE DAME AVENUE; THENCE NORTH 00°16'15" WEST, ALONG THE EAST RIGHT OF WAY LINE OF NOTRE DAME AVENUE, A DISTANCE OF 102.33 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89°37'04" EAST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 136.00 FEET TO THE AFOREMENTIONED **POINT OF BEGINNING**.

ABOVE DESCRIBED PARCEL TO BE KNOWN AS LOT 22 AND PART OF LOT 23 OF "RIVER WALK SUBDIVISION" CONTAINING: 0.33 ACRES OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT OF WAYS OF RECORD.

F:\Projects\2014 Projects\14-0764 Riverwalk\Legal Desc & Surveyor Report\14-0764 LEGAL multi-family variance 2.docx



F:\Projects\2014 Projects\14-0764 Riverwalk\Legal Desc & Surveyor Report\14-0764 LEGAL PLAT TRACT I.docx

LEGAL DESCRIPTION

14-0764 RIVERWALK

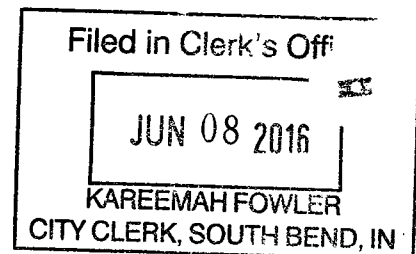
TRACT 3

Re-zone SF2 to MF1

A PART OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE 1/4) AND PART OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, IN ACCORDANCE WITH TITLE IAC: 865 OF THE STATE OF INDIANA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER, OF LOT 3, OF "WAYNE STREET PLAZA MINOR SUBDIVISION, AS SAID SUBDIVISION IS DESCRIBED IN INSTRUMENT NUMBER 0314133 AND RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; MONUMENTED BY A FOUND REBAR WITH CAP "PALM"; THENCE SOUTH 00°13'51" EAST, ALONG THE WEST RIGHT OF WAY OF FRANCES STREET (66 FOOT RIGHT OF WAY), A DISTANCE OF 384.86 FEET, TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE SOUTH 00°13'51" EAST, A DISTANCE OF 183.05 FEET TO A POINT; THENCE SOUTH 89°40'41" WEST, A DISTANCE OF 207.87 FEET TO A POINT; THENCE NORTH 00°16'15" WEST, A DISTANCE OF 252.00 FEET TO A POINT; THENCE SOUTH 86°51'19" EAST, A DISTANCE OF 148.80 FEET TO A POINT; THENCE SOUTH 00°13'51" EAST, A DISTANCE OF 59.85 FEET TO A POINT; THENCE NORTH 89°46'09" EAST, A DISTANCE OF 59.50 FEET TO THE AFOREMENTIONED **POINT OF BEGINNING**.

ABOVE DESCRIBED PARCEL TO BE KNOW AS LOT 46 AND PART OF LOT 47 OF RIVER WALK SUBDIVISION CONTAINING: 1.09 ACRES OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT OF WAYS OF RECORD.



State of Indiana
Office of the Secretary of State
CERTIFICATE OF ORGANIZATION
of
RIVER WALK L.L.C.

I, Connie Lawson, Secretary of State of Indiana, hereby certify that Articles of Organization of the above Domestic Limited Liability Company (LLC) has been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Business Flexibility Act.

NOW, THEREFORE, with this document I certify that said transaction will become effective Thursday, April 10, 2014.

In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, April 10, 2014



Connie Lawson

CONNIE LAWSON,
SECRETARY OF STATE

Filed in Clerk's Office

JUN 08 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

FILED

JUN 08 2016

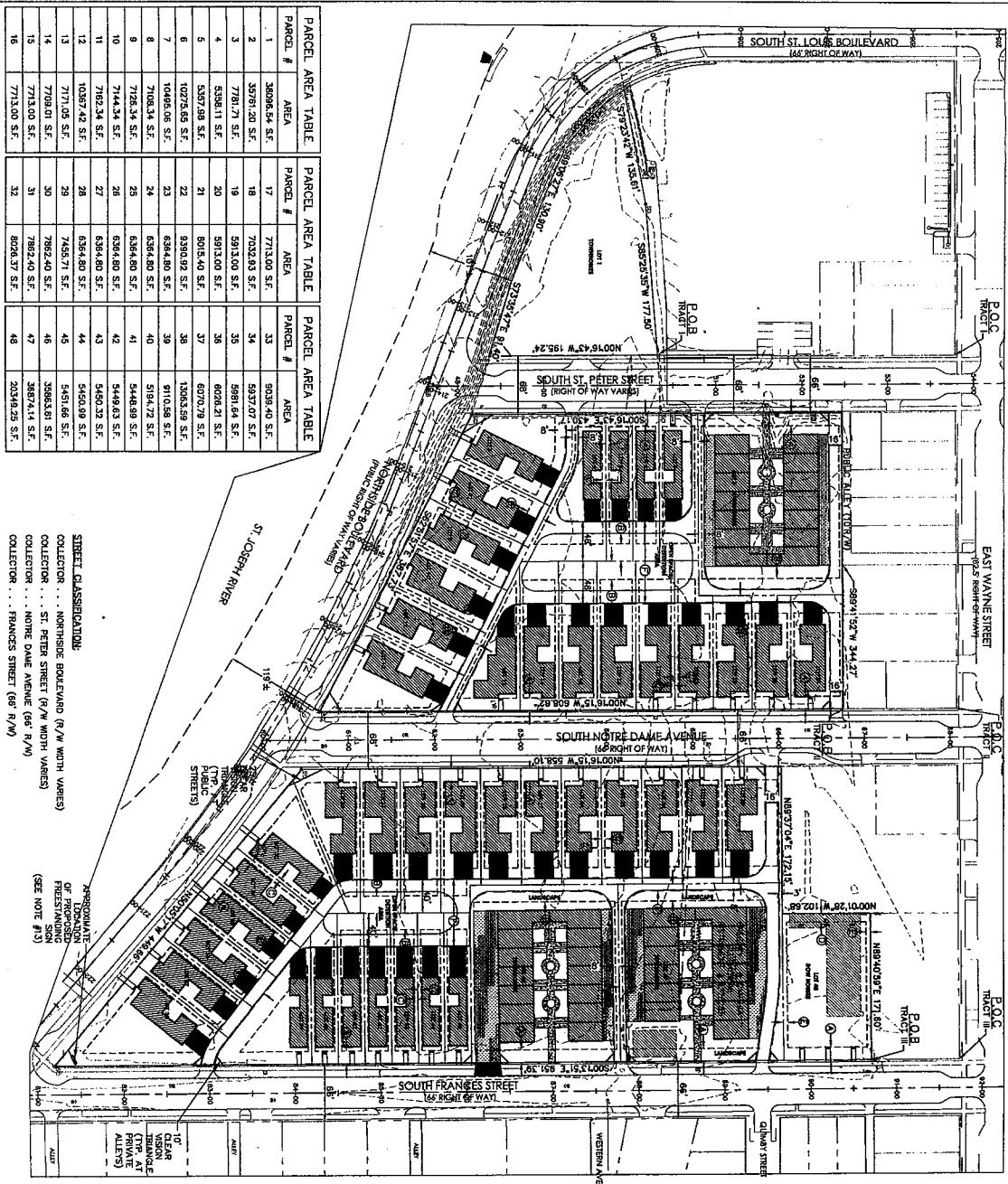
AREA PLAN COMMISSION

APPLICATION NO.

2014041000471 / 2014041000471

RIVER WALK SUBDIVISION

PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST,
PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA



PARCEL #	AREA	PARCEL #	AREA	PARCEL #	AREA
1	3806.54 S.F.	17	713.00 S.F.	33	5038.40 S.F.
2	30791.20 S.F.	18	7032.53 S.F.	34	5937.07 S.F.
3	7781.71 S.F.	19	5913.00 S.F.	35	5981.64 S.F.
4	5357.99 S.F.	20	5913.00 S.F.	36	6028.21 S.F.
5	10273.65 S.F.	21	6015.40 S.F.	37	6070.79 S.F.
6	10466.06 S.F.	22	6390.92 S.F.	38	13063.89 S.F.
7	10466.06 S.F.	23	6390.92 S.F.	39	13063.89 S.F.
8	7128.34 S.F.	24	6394.80 S.F.	40	5194.72 S.F.
9	7128.34 S.F.	25	6394.80 S.F.	41	5448.89 S.F.
10	7144.34 S.F.	26	6394.80 S.F.	42	5448.89 S.F.
11	7182.34 S.F.	27	6394.80 S.F.	43	5450.32 S.F.
12	10367.42 S.F.	28	6394.80 S.F.	44	5450.32 S.F.
13	7171.05 S.F.	29	7852.40 S.F.	45	5451.66 S.F.
14	7708.01 S.F.	30	7852.40 S.F.	46	5985.81 S.F.
15	7713.00 S.F.	31	7852.40 S.F.	47	5985.81 S.F.
16	7713.00 S.F.	32	8008.37 S.F.	48	20349.25 S.F.

STREET CLASSIFICATION:
 COLLECTOR ... NORTHSIDE BOULEVARD (R/W WIDTH VARIES)
 COLLECTOR ... ST. PETER STREET (R/W WIDTH VARIES)
 COLLECTOR ... NOTRE DAME AVENUE (66' R/W)
 COLLECTOR ... FRANCES STREET (66' R/W)

- LEGEND:**
- ① SET 5/8" IRON BAR WITH YELLOW CAP
 - ② REBAR/ANCHOR FROM #2000
 - ③ FOUND IRON PIPE
 - ④ FOUND PUNCHED IRON PIPE
 - ⑤ FOUND
 - ⑥ 15' FRONT BUILDING SETBACK (TP - ALL LOTS) (PER VARIANCE APPROVED MAY 20, 2015)
 - ⑦ 20' REAR BUILDING SETBACK (TP - LOTS 1-47) (PER VARIANCE APPROVED MAY 20, 2015)
 - ⑧ 4' BUILDING SETBACK (LOT 48) (PER VARIANCE APPROVED MAY 20, 2015)
 - ⑨ 10' REAR BUILDING SETBACK (LOT 48)
 - ⑩ 5' SIDE BUILDING SETBACK (LOT 48)
 - ⑪ EXISTING FOR WALKWAYS/BIKEWAYS, UTILITIES, CITY OF SOUTH BEND UTILITIES & STORMWATER (WIDTH VARIES)
- NOTES:**
1. AREA OF SUBDIVISION = 10,844 ACRES
 2. ENGINEERING RECORD: ALL LOTS SHALL BE SERVICED BY CITY OF SOUTH BEND MUNICIPAL SANITARY SEWER AND WATER.
 3. ACCORDING TO THE 1987 U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, INVENTORY MAPS, THERE ARE NO METALS LOCATED ON THE SUBJECT PLOTS.
 4. BUILDING SETBACK LINES AND BUILDING HEIGHT SHALL CONFORM TO THE APPLICABLE ZONING ORDINANCE OF THE CITY OF SOUTH BEND.
 5. NORTH SIDE BOULEVARD AND ST. PETER STREET AS SHOWN ON THIS SUBDIVISION PLAN WERE DEDICATED THROUGH A SEPARATE DEED OF DEDICATION OF PUBLIC RIGHT-OF-WAY AS RECORDED UNDER INSTRUMENT NUMBER 18020, DATED 02/07/2014, IN THE OFFICE OF RECORDER, ST. JOSEPH COUNTY, INDIANA.
 6. THE BOUNDARY SURVEY OF THE THREE PARENT PARCELS IS RECORDED UNDER INSTRUMENT NUMBER 18020, DATED 02/07/2014, IN THE OFFICE OF RECORDER, ST. JOSEPH COUNTY, INDIANA.
 7. HEREIN AND ENVIRONMENTAL ASSOCIATES, INC. REPORTS THAT BASED ON BORN SITE OCCUPATION, THERE ARE NO UNDERGROUND STORAGE TANKS REMAINING ON THE SUBJECT PLOTS.
 8. HEREIN AND ENVIRONMENTAL ASSOCIATES, INC. REPORTS THAT THEY PERFORMED A VISUAL AND ENVIRONMENTAL SURVEY OF THE SUBJECT PLOTS AND FOUND NO EVIDENCE OF CURRENT UTILS (UNDERGROUND STORAGE TANKS) ON THE SITE GROUNDS EXISTING MONUMENTS ARE SHOWN ON SAID SURVEY.
 9. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FEDERAL INSURANCE RATE MAP (FIRM) NUMBER 18020, WITH EFFECTIVE DATES 08/01/2014 AND 08/01/2015, THE SUBJECT PLOTS ARE DESIGNATED AS ZONE X AREA OF MINIMAL FLOOD HAZARD WHICH ARE DESIGNATED AS ZONE X AREA OF MINIMAL FLOOD HAZARD (MICHIGAN BRICK AND BUILDING SAFETY FACILITY).
 10. EXISTING UTILITY RECORDS FOR THE SUBJECT PLOTS SHOW WATER AND SANITARY SEWER AND TO PRIVATE AND PUBLIC UTILITIES COMPANIES INCLUDING BUT NOT LIMITED TO: TELECOMMUNICATIONS, ELECTRIC GAS, AND THE CITY OF SOUTH BEND TO INSTALL, MAINTAIN, AND OPERATE UNDER SUBDIVISION AND ASSOCIATION SHALL TAKE THESE UTILITIES SUBJECT TO SAID USE OF EASEMENT.
 11. CURB AND SIDEWALK SHOW HEREON ARE TAKEN FROM IMPROVEMENT PLANS FOR CITY OF SOUTH BEND PROJECT "FAST TRACK SEWER SEPARATION - PHASE 5".
 12. OFF-STREET PARKING IS BEING PROVIDED WITH ATTACHED GARAGES FOR EACH UNIT.
 13. THE APPROXIMATE LOCATION OF A PROPOSED FRESHWATER SIGN DEPICTING THE COURSE OF THE RIVER AND THE LOCATION OF THE PROPOSED FRESHWATER SIGN, THE COURSE OF THE RIVER AND THE LOCATION OF THE PROPOSED FRESHWATER SIGN, WILL BE APPLIED FOR UNDER A SEPARATE PERMIT.

PROPERTY OWNERS:
 RIVER WALK, LLC
 314 WEST GARDNA DRIVE, SUITE F
 SOUTH BEND, IN 46601
 574-277-4171

PROPERTY OWNERS:
 GEORGE J. GILJOHNSKI
 1802 NORTH CENTAL STREET
 SOUTH BEND, IN 46601
 574-222-9100

ARCHITECT:
 ABONMARCHÉ CONSULTANTS, INC.
 750 UNION AVENUE EAST
 SOUTH BEND, IN 46601
 574-222-9100

GRAPHIC SCALE:
 1" = 50' (SEE NOTE #1)

PROJECT:
 RIVER WALK SUBDIVISION
 SITE DEVELOPMENT PLAN

DATE: 14-07-64

1 OF 1

Filed in Clerk's Office
JUN 08 2016
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

ABONMARCHÉ
 CONSULTANTS, INC.
 750 Union Way East
 South Bend, IN 46601
 1-574-222-9100
 1-574-231-4140

Engineering
 Architecture
 Land Surveying
 Planning
 Community Planning
 Landscape Architecture
 Development Services

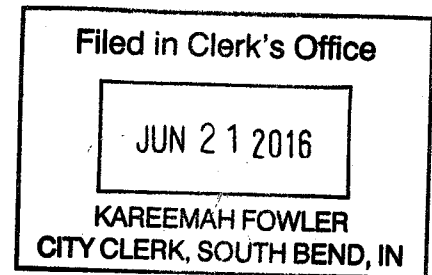
YOUNG & RUBICAM
 100 N. LAKE STREET, 4TH FLOOR
 SOUTH BEND, IN 46601



The South Bend Common Council
 227 West Jefferson Boulevard, Room 441
 Downtown South Bend, Indiana 46601
 574.235.9321 574.235.5567 TDD

June 21, 2016

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



Dear Council Members:

The attached proposed resolution is filed in support of continuing to make a reasonable transition to cleaner forms of energy. The City of South Bend has a long history of environmental awareness going back to at least the 1962 *City Code* which contained regulations for the "Protection of Rivers". Just some of the more than forty (40) legislative actions taken thereafter on a variety of topics included:

- Ordinance No. 5593-73 passed on October 22, 1973 amending Chapter 13 of the *South Bend Municipal Code* by the addition of new Article 6 **Air Pollution Control prohibiting leaf burning** with limited exceptions;
- Ordinance No. 5750-74 passed October 21, 1974 amending Chapter 13, Article 6 of the *South Bend Municipal Code* by adding new Section 13-78 **prohibiting smoking on buses operated in South Bend**;
- Ordinance No. 7108-82 passed on October 11, 1982 creating a 13-member Energy Conservation Commission to help develop **long-range energy conservation plans and "foster the conservation of energy"**;
- Ordinance No. 7597-86 passed January 27, 1986 **establishing new "Waste to Energy Facility Regulations"**;
- Resolution No. 3705-07 adopted on July 31, 2007 to utilize a new state law on "Guaranteed Energy Savings Contract" for potential **energy savings for the installation of LED traffic lights**;
- Ordinance No. 10023-10 passed on July 12, 2010 which **created the position of Director of Energy Conservation in the City of South Bend's Municipal Energy Office**;
- Resolution No. 4158-12 adopted on February 27, 2012 **recommending Stepped-Up Initiatives to Implement More "Best Practices" Emphasizing More Fuel-Efficient Sustainable Programs**;
- Resolution No. 4261-13 adopted June 10, 2013 supporting the **Green Roof Initiative for the Century Center**;
- Resolution No. 4302-13 adopted on November 25, 2013 which again utilized state law provisions on "Guaranteed Energy Savings Contracts" for potential **energy savings for the Century Center**;

- Ordinance No. 10402-15 passed on November 23, 2015 **updating and improving drain and downspout disconnection** requirements by changing a voluntary program to a mandatory program in order to incorporate more EPA recommended “**Green Infrastructure**” by rerouting rooftop drainage pipes to rain barrels and permeable areas instead of to storm sewers.

The Common Council notes that there are several agencies at the state and federal levels dedicated to protecting our environment. Indiana is in EPA Region 5 which includes the states of Indiana, Illinois, Michigan, Minnesota, Ohio, Wisconsin and thirty-five (35) Native American Tribes. Federal and state laws, rules and regulations govern on a multitude of issues.

It is our understanding that the Indiana Department of Environmental Management (IDEM) is seeking public input through June 30th on new rules addressing coal combustion residuals (CCRs) and coal ash containment.

We have been advised that currently the Indiana Michigan Power Company, which is doing business as American Electric Power (AEP) operates a coal-fired electric generating station in Rockport, Spencer County, Indiana, which is governed by EPA and IDEM rules and regulations. The December 9, 2015 “Annual Landfill Inspection Report” for the Rockport Plant may be accessed at:

<https://www.aep.com/about/codeofconduct/CCRRule/docs/2016/RK-LF-AnnEngIns-123115.pdf>

The attached proposed resolution is a show of support for continuing to develop reasonable transition plans to clean energy in our community. We request that it be referred to the Utilities Committee for review and recommendation.


Most sincerely,



Oliver J. Davis
6th District Council Member



Tim Scott
1st District Council Member



Gavin Ferlic
Council Member at Large

Attachment

Resolution No. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA
IN SUPPORT OF A REASONABLE TRANSITION TO CLEAN ENERGY FOR SOUTH BEND

Whereas, a transition to clean energy has begun in the City of South Bend and nearby communities, with solar panels installed at the South Bend Century Center, South Bend Mutual Homes and Near Northwest Neighborhood;¹ and

Whereas, Rev. John I. Jenkins, C.S.C., president of the University of Notre Dame, announced on September 21, 2015, that the University will cease burning coal entirely within five years, and cut its carbon footprint by more than half by 2030;² and

Whereas, at least six faith communities in South Bend have installed or are planning to install solar panels to reduce their energy costs and better care for the Earth, including the First United Methodist Church, Islamic Society of Michiana, Kern Road Mennonite Church, Olivet AME Church, St. Anthony de Padua Catholic Church and First Unitarian Church;³ and

Whereas, the South Bend Century Center expects to save \$1.5 million over 15 years by installing solar panels, LED lighting and energy efficient heating and cooling systems;⁴ and

Whereas, Real Services provided winter heating assistance to 9,432 struggling families in its Northern Indiana service area in 2015, and summer cooling assistance to 9,202 families that same year;⁵ and

Whereas, investments in solar power and energy efficiency in South Bend could benefit our local economy while reducing energy use and making it easier for residents to afford their electric bills;^{6,7} and

Whereas, with more than 146 watts installed per person, Indianapolis ranks second in the nation for solar power capacity per capita, second only to Honolulu, Hawaii, and ahead of all other U.S. cities such as San Jose, San Diego and Albuquerque;⁸ and

Whereas, Northern Indiana Public Service Co. offers a program to purchase renewable energy from customers through a program that is creating 35 megawatts of solar, wind and other local energy in Northwest Indiana;⁹ and

Whereas, Indiana Michigan Power (I&M) has begun installing small solar projects totaling 15 megawatts¹⁰ yet still generates approximately 40 percent of South Bend's electricity from the 2,600-megawatt AEP-Rockport

¹ <http://www.iaced.org/wp-content/uploads/2015/07/South-Bend-SUN-Solar-Awards.pdf>

² <http://news.nd.edu/news/61083-notre-dame-goal-no-coal/>

³ http://www.southbendtribune.com/news/local/south-bend-congregations-turn-skyward-to-serve-energy/article_732c9b8d-b43f-59ae-babd-ac8e079ebbaa.html

⁴ <https://downtownsouthbend.com/century-center-surges-ahead-multi-million-dollar-energy-savings-project>

⁵ <https://www.realservices.org/wp/wp-content/uploads/2016/04/2015-Northern-Indiana.pdf> (page 11)

⁶ http://energy.gov/sites/prod/files/2016/05/f31/Factsheet-EE_Savings_and_Benefits.pdf

⁷ <http://www.thesolarfoundation.org/national/>

⁸ <http://wishtv.com/2015/05/27/forbes-indy-is-2nd-best-city-for-solar-power/>

⁹ <https://www.nipsco.com/our-services/renewable-energy-projects/feed-in-tariff-program>

¹⁰ <https://www.indianamichiganpower.com/info/news/viewRelease.aspx?releaseID=1695>

coal-fired power plant,¹¹ the second most toxic power plant in Indiana^{12,13} and the nation's sixth largest carbon polluter in 2014,¹⁴ according to the U.S. Environmental Protection Agency; and

Whereas, Dr. Norma Kreilein, a Notre Dame alumna and pediatrician in Washington, Indiana, says pollution from the AEP-Rockport coal plant is harming the health of children and their families in southern Indiana and the plant should be shut down;¹⁵ and

Whereas, the AEP-Rockport power plant sends hundreds of millions of dollars from South Bend and other I&M communities each year to pay for out-of-state coal from Wyoming and Kentucky;¹⁶ and

Whereas, I&M must decide whether it will spend more than \$3 billion of customers' money during the next 12 years to add more pollution controls to the AEP-Rockport plant or invest in clean energy jobs and technology in communities where I&M customers live, such as South Bend, Elkhart, Fort Wayne and Muncie;¹⁷ and

Whereas, I&M's lease-operate agreement expires in 2022 on one-half of the AEP-Rockport plant owned by a group of out-of-state corporations -- General Electric, Verizon, Philip Morris, Citigroup and J.P. Morgan -- who use the plant's assets to reduce their income tax burden;¹⁸ and

Whereas, according to I&M's own analysis, phasing out one half of the AEP-Rockport plant in 2022 and replacing it with cleaner forms of energy would be less expensive than I&M's preferred plan to keep burning coal;¹⁹ and

Whereas, retiring the AEP-Rockport plant would achieve half of Indiana's carbon reduction goal under the federal Clean Power Plan,²⁰ reduce financial risks for customers, and potentially generate more local jobs and economic opportunities; and

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

Section I. The Common Council calls on Indiana Michigan Power to transition as expeditiously and cost-effectively as possible away from coal-based power to cleaner forms of energy, such as wind, solar and energy efficiency and to do so in a reasonable manner that minimizes rate impacts. I&M's transition plan should include:

1. Identifying locations in South Bend and nearby communities where jobs can be created through investments in energy efficiency, wind or solar power; and
2. Developing a more aggressive plan to weatherize and improve energy efficiency in homes with low-income residents so families can afford their utility bills; and

¹¹

<https://www.indianamichiganpower.com/global/utilities/lib/docs/info/projects/IntegratedResourcePlan/2015%20I&M%20IRP%20Public%20Summary.pdf>

¹² https://iaspub.epa.gov/triexplorer/tri_release.facility

¹³ <http://enewspf.com/2016/02/02/new-epa-data-im-facility-2nd-most-toxic-power-plant-in-indiana/>

¹⁴ <https://ghgdata.epa.gov/ghgp/main.do>

¹⁵ <http://www.journalgazette.net/opinion/columns/Doctor-s-prescription-Less-I-M-pollution-11896586>

¹⁶ Source: www.snl.com (subscription service)

¹⁷ <http://wboi.org/post/coal-fired-plants-adapt-new-costly-epa-standards#stream/0>

¹⁸ <https://drive.google.com/file/d/0B-pOypoYthHLaU5Zb3FIZEJPcVRHZzBjUjIwDWN4OXJpSEFB/view?usp=sharing>


¹⁹ https://drive.google.com/file/d/0B37jrMi-Cq_JWmlBeEdqTldTRFk/view?usp=sharing

²⁰ At 19.7 million short tons of CO₂ emitted in 2012 and 17.4 million short tons in 2014 (ghgdata.epa.gov – metric tons converted to short tons), the AEP-Rockport plant represents more than half of Indiana's Clean Power Plan goal to reduce CO₂ emissions by 31 million short tons by 2030 (<https://www3.epa.gov/airquality/cpptoolbox/indiana.pdf>)

3. Working with the local community in Spencer County to create a just transition plan for AEP-Rockport plant workers and surrounding communities who today are dependent on the plant for income.

Section II. The Office of the City Clerk shall send a copy of this Resolution, following Common Council disposition, to Indiana Michigan Power Company, the Office of the Utility Consumer Counselor located at 115 West Washington Street, # 1500, Indianapolis, Indiana 46204 and the Indiana Utility Regulatory Commission located at 101 West Washington Street, Suite 1500E, Indianapolis, Indiana 46204.

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



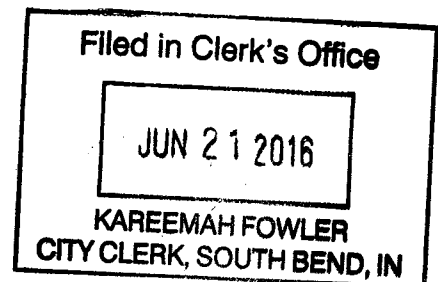
Council Member Oliver J. Davis, 6th District

Council Member Tim Scott, 1st District

Council Member at Large Gavin Ferlic

Common Council Vote Totals:

In Favor _____
In Opposition _____



PRESENTED
NOT APPROVED
2016



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

July 6, 2016

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

RE: 22575 Block U.S. 20 West, 22875 Block U.S.20 West, 22965 U.S. 20 West, 24632 U.S. 20 West, 24650 U.S. 20 West, 24700 U.S 20 West, and 54270 Pine Road

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 July 11, 2016 Council meeting, and set it for public hearing at your August 22, 2016. Council meeting. The petition is tentatively scheduled for public hearing at the August 16, 2016 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

A handwritten signature in black ink that reads "Keith Chapman". The signature is written in a cursive, flowing style.

Planner

CC: Kathy Cekanski-Farrand

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

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN CENTRE TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 22575 BLOCK U.S. 20 WEST, 22875 BLOCK U.S.20 WEST, 22965 U.S. 20 WEST, 24632 U.S. 20 WEST, 24650 U.S. 20 WEST, 24700 U.S 20 WEST, AND 54270 PINE ROAD, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

PETITIONER SEEKING TO ANNEX AND REZONE PROPERTY FOR FUTURE INDUSTRIAL USES.

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

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

PART OF THE SOUTHWEST QUARTER OF SECTION 30 AND THE NORTH HALF OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 2 EAST, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 00°06'11" WEST ALONG THE WEST LINE OF SAID SECTION, 1089.99 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°42'25" EAST, 588.56 FEET (REC. NORTH 90°00'00" EAST, 588.77 FEET) THENCE NORTH 00°24'48" EAST, 355.17 FEET (REC. NORTH 00°00'00" EAST, 357.32 FEET) TO THE SOUTHWEST CORNER OF LOT 1 OF THE RECORDED PLAT OF KELLER AND HALL MINOR SUBDIVISION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY INDIANA; THENCE SOUTH 89°58'26" EAST ALONG THE SOUTH LINE OF SAID LOT 1, 553.41 FEET (REC. SOUTH 89°47'33 EAST, 553.56 FEET) TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01°42'52" WEST, 457.16 FEET TO THE NORTHWEST CORNER OF LOT 2A OF THE RECORDED PLAT OF CASCINO MINOR SUBDIVISION AS RECORDED BY DOCUMENT NUMBER 9125343; THENCE ALONG SAID LOT 2A FOR THE NEXT FOUR (4) COURSES, NORTH 89°26'08" EAST, 353.28 FEET (REC. NORTH 89°27'57" EAST, 351.36 FEET), AND NORTH 02°09'38" WEST, 129.92 FEET (REC. NORTH 02°07'49" WEST, 129.92 FEET), AND NORTH 54°49'19" WEST, 313.42

FEET (REC. NORTH 54°47'30" WEST, 313.42 FEET), AND NORTH 28°33'11" EAST, 240 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20; THENCE SOUTH 55°25'02" EAST, 794.34 FEET ALONG SAID NORTH LINE, 507 FEET MORE OR LESS TO THE PRESENT CITY OF SOUTH BEND CORPORATE LIMIT LINE; THENCE SOUTH 28°33'11" WEST, 180 FEET ALONG SAID LINE TO THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20; THENCE ALONG SAID SOUTH LINE, SOUTH 55°25'02" EAST, 300 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE U.S. 20 BY-PASS (A.K.A. ST. JOSEPH VALLEY PARKWAY); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT EIGHT (8) COURSES; SOUTH 38°08'20" EAST, 139.58 FEET, AND SOUTH 28°56'12" EAST, 935.25 FEET, AND SOUTH 01°44'02" EAST, 55.85 FEET (REC. SOUTH 00°00'00" EAST, 48.00 FEET) TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2, OF THE NORTHWEST QUARTER OF SAID SECTION 31, AND SOUTH 89°53'51" EAST ALONG SAID NORTH LINE, 14.92 FEET, AND NORTH 01°36'33" WEST, 14.68 FEET, AND SOUTH 29°41'47" EAST, 653.16 FEET (REC. SOUTH 33°00'50" EAST, 675.32 FEET) AND SOUTH 09°41'15" EAST, 409.58 FEET (REC. SOUTH 08°47'10" EAST, 409.58 FEET), AND SOUTH 04°05'20" EAST, 376.16 FEET (REC. SOUTH 03°11'15" EAST, 376.16 FEET) TO THE EAST AND WEST QUARTER LINE OF SAID SECTION 31; THENCE NORTH 89°46'55" WEST, 381.54 FEET (REC. NORTH 89°46'55" WEST, 427.96 FEET TO THE CENTER OF SAID SECTION AS MONUMENTED, ALSO BEING THE SOUTHEAST CORNER OF LOT 3 OF THE RECORDED PLAT OF R.M. LYNCH MINOR SUBDIVISION AS RECORDED BY DOCUMENT NUMBER 8800527 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 01°36'33" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 31, AND THE EAST LINE OF SAID LOT 3, 949.65 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°49'54" WEST ALONG THE NORTH LINE OF SAID LOT 3, AND ITS WESTERLY EXTENTION, 2535.42 FEET (REC. NORTH 89°56'27" WEST) TO THE WEST RIGHT-OF-WAY LINE OF PINE ROAD; THENCE NORTH 00°06'11" EAST, ALONG SAID WEST LINE, 616.06 FEET; NORTH 89°42'25" EAST, 30 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 71.31 ACRES MORE OR LESS.

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

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

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

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

Member of the Common Council

Attest:

City Clerk

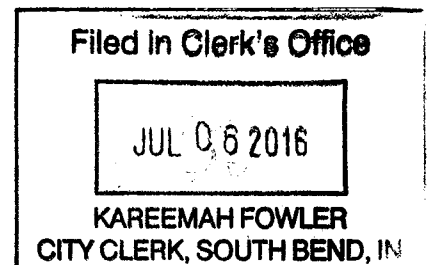
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana

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



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

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

- 1) The property sought to be rezoned is located at:
22575 Block U.S. 20 West, 22875 Block U.S. 20 West, 22965 U.S. 20 West, 24632 U.S. 20 West, 24650 U.S. 20 West, 24700 U.S. 20 West, 54270 Pine Road all South Bend, Indiana 46628.
- 2) The property Tax Key Number(s) is/are: *004-1021-036004, 004-1021-035302, 004-1021-035303, 004-1021-035202, 004-1021-035201, 004-1021-035301, 004-1021-035110*
- 3) Legal Description(s) Please note, if the public right-of-way adjacent to the parcel is not already within City limit, the legal description MUST include the right-of-way: *See Attached legal for annexation*
- 4) Total Site Area (excluding right-of-way): *68.08 total acres to be rezoned*
- 5) Name and address of property owner(s) of the petition site:
*Name: St. Joseph County Airport Authority, Attn: Kerianne Kirby
Address: 4477 Progress Drive
South Bend, Indiana 46628
Phone number with Area Code: 574-282-4590 ext. 221
E-Mail Address: klinn@sbnair.com*

Name and address of additional property owners, if applicable:

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

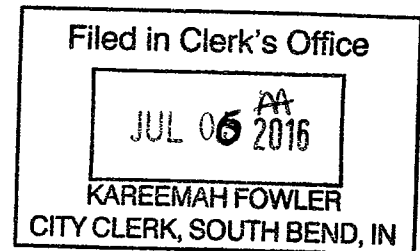
From: A: Agricultural District (County) & M: Manufacturing District (County)

To: LI Light Industrial District

- 8) This rezoning is requested to allow the following use(s): *Future Industrial use(s)*

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.*
- 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: *Insert text*
 - (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: *Insert text*



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

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

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

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

CONTACT PERSON:

Name: *Danch, Harner & Associates, Inc. Attn: Michael Danch*
Address: *1643 Commerce Drive*
City, State Zip Code: *South Bend, Indiana 46628*
Phone number with Area Code: *574-234-4003*
E-Mail Address: *mdanch@danchharner.com*

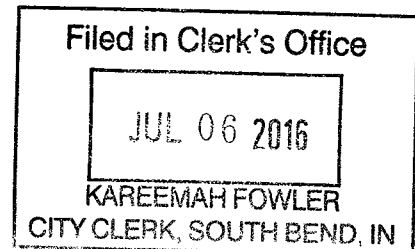
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

73/2 21
Director of Admin / Fin.
South Bend International
St. Joseph County Airport Authority

ANNEXATION LEGAL DESCRIPTION:

PART OF THE SOUTHWEST QUARTER OF SECTION 30 AND THE NORTH HALF OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 2 EAST, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 00°06'11" WEST ALONG THE WEST LINE OF SAID SECTION, 1089.99 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°42'25" EAST, 588.56 FEET (REC. NORTH 90°00'00" EAST, 588.77 FEET) THENCE NORTH 00°24'48" EAST, 355.17 FEET (REC. NORTH 00°00'00" EAST, 357.32 FEET) TO THE SOUTHWEST CORNER OF LOT 1 OF THE RECORDED PLAT OF KELLER AND HALL MINOR SUBDIVISION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY INDIANA; THENCE SOUTH 89°58'26" EAST ALONG THE SOUTH LINE OF SAID LOT 1, 553.41 FEET (REC. SOUTH 89°47'33" EAST, 553.56 FEET) TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01°42'52" WEST, 457.16 FEET TO THE NORTHWEST CORNER OF LOT 2A OF THE RECORDED PLAT OF CASCINO MINOR SUBDIVISION AS RECORDED BY DOCUMENT NUMBER 9125343; THENCE ALONG SAID LOT 2A FOR THE NEXT FOUR (4) COURSES, NORTH 89°26'08" EAST, 353.28 FEET (REC. NORTH 89°27'57" EAST, 351.36 FEET), AND NORTH 02°09'38" WEST, 129.92 FEET (REC. NORTH 02°07'49" WEST, 129.92 FEET), AND NORTH 54°49'19" WEST, 313.42 FEET (REC. NORTH 54°47'30" WEST, 313.42 FEET), AND NORTH 28°33'11" EAST, 240 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20; THENCE SOUTH 55°25'02" EAST, 794.34 FEET ALONG SAID NORTH LINE, 507 FEET MORE OR LESS TO THE PRESENT CITY OF SOUTH BEND CORPORATE LIMIT LINE; THENCE SOUTH 28°33'11" WEST, 180 FEET ALONG SAID LINE TO THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20; THENCE ALONG SAID SOUTH LINE, SOUTH 55°25'02" EAST, 300 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE U.S. 20 BY-PASS (A.K.A. ST. JOSEPH VALLEY PARKWAY); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT EIGHT (8) COURSES; SOUTH 38°08'20" EAST, 139.58 FEET, AND SOUTH 28°56'12" EAST, 935.25 FEET, AND SOUTH 01°44'02" EAST, 55.85 FEET (REC. SOUTH 00°00'00" EAST, 48.00 FEET) TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2, OF THE NORTHWEST QUARTER OF SAID SECTION 31, AND SOUTH 89°53'51" EAST ALONG SAID NORTH LINE, 14.92 FEET, AND NORTH 01°36'33" WEST, 14.68 FEET, AND SOUTH 29°41'47" EAST, 653.16 FEET (REC. SOUTH 33°00'50" EAST, 675.32 FEET) AND SOUTH 09°41'15" EAST, 409.58 FEET (REC. SOUTH 08°47'10" EAST, 409.58 FEET), AND SOUTH 04°05'20" EAST, 376.16 FEET (REC. SOUTH 03°11'15" EAST, 376.16 FEET) TO THE EAST AND WEST QUARTER LINE OF SAID SECTION 31; THENCE NORTH 89°46'55" WEST, 381.54 FEET (REC. NORTH 89°46'55" WEST, 427.96 FEET TO THE CENTER OF SAID SECTION AS MONUMENTED, ALSO BEING THE SOUTHEAST CORNER OF LOT 3 OF THE RECORDED PLAT OF R.M. LYNCH MINOR SUBDIVISION AS RECORDED BY DOCUMENT NUMBER 8800527 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 01°36'33" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 31, AND THE EAST LINE OF SAID LOT 3, 949.65 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°49'54" WEST ALONG THE NORTH LINE OF SAID LOT 3, AND ITS WESTERLY EXTENTION, 2535.42 FEET (REC. NORTH 89°56'27" WEST) TO THE WEST RIGHT-OF-WAY LINE OF PINE ROAD; THENCE NORTH 00°06'11" EAST, ALONG SAID WEST LINE, 616.06 FEET; NORTH 89°42'25" EAST, 30 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 71.31 ACRES MORE OR LESS.
SUBJECT TO LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

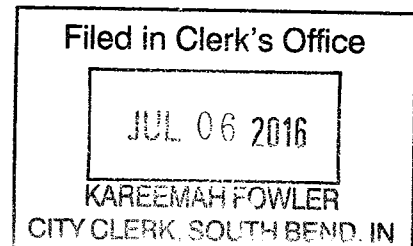


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CONTAINING 68.08 ACRES MORE OR LESS.

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

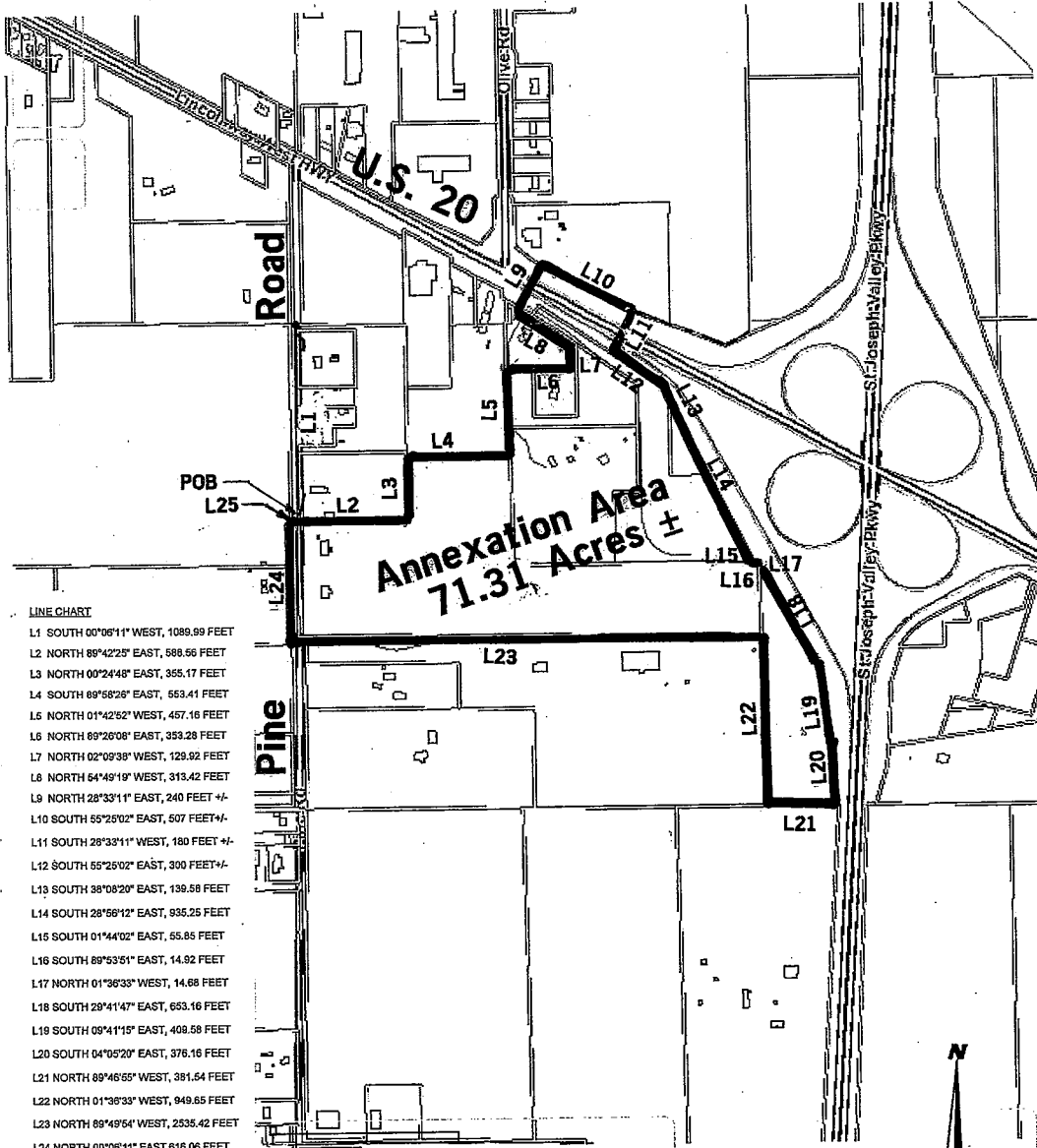


Filed in Clerk's Office

JUL 06 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

ANNEXATION DIAGRAM



**Annexation Area
71.31 Acres ±**

LINE CHART

- L1 SOUTH 00°06'11" WEST, 1089.89 FEET
- L2 NORTH 89°42'25" EAST, 588.56 FEET
- L3 NORTH 00°24'48" EAST, 355.17 FEET
- L4 SOUTH 89°58'28" EAST, 563.41 FEET
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- L15 SOUTH 01°44'02" EAST, 55.85 FEET
- L16 SOUTH 89°53'51" EAST, 14.92 FEET
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- L24 NORTH 00°09'11" EAST 616.06 FEET
- L25 NORTH 89°42'25" EAST, 30 FEET +/-



SCALE 1"=800'

Danch, Harner & Associates, Inc.



Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

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

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Filed in Clerk's Office

JUL 06 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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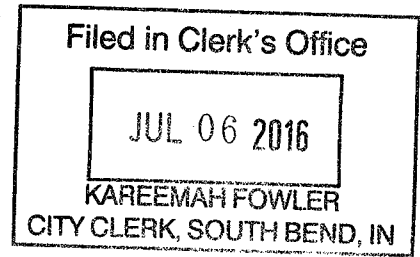
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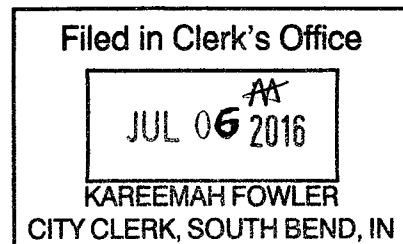
2

2



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- L25 NORTH 89°42'25" EAST, 30 FEET +/-



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 OF ST. JOSEPH COUNTY, INDIANA
FOR THE PROPERTY LOCATED AT
214 OLIVE STREET, SOUTH BEND, INDIANA**

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 Area Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Area Board of Zoning Appeals makes its recommendation to the Council pursuant to I.C. 36-7-4-918.6; 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 Exceptions be granted for the properties located at:

(214 OLIVE STREET, SOUTH BEND, INDIANA)

in order to permit:

Approval of a Special Exception Use as allowed under Section 21-02.02 (a)(2)(B) Government Use, of the City of South Bend Zoning Ordinance to allow for a Fire Station on property zoned "SF2" Single Family and Two Family District at 214 Olive Street, South Bend, Indiana.

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.

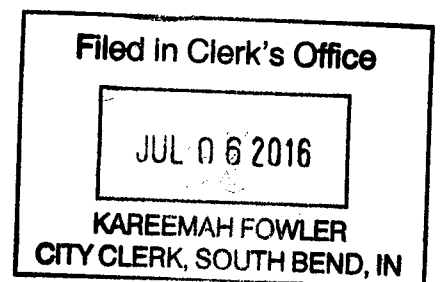
SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed uses will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed uses will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed uses will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed uses are compatible with the recommendations of the City of South Bend Comprehensive plan; all of which is requested by the South Bend Municipal Code § 21-09.03 (i).

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

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

Member of the Common Council



PRESENTED
NOT RECORDED
RECORDED