



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: DAWN M. JONES, CITY CLERK
DATE: THURSDAY, DECEMBER 8, 2022
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, December 12, 2022:**

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

The Council Chambers will be Open to the Public or Members of the Public May Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/12122022CC>.

3:00 P.M. **PERSONNEL & FINANCE** **CHAIRPERSON, NIEZGODSKI**

1. [Bill No. 75-22](#) - An Ordinance to Adopt an Investment Policy for the City of South Bend Calendar Year 2023
2. [Bill No. 76-22](#) - An Ordinance Appropriated Additional Funds for Certain Departmental and City Services Operations for the Year 2022
3. [Bill No. 77-22](#) - An Ordinance for Budget Transfers for Various Departments for the City of South Bend, Indiana for Calendar Year 2022

3:30 P.M. **PUBLIC WORKS & PROPERTY VACATIONS** **CHAIRPERSON, NIEZGODSKI**

1. **Bill No. 52-22** - An Ordinance to Vacate Property Located Between GoodPlace and Blyler Place Commonly Known as Keller Park

3:45 P.M. **ZONING AND ANNEXATION** **CHAIRPERSON, HAMANN**

1. **Bill No. 51-22** - An Ordinance Approving a Petition of the Board of Zoning Appeals for Property Located at 506 N. Olive St., South Bend, Indiana Councilmanic District #2
2. **Bill No. 22-59** - A Resolution Adopting a Fiscal Plan & Est. Policy for Provision to an Annexation Area German Township
3. **Bill No. 63-22** - An Ordinance Annexing & Amending Zoning Ordinance for Property in German Township for 21275 Cleveland Avenue Councilmanic District #1 in South Bend, Indiana
4. **Bill No. 69-22** - An Ordinance Approving a Petition of the Board of Zoning Appeals for Property Located at 1405 Portage Avenue Councilmanic District # 1 in South Bend, Indiana
5. **Bill No. 70-22** - An Ordinance Approving a Petition for the Board of Zoning Appeals for Property Located at 3409 S. St. Joseph Street, Councilmanic District #6 in South Bend, Indiana

4:45 P.M. **COMMUNITY INVESTMENT** **CHAIRPERSON, TOMAS -MORGAN**

1. **Bill No. 22-60** - A Resolution for Climate Recovery and Commitment to Develop a Climate Action Plan

5:10 P.M. **COMMUNITY RELATIONS** **CHAIRPERSON, WARNER**

1. Downtown South Bend (DTSB) Update - Willow Weatherall, Executive Director, DTSB

Council President Sharon L. McBride has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Community Relations Committee Meeting.

INFORMAL MEETING OF THE COMMON COUNCIL **PRESIDENT, MCBRIDE**

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

cc: Mayor James Mueller
Committee Meeting
List Media

NOTICE FOR HEARING AND SIGHT-IMPAIRED PERSONS

Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible



South Bend Common Council

Meeting Agenda

Monday, December 12, 2022

7:00 PM

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 4th floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, IN 46601

or available by way of a virtual meeting using the Microsoft Teams Meeting App. Public access to the meeting can be granted by this Microsoft Teams

Link: <https://tinyurl.com/12122022SBCC>

1. **INVOCATION**

PASTOR LARRY DAVIDSON - GREATER FRIENDSHIP MISSIONARY BAPTIST CHURCH

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

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

DISCUSSION ON CONTENT OF MINUTES

5. **SPECIAL BUSINESS**

SWEARING IN OF 2023 YOUTH ADVISORY COUNCIL

6. **REPORTS FROM CITY OFFICES**

MACOG ENVIRONMENTAL UPDATE - Mark Espich, Environment Health Director,
St. Joseph County Department of Health

7. **COMMITTEE OF THE WHOLE**
BILL NO.

[52-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE SOUTHEAST HALF, 120 FEET, OF THE ALLEY EXTENDING BETWEEN GOOD PLACE AND BLYLER PLACE ROUGHLY PARALLEL TO RIVERSIDE DRIVE IN THE CITY OF SOUTH BEND AREA COMMONLY KNOWN AS THE KELLER PARK NEIGHBORHOOD.

[63-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 21275 CLEVELAND ROAD, SOUTH BEND, INDIANA

[69-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1405 PORTAGE AVE. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[75-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ADOPTING AN INVESTMENT POLICY FOR THE CITY OF SOUTH BEND FOR CALENDAR YEAR 2023

[76-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS FOR THE YEAR 2022 OF \$840,000 FROM THE GENERAL FUND (#101), \$968,222 FROM THE PARKS & RECREATION FUND (#201), \$135,000 FROM THE MOTOR VEHICLE HIGHWAY FUND (#202),

\$25,000 FROM THE LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$2,300,000 FROM THE CENTRAL SERVICES FUND (#222), \$294,000 FROM THE LIABILITY INSURANCE FUND (#226), \$226,000 FROM THE MVH RESTRICTED FUND (#266), \$875,000 FROM THE SOLID WASTE OPERATIONS FUND (#610), \$210,000 FROM THE WATER WORKS OPERATIONS FUND (#620), \$224,165 FROM THE SEWAGE WORKS OPERATIONS FUND (#641), AND \$550,000 FROM THE CENTURY CENTER OPERATIONS FUND (#670)

[77-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2022

8. **RISE AND REPORT**

9. **REGULAR MEETING RECONVENED**

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

[52-22](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, VACATE THE FOLLOWING DESCRIBED PROPERTY: THE SOUTHEAST HALF, 120 FEET, OF THE ALLEY EXTENDING BETWEEN GOOD PLACE AND BLYLER PLACE ROUGHLY PARALLEL TO RIVERSIDE DRIVE IN THE CITY OF SOUTH BEND AREA COMMONLY KNOWN AS THE KELLER PARK NEIGHBORHOOD.

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[76-22](#) THIRD READING ON AN ORDINANCE OF THE COMMON

COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS FOR THE YEAR 2022 OF \$840,000 FROM THE GENERAL FUND (#101), \$968,222 FROM THE PARKS & RECREATION FUND (#201), \$135,000 FROM THE MOTOR VEHICLE HIGHWAY FUND (#202), \$25,000 FROM THE LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$2,300,000 FROM THE CENTRAL SERVICES FUND (#222), \$294,000 FROM THE LIABILITY INSURANCE FUND (#226), \$226,000 FROM THE MVH RESTRICTED FUND (#266), \$875,000 FROM THE SOLID WASTE OPERATIONS FUND (#610), \$210,000 FROM THE WATER WORKS OPERATIONS FUND (#620), \$224,165 FROM THE SEWAGE WORKS OPERATIONS FUND (#641), AND \$550,000 FROM THE CENTURY CENTER OPERATIONS FUND (#670)

[77-22](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2022

11. **RESOLUTIONS**
BILL NO.

[22-59](#) RESOLUTION ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (CLEVELAND-SHELLBARK ANNEXATION AREA)

[22-60](#) RESOLUTION ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AN UPDATED AND SUPERCEDING RESOLUTION OF THE SOUTH BEND COMMON COUNCIL CONCERNING CLIMATE RECOVERY AND OUR COMMITMENT TO DEVELOP A CLIMATE ACTION PLAN AIMED AT GREENHOUSE GAS REDUCTIONS FOR THE CITY OF SOUTH BEND AND TO SUPPORT OTHER CLIMATE-RELATED INITIATIVES.

12. **BILLS OF FIRST READING**
BILL NO.

[78-22](#) FIRST READING ON AN ORDINANCE OF THE COMMON

COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA,
AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED 1144 CORBY BLVD. COUNCILMANIC DISTRICT NO. 4
IN THE CITY OF SOUTH BEND, INDIANA

[79-22](#)

FIRST READING ON AN ORDINANCE OF THE COMMON
COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE ADVISORY BOARD OF
ZONING APPEALS FOR THE PROPERTY LOCATED AT 7468 AND
7686 VORDEN PARKWAY. COUNCILMANIC DISTRICT NO. 1 IN
THE CITY OF SOUTH BEND, INDIANA

13. **UNFINISHED BUSINESS**

14. **NEW BUSINESS**

APPROVE 2023 COMMON COUNCIL MEETING DATES

15. **PRIVILEGE OF THE FLOOR**

16. **ADJOURNMENT**

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS:

Auxiliary aid or other services are available upon request at no charge.

Please give reasonable advance request if and when possible.



2022 COMMON COUNCIL STANDING COMMITTEES (Rev. 09-22-2022)

COMMUNITY INVESTMENT COMMITTEE

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

Rachel Tomas Morgan, Chairperson
Henry Davis, Jr., Vice-Chairperson
Thomas Kurzhal, *Citizen Member*

Eli Wax, Member
Troy Warner, Member
Kaine Kanczuzewski, *Citizen Member*

COMMUNITY RELATIONS COMMITTEE

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

Troy Warner, Chairperson
Eli Wax, Vice-Chairperson
Citizen Member

Canneth Lee, Member
Lori K. Hamann, 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*.

Sharon L. McBride, Member
Sheila Niezgodski, Member

Eli Wax, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Eli Wax, Chairperson
Karen L. White, Vice-Chairperson
Rachel Tomas Morgan, Member

Troy Warner, Member
Canneth Lee, Member
Desmont Upchurch, *Citizen Member*

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

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

Rachel Tomas Morgan, Chairperson
Lori K. Hamann, Vice-Chairperson
Maria Gibbs, *Citizen Member*

Canneth Lee, Member
Scott Matthew Coats, *Citizen Member*

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

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

Canneth Lee, Chairperson
Troy Warner, Vice-Chairperson
Chris Hagstrom-Jones, *Citizen Member*

Henry Davis, Jr., Member
Rachel Tomas Morgan, Member
Citizen Member



PERSONNEL AND FINANCE COMMITTEE

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

Sheila Niezgodski, Chairperson
Eli Wax, Vice-Chairperson
Rachel Tomas Morgan, Member

Troy Warner, Member
Henry Davis, Jr., Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

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

Sheila Niezgodski, Chairperson
Lori K. Hamann, Vice-Chairperson
Jason Piontek, *Citizen Member*

Karen L. White, Member
Carl Littrell, *Citizen Member*

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen L. White, Chairperson
Canneth Lee, Vice-Chairperson
Amika Micou, *Citizen Member*

Henry Davis, Jr., Member
Sheila Niezgodski, Member
Citizen 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.

Henry Davis, Jr., Chairperson
Troy Warner, Vice-Chairperson
Citizen Member

Eli Wax, Member
Lori K. Hamann, Member
Citizen 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.

Lori K. Hamann, Chairperson
Henry Davis, Jr., Vice-Chairperson
James Snodgrass, *Citizen Member*

Sheila Niezgodski, Member
Karen L. White, 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.

Troy Warner, Member

Eli Wax, Member



2022 COMMON COUNCIL STANDING COMMITTEES (Rev.01-06-2022)

CANNETH LEE, 1ST District Council Member

Chairperson, Committee of the Whole

PARC Committee, Chairperson

Residential Neighborhoods Committee, Vice-Chairperson
Community Relations Committee, Member

Health & Public Safety Committee, Member
Information & Technology Committee, Member

HENRY DAVIS, JR. 2ND District Council Member

Utilities Committee, Chairperson

Community Investment Committee, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson
PARC Committee, Member

Residential Neighborhoods Committee, Member
Personnel & Finance Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

President

Council Rules Committee, Member

TROY WARNER, 4TH District Council Member

Community Relations Committee, Chairperson

Utilities Committee, Vice-Chairperson
PARC Committee, Vice-Chairperson

Health & Public Safety Committee, Member
Personnel & Finance Committee, Member
Sub-Committee on the Minutes, Member

ELI WAX, 5TH District Council Member

Health & Public Safety Committee, Chairperson

Community Relations, Vice-Chairperson
Personnel & Finance, Vice-Chairperson
Committee Investment, Member

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

SHEILA NIEZGODSKI, 6TH District Council Member

Vice-President

Personnel & Finance Committee, Chairperson

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

Residential Neighborhoods Committee, Member
Zoning & Annexation Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Information & Technology Committee, Chairperson

Community Investment Committee, Chairperson

Health & Public Safety Committee, Member

PARC Committee, Member

Personnel & Finance Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Public Works & Property Vacation, Member

Zoning & Annexation Committee, Member

LORI K. HAMANN, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

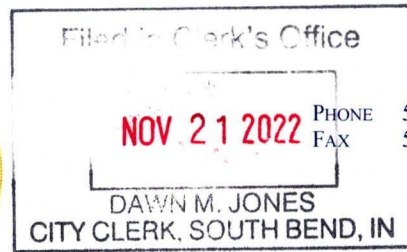
Public Works & Property Vacation, Vice-Chairperson

Information & Technology Committee, Vice-Chairperson

Community Relations Committee, Member

Utilities Committee, Member

1200N COUNTY-CITY BUILDING
227 W. JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601-1830



PHONE 574.235.9216
FAX 574.235.9928

CITY OF SOUTH BEND, IN JAMES MUELLER, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

November 21, 2022

Ms. Sharon McBride, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: Investment Policy

Dear President McBride,

The Indiana legislature has enacted Indiana Code § 5-13-9 et seq, which allows the fiscal officer of a city to make investments of certain city funds into designated investment vehicles. Accordingly, the attached ordinance authorizes me to continue our current practice of exercising these investment powers to maximize financial resources of the City.

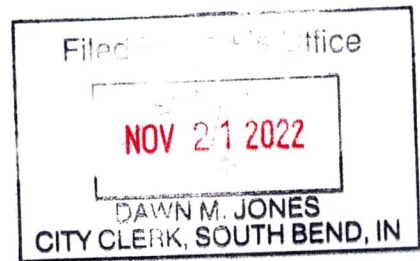
This bill makes no changes to the current investment policy of the City, and it mirrors bills passed by the Common Council in December of 2020 and December of 2021. Certain powers of investment outlined in the Indiana Code require annual approval from the South Bend Common Council, which is why this bill is being presented at this point.

I will present this bill to the Common Council at the appropriate committee and Council meetings. It is requested that this bill be filed for 1st reading on November 28, 2022, with 2nd reading, public hearing and 3rd reading scheduled for December 12, 2022.

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

Regards,

Daniel T. Parker
City Controller



BILL NO. 75-22

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING AN INVESTMENT POLICY FOR THE CITY OF SOUTH BEND FOR CALENDAR YEAR 2023

STATEMENT OF PURPOSE AND INTENT

The Indiana legislature has enacted Indiana Code § 5-13-9 et seq., which permits the fiscal officer of a city to make investments of public funds into designated investment vehicles. The Common Council of the City of South Bend determined that it is in the best interest of the City to authorize the full exercise of the City’s investment powers under the Indiana Code.

Accordingly, on December 14, 2020, this Council enacted Ordinance No.10768-20 which established an investment policy for the City of South Bend for calendar year 2021, as provided under Indiana Code § 5-13-9-5.7, and it authorized the City Controller to dedicate up to the maximum allowable proportion of the City’s investment portfolio to investments maturing more than two years but not more than five years after purchase. Ordinance No. 10768-20 further authorized the City Controller to invest in certain investment vehicles as provided under Indiana Code § 5-13-9-5 and Indiana Code § 5-13-9-5.3. On December 13, 2021, this Council enacted Ordinance No. 10832-21, which adopted an identical investment policy for the City of South Bend for calendar year 2022.

This ordinance adopts an identical investment policy for the City of South Bend for calendar year 2023 unless it is earlier amended by ordinance.

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

SECTION I. For purposes of Indiana Code § 5-13-9, the investment policy for the City of South Bend first adopted on December 14, 2020 is approved for calendar year 2023, and shall read as follows:

With the approval of the City Controller, as the investing officer for the City of South Bend, the City may invest public funds in various investment vehicles, in accordance with Title 5, Article 13, of the Indiana Code, as amended from time to time. The City’s investment portfolio may contain any investment vehicle generally provided for under Indiana Code § 5-13-9. In addition, the City Controller is granted the following specific authorizations:

1. Pursuant to Indiana Code § 5-13-9-5.7, the City Controller is authorized to make investments having a stated final maturity that is more than two (2)

years but not more than five (5) years after the date of purchase or entry into a repurchase agreement, provided that such investments may comprise no more than twenty-five percent (25%) of the total portfolio of public funds invested by the City, including balances in transaction accounts.

2. Pursuant to Indiana Code § 5-13-9-5, the City Controller is authorized to invest in certificates of deposit of certain depositories, as defined by and subject to the requirements of Indiana Code § 5-13-9-5, which authorization will expire on December 13, 2022.
3. Pursuant to Indiana Code § 5-13-9-5.3, the City Controller is authorized to invest in interest bearing deposit accounts that satisfy the conditions stated in Indiana Code § 5-13-9-5.3(b).

SECTION II. That portion of the City's investment policy contained in Subparts (1) and (3) of Section I of this ordinance shall be effective from January 1, 2023 through December 31, 2023, unless earlier amended by ordinance. The City's investment policy as contained in Section 1, Subpart 2 of this ordinance affecting certificates of deposit shall be effective for a period of one year from its adoption by this Council expiring December 12, 2023 unless earlier amended by ordinance. This ordinance is further conditioned upon adoption by the Common Council and approval by the Mayor.

Sharon McBride, Council President
South Bend Common Council

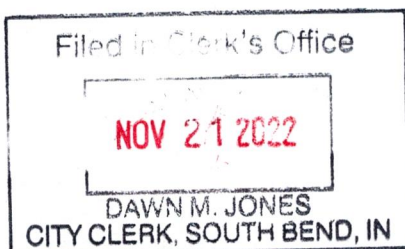
Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ m



James Mueller, Mayor
City of South Bend, Indiana

1200N COUNTY-CITY BUILDING
227 W. JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601-1830



PHONE 574.235.9216

FAX 574.235.9928

Filed in Clerk's Office

NOV 21 2022

DAWN M. JONES
CITY CLERK SOUTH BEND, IN

CITY OF SOUTH BEND, IN JAMES MUELLER, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

November 21, 2022

Ms. Sharon McBride, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: Q4 2022 Additional Appropriation Ordinance

Dear President McBride,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2022, we plan to propose adjustments during four time periods—March, June, September and December.

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

I will present this bill to the Common Council at the appropriate committee and Council meetings. It is requested that this bill be filed for 1st reading on November 28, 2022, with 2nd reading, public hearing and 3rd reading scheduled for December 12, 2022.

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

Regards,

Daniel T. Parker
City Controller

OK
AW

BILL NO. 76-22

ORDINANCE NO. _____

Filed in Clerk's Office

NOV 21 2022

DAWN M. JONES

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS FOR THE YEAR 2022 OF \$840,000 FROM THE GENERAL FUND (#101), \$968,222 FROM THE PARKS & RECREATION FUND (#201), \$135,000 FROM THE MOTOR VEHICLE HIGHWAY FUND (#202), \$25,000 FROM THE LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$2,300,000 FROM THE CENTRAL SERVICES FUND (#222), \$294,000 FROM THE LIABILITY INSURANCE FUND (#226), \$226,000 FROM THE MVH RESTRICTED FUND (#266), \$875,000 FROM THE SOLID WASTE OPERATIONS FUND (#610), \$210,000 FROM THE WATER WORKS OPERATIONS FUND (#620), \$224,165 FROM THE SEWAGE WORKS OPERATIONS FUND (#641), AND \$550,000 FROM THE CENTURY CENTER OPERATIONS FUND (#670)

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2022 operating and capital budgets via Ordinance #10814-21, passed on October 11, 2021, which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2022 and set apart within the following designated funds for expenditures as follows:

FUND		
101	General Fund	840,000
201	Parks & Recreation	968,222
202	Motor Vehicle Highway	135,000
220	Law Enforcement Continuing Education	25,000
222	Central Services	2,300,000
226	Liability Insurance	294,000
266	MVH Restricted	226,000
610	Solid Waste Operations	875,000
620	Water Works Operations	210,000
641	Sewage Works Operations	224,165
670	Century Center Operations	550,000
	TOTAL	<u>\$ 6,647,387</u>

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

Sharon McBride, Council President
South Bend Common Council

Attest:

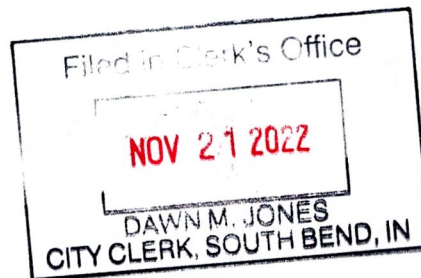
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ m

James Mueller, Mayor
City of South Bend, Indiana



NOV 21 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

City of South Bend, Indiana					
Q4 2022 Budget Adjustments - Additional Appropriations					
(increase or decrease in total fund expenditures)					
Account #	Fund	Department	Division	Account	Budget Adjustment
Unanticipated Expenses					
101-08-080-080-422001--	General Fund	Police Department	Police Department	Supplies-Operating-C.S. Gasoline	100,000
101-08-080-080-431001--	General Fund	Police Department	Police Department	Services & Charges-Professional-Legal Services	100,000
<i>Rationale: Increased costs of gasoline in 2022 - budgeted at roughly \$2.50 per gallon in 2022; actual was over \$4 per gallon for much of the year. Increased legal costs are primarily due to costs of outside counsel for certain ongoing legal cases.</i>					
101-09-090-090-422000--	General Fund	Fire Department	Fire Department	Supplies-Operating-Other Operating Supplies	170,000
<i>Rationale: Increased supply costs related to new recruits and lateral transfers hired in the second half of the year. Fire was also impacted by the cost of inflation for medical supplies</i>					
101-09-090-090-431001--	General Fund	Fire Department	Fire Department	Services & Charges-Professional-Legal Services	150,000
101-09-090-090-436000--	General Fund	Fire Department	Fire Department	Services & Charges-Repairs & Maint-Other R&M	300,000
<i>Rationale: Increased legal expenditures, repair and maintenance costs, and education/training costs. Inflation also impacted all these costs.</i>					
101-09-092-092-431014--	General Fund	Fire Department	EMS	Services & Charges-Professional-Collection Costs	20,000
<i>Rationale: Bank & Credit Card fees over-budget due to revenue over budget</i>					
201-11-201-201-410003--	Parks & Recreation	Venues Parks & Arts	Park Maintenance	Personnel-Salaries & Wages-Permanent Part Time	90,000
201-11-201-201-422001--	Parks & Recreation	Venues Parks & Arts	Park Maintenance	Supplies-Operating-C.S. Gasoline	103,000
201-11-201-201-431019--	Parks & Recreation	Venues Parks & Arts	Park Maintenance	Services & Charges-Professional-Security Services	63,000
201-11-201-201-435002--	Parks & Recreation	Venues Parks & Arts	Park Maintenance	Services & Charges-Utility Services-Natural Gas	120,000
201-11-201-201-435004--	Parks & Recreation	Venues Parks & Arts	Park Maintenance	Services & Charges-Utility Services-Water	45,000
201-11-201-201-436001--	Parks & Recreation	Venues Parks & Arts	Park Maintenance	Services & Charges-Repairs & Maint-Building R&M	100,000
201-11-201-204-435002--	Parks & Recreation	Venues Parks & Arts	Park Maintenance	Services & Charges-Utility Services-Natural Gas	3,100
<i>Rationale: Increased costs in utilities and gasoline, stemming primarily from inflation and increased supply costs across the City.</i>					
201-11-202-220-435001--	Parks & Recreation	Venues Parks & Arts	Golf Courses	Services & Charges-Utility Services-Electric	50,000
201-11-202-221-422003--	Parks & Recreation	Venues Parks & Arts	Golf Courses	Supplies-Operating-Gasoline	110,000
201-11-202-221-422010--	Parks & Recreation	Venues Parks & Arts	Golf Courses	Supplies-Operating-Plants Chemicals Seed & Fertilizer	60,000
201-11-202-221-423000--	Parks & Recreation	Venues Parks & Arts	Golf Courses	Supplies-Repair & Maint-Other R&M Supplies	50,000
201-11-202-222-436000--	Parks & Recreation	Venues Parks & Arts	Golf Courses	Services & Charges-Repairs & Maint-Other R&M	35,000
<i>Rationale: Increased costs in utilities and gasoline, stemming primarily from inflation and increased supply costs across the City. This increased cost is also stemming from higher-than-expected activity at the golf courses, which resulted in higher-than-budgeted revenue as well.</i>					

NOV 21 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

City of South Bend, Indiana

Q4 2022 Budget Adjustments - Additional Appropriations

(increase or decrease in total fund expenditures)

Account #	Fund	Department	Division	Account	Budget Adjustment
201-11-203-233-431000--	Parks & Recreation	Venues Parks & Arts	Recreational Experiences	Services & Charges-Professional-Other Professional Svcs	30,000
201-11-203-236-433003--	Parks & Recreation	Venues Parks & Arts	Recreational Experiences	Services & Charges-Printing & Ad-Promotional	40,000
<i>Rationale: Increased costs of events and more events being held after the pandemic. This, coupled with rising costs, led to a greater need for services budget than anticipated.</i>					
201-11-205-231-433003--	Parks & Recreation	Venues Parks & Arts	Development & Promotion	Services & Charges-Printing & Ad-Promotional	40,000
<i>Rationale: Best Week Ever was much larger in scope than in previous years, and, like in all areas of the City, the costs for related goods and services were much higher than we anticipated.</i>					
201-11-206-273-445008--	Parks & Recreation	Venues Parks & Arts	Park Projects & Capital	Capital Outlay-Machinery & Equip-Other Equipment	29,122
<i>Rationale: Purchase of a tree spade (a machine used to move trees from one location to another). This purchase is covered by a donation made to the VPA Foundation.</i>					
202-06-602-503-422001--	Motor Vehicle Highway	Public Works	Streets & Sewers	Supplies-Operating-C.S. Gasoline	126,375
202-06-602-505-422001--	Motor Vehicle Highway	Public Works	Streets & Sewers	Supplies-Operating-C.S. Gasoline	8,625
<i>Rationale: Increased costs of gasoline in 2022 - budgeted at roughly \$2.50 per gallon in 2022; actual was over \$4 per gallon for much of the year.</i>					
220-08-080-088-431000--	Law Enforcement Continuing	Police Department	Police Department	Services & Charges-Professional-Other Professional Svcs	25,000
<i>Rationale: Additional training costs due to an influx of new officers in 2022. Nineteen recruits and lateral transfers were added to the staff in mid-October</i>					
222-04-403-450-422001--	Central Services	Administration & Finance	Central Services	Supplies-Operating-C.S. Gasoline	1,300,000
222-04-403-450-423010--	Central Services	Administration & Finance	Central Services	Supplies-Repair & Maint-Reimbursed Parts	1,000,000
<i>Rationale: Increased costs of gasoline in 2022 - budgeted at roughly \$2.50 per gallon in 2022; actual was over \$4 per gallon for much of the year. High costs of reimbursed parts in 2022 is driven by enormous inflation among vehicle parts and increased repair cost across the City. Delays in the delivery of new vehicles mean that the City has been forced to continue using older vehicles, which require more maintenance and upkeep. Additionally, the City has increased stocking of certain parts due to delays in delivery of those parts in an effort to keep more vehicles in service,</i>					
226-04-405-411-434000--	Liability Insurance	Administration & Finance	Liability Insurance	Services & Charges-Insurance-Liability Insurance	294,000
<i>Rationale: Increased cost of property insurance in 2022: Increase of over 20% over 2021. Since 2018, the City's premiums for property insurance have nearly tripled.</i>					
266-06-602-503-423002--	MVH Restricted	Public Works	Streets & Sewers	Supplies-Repair & Maint-Street Material	226,000
<i>Rationale: Allow for the reallocation of internal paving expenses to our restricted MVH Fund from other funds.</i>					
610-06-603-512-436003--	Solid Waste Operations	Public Works	Solid Waste	Services & Charges-Repairs & Maint-Auto Equip R&M	875,000
<i>Rationale: Driven by enormous inflation among vehicle parts and increased repair cost across the City. Delays in the delivery of new vehicles mean that the City has been forced to continue using older vehicles, which require more maintenance and upkeep.</i>					

NOV 21 2022

DAWN M. JONES
CITY CLERK SOUTH BEND, IN

City of South Bend, Indiana					
Q4 2022 Budget Adjustments - Additional Appropriations					
(increase or decrease in total fund expenditures)					
Account #	Fund	Department	Division	Account	Budget Adjustment
620-06-604-608-452000--	Water Works Operations	Public Works	Water Works	Other Uses-Interfund Transfer Out-Transfers Out	210,000
<i>Rationale: To cover minimum cash reserve requirements for Fund 629 (Operation & Maintenance Reserve Fund). This fund is required to keep a balance of 16.67% of the operating budget of water works. As the budget increases (due to inflation and increased costs), the minimum balance requirements increase as well.</i>					
641-06-602-509-422002--	Sewage Works Operations	Public Works	Streets & Sewers	Supplies-Operating-Diesel/CNG	116,815
641-06-602-511-422002--	Sewage Works Operations	Public Works	Streets & Sewers	Supplies-Operating-Diesel/CNG	7,350
<i>Rationale: Increased costs of fuel in 2022.</i>					
641-06-605-515-439001--	Sewage Works Operations	Public Works	Wastewater	Services & Charges-Other-Other Contractual Services	100,000
<i>Rationale: To cover increased trucking cost for removing Biosolids at Organic Resources</i>					
670-11-230-296-413900--	Century Center Operations	Venues Parks & Arts	Century Center	Personnel-Other Personnel-SMG Wages	450,000
670-11-230-296-431900--	Century Center Operations	Venues Parks & Arts	Century Center	Services & Charges-Professional-SMG Contracted Svcs	100,000
<i>Rationale: Increased wages and services charges stemming from busier-than-expected event schedule. This busy schedule comes with higher-than-expected revenue as well, and the Century Center is back to or above pre-pandemic levels.</i>					
Grand Total					6,647,387

1200N COUNTY-CITY BUILDING
227 W. JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601-1830

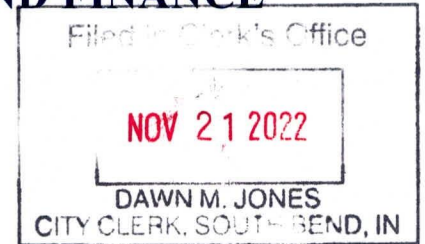


PHONE 574.235.9216
FAX 574.235.9928

CITY OF SOUTH BEND, IN JAMES MUELLER, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

November 21, 2022

Ms. Sharon McBride, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601



RE: Q4 2022 Budget Transfer Ordinance

Dear President McBride,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2022, we plan to propose adjustments during four time periods—March, June, October and December.

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

I will present this bill to the Common Council at the appropriate committee and Council meetings. It is requested that this bill be filed for 1st reading on November 28, 2022, with 2nd reading, public hearing and 3rd reading scheduled for December 12, 2022.

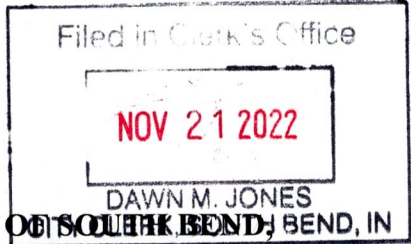
Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Daniel T. Parker
City Controller

BILL NO. 77-22

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2022

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing City budget, passed via Ordinance #10814-21 on October 11, 2021, which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2022.

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

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

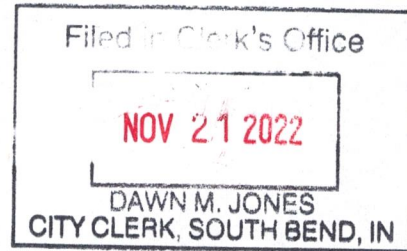
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ m.

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

Approved and signed by me on the _____ day of _____, 2022, at ___ o'clock ___ m

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend, Indiana

Q4 2022 Budget Adjustments - Budget Transfers

(budget transfers between different cost categories (i.e. personnel, supplies, services, capital) and/or different departments/divisions within the same fund)

Filed in City Clerk's Office
 NOV 21 2022
 Budget Adjustments
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

Account #	Fund	Department	Division	Account	Budget
101-02-020-020-410001--	General Fund	City Clerk's Office	City Clerk's Office	Personnel-Salaries & Wages-Salaried Wages	25,000
101-02-020-020-431000--	General Fund	City Clerk's Office	City Clerk's Office	Services & Charges-Professional-Other Professional Svcs	25,000
Rationale: Cover cost of outside professional services for the production of meeting minutes					
101-04-402-044-410001--	General Fund	Administration & Finance	Human Rights	Personnel-Salaries & Wages-Salaried Wages	(50,000)
101-04-402-044-433003--	General Fund	Administration & Finance	Human Rights	Services & Charges-Printing & Ad-Promotional	50,000
Rationale: Cover costs for 47th annual Indiana Consortium of State and Local Human Rights Conference					
101-05-050-050-410001--	General Fund	Legal Department	Legal Department	Personnel-Salaries & Wages-Salaried Wages	(2,500)
101-05-050-050-421000--	General Fund	Legal Department	Legal Department	Supplies-Office-Other Office Supplies	2,500
Rationale: Increased supply costs related to onboarding new employees (training documents, etc.) due to increased turnover.					
101-06-600-500-431000--	General Fund	Public Works	Engineering	Services & Charges-Professional-Other Professional Svcs	(14,500)
101-06-600-500-436001--	General Fund	Public Works	Engineering	Services & Charges-Repairs & Maint-Building R&M	(18,000)
101-06-600-500-445000--	General Fund	Public Works	Engineering	Capital Outlay-Machinery & Equip-Motor Equipment	32,500
Rationale: Re-allocate budget to cover new vehicle purchase for new inspector					
101-08-080-080-411006--	General Fund	Police Department	Police Department	Personnel-Employee Benefits-PERF Police Union	(100,000)
101-08-080-080-411008--	General Fund	Police Department	Police Department	Personnel-Employee Benefits-Health Insurance	(220,000)
101-08-080-080-422000--	General Fund	Police Department	Police Department	Supplies-Operating-Other Operating Supplies	320,000
Rationale: Total personnel expenditures will be less than budget. However, recruiting efforts have resulted in increasing the number of officers in the second half of the year. The addition of these officers has driven increased supply and services costs along with inflation experienced for all goods and services. This transfer funds increased costs of gas and supplies for increased officers hired in the second half of the year. This includes uniforms, equipment, and other operating supplies.					
101-09-092-092-422008--	General Fund	Fire Department	EMS	Supplies-Operating-Medical/Safety Supplies	20,000
101-09-092-092-431000--	General Fund	Fire Department	EMS	Services & Charges-Professional-Other Professional Svcs	(20,000)
Rationale: Transfer savings in services to cover increased costs in medical supplies					
201-11-203-230-431000--	Parks & Recreation	Venues Parks & Arts	Recreational Experiences	Services & Charges-Professional-Other Professional Svcs	14,555
201-11-203-235-422000--	Parks & Recreation	Venues Parks & Arts	Recreational Experiences	Supplies-Operating-Other Operating Supplies	(14,555)
Rationale: Reallocate budget based on year-end budget projections					
201-11-205-231-422009--	Parks & Recreation	Venues Parks & Arts	Development & Promotion	Supplies-Operating-Recreation Supplies	(40,000)
201-11-205-231-433003--	Parks & Recreation	Venues Parks & Arts	Development & Promotion	Services & Charges-Printing & Ad-Promotional	19,827
201-11-205-243-433003--	Parks & Recreation	Venues Parks & Arts	Development & Promotion	Services & Charges-Printing & Ad-Promotional	20,173
Rationale: Reallocate budget based on year-end budget projections					

NOV 21 2022

DAWN M. JONES
CITY CLERK SOUTH BEND, IN

City of South Bend, Indiana					
Q4 2022 Budget Adjustments - Budget Transfers					
(budget transfers between different cost categories (i.e. personnel, supplies, services, capital) and/or different departments/divisions within the same fund)					
Account #	Fund	Department	Division	Account	Adjustment
222-04-403-457-436001--	Central Services	Administration & Finance	Central Services	Services & Charges-Repairs & Maint-Building R&M	58,500
222-04-403-457-445000--	Central Services	Administration & Finance	Central Services	Capital Outlay-Machinery & Equip-Motor Equipment	(58,500)
Rationale: Use savings to cover lift inspections and other building maintenance activities					
222-04-403-450-410002--	Central Services	Administration & Finance	Central Services	Personnel-Salaries & Wages-Teamster Wages	(80,000)
222-04-403-450-436001--	Central Services	Administration & Finance	Central Services	Services & Charges-Repairs & Maint-Building R&M	80,000
Rationale: Use savings to cover lift inspections and other building maintenance activities					
230-10-103-100-439010--	Code Enforcement	Community Investment	Neighborhoods	Services & Charges-Other-Landfill	(7,900)
230-10-103-105-422000--	Code Enforcement	Community Investment	Neighborhoods	Supplies-Operating-Other Operating Supplies	7,900
Rationale: Transfer to cover purchase of SBARC washer & dryer					
230-10-103-100-422001--	Code Enforcement	Community Investment	Neighborhoods	Supplies-Operating-C.S. Gasoline	20,000
230-10-103-100-439010--	Code Enforcement	Community Investment	Neighborhoods	Services & Charges-Other-Landfill	(25,450)
230-10-103-105-422001--	Code Enforcement	Community Investment	Neighborhoods	Supplies-Operating-C.S. Gasoline	4,950
230-10-103-105-422005--	Code Enforcement	Community Investment	Neighborhoods	Supplies-Operating-Uniforms	500
Rationale: Reallocate budget to cover slight anticipated overage in gasoline costs					
230-10-103-100-421000	Code Enforcement	Community Investment	Neighborhoods	Supplies-Office-Other Office Supplies	75,000
230-10-103-100-439010	Code Enforcement	Community Investment	Neighborhoods	Services & Charges-Other-Landfill	(75,000)
Rationale: Reallocate budget to cover purchase of office furniture (cubicles) for neighborhoods division					
279-07-071-071-422006--	IT / Innovation / 311 Call Cen	Innovation & Technology	Information Technology	Supplies-Operating-Computer Supplies & Equipment	52,000
279-07-071-071-436004--	IT / Innovation / 311 Call Cen	Innovation & Technology	Information Technology	Services & Charges-Repairs & Maint-Computer Equip R&M	(52,000)
Rationale: Cover cost of IT equipment, including additional security cameras at various City properties and switches and other misc hardware for Seitz Park.					
600-10-060-060-410001--	Consolidated Building	Community Investment	Building Department	Personnel-Salaries & Wages-Salaried Wages	(12,000)
600-10-060-060-436003--	Consolidated Building	Community Investment	Building Department	Services & Charges-Repairs & Maint-Auto Equip R&M	12,000
Rationale: Reallocate budget to cover slight anticipated overage in auto equipment repairs and maintenance					
600-10-060-060-410001--	Consolidated Building	Community Investment	Building Department	Personnel-Salaries & Wages-Salaried Wages	(8,500)
600-10-060-060-422001--	Consolidated Building	Community Investment	Building Department	Supplies-Operating-C.S. Gasoline	8,500
Rationale: Reallocate budget to cover slight anticipated overage in gasoline costs					

NOV 21 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

City of South Bend, Indiana

Q4 2022 Budget Adjustments - Budget Transfers

(budget transfers between different cost categories (i.e. personnel, supplies, services, capital) and/or different departments/divisions within the same fund)

Account #	Fund	Department	Division	Account	Budget Adjustment
601-11-240-461-421000--	Parking Garages	Venues Parks & Arts	Parking Garages	Supplies-Office-Other Office Supplies	15,000
601-11-240-461-431000--	Parking Garages	Venues Parks & Arts	Parking Garages	Services & Charges-Professional-Other Professional Svcs	(15,000)
Rationale: Cover cost of purchasing supplies formerly covered by DTSB/New Flash Parking Supplies					
602-11-220-292-423001--	Morris Performing Arts Center	Venues Parks & Arts	Morris Performing Arts Center	Supplies-Repair & Maint-Building Materials	20,000
602-11-220-292-431000--	Morris Performing Arts Center	Venues Parks & Arts	Morris Performing Arts Center	Services & Charges-Professional-Other Professional Svcs	(20,000)
Rationale: Reallocate budget to account for expenses in a different manner (per new accounting system and rules for Morris Box Office Fund designed in September, 2022)					
620-06-604-603-422012--	Water Works Operations	Public Works	Water Works	Supplies-Operating-Water Treatment Chemicals	(15,000)
620-06-604-603-431015--	Water Works Operations	Public Works	Water Works	Services & Charges-Professional-Laboratory Water Testing	15,000
620-06-604-606-422001--	Water Works Operations	Public Works	Water Works	Supplies-Operating-C.S. Gasoline	20,000
620-06-604-606-423007--	Water Works Operations	Public Works	Water Works	Supplies-Repair & Maint-Concrete & Asphalt	37,500
620-06-604-606-439001--	Water Works Operations	Public Works	Water Works	Services & Charges-Other-Other Contractual Services	(57,500)
620-06-604-608-410001--	Water Works Operations	Public Works	Water Works	Personnel-Salaries & Wages-Salaried Wages	(50,000)
620-06-604-608-410002--	Water Works Operations	Public Works	Water Works	Personnel-Salaries & Wages-Teamster Wages	(50,000)
620-06-604-608-411004--	Water Works Operations	Public Works	Water Works	Personnel-Employee Benefits-PERF Regular	(10,000)
620-06-604-608-411008--	Water Works Operations	Public Works	Water Works	Personnel-Employee Benefits-Health Insurance	(40,000)
620-06-604-608-421000--	Water Works Operations	Public Works	Water Works	Supplies-Office-Other Office Supplies	4,000
620-06-604-608-431000--	Water Works Operations	Public Works	Water Works	Services & Charges-Professional-Other Professional Svcs	90,000
620-06-604-608-431001--	Water Works Operations	Public Works	Water Works	Services & Charges-Professional-Legal Services	30,000
620-06-604-608-431002--	Water Works Operations	Public Works	Water Works	Services & Charges-Professional-Engineering & Architectural	20,000
620-06-604-608-437004--	Water Works Operations	Public Works	Water Works	Services & Charges-Rentals-Building Rental	6,000
Rationale: Reallocate budget based on year-end budget projections					
641-06-605-515-422001--	Sewage Works Operations	Public Works	Wastewater	Supplies-Operating-C.S. Gasoline	65,000
641-06-605-515-436003--	Sewage Works Operations	Public Works	Wastewater	Services & Charges-Repairs & Maint-Auto Equip R&M	(25,000)
641-06-605-515-439011--	Sewage Works Operations	Public Works	Wastewater	Services & Charges-Other-Waste Removal/Disposal	(40,000)
Rationale: Increased gasoline costs in 2022: budgeted at ~\$2.50 per gallon, was in excess of \$4 per gallon for much of the year.					
641-06-605-514-410001--	Sewage Works Operations	Public Works	Wastewater	Personnel-Salaries & Wages-Salaried Wages	(80,000)
641-06-605-514-411008--	Sewage Works Operations	Public Works	Wastewater	Personnel-Employee Benefits-Health Insurance	(30,000)
641-06-605-514-439000--	Sewage Works Operations	Public Works	Wastewater	Services & Charges-Other-Misc Charges & Svcs	110,000
Rationale: Cover increased costs for contractual services, related to ramping up for capital projects in 2023.					
670-11-230-295-423001--	Century Center Operations	Venues Parks & Arts	Century Center	Supplies-Repair & Maint-Building Materials	20,000
670-11-230-295-431000--	Century Center Operations	Venues Parks & Arts	Century Center	Services & Charges-Professional-Other Professional Svcs	(20,000)
Rationale: Reallocate budget based on year-end budget projections					
Grand Total					-

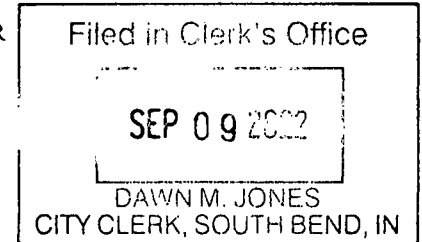
1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9251
FAX 574/235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

December 14, 2021



Mr. Christopher Boardman
1015 Good Place
South Bend, IN 46616
Irishcb222@hotmail.com

RE: Alley/Street Vacation – 1015 Good Place (Preliminary Review)

Dear Mr. Boardman:

At its December 14, 2021 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

Per IC 36-7-3-13, the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted an **unfavorable** recommendation for the vacation of this alley. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4th floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

If you have any further questions, please call this office at (574) 235-9251.

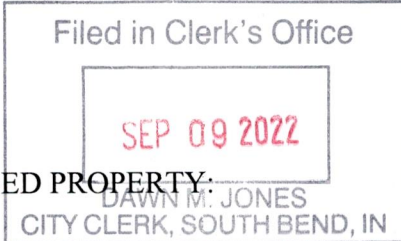
Sincerely,

/s/ Laura Hensley/Acting

Clerk

BILL NO. 52-22

ORDINANCE NO. _____



AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The southeast half, 120 feet, of the alley extending between Good Place and Blyler Place roughly parallel to Riverside Drive in the City of South Bend area commonly known as the Keller Park Neighborhood.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City. The following Ordinance vacates the above described public property.

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

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

The alley extending 14 foot wide northeast, and 120 feet long from Good Place and ending at the current rear property line, including the 5 foot triangle alley section at the rear north corner of LOT 48 BOULEVARD PARK, PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. (The current 1015 Good Place description is: E 16 FT LOT 47 & ALL OF LOT 48 BOULEVARD PARK)

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

**There are four properties abutting the alley at issue and all four owners are in favor of the vacation of the alley and request that the vacated alley be ceded entirely to become part of the of the current 1015 Good Place property with the current legal description of:
Owner: Christopher Boardman. E 16 FT LOT 47 & ALL OF LOT 48 BOULEVARD PARK.
PARCEL NUMBER: 71-03-35-180-015.000-026.**

The three properties abutting the other side of the alley at issue are:

**DAVID M AND VICKIE L LOUGHLIN
2017 RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 49 Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-005.000-026**

CALVIN & ELIZABETH LEWIS
2021 N RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 50 Replat of Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-004.000-026

JIANBO LIU
2025 RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 51 Replat of Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-003.000-026

Section IV. The purpose of the vacation of the real property is to allow the current owner of 1015 Good Place, Christopher Boardman, to pave the current alleyway to rectify the current ongoing mud ruts and overgrown grass and weeds and allow for the potential construction of a garage at the rear of his property, thereby greatly improving the appearance of the alleyway and raising the tax base for the larger 1015 Good Place lot. The above other outlined three properties abutting the alley will have access rights to use the newly paved alley to their benefit. In addition, the greatly improved appearance and use rights of the paved alley will increase the property value and appearance of all the abutting properties and the neighborhood in general. The remainder of the alley will allow through traffic to all but the four adjacent property owners who agree to and endorse this Bill.

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

Sharon L. McBride, Council President
South Bend Common Council

Attest:

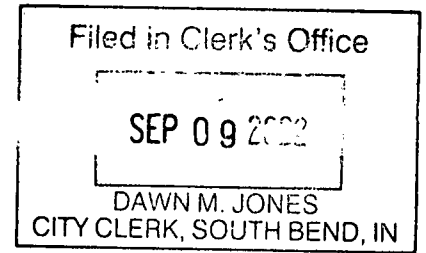
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: November 22, 2021

TO: Zach Hurst, Public Works
Chris Dressel, Community Investment
Gerard Ellis, Fire Department
Brad Rohrscheib, Police Department

FROM: Laura Hensley, Acting Clerk (lhensley@southbendin.gov)

SUBJECT: REQUEST FOR RECOMMENDATIONS – ALLEY VACATION

APPLICANT: Christopher Boardman
LOCATION: 1015 Good Place

PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 36-7-3-13 CRITERIA:

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

PUBLIC WORKS: Unfavorable – would hinder access

COMMUNITY INVESTMENT: Unfavorable

1. The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation **would** make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would not hinder the public's access to a church, school or other public building or place.
4. The vacation **would** hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

FIRE: Favorable

POLICE: Favorable Recommendation



STREET/ALLEY VACATION APPLICATION
 City of South Bend - Board of Public Works
 227 W. Jefferson Boulevard, Ste. 1316
 South Bend, IN 46601

Filed in Clerk's Office
 SEP 09 2021
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

Date: 11/22/2021 Phone #: 617-312-2211
 Name: CHRISTOPHER BOARDMAN Email: TRISHCB222@hotmail.com

Property Address: 1015 GOOD PLACE, SOUTH BEND, IN, 46616

Applicant property information: Residential Commercial Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

GOOD PLACE BETWEEN GOOD PLACE + BLYLER PLACE + CULVER PLACE SOUTH BEND, IN, 46616

- Is your property adjacent to the alley of interest? Yes No
- Do you own all adjacent properties to the alley of interest? Yes No
- Does the existing alley provide garage access to other property owners? Yes No
- Does the alley receive daily traffic excluding your own use? Yes No
- Would the vacation hinder public access to any of the following: a church, school, or any other public building or place? Yes No

Reason for street/alley vacation and proposed use:

THE ALLEY IS NEVER USED. MY NEIGHBORS + I WOULD LIKE TO ACQUIRE THE ALLEY AS PART OF OUR PROPERTIES FOR UPGRADE + BETTER CARE + LANDSCAPING. WE ARE ONLY INTERESTED IN 1/2 OF THE ALLEY FROM GOOD PLACE TO CULVER PLACE ALLEY.

A map **MUST** be provided highlighting the area you would like to vacate with this application.

N/S Alley between Riverside & Culver Place from Good Place to First OFFICE USE ONLY: E/W Alley part way through to Blyler

Board Recommendation: Yes No

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

[Signature]

Gary A. Gilot, Member

[Signature]

Joseph R. Molnar, Member

[Signature]

Jordan V. Gathers, Member

[Signature]

Murray L. Miller, Member

[Signature]

Attest: Clerk

Date: December 14, 2021



Filed in Clerk's Office
 SEP 09 2022
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

OFFICE OF THE CITY CLERK
 DAWN M. JONES, CITY CLERK

**PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
 (STREETS/ALLEY)**

DATE: 9-9-2022

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

Southeast half, 120 feet, of the alley extending between Good Place and Blyler Place roughly parallel to Riverside Drive in the City of South Bend area commonly known as the Keller Park Neighborhood.

2. THE STREET DESCRIBED AS:

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
Christopher Boadman		1015 Good Place	48
1.			
David Loughlin		2017 Riverside Drive	49
2.			
3.			

INTEGRITY | SERVICE | ACCESSIBILITY

BIANCA L. TIRADO
 CHIEF DEPUTY/DIRECTOR OF OPERATIONS

RODGER J. PINTO
 DEPUTY/DIRECTOR OF POLICY

GABRIEL N. MURRI
 ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

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

PLAT OF BOULEVARD PARK

SOUTH BEND, INDIANA
Scale 1" = 100'

Jan 1930

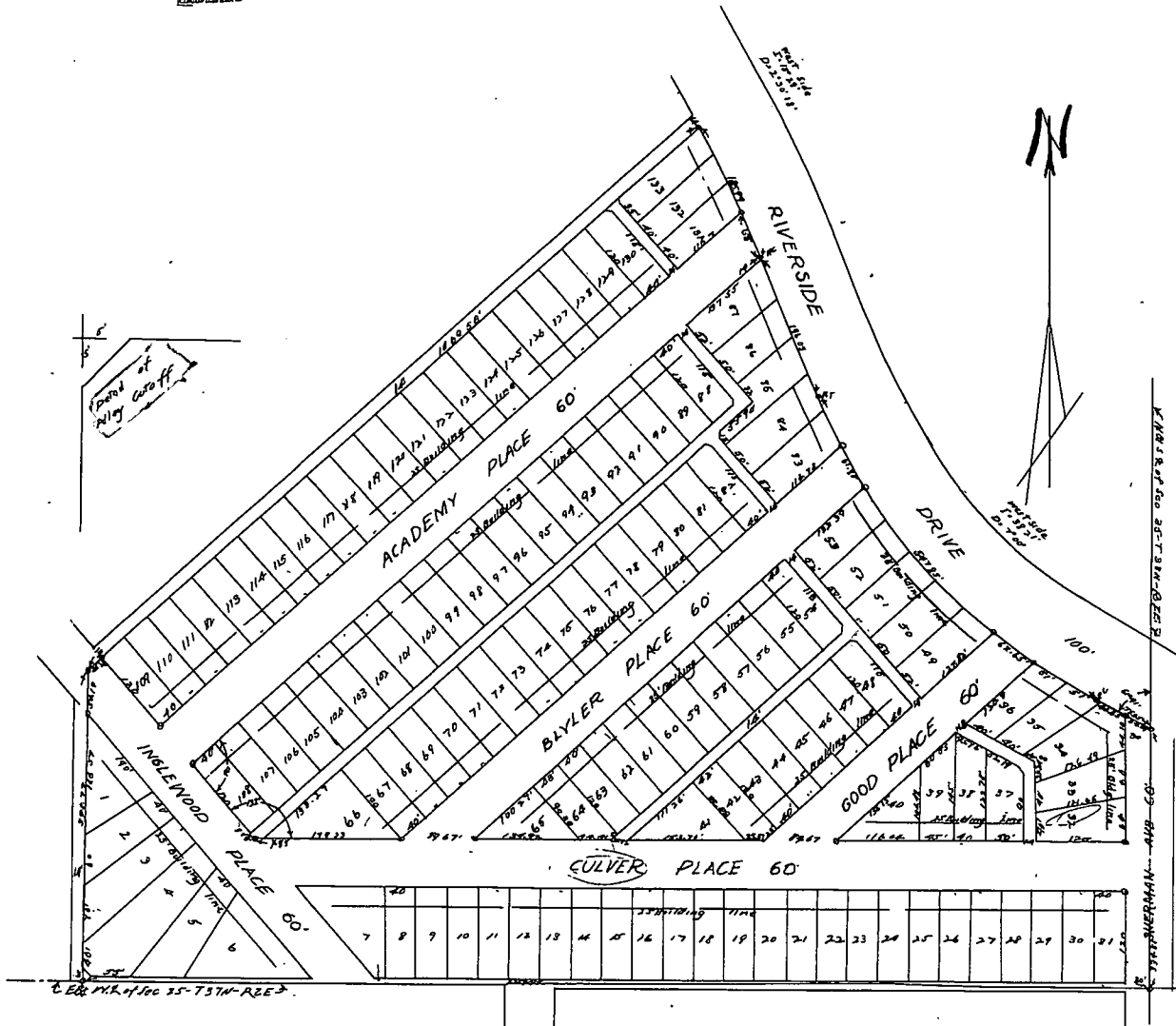
Filed in Clerk's Office

SEP 09 1930

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

INDEXED

INDEXED



PLAT OF BOULEVARD PARK

The annexed plat is a plat of Boulevard Park, on addition to the City of South Bend, Indiana and comprises the track of land described as follows:
 Beginning at the southeast corner of the northwest 1/4 of sec 35 Twp 38 N R2E. Thence north along the east line of the northwest 1/4 of said sec 35 a distance of 33.488 to the south line of Riverside Drive, thence north 61.41' west along the southwesterly line of Riverside Drive a distance of 72.35 feet, thence on a 7.88' curve to the right along the southwesterly line of Riverside Drive a distance of 547.05 feet, thence on a tangent still along the southwesterly line of Riverside Drive a distance of 185.99 feet to the southwesterly line of the alley east of Meadow Blud, thence southwesterly along the southeasterly line of the alley east of Meadow Blud, a distance of 108.35 feet to intersection of the southeast only line of the alley east of Kessler Blvd, thence along the east line of the alley east of Kessler Blvd a distance of 133 feet to the east line of the north line of the north west 1/4 of said sec 35 a distance of 138.94 feet to the place. The plot contains 133 lots numbered from 1 to 133 inclusive.
 The size of the lots and the width of the streets and alleys is marked on the plat in feet and decimals of feet.
 The streets and alleys are hereby dedicated to the public for use as public highways only.

STATE OF INDIANA } ss:
COUNTY OF ST JOSEPH }

Personally appeared before me, a notary public in and for said State and County C J Jackson president and Edgar L. Kelsey Secretary of the Union Trust Company and acknowledged the execution of the foregoing plat.
WITNESS my hand and notarial seal this 2nd day of March 1930

My Commission expires Nov 18, 1933
DULY ENTERED FOR TAXATION
Mar 4 1930
Frank P. Carver
Auditor
St Joseph Co, Indiana

APPROVED
Board of Works
Mar 4 1930
M. E. Doran
John K. Smayor
John H. Kiser

THELMA G. WYNEGAR
Notary Public

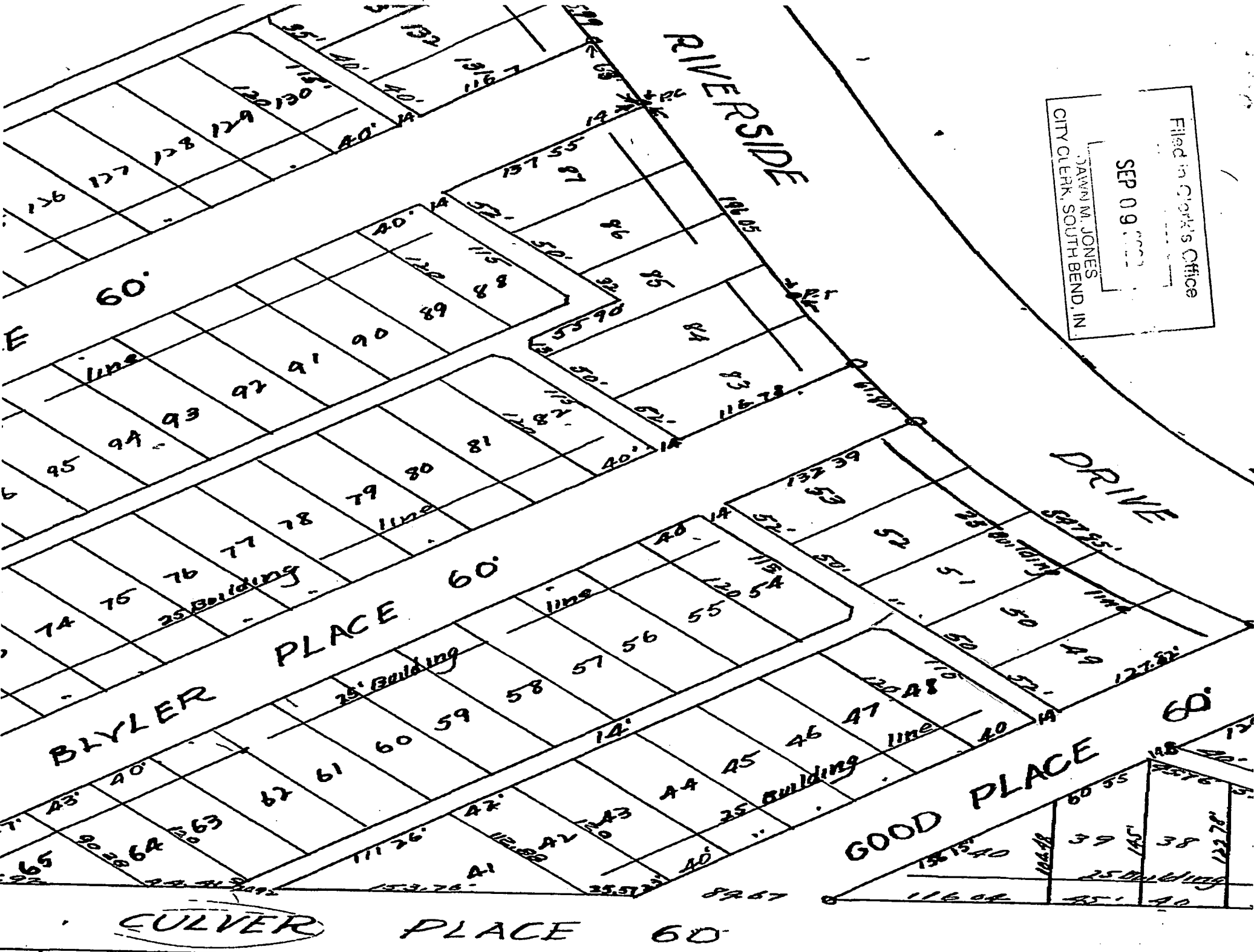
UNION TRUST COMPANY
C J Jackson president
Edgar L. Kelsey secretary



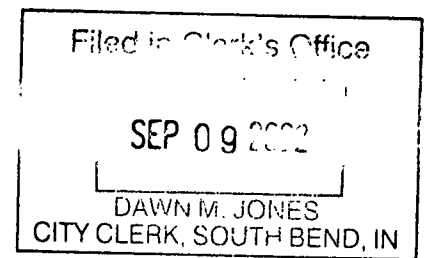
Recorded March 4 1930 at 3:10 o'clock P.M.
EDWARD KELLER, Recorder

CHAS. W. COLE, CIVIL ENGINEER-213 CHRISTIAN BLDG., SOUTH BEND, INDIANA

Filed in Clerk's Office
SEP 09 1922
JAWAN M. JONES
CITY CLERK, SOUTH BEND, IN



TO: City of South Bend, IN, St. Joseph County
FROM: BOARDMAN, LOUGHLIN, LEWIS & LIU
DATE: July 9, 2022
RE: Alley Ceding



Please accept this memorandum of understanding and agreement between the homeowners listed below as the owners of homes adjacent to both sides of the southeast half of the alley extending between Blyler Place and Good Place roughly parallel to Riverside Drive in the City of South Bend area commonly known as the Keller Park Neighborhood. The terminus ends of the ceded alley would be at Good Place and ending at the current rear property line of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. Please note Exhibit A. This proposal is intended to be permanently legally binding for the current and future homeowners of the four properties listed below.

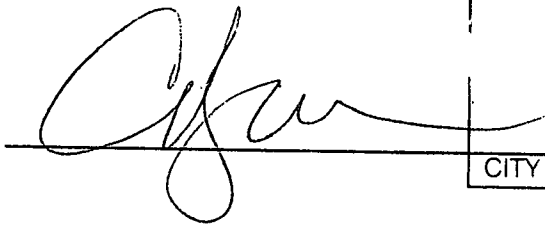
The objective and intent are to permanently close the above referenced alley and cede the alley to Christopher Boardman to become part of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place subject to the following conditions. The three alley adjacent property homeowners will have permanent easement right of way to use the alley to access their property as will all utility providers who will also have the right to install and maintain any utility poles, lines, pipes, etcetera in the ceded area as may be required. The alley's gravel-based service will, within two years of the date of this document, be replaced with pavement or concrete. The new pavement or concrete will be level with the current alley driveway on PARCEL NUMBER: 71-03-35-180-004.000-026 commonly known as 2021 N. Riverside Drive and the new pavement or concrete will be sloped to drain toward Good Place. All building codes and setback requirements will be adhered to along the new property lines of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. All cost associated with this matter will be the responsibility of Christopher Boardman.

It is understood by all four property owners listed below that it is the intent of Christopher Boardman to build a garage at the rear of his property which may in part set on the referenced ceded alley property. All four parties listed below are in favor of the above outlined proposal for their common good and without any financial exchange.

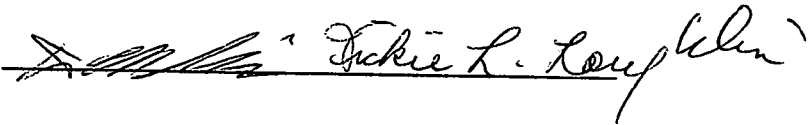
It should be noted that since the City of South Bend has ceased trash and yard waist pickup in the city's alleys and therefore this proposal would have no effect in the city's waste pickup, however would make it much easier for the four involved property owners to move their trash bins to the street for pickup. The city has also stopped maintaining this alley and again the proposed outlined change would greatly improve the appearance of the section of alley involved and the respective property values. The remaining properties adjacent to this alley system will not be impacted by through access to the rear of their properties as the northwest half of the alley extending between Blyler Place and Good Place would remain unchanged and open and intersect with the open alley at the rear of the homes on Good Place and Blyler Place. In fact, there is utility pole blocking any potential traffic from turning from the Blyler Place and Good Place alley to the alley requesting to be ceded. Again, please note Exhibit A as well as the attached photographs. This proposal is not unprecedented in the city nor in the Keller Park area as the alley two blocks north of the alley at issue, from Riverside Drive to Inglewood Place at the rear of the homes on Academy Place and Woodlawn Blvd has been abandoned by the City of South Bend and is impassable by vehicles.

SEP 09 2002

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



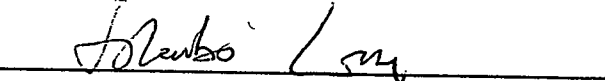
CHRISTOPHER BOARDMAN
1015 GOOD PL
SOUTH BEND, IN 46616-1943
E 16 FT LOT 47 & ALL OF LOT 48 Boulevard Park
PARCEL NUMBER: 71-03-35-180-015.000-026



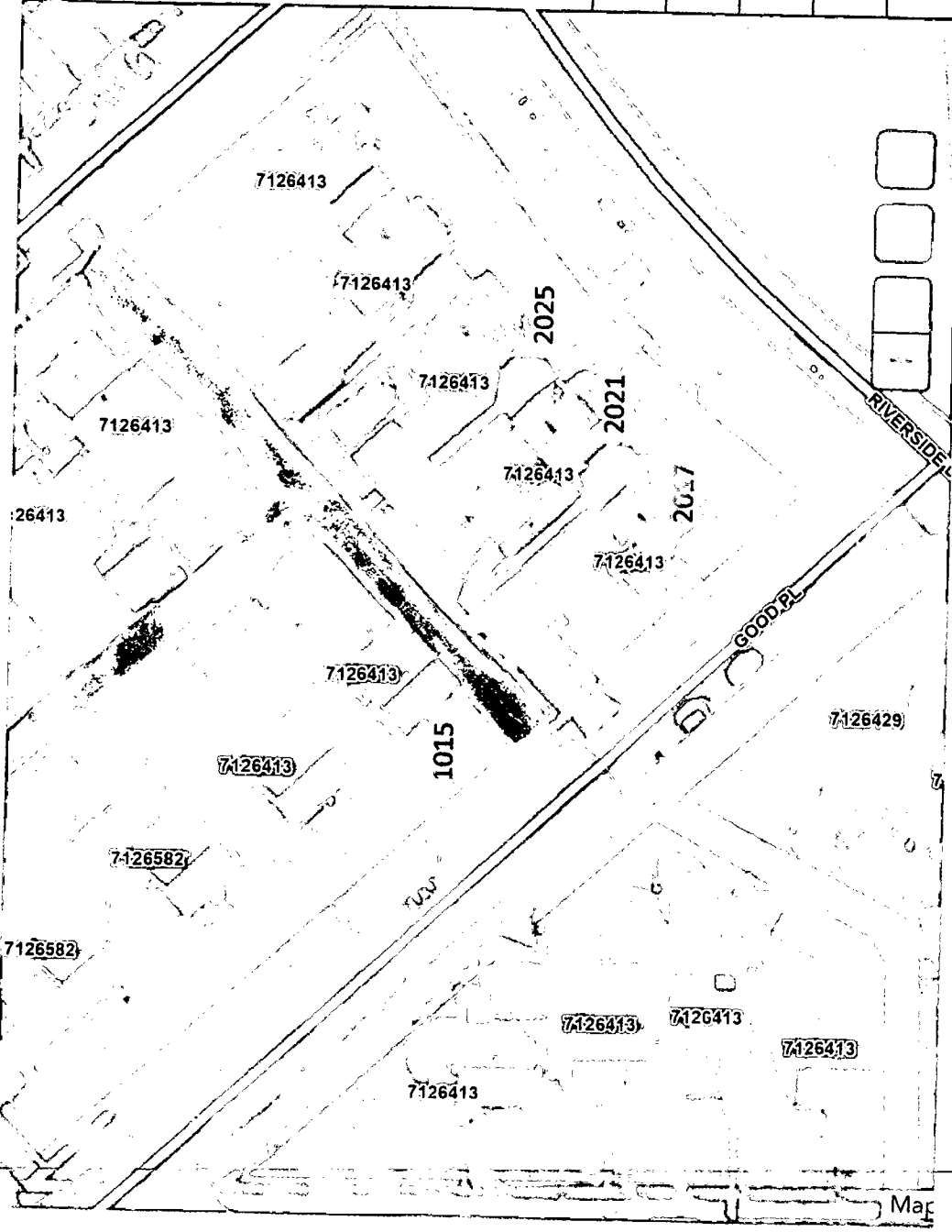
DAVID M AND VICKIE L LOUGHLIN
2017 RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 49 Lot 49 Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-005.000-026



CALVIN & ELIZABETH LEWIS
2021 N RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 50 Replat of Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-004.000-026



JIANBO LIU
2025 RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 51 Replat of Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-003.000-026



Flight: [unclear] Office

SEP 09 2008
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

Exhibit A

Through alley remains open
 Closed alley to be ceded to 1015 Good Place

davevicki@comcast.net

From: davevicki@comcast.net
Sent: Thursday, July 14, 2022 2:34 PM
To: 'Laura Hensley'; 'Chris Boardman'
Subject: RE: City of South Bend Board of Public Works
Attachments: Boardman Alley Cede.docx; Alley Cede Memo Signatures.pdf; Exhibit A Alley.pdf; Alley Varance Cede Photo #1.pdf; Alley Varance Cede Photo #2.pdf

Laura and Chris, attached are copies of the original documents that I will be hand delivering to you Laura this afternoon.

Given the fullest endorsement of all four property owners for the vacation and ceding of the alley at issue to Christopher Boardman per the attached submitted memorandum and attachments and the continued unchanged traffic pattern in the alley system at the rear of the homes of Riverside Drive from Good Place to Blyler Place as well as the unchanged alley at the rear of the homes between Good Place and Blyler Place there should be no issues that the vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient, nor that the vacation would hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

On the behalf of the Keller Park Neighborhood neighbors with homes adjacent to the alley at issue, thank you for all of your efforts in this request and please contact me if I may provide any further assistance on Chris Boardman's behalf in his absence.

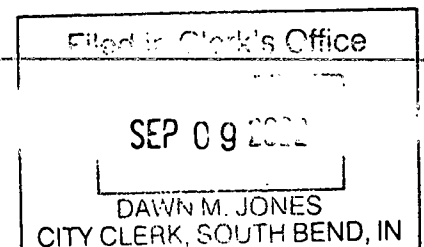
Thanks, Dave

David M. Loughlin
2017 Riverside Drive
South Bend, IN 46616
574-234-6927 H
574-220-9536 C
davevicki@comcast.net

From: Laura Hensley <lhensley@southbendin.gov>
Sent: Monday, July 11, 2022 8:16 AM
To: Chris Boardman <irishcb222@hotmail.com>
Cc: davevicki@comcast.net
Subject: RE: City of South Bend Board of Public Works

Good morning, Chris,
We are here Monday-Friday 8:00 a.m. to 4:30 p.m. You can drop it off or email if that is easier. Hope you're having a good Monday!

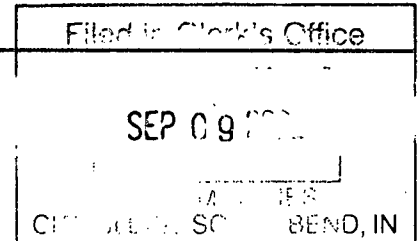
From: Chris Boardman <irishcb222@hotmail.com>
Sent: Monday, July 11, 2022 7:28 AM
To: Laura Hensley <lhensley@southbendin.gov>
Cc: davevicki@comcast.net
Subject: Re: City of South Bend Board of Public Works



Good morning Laura,

We had spoken in person back in April in your office regarding my alley vacation request and with the assistance of my neighbor Dave Loughlin (whom was present with me when we met you) we have collected the additional information per your direction. Since I do not live in South Bend full time, Dave has agreed to assist in delivering the paperwork. Please let us know when would be a good time to stop by with the paperwork and maybe answering a few more questions. I really appreciate all your help and if there is anything you need please do not hesitate to call me at 617-312-2211.

Thank you,
Chris



From: Laura Hensley <lhensley@southbendin.gov>
Sent: Tuesday, December 14, 2021 12:48 PM
To: Irishcb222@hotmail.com <Irishcb222@hotmail.com>
Subject: City of South Bend Board of Public Works

Hello,
Attached you will find a letter and signed documents pertaining to the December 14, 2021, City of South Bend Board of Public Works Meeting. Please read the letter attached. ****There may be extra documents attached to the file, this is for your records only.****

Hope you have a wonderful day!



Laura Hensley

Administrative Assistant
Department of Public Works
(574) 235-5927
lhensley@southbendin.gov
City of South Bend
227 W. Jefferson Blvd., Ste. 1316
South Bend, IN 46601

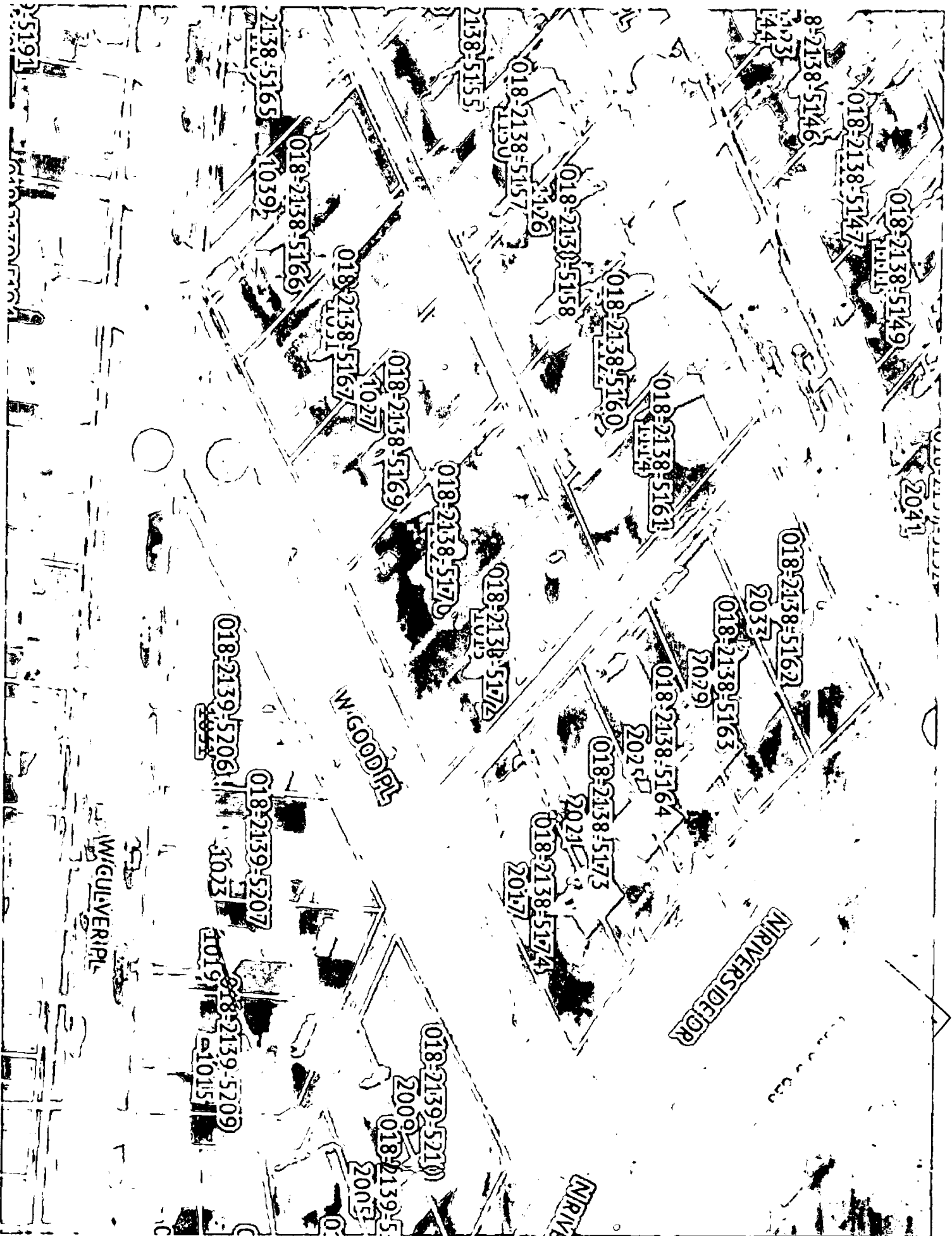
Excellence | Accountability | Innovation | Inclusion | Empowerment

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containing deadlines. In addition, E-Mail information cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain virus. Therefore, the sender does not accept liability for any errors or omissions in the contents of this message which arise as a consequence of E-Mail transmission. If verification is required, please request a hard-copy version.

Filed in Clerk's Office
SEP 09 2002
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



018-2138-5147
018-2138-5149
018-2138-5146

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018-2138-5162
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018-2138-5163
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018-2138-5164
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018-2138-5173
2021

018-2138-5174
2017

018-2138-5172
2015

018-2138-5170

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018-2139-5206
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018-2139-5207
2023

018-2139-5209
2015

018-2139-5210
2009

018-2139-5205
2003

W/GUILVER RPL

N/RIVERSIDE DR

N/RIV

25191



Looking northwest from Good Place to alley at issue and Blyler Place in background. 1015 Good Place on left in photo and 2017 Riverside Drive on right in the photo.



SEP 09 2022
DAVID M. JONES
CITY CLERK, SOUTH BEND, IN

Looking northwest from the alley at issue with the end of the vacation/ceding to stop at the end of the chain-link fence at the rear of 1015 Good Place on the left in the photo and 2025 Riverside Drive on the right in the photo. Note the utility pole in the alley easement preventing turns in alleyway from or onto the section of alley requested to be vacated.



Looking southeast in alley at issue toward Good Place with 1015 Good Place on right in photo behind utility pole in alley easement. Note right turn traffic pattern to alley behind homes on Good Place and Blyler Place which would remain open if alley at were closed.



Looking south in alley at issue toward 1015 Good Place and utility pole in alley easement preventing turns in alleyway from or to the section of alley at issue.

Filed in Clerk's Office
SEP 09 2022
DAWN H. JONES
CITY CLERK SOUTH BEND, IN

MARGO B LOVEING
1015 Culver Pl
South Bend IN 46616

7022 0410 0001 3219 3117

JIANBO LIU
2025 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 3049

2005 RIVERSIDE DR LAND TRUST
115 1/2 N Main St
South Bend IN 46601

7022 0410 0001 3219 3025

JANET MORRIS
1126 Blyler Pl
South Bend IN 46616

7022 0410 0001 3219 3124

DAVID M AND VICKIE L LOUGHLIN
2017 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 3056

DAVID A VANWANZEELE
116 Mansfield C
Boca Raton FL 33434

7022 0410 0001 3219 3018

JENNIFER TOMAINO
6131 Fairway Ave
Dallas TX 75227

7022 0410 0001 3219 2592

VINCE J BARLETTO
1019 Culver Place
South Bend IN 46616

7022 0410 0001 3219 3063

CALVIN & ELIZABETH LEWIS
2021 N Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 3001

KIM CARTAINO & RYAN JTWROS
39 Illex Dr
Newbury Park CA 91320

7022 0410 0001 3219 2608

AUSTIN & SARAH LOVEING
1023 Culver Pl
South Bend IN 46616

7022 0410 0001 3219 3070

RONALD E ALT
1114 Blyler Place
South Bend IN 46616

7022 0410 0001 3219 2646

MARK MAKOWSKI
PO Box 11262
South Bend IN 46634

7022 0410 0001 3219 2547

DEBRA S SPETH
222 E Walter St
South Bend IN 46614

7022 0410 0001 3219 3087

DAVID M GILBERT & MEAGAN E DRONE
2029 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 2998

RUSSELL R MICINSKI
1130 Blyler Place
South Bend IN 46616

7022 0410 0001 3219 2554

BRYAN E EYER
2001 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 3094

STACIE PRIEBE
2033 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 2981

CHRISTOPHER BOARDMAN
1015 Good Pl
South Bend IN 46616

7022 0410 0001 3219 2561

TROPIC LIFE INVESTMENTS LLC
1727 Elsie St
Green Cove Springs FL 32043

7022 0410 0001 3219 3032

Filed in Clerk's Office

SEP 09 2022

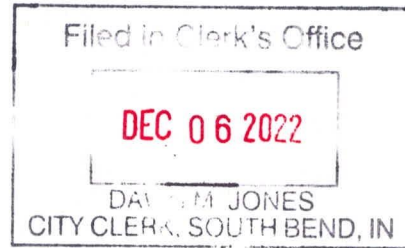
DAVID M JONES
CITY CLERK, SOUTH BEND, IN

City of South Bend
BOARD OF ZONING APPEALS

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

December 6, 2022

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



Re: Bill# 51-22: The petition of ALBERT AND ELLA WILLIAMS seeking a Special Exception for Vehicle Service, Major in the NC Neighborhood Center for property located at 506 OLIVE ST.

Dear Council Members:

I hereby Certify that the above referenced petition of ALBERT AND ELLA WILLIAMS was legally advertised on September 23, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on December 5, 2022 took the following action:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by ALBERT AND ELLA WILLIAMS seeking a Special Exception for Vehicle Service, Major for property located at 506 OLIVE ST, City of South Bend is **dismissed** due to a lack of a petitioner in attendance.

Since the petition was dismissed by the Board of Zoning Appeals, it is no longer considered a valid petition and should be dismissed from the Common Council as well. Any future action will require a new petition and new Ordinance.

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

Sincerely,

Angela M. Smith
Zoning Administrator

Attachment

CC: ALBERT AND ELLA WILLIAMS
Cleveland Brown - Cleve's Transmission
Ella Williams

City of South
BOARD OF Z

Bill No. 51-22
~~9/12~~ 1st reading
* scanned in Laserfiche
~~2nd + 3rd~~ → 10/10

Bill No. 51-22
* Tabled til 12/12

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

lerk's Office
OCT 04 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

October 4, 2022

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

Re: Bill# 51-22 The petition of ALBERT AND ELLA WILLIAMS seeking a Special Exception for Vehicle Service, Major in the NC Neighborhood Center for property located at 506 OLIVE ST,

Dear Council Members:

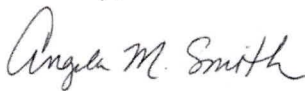
I hereby Certify that the above referenced petition of ALBERT AND ELLA WILLIAMS was legally advertised on September 23, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on October 3, 2022 took the following action:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by ALBERT AND ELLA WILLIAMS seeking a Special Exception for Vehicle Service, Major for property located at 506 OLIVE ST, City of South Bend is tabled to December 5, 2022.

The staff comments related to this petition are attached. The Findings of Fact will be adopted at the next South Bend Board of Zoning Appeals meeting. Minutes of the public hearing are available in our office and will be posted on our website once approved.

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

Sincerely,

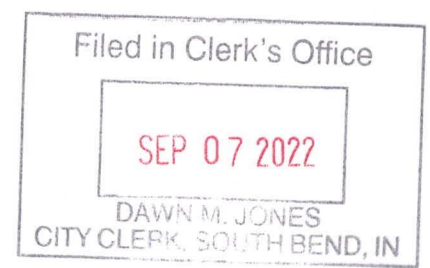


Angela M. Smith
Zoning Administrator

Attachment

CC: ALBERT AND ELLA WILLIAMS
Cleveland Brown - Cleve's Transmission
Ella Williams

**BILL NO. 51-22
ORDINANCE NO.**



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 506 N. OLIVIE ST. COUNCILMANIC
DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate an automotive repair shop

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

506 N. Olive St. 018-2030-0977

In order to permit Vehicle Service, Minor

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

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

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

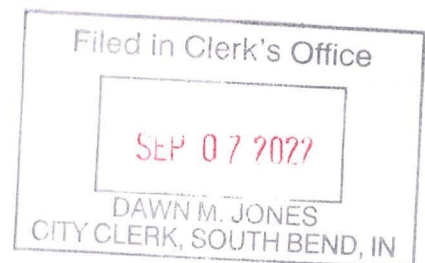
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ .m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



Property Information

Location: 506 OLIVE ST
Owner: ALBERT AND ELLA WILLIAMS

Project Summary

Allow for vehicle repair (rebuilding transmissions and light general repair) and maintain the site in the current configuration.

Requested Action

Special Exception: Major Vehicle Service
Variance(s): 1) to allow parking in the established front and corner yards
2) from the 5' minimum parking area screening to none
3) from 1 streetscape tree for every 30' of frontage to none

Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The Staff recommends the Board approve Variance #1 to allow parking in the established front and corner yards, subject to no outdoor storage, and deny Variances 2 and 3.

Proposed Site Plan



Criteria for Decision Making: Special Exception

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

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

Provided the proper landscaping and screening are installed, the proposed use should not be injurious to the public health, safety, comfort, or general welfare of the community. The site development standards in the Ordinance are established to limit potentially negative impacts on the surrounding properties.

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

As the property was initially constructed for the proposed use, approval of the Special Exception should not injure or adversely affect the use of the adjacent area, provided the appropriate landscaping and buffering is installed.

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

While the Neighborhood Center Zoning District encourages pedestrian orientated development, the use of Major Vehicle Service is an allowed Special Exception in the district for instances such as this where the original intent of the building was for an automotive repair shop. Activation of a currently vacant building to its original use is consistent with the character of the district and surrounding area.

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

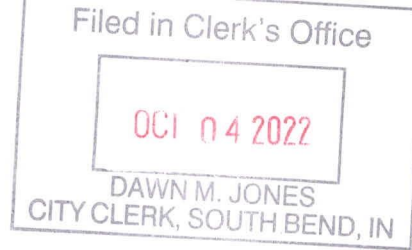
The Kennedy Park Neighborhood Plan (2022) makes no specific mention of this use. The proposed use is consistent with City Plan (2006) Objective LU 2: Stimulate the rehabilitation and adaptive reuse of the property in the city.

Criteria for Decision Making: Variance(s)

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

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

Approval of Variances should not be injurious to the public health, safety and general welfare of the community. These variances allow for the building to be used for its original intent. To help mitigate any potential impact on the general community, proper parking area screening and site landscaping should be upheld.



(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 use and value of the area adjacent to the property should not be affected in a substantially adverse manner. The site has existed in this layout since the 1960s. While parking in the established front or corner yard is not preferred, the proper parking area screening and site landscaping should reduce any negative impact on the surrounding properties use and value.

(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 Zoning Ordinance would require the building to be demolished and relocated in order to allow access and parking in a different configuration. The addition of landscaping, however, could easily be accomplished.

(4) The variance granted is the minimum necessary

The variance for parking location is the minimum necessary to operate the intended use in a reasonable manner. Though parking is not required, providing some off-street parking would be practical for the business. There is no practical difficulty for the requested landscaping variances. There is more than

(5) The variance does not correct a hardship cause by a former or current owner of the property

This site has been in this configuration since the 1960s. The Zoning regulations at the time did not prohibit parking in the front yard. Variance #1 is not correcting a hardship caused by the current owner. There are remedies that would allow the petitioner to install the proper landscaping.

Analysis & Recommendation

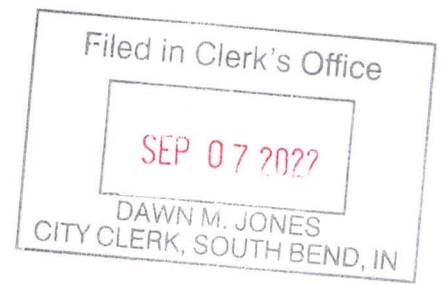
Analysis: While the Neighborhood Center Zoning District encourages pedestrian orientated development, the use of Major Vehicle Service is an allowed Special Exception in the district for instances such as this where the original intent of the building was for an automotive repair shop.

Approving a variance to allow parking in the established front and corner yard will allow for the reuse of the existing building without forcing a reconfiguration of the site. To mitigate the impact of the parking variance, it is important to enforce the landscaping requirement. The site contains no practical difficulties that would prevent the installation of the appropriate landscaping for the site.

Staff Recommendation: Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. Staff recommends the Board approve Variance #1 to allow parking in the established front and corner yards subject to no outdoor storage, and deny Variances 2 and 3.

City of South Bend

BOARD OF ZONING APPEALS



September 7, 2022

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

RE: Special Exception Use at 506 N Olive St.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **September 12, 2022**, Council meeting and set it for public hearing at your **October 10, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the October 3, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
To allow for an autobody shop.

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

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

Sincerely,

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

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-2030-0977
Address: 506 N. OLIVE
Owner: ELLA WILLIAMS
Zoning: Choose the current district

Project Summary:

Rebuilding TRANSMISSIONS
&
Light general repair

Requested Action

Special Exception – complete and attach Criteria for Decision Making
Use requested: _____

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

+ 3 variances
Cleveland Brown
(574) 876-
6026

PAID AUG 17 2022

Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

Filed in Clerk's Office
SEP 07 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

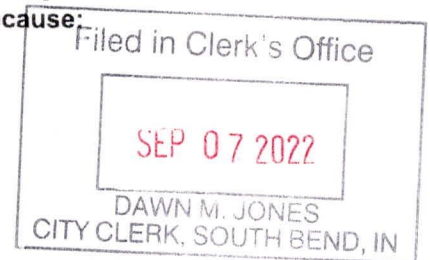
Criteria for Decision Making

Special Exception - if applicable

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

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

It's an auto repair.
No not at all



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

no PARKED CAR too long
1 or 2 days

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

yes it does

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

No specific plans
re USE of Building

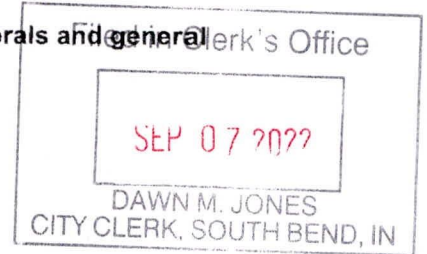
Criteria for Decision Making

Variance(s) - if applicable

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

not At All



(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, because:

not At All

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

The Traffic

(4) The variance granted is the minimum necessary, because:

min. Necessary

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Its not creating any problems for property owner or renter

SEP 07 2027

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Contact Information

Property owner(s) of the petition site:

Name: Ella Williams
Address: 18220 Chipstead DR.
South Bend, Ind. 46637

Name: _____
Address: _____

Name: _____
Address: _____

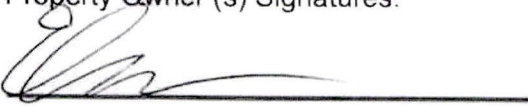
Contact Person:

Name: Ella Williams
Address: (same)

Phone Number: 574-300-9618
E-mail: ewilliams63@icloud.com

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

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

Property Owner (s) Signatures:


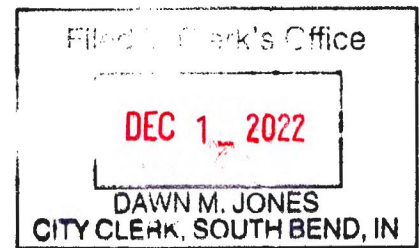
Cleveland Brown ~~IV~~

574 876-6026

Filed in Clerk's Office

SEP 07 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

December 1, 2022

Sharon L. McBride, President
South Bend Common Council
4th Floor, County-City Building

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

Dear President McBride:

I am attaching for filing the above resolution, which is a companion to Bill No. 63-22. That bill proposes to voluntarily annex contiguous territory in German Township to the City of South Bend. This resolution provides for the Common Council's adoption of the written plan and policy concerning the provision of services, both capital and non-capital, to the territory to be annexed.

This 2.8-acre annexation area contains one parcel at the northwest corner of Cleveland Road and Shellbark Avenue, plus adjacent right-of-way. All public improvements, if any, will be required to be done at the expense of the developer.

I request that the attached resolution be placed on the agenda of the December 12, 2022, Common Council meeting at which the companion bill is given Second Reading. I will be attending the meeting, as well as the Zoning & Annexation Committee hearing, as the presenter.

If you have any questions, please feel free to contact me at (574) 235-5843. Thank you.

Sincerely,

Michael P. Divita
Principal Planner

Filed in Clerk's Office

DEC 01 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 22-59
RESOLUTION NO. 4994-22

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

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

WHEREAS, the territory proposed to be annexed encompasses approximately 2.8 acres of land containing a commercial building which property is at least 12.5% contiguous to the current City limits, i.e., 50% contiguous, generally located at the northwest corner of Cleveland Road and Shellbark Avenue (21275 Cleveland Road). It is anticipated that the annexation area will be used for a car wash; and

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

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

manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

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

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

Part of the West Half of the Southeast Quarter of Section 22, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as follows:

Starting at the Southwest corner of the Southeast Quarter of Section 22, Township 38 North, Range 2 East; thence East 940 feet; thence North 40 feet to the Southwest Corner of Lot 91 in the Proposed Plat of Lilac Acres Subdivision to the Point of Beginning; thence North 318 feet along the West Line of Said Lot 91 to the Northwest Corner of Said Lot 91; thence East 380 feet to the Northwest Corner of Lot 95 in the Proposed Plat of Lilac Acres Subdivision; thence South 318 feet along the West Line of Said Lot 95, also being the East Right-of-Way Line of Shellbark Avenue, to the Southwest Corner of Said Lot 95; thence West 380 feet along the North Right-Of-Way Line of Cleveland Road to the Point of Beginning. Containing 2.77 acres, more or less.

Section II. It shall be and hereby is now declared and established that it is the policy of the City of South Bend, to furnish to said territory services of a non-capital nature, such as police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, sidewalks, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. The South Bend Common Council, shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area with costs for extensions, any improvements in sewer or water capacity, and a City-approved drainage system to be paid for by the developer, all in compliance with state and local law; that

no additional street lighting will be necessary and any future lighting especially of a decorative nature or with underground wiring will be at the developer/owner's expense; that no new roads or streets will be required with the owner/developer to complete a traffic impact study to determine if any additional improvements are required for the car wash use; and for the developer to relocate the existing Cleveland Road driveway approach to be at least one hundred feet away from the Shellbark Avenue intersection.

Section IV. Sidewalks should be provided along public streets, to be in compliance with the Americans with Disabilities Act (ADA) under the PROWAG standards.

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ m

James Mueller, Mayor
City of South Bend, Indiana

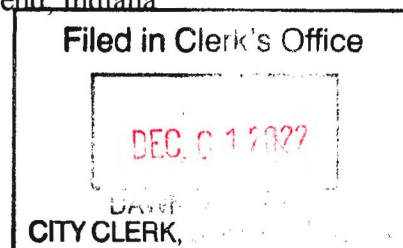
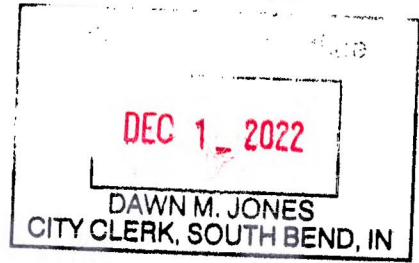


Exhibit "A"



THE CITY OF SOUTH BEND

FISCAL PLAN

CLEVELAND-SHELLBARK ANNEXATION AREA

Prepared by
City of South Bend
Department of Community Investment

October 24, 2022



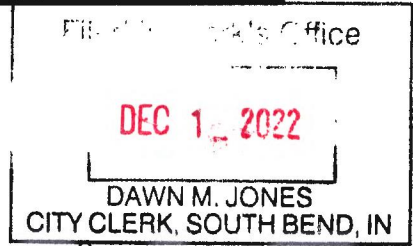


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- D. Size of Annexation Area
- E. Buildings & Land Use
- F. Zoning & Subdivisions
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SECTION I. INTRODUCTION

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

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

SECTION II. GENERAL DATA

A. Location

The Annexation Area is located at the northwest corner of Cleveland Road and Shellbark Avenue (21275 Cleveland Road). See *Map 1*.

B. Legal Description

The Annexation Area is part of the West Half of the Southeast Quarter of Section 22, Township 38 North, Range 2 East, in German Township, St. Joseph County, Indiana. For a complete legal description, see Page 14.

C. Contiguity

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

<i>Contiguous</i>	698 feet	50.0%
<i>Non-Contiguous</i>	<u>698 feet</u>	<u>50.0%</u>
<i>Total</i>	1,396 feet	100.0%

D. Size of Annexation Area

The Annexation Area is approximately 2.77 acres.

E. Buildings & Land Use

The Annexation Area contains a funeral home and an accessory building. The main building would be demolished for a proposed car wash.

F. Zoning & Subdivisions

The one property in the Annexation Area is currently zoned OB Office Buffer District in St. Joseph County. With the annexation petition, the petitioner seeks to rezone the land to C Commercial District in the City. The Annexation Area falls within the Lilac Acres unrecorded subdivision.

G. Population

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

H. Tax Rate & Impact

The tax rates used are those of 2021 payable 2022. The total tax rate for unincorporated German Township is 2.7285 per \$100 of taxable real estate. The total tax rate for South Bend German Township is 5.8326 per \$100 of taxable real estate.

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

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

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

Because of the relatively small size of the Annexation Area and its assessed value relative to the total size and tax base of the various political subdivisions, this annexation is expected, for at least four years after the effective date of this annexation, to have a negligible impact on the finances and tax revenues of South Bend and other political subdivisions to which the proposed annexation applies, on the political subdivisions in St. Joseph County not part of this annexation, and on taxpayers not part of this annexation.

I. Parcel Ownership & Assessments

<i>Parcel Identification Number</i>	<i>Address</i>	<i>Parcel Owner</i>	<i>Assessed Value (Total)</i>
004-1050-1271	21275 Cleveland Road	J. Patrick McGann	\$208,000

Total Assessments

Land:	\$114,700
Improvements:	\$ 93,300
Total (Gross):	\$208,000
Total (Net):	\$208,000

Assessments are based on 2022 payable 2023 St. Joseph County property tax records.

J. Municipal Legislative District

The Annexation Area will be in the 1st District.

K. Hiring Plan

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

SECTION III. MUNICIPAL SERVICES

A. Public Works

Sewer – A 21”-diameter sanitary sewer runs along the north side of Cleveland Road, while a 12”-diameter sanitary sewer runs under the southbound lane of Shellbark Avenue. Capacity of the sewer will need to be verified.

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

Water - The South Bend Water Works currently has a 12” water main on the north side of Cleveland Road along the Annexation Area. This water main would provide sufficient capacity for the Annexation Area, but a larger lateral may be required to support a car wash; this additional service would be done at the developer’s expense.

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

Streets – Annexation would add approximately 318 feet of the Shellbark Avenue right-of-way to the city limits. The developer would be required to upgrade that portion of the street to commercial standards within three years. The developer also must complete a traffic impact study to determine if any additional improvements, such as turn lanes or a traffic signal, are required. The developer shall relocate the existing Cleveland Road driveway approach to be at least one hundred feet away from the Shellbark Avenue intersection.

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

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

2021 Actual Budget Report for the Department:

Expenditures:	\$30,599,584
Miles of Roadway in City:	@502
Cost per Mile:	@\$60,955
New Mileage within Area:	@0.06 miles (318 feet)
Estimated Maintenance Cost for Annexation Area per year:	@\$3,657

B. Police Department

The Annexation Area would be added to the existing Beat 22. Police patrols and emergency responses will be part of the services the City will offer to this area. This proposed annexation would require officers to cover a relatively small additional area on this beat.

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

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

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

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

2021 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$47,137,731
Number of Households in City (2021):	@42,707
Cost per Household:	@\$1,104
Number of Parcels in City (2022):	@47,500
Cost per Parcel:	@\$992
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	1
Cost for Annexation Area per year:	\$992 (1 parcel x \$992 / parcel)

C. Fire Department & EMS

Fire Response – The South Bend Fire Department provides a fully staffed, full-time fire department. The Annexation Area will be serviced primarily by Fire Station #11, located at 3505 N. Bendix Drive, approximately 0.7 miles away. Additional Fire Department units would respond from Fire Station #7 at 1616 Portage Avenue, which is approximately 2.4 miles away.

The South Bend Fire Department does not foresee any unusual fire protection problems related to this annexation. Response times will be comparable to other areas of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Fire coverage to this area could begin immediately upon annexation. Adequate water supply will be necessary as any development takes place.

Emergency Medical Response – The City will provide emergency medical response to the Annexation Area. This area will be serviced by Medic #11, which is at Fire Station #11, located at 3505 N. Bendix Drive (approximately 0.7 miles away).

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

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

2021 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$39,618,600
Number of Households in City (2021):	@42,707
Cost per Household:	@\$928
Number of Parcels in City (2022):	@47,500
Cost per Parcel:	@\$834
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	1
Cost for Annexation Area per year:	\$834 (1 parcel x \$834 / parcel)

D. Neighborhood Services & Enforcement

The Annexation Area will be added to Area 5. The Division of Neighborhood Services & Enforcement will be able to provide services to the Annexation Area with comparable response times. The Division will respond to calls for service upon the effective date of the annexation. Full and dedicated response will be in place within one year of the effective date of the annexation.

2021 Actual Budget Report for the Division:

Expenditures:	\$6,167,959
Number of Parcels in City (2022):	@47,500
Cost per Parcel:	@\$130
Proposed Number of Parcels in Area:	1
Cost for Annexation Area per year:	\$130 (1 parcels x \$130 / parcel)

E. Environmental Services

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

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

F. Administrative Services

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

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

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

SECTION IV. LAND USE ANALYSIS & DEVELOPMENT CRITERIA

This proposed annexation will add one property containing a funeral home to the City of South Bend. The petitioner proposes to use the Annexation Area for an automated car wash facility and associated uses. The Annexation Area is presently zoned OB Office Buffer District in unincorporated St. Joseph County. Single-family houses zoned R Single-Family District in the County are located to the north. To the east is vacant land zoned R Single-Family District in the County. To the south, across Cleveland Road, is the Indiana Toll Road and agricultural land zoned S1 Suburban Neighborhood in the City. To the west is a medical clinic zoned C Commercial District in the City.

The Annexation Area is located on Cleveland Road between Portage Avenue and Riverside Drive. The future land use map of City Plan, South Bend's comprehensive plan, designates this parcel for commercial use, and the proposed land use is consistent with the suburban, auto-oriented commercial development in the area.

The petitioner proposes demolishing the main building on the site and replacing it with a car wash of nearly 5,000 square feet. The preliminary site plan shows the existing garage will remain, and vacuum stations will be added. The petitioner should carefully consider site access and circulation and should include required buffering to the residential properties to the north and northeast.

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

SECTION V. FISCAL IMPACT

- 1) Essential city services can be made available to the residents (and territory) of the Annexation Area in a timely and comparable fashion per the requirements of State law and this fiscal plan.
- 2) The City is financially able to support city services to the territory sought to be annexed.
- 3) Required improvements made by the petitioner and/or owner of the parcel(s) must be made in accordance with the standards of the City of South Bend.
- 4) Required improvements made by the City, if any, will be completed within the time frames provided by State law and this fiscal plan.
- 5) All figures are estimates. Final cost of capital expenditures, if any, will not be determined until bids are publicly solicited, contracts are awarded, and projects are closed out.
- 6) Property tax revenue and land assessment estimates are based on a combination of 2021 payable 2022 and 2022 payable 2023 tax information, assessments of comparable developments, estimates of units built, estimates of unit values and land assessments, and tax abatements or adjustments, if any. Tax rates are subject to change every year, and property tax revenues may be subject to tax caps.
- 7) Department expenditures and revenues are derived from the City of South Bend Budget.
- 8) The estimated costs to provide services, noted in Section III, Municipal Services, is a City-wide average based on a particular budget year. In the case of the proposed development in the Annexation Area, some of these services may not be required or possibly requested for many years. Hence, the cost of providing services over the first five years should be evaluated with this in mind.

TABLE 1

Summary Table – Estimated Fiscal Impact

Expenditures	Capital (Est.)	Non-Capital Per Year (Est.)	Notes	5-Year Total
Street Construction	\$0			\$0
Sewer Extension	\$0		Connection at petitioner's expense	\$0
Water Extension	\$0		Connection at petitioner's expense	\$0
Street Lights	\$0			\$0
Street Maintenance	\$0	\$3,657		\$18,285
Police	\$0	\$992		\$4,960
Fire	\$0	\$834		\$4,170
Neighborhood Services	\$0	\$130		\$650
Approximate 5-Year Expenditures				\$28,065

Revenues	Notes	Total (Est.)	5-Year Total
Property Taxes (to City)	Year 1	\$3,992	\$50,060
	Year 2	\$11,517	
	Year 3	\$11,517	
	Year 4	\$11,517	
	Year 5	\$11,517	
MVH/LRSA	Estimated at revenue per mile of \$27,893	\$1,674	\$8,370
Approximate 5-Year Revenues			\$58,430

Revenue estimate based on \$208,000 net assessment and capped tax rate of 3% of \$208,000 gross assessment in Year 1 and \$600,000 net assessment and capped tax rate of 3% of \$600,000 gross assessment for all years following.

SECTION VI. APPROVAL

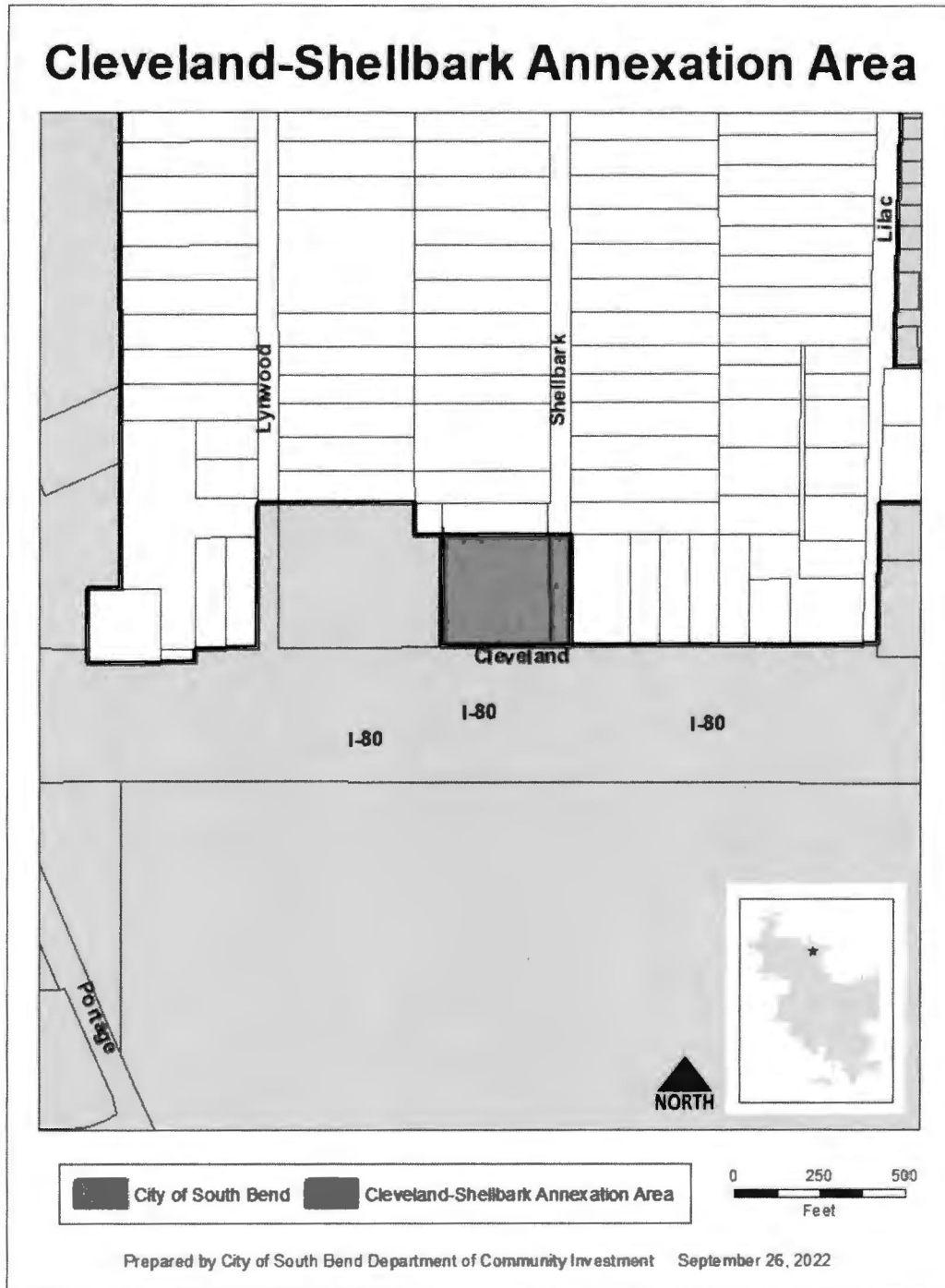
Approved by the City of South Bend Common Council this _____ day of _____,
2022.

LEGAL DESCRIPTION

Part of the West Half of the Southeast Quarter of Section 22, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as follows:

Starting at the Southwest corner of the Southeast Quarter of Section 22, Township 38 North, Range 2 East; thence East 940 feet; thence North 40 feet to the Southwest Corner of Lot 91 in the Proposed Plat of Lilac Acres Subdivision to the Point of Beginning; thence North 318 feet along the West Line of Said Lot 91 to the Northwest Corner of Said Lot 91; thence East 380 feet to the Northwest Corner of Lot 95 in the Proposed Plat of Lilac Acres Subdivision; thence South 318 feet along the West Line of Said Lot 95, also being the East Right-of-Way Line of Shellbark Avenue, to the Southwest Corner of Said Lot 95; thence West 380 feet along the North Right-Of-Way Line of Cleveland Road to the Point of Beginning. Containing 2.77 acres, more or less.

MAP 1



Filed in Clerk's Office

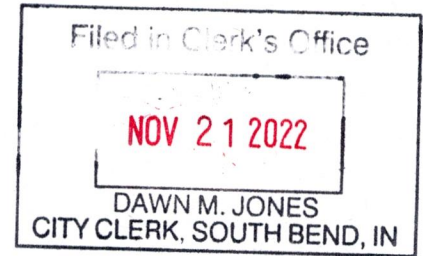
DEC 1, 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



City of South Bend PLAN COMMISSION

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



Monday, November 21, 2022

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

Re: Bill#63-22 - A proposed ordinance of J PATRICK MCGANN to zone from OB Office Buffer District (St. Joseph County) to C Commercial, property located at 21275 CLEVELAND RD, City of South Bend - PC# 0116-22

Dear Council Members:

I hereby Certify that the above referenced ordinance of J PATRICK MCGANN was legally advertised on November 11, 2022 and that the South Bend Plan Commission at its public hearing on November 21, 2022 took the following action:

Upon a motion by Jason Piontek, being seconded by Francisco Fotia and unanimously carried, a proposed ordinance of J PATRICK MCGANN to zone from OB Office Buffer District (St. Joseph County) to C Commercial, property located at 21275 CLEVELAND RD, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

The staff report is attached. The deliberations of the Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, Minutes of the public hearing are available in our office and will be posted on our website once approved.

Sincerely,

Angela M. Smith
Zoning Administrator

Attachment

CC: J PATRICK MCGANN
Bob Palmer

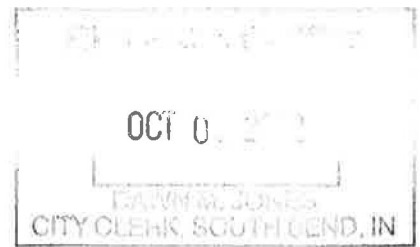
Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

BILL NO. 63-22

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 21275 CLEVELAND ROAD, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to annex and rezone 21275 Cleveland Rd from OB: Office/Buffer District in Unincorporated St. Joseph County to C Commercial District in South Bend.

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

SECTION I. That the following described real estate is 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 West Half of the Southeast Quarter of Section 22, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as follows:

Starting at the Southwest corner of the Southeast Quarter of Section 22, Township 38 North, Range 2 East; thence East 940 feet; thence North 40 feet to the Southwest Corner of Lot 91 in the Proposed Plat of Lilac Acres Subdivision to the Point of Beginning; thence North 318 feet along the West Line of Said Lot 91 to the Northwest Corner of Said Lot 91; thence East 380 feet to the Northwest Corner of Lot 95 in the Proposed Plat of Lilac Acres Subdivision; thence South 318 feet along the West Line of Said Lot 95, also being the East Right-of-Way Line of Shellbark Avenue, to the Southwest Corner of Said Lot 95; thence West 380 feet along the North Right-Of-Way Line of Cleveland Road to the Point of Beginning. Containing 2.77 acres, more or less.

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. 10689-19, as amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as C Commercial District.

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.

Sharon McBride, Council President
South Bend Common Council

Attest:

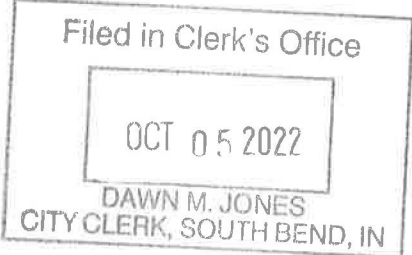
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



Property Information.

Location: 21275 CLEVELAND RD
Owner: J PATRICK MCGANN

NOV 21 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Requested Action

Rezone from OB Office Buffer District (St. Joseph County) to C Commercial by annexation into to the City of South Bend
Variance(s): 1) To allow accessory structures in the established front yard

Project Summary

To allow the development of a car wash with vacuums.

Location Map



Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the Staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variance, as presented.

Filed in Clerk's Office
NOV 21 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Site & Context

Land Uses and Zoning:

- On site: On site is a residential style building, which was converted to a funeral home with associated parking.
- North: 1 Unit Dwellings zoned "R" Residential (unincorporated St. Joseph County)
- East: Across Shellbark Ave., 1 Unit Dwellings zoned "R" Residential (unincorporated St. Joseph County)
- South: Across Cleveland Rd. and I-80 Hwy, a residential care facility zoned S1 Suburban Neighborhood 1 (City)
- West: A medical building zoned C Commercial (City)

District Intent:

The C District is established to provide a location for medium- to high-intensity commercial uses that are auto-oriented, typically located along major corridors at the fringe of the City or as small groupings located outside of neighborhood centers.

Site Plan Description:

The site plan shows a car wash with associated drive-thru for the car wash. Outdoor vacuums are shown on the south side of the property. A small storage building for snow removal and landscaping equipment with employee parking at the rear of the site. The site plan includes a structure to house the refuse and vacuum equipment within the established front yard, as well as structured vacuums, which require a variance from the development standards of the Ordinance.

Zoning and Land Use History and Trends:

The parcels that front onto Cleveland Rd were largely developed around the 1940s with the exception of the parcel directly west, which was developed in 2015. The property was originally developed in 1946 for the use of a funeral home. The surrounding neighborhood started developing in the 1980s into the 1990s

Traffic and Transportation Considerations:

Cleveland Rd. is a four lane thoroughfare with a center turn lane and no on street parking. Shellbark is a narrow two lane with no on street parking.

Agency Comments

Agency Comments:

Staff Comments:

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

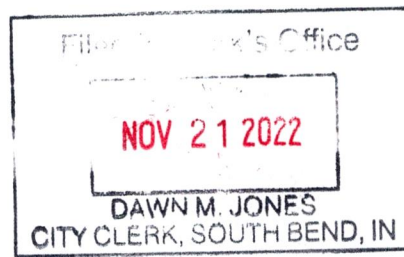
1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective ED2: Retain existing businesses and recruit new ones to the city.

Land Use Plan:

The Future Land Use Plan identifies this area as Low Density Residential, the County parcels that border the City limits were not extensively researched for the future land use. However, the parcels along Cleveland Rd. that have annexed into the City have been primarily for Commercial uses.



Plan Implementation/Other Plans:

There are no specialized plans for this area.

2. Current Conditions and Character:

Currently the character of the properties located within the City are Commercial uses and the properties located in the County are more residential uses.

3. Most Desirable Use:

The most desirable use for the property would be a commercial use designed to minimize impact on pedestrian traffic.

4. Conservation of Property Values:

It is responsible development and growth to allow property in a commercially developing area to be used for commercial growth.

5. Responsible Development and Growth:

It is responsible development and growth to allow for a new business to invest into property along Cleveland Rd. in a manner that is complimentary to the existing businesses.

Variance(s)

The petitioner is seeking the following variance(s):

- 1) To allow accessory structures in the established front yard

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

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

Approval of this variance should not be injurious to the public health, safety, morals and general welfare of the community. Orienting the accessory structures towards Cleveland Rd. allows the building to provide more of a buffer to the residential neighborhood to the north.

(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 variance requested will allow for the vacuums to be located closer to the heavily traveled street, which should have preserve the use and value of the residential proeptries to the north. With proper design and landscaping, the visual impact to the motorist should be minimized.

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

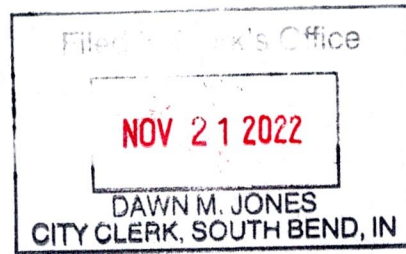
Strict application would eiter require the vacuums to be located closer to the residential property to the north or to employ an underground systems that does not function well in this climate.

(4) The variance granted is the minimum necessary.

The variance is the minimum necessary to support the use proposed for the site. The peitioner is designing the enclosure to integrate it into the design of the main building of the site.

(5) The variance granted does not correct a hardship caused by a former or current owner of the property.

While the harship is partially self created in that it is a function of the specific use requested, efforts have been made by the petitioner to minimize the impact on the surrounding properties. The fact that the property is adjacent to low density residential is not self-created.



Analysis & Recommendation

Commitments: There are no commitments proposed.

Analysis: The area along Cleveland Road is commercial/business in nature and will adequately support the development of further commercial businesses. Cleveland Road is a major thoroughfare which supports the type of traffic associated with this type of commercial development. The required landscaping and buffer yard should buffer the adjacent residential area to the north.

Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.

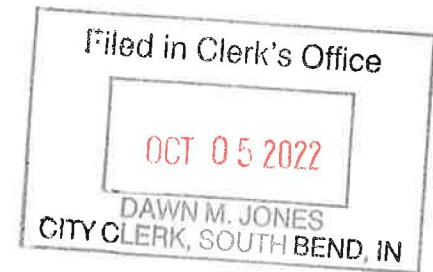


City of South Bend PLAN COMMISSION

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

October 5, 2022

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



RE: 21275 Cleveland Rd PC#116-22

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Annexation and Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your October 10, 2022, Council meeting and set it for second reading on December 12th, 2022 and third reading on January 9th, 2023 Council meetings. The petition is tentatively scheduled for public hearing at the November 21, 2022, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

To annex into the City of South Bend and rezone to C Commercial for an express car wash.

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

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

City of South Bend

PLAN COMMISSION

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 05-13-428-019-002, 05-13-428-020-002, 05-13-428-21-002, 05-13-428-022

Address: 21275 Cleveland Road

Owner: J. Patrick McGann

Legal Description:

Part of the West Half of the Southeast Quarter of Section 22, Township 38 North, Range 2 East described as follows: Beginning at a point 940 feet East of the Southwest corner of the Southeast Quarter of Section 22, Township 38 North, Range 2 East; thence North 358 feet; thence East 320 feet; thence South 358 feet; thence West 320 feet to the place of beginning, the same being Lots Numbered Ninety-one (91), Ninety-two (92), Ninety-three (93), and Ninety-four (94) in the Proposed Plat of Lilac Acres Subdivision

Project Summary

To establish an express auto spa with vacuums utilizing a conveyor belt system, state-of-the-art equipment with muffled vacuum operation and stealth dryer system with a vast reduction in decibel sounds. THIS REQUEST INCLUDES ANNEXATION INTO THE CITY OF SOUTH BEND.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: Choose the current district

Additional Districts, if applicable

Proposed District C Commercial

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) *The comprehensive Plan;*
- (2) *Current conditions and the character of the current structures and uses in each district;*
- (3) *The most desirable use for which the land in each district is adapted;*
- (4) *The conservation of property values throughout the jurisdiction; and*
- (5) *Responsible development and growth.*

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested:

Variance of location of Refuse housed in brick encasement with vacuum system

Required Documents

- Completed Application (including Contact Information)
- Site Plan drawn to scale
- Filing Fee
- Additional documents as noted above

Contact information

Property owner(s) of the petition site:

Name: J Patrick McGann
Address: 21275 Cleveland Road

Name: Car Wash Pro Designers
Address: 6400 N. Northwest Highway Suite 4
Chicago, Illinois 60631

Name: _____
Address: _____

Contact Person:

Name: Alan M Jacob, General Counsel Car Wash Pro Designers
Address: 6400 N. Northwest Highway, Suite 4
Chicago, Illinois 60631
Phone Number: (847)852-0021
E-mail: alan.j@carwashprodesigners.com

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

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

Property Owner (s) Signatures:



LEGAL DESCRIPTION FOR ANNEXATION
21275 CLEVELAND

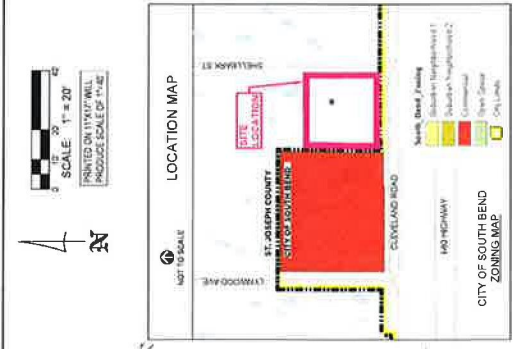
Part of the West Half of the Southeast Quarter of Section 22, Township 38 North, Range 2 East described as follows: Beginning at a point 940 feet East of the Southwest corner of the Southeast Quarter of Section 22, Township 38 North, Range 2 East; thence North 358 feet; thence East 320 feet; thence South 358 feet; thence West 320 feet to the place of beginning, the same being Lots Numbered Ninety-one (91), Ninety-two (92), Ninety-three (93), and Ninety-four (94) in the Proposed Plat of Lilac Acres Subdivision. THIS SHALL INCLUDE THE ENTIRE SHELLBARK RIGHT-OF-WAY ADJACENT TO THE PROPERTY. The total property area size of the annexation is 2.33 acres.

NO.	REVISION	DATE
1	Pre-Design	10-22
2	Final Design	11-08

SITE IMPROVEMENTS
FOR
CAR WASH FACILITY

SURVEYED BY:
KASEL & ASSOCIATES
548 Clava Ave. NW
Crows Foot, AL 35063
http://www.kasandassociates.com
Date: 7-2-2012

NO.	REVISION	DATE
1	Final Design	11-08

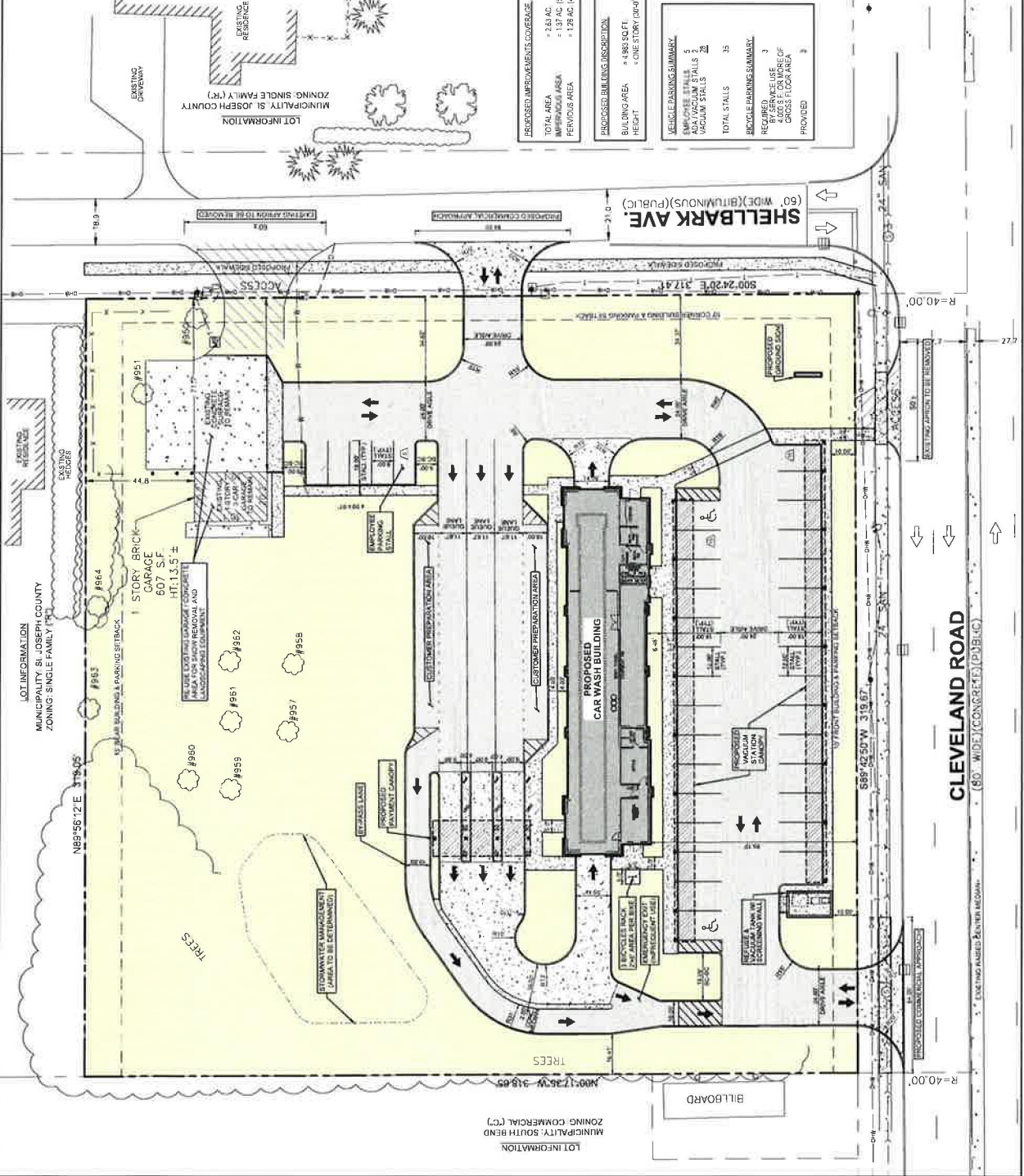
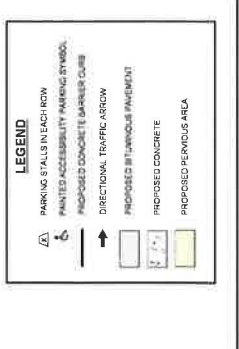


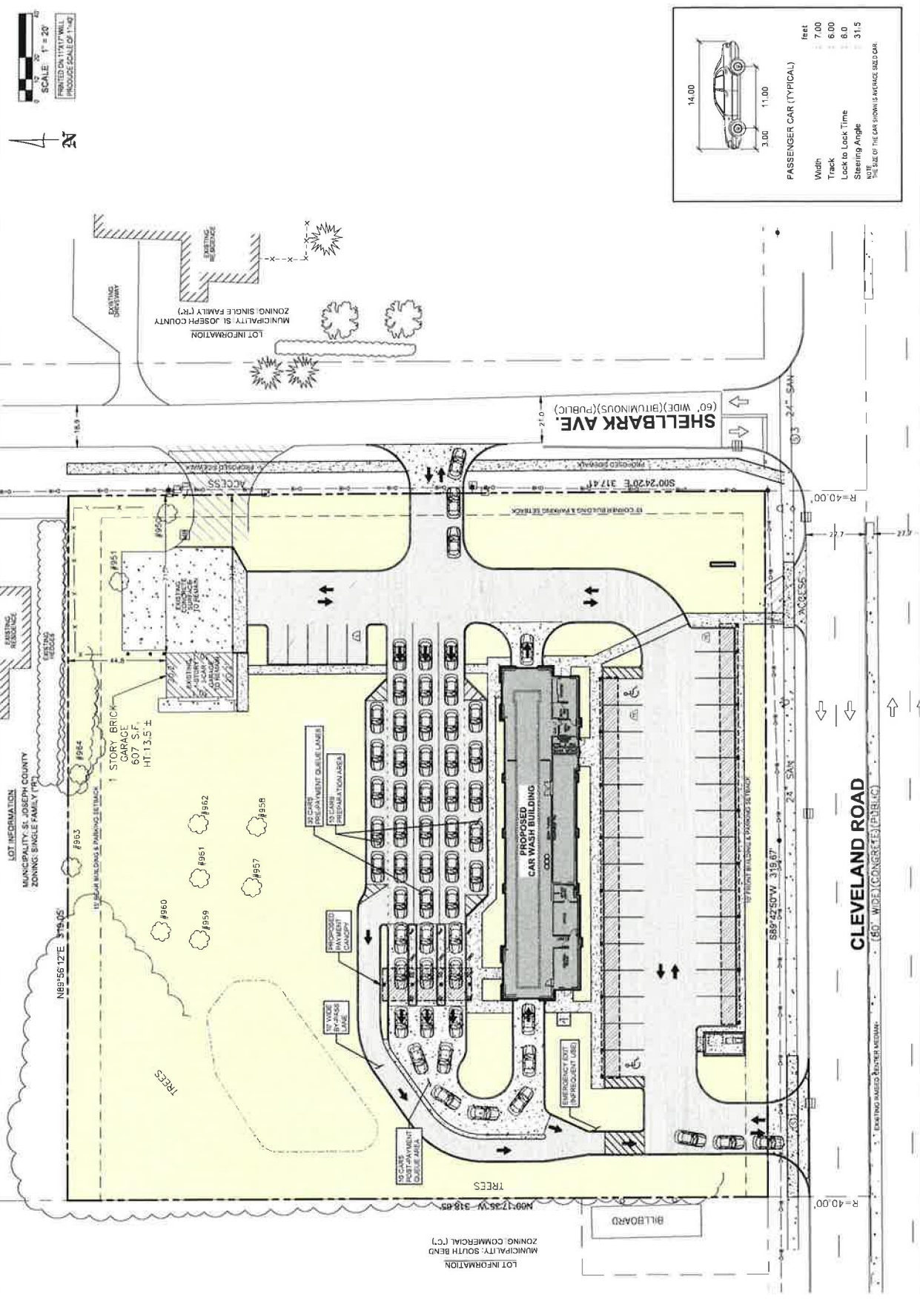
LOT DATA:
ADDRESS: 5105 S CLAVAS ROAD, SOUTH BEND, IN 46626
ST. JOSEPH COUNTY DATA (EXISTING)
Parcel ID: 004-050-0271
Acreage: 0.45 AC (50%)
Address Use: Commercial (Retail) Home
Municipality: South Bend
Legal Desc: LOTS 11 & 12 S41 Car. Assoc. Pk.
ZONING: PROPOSED
CITY OF SOUTH BEND
Name: KASEL & ASSOCIATES
Zoning Dist: Commercial (C) Midway
FLOOD ZONE: KASEL & ASSOCIATES
RISK PANEL: 6141031620 EFF. 10/2011

PROPOSED IMPROVEMENTS COVERAGE:
TOTAL AREA: * 2.83 AC
IMPROVEMENT AREA: * 1.97 AC (69%)
PERVIOUS AREA: * 1.28 AC (64%)

PROPOSED BUILDING DESCRIPTION:
BUILDING AREA: * 4,985 SQ. FT.
HEIGHT: * ONE STORY (30'-0")

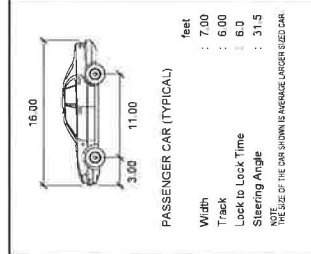
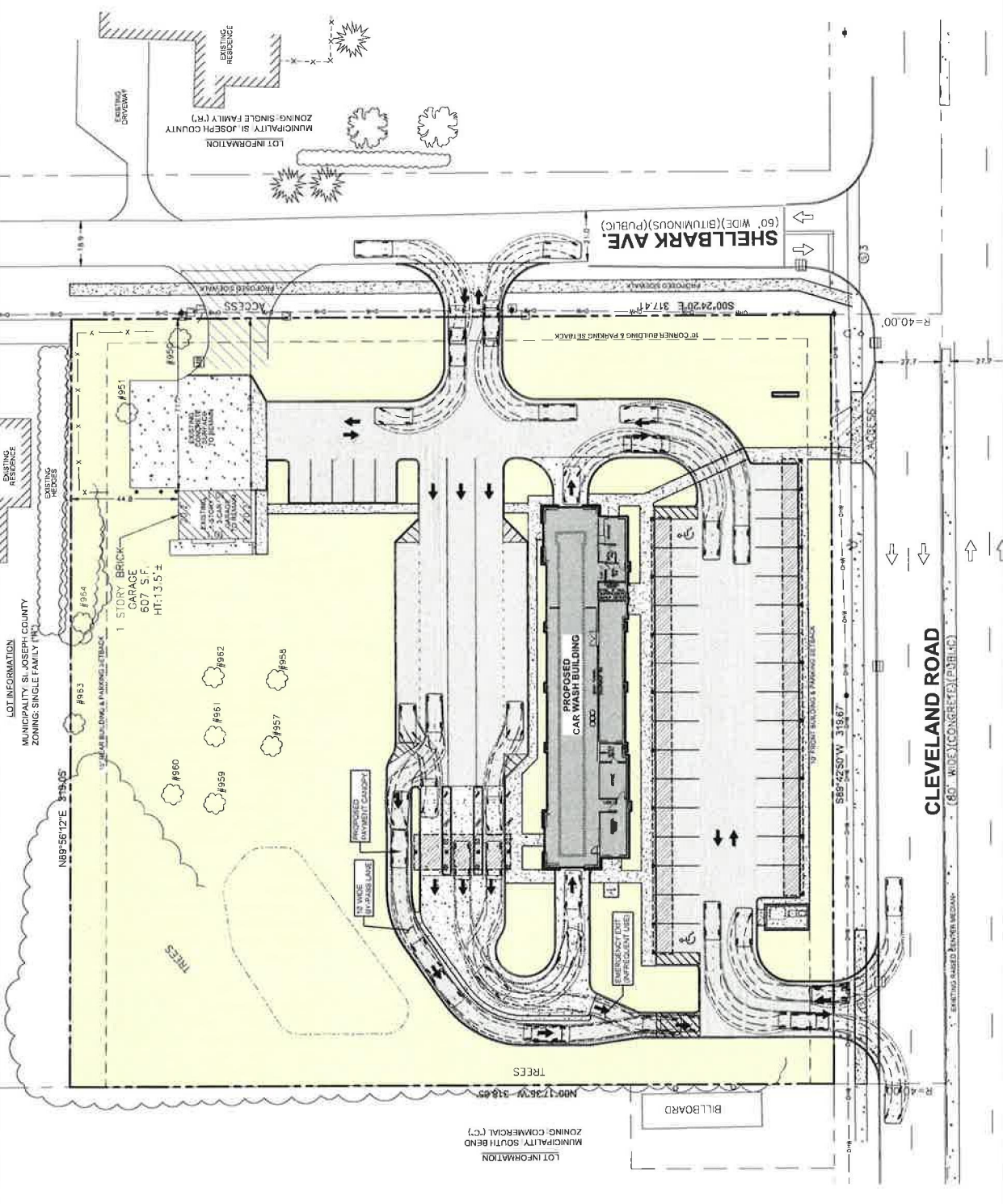
VEHICLE PARKING SUMMARY:
EMPLOYEE STALLS: 5
VISITOR STALLS: 2
TOTAL STALLS: 35
REQUIRED PER USE: 3
4,000 S.F. OR MORE OF
GROSS FLOOR AREA
PROVIDED







PRINTED ON 17x17 MILL PAPER SCALE OF 1"=40'



LEGEND

- FRONT WHEEL PATH
- REAR WHEEL PATH
- OVERHANG OF BODY

TERRA
CONCRETE GROUP
300 BASS FIGHTWAY
PARK RIDGE, IL 60068
PH: 847.938.4400
FAX: 847.938.4401

PROJECT NO. _____
DATE _____
DRAWN BY _____
CHECKED BY _____
SCALE _____

SITE IMPROVEMENTS

FOR

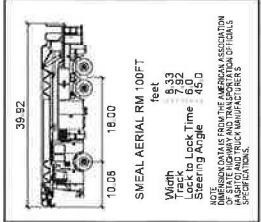
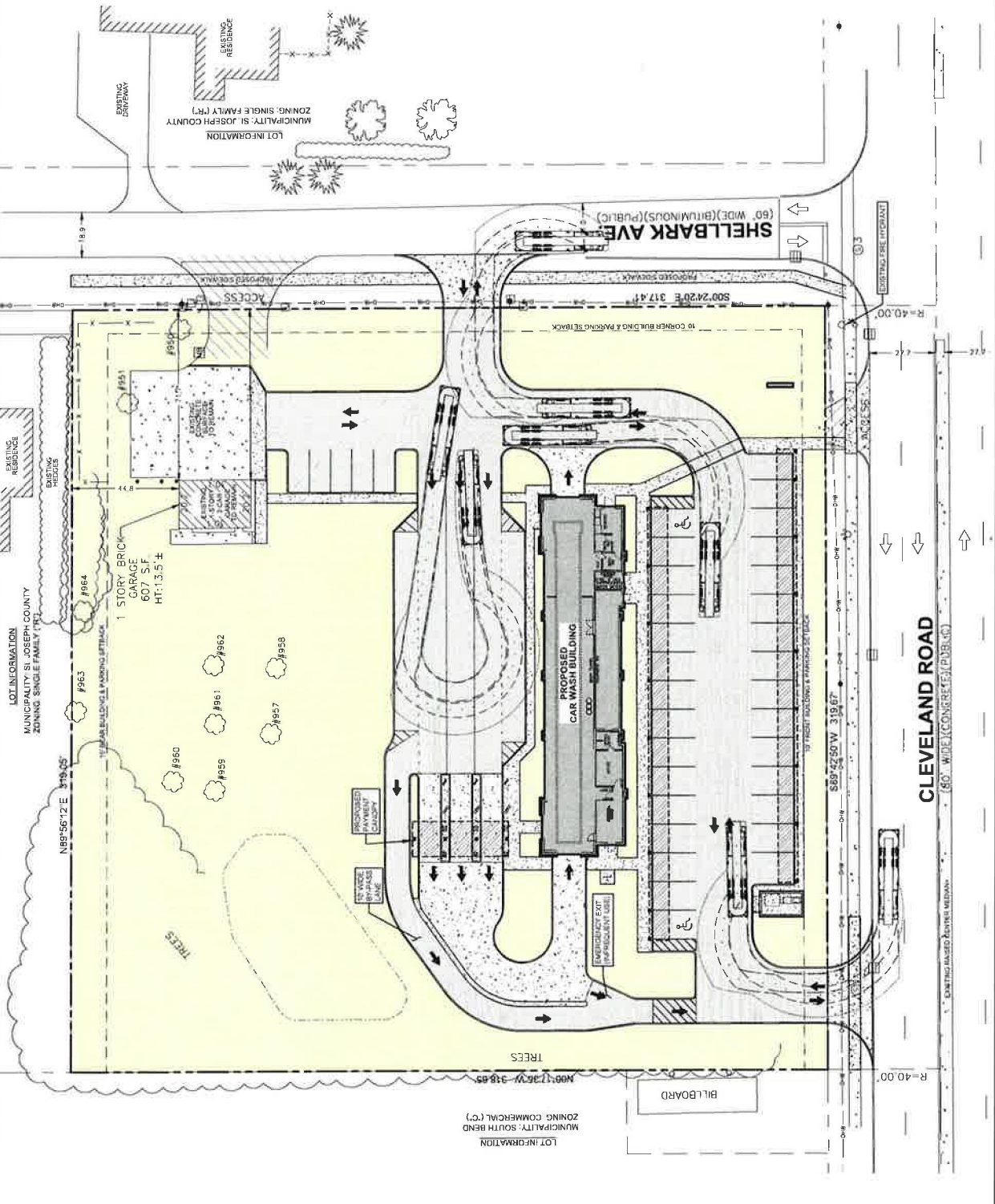
CAR WASH FACILITY

2725 CLEVELAND ROAD
SOUTH BEND, IN 46626

PROJECT NO. _____
DATE _____
DRAWN BY _____
CHECKED BY _____
SCALE _____



PRINTED ON TYPED PAPER
 SCALE: 1" = 20'
 PRODUCE SCALED TO 1/4"



LEGEND

FRONT WHEEL PATH
 REAR WHEEL PATH
 OVERHANG OF BODY



NO.	DESCRIPTION	DATE
1.	Pre-Design Comments	11-24-20
2.	Pre-Design Comments	11-24-20
3.	Pre-Design Comments	11-24-20

SITE IMPROVEMENTS FOR CAR WASH FACILITY

FOR PUBLIC USE AND ROAD IMPROVEMENTS

FIRE TRUCK TURNING EXHIBIT

PROJECT NUMBER: **4**

OF 4

PROPOSAL FOR

**NEW AUTOMATED
CARWASH FACILITY**

LOCATED AT:

**21275 Cleveland Rd
South Bend IN**

COLOR RENDERINGS &
SIGN SUBMITTAL





2237
07/01/22
Z-1

1
2-1
AERIAL VIEW LOOKING NORTHWEST
SCALE: 12" = 1'-0"

NERI
ARCHITECTS

8400 N. NORTHWEST HWY
SUITE 4
CHICAGO, IL 60631
TEL 847.825.9400



2237
07/01/22
Z-2

1
Z-2
VIEW LOOKING NORTHEAST
SCALE: 1/2" = 1'-0"

NERI
ARCHITECTS
8400 N. NORTHWEST HWY
SUITE 4
CHICAGO, IL 60631
TEL: 847.826.8400



2237
07/01/22
Z-3

1
2-3
VIEW LOOKING NORTHWEST
SCALE: 12" = 1'-0"

NERI
ARCHITECTS
8400 N. NORTHWEST HWY
SUITE 4
CHICAGO, IL 60631
TEL: 847.426.8400



2237
07/01/22
Z-4

1
Z-4
VIEW LOOKING SOUTHEAST
SCALE: 1/2" = 1'-0"

NERI
ARCHITECTS
8400 N. NORTHWEST HWY. SUITE 4
CHICAGO, IL 60631
TEL 847 825 9400



2237
07/01/22
Z-5

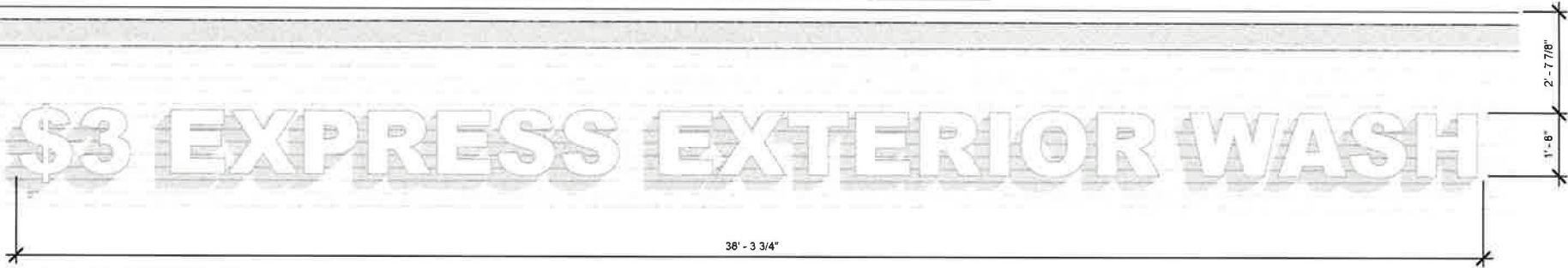
1 VIEW LOOKING SOUTHWEST

Z-5 SCALE: 1/2" = 1'-0"

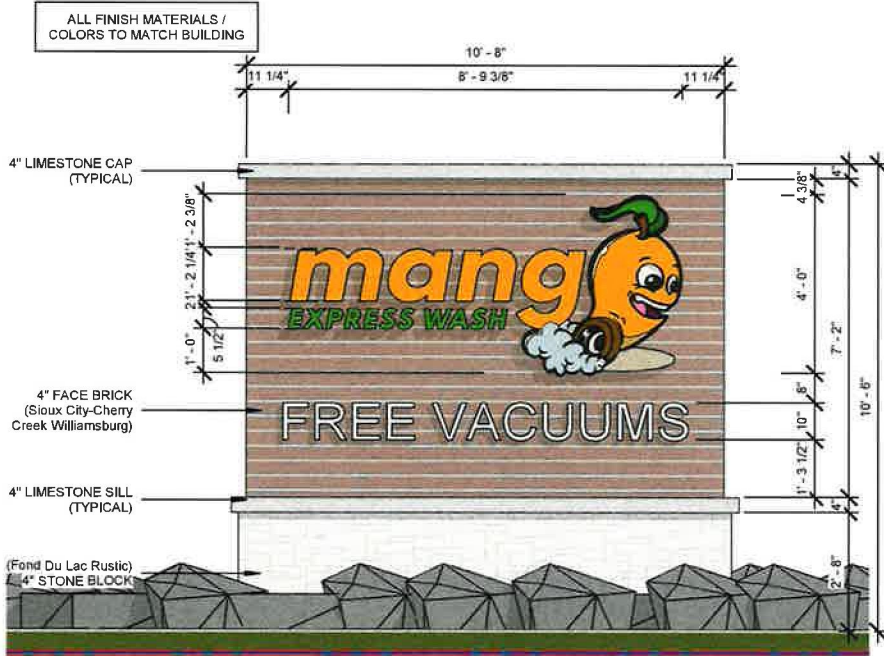
NERI
ARCHITECTS

8400 N. NORTHWEST HWY
SUITE 100
CHICAGO, IL 60631
TEL: 847.225.5400

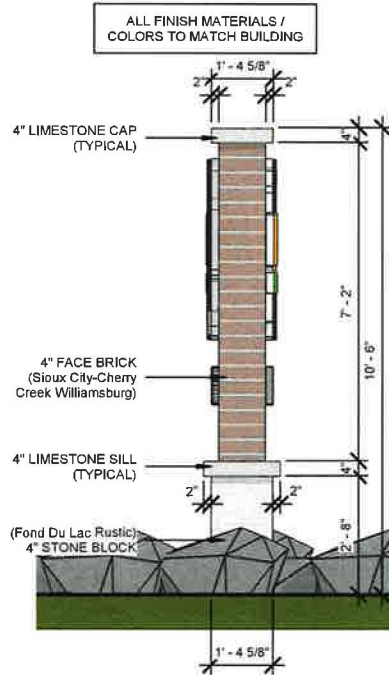
SIGN #2 - "CHANNEL LETTERS" LOCATED ON BOTH SIDES OF BUILDING



3 \$3 BUILDING SIGN
SCALE: 3/8" = 1'-0"



1 MONUMENT SIGN East Face
SCALE: 3/8" = 1'-0"



2 MONUMENT SIGN Side Elevation
SCALE: 3/8" = 1'-0"



4 BUILDING SIGN (Over Tunnel Doors)
SCALE: 3/8" = 1'-0"

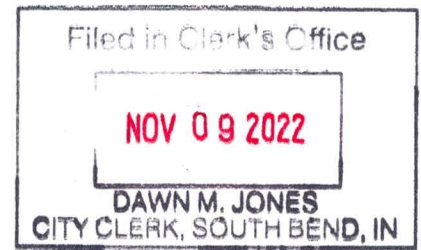
DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN
 OCT 0, 2022
 City of South Bend

2237
07/01/22
Z-9



City of South Bend

BOARD OF ZONING APPEALS



November 9, 2022

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

RE: Special Exception at 1405 Portage Ave

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **November 14th, 2022**, Council meeting and set it for public hearing at your **December 12th, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the December 5, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

Request a Special Exception to allow for the property to operate a tobacco/hookah/vape shop.

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

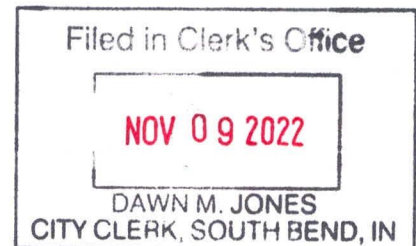
If you have any questions, please feel free to contact our office.

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

BILL NO. 69-22
ORDINANCE NO.



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 1405 PORTAGE AVE.
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate a tobacco/hookah/vape shop.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1405 Portage Ave. 018-2182-6831

In order to permit Tobacco/Hookah/Vaping

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

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

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

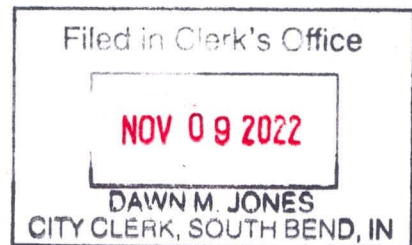
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov
RECEIVED NOV 07 2022

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-03-35-360-020.000-026

Address: 1405 Portage Avenue, South Bend, INDIANA 46616

Owner: Peak Investment and asset Management, LLC

Zoning: NC Neighborhood Center

Project Summary:

To open a Tobacco /hookah/Vaping shop , at the existing 1 story building 1675.5 sq ft (Survey enclosed)

Requested Action

Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: 21-06.01(k)(20)

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

Variance(s) requested:

- 1.) To allow for parking in the established front yard.
- 2.) From the 60% minimum transparency to none

Filed in Clerk's Office
NOV 09 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Required Documents

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

Site Plan drawn to scale

Filing Fee

\$400

PAID

NOV 07 2022

Per KB
\$400

Criteria for Decision Making

Special Exception - *if applicable*

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

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

Vaping products are battery operated devices that heat an e-liquid or e-juice. The heated e-liquids are available in different flavours mixed in a glycerol and propylene glycol solution that contain varying levels of nicotine. Vaping is less harmful than smoking. People trying to quit smoking using e-cigarettes have a higher quit rate than normal nicotine replacement therapy. Hookahs are waterpipes that are used to smoke specially made tobacco mixtures through a water-filled chamber. A user then inhales the smoke through a tube and mouthpiece. Hookah users often perceive it to be less harmful than smoking cigarettes.

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

We recently acquired this property from Speedway, LLC a known corporation. The facility has been closed for many years. In fact, new business will help in enhancing the property value of nearby properties. Besides this it will generate more revenue for the state and county and will create 2 to 3 jobs for local community. Legislatures of the State of Indiana approve this kind of business with proper licensing.

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

The proposed use will do more good than harm. The proposed use will help the community to quit smoking and create a better health environment.

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

NC neighborhood center provides provision of special exception for use of Tobacco/Hookah and vaping shops. This clearly indicates that proposed use is compatible with recommendations of the Comprehensive plan . .

Criteria for Decision Making

Variance(s) - *if applicable*

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

(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, because:

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

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Contact Information

Property owner(s) of the petition site:

Name: Praveen K Gulati - Peak Investment and Asset Management, LLC

Address: 5199 Gardenia Court
West Lafayette, Indiana 47906

Name: Ellora Gulati- Peak Investment and Asset Management, LLC

Address: 5199 Gardenia Court
West Lafayette, Indiana 47906

Name: _____

Address: _____

Contact Person:

Name: Praveen K Gulati

Address: 5199 Gardenia Court
West Lafayette, Indiana 47906


Phone Number: 765-412-0756

E-mail: praveeng217@gmail.com

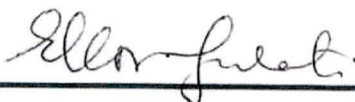
By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement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

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

Property Owner (s) Signatures:



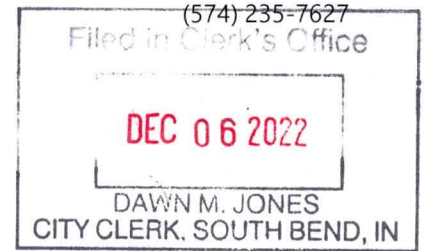
PRAVEEN K. GULATI



ELLORA GULATI

City of South Bend
BOARD OF ZONING APPEALS

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601



December 6, 2022

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

Re: Bill# 69-22: The petition of PEAK INVESTMENT & ASSET MANAGEMENT LLC seeking a Special Exception for Tobacco/Hookah/Vaping in the NC Neighborhood Center for property located at 1405 PORTAGE AVE.

Dear Council Members:

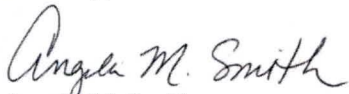
I hereby Certify that the above referenced petition of PEAK INVESTMENT & ASSET MANAGEMENT LLC was legally advertised on November 25, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on December 5, 2022 took the following action:

Upon a motion by Kyle Copelin, being seconded by Mark Burrell and unanimously carried, a petition by PEAK INVESTMENT & ASSET MANAGEMENT LLC seeking a Special Exception for Tobacco/Hookah/Vaping for property located at 1405 PORTAGE AVE, City of South Bend, is sent to the Common Council with a **favorable** recommendation, and will issue written Findings of Fact.

The staff comments related to this petition are attached. The Findings of Fact will be adopted at the next South Bend Board of Zoning Appeals meeting. Minutes of the public hearing are available in our office and will be posted on our website once approved.

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

Sincerely,



Angela M. Smith
Zoning Administrator

Attachment

CC: PEAK INVESTMENT & ASSET MANAGEMENT LLC

Property Information

Location: 1405 PORTAGE AVE
Owner: PEAK INVESTMENT & ASSET MANAGEMENT LLC

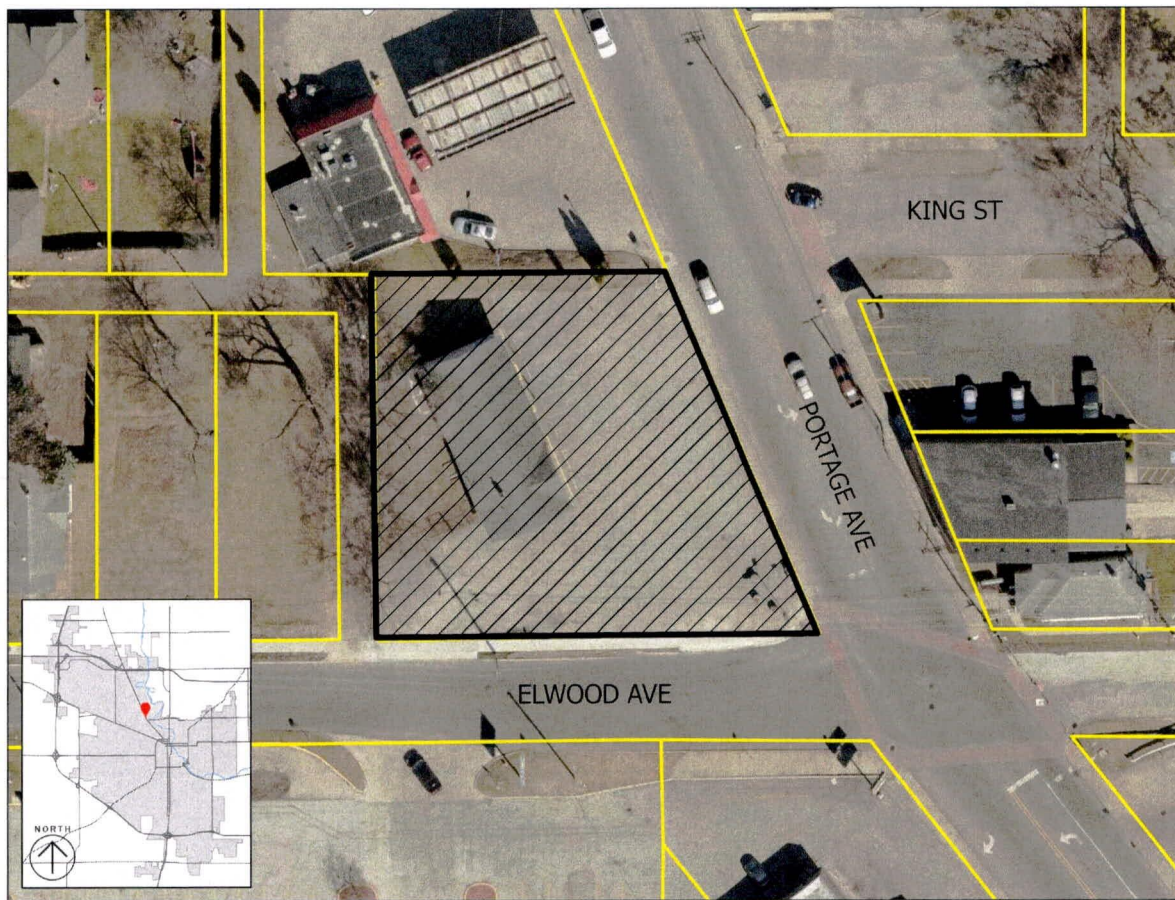
Project Summary

To open a tobacco/hookah/vaping shop at the existing 1 story building

Requested Action

Special Exception: Tobacco/Hookah/Vaping
Variance(s): 1) To allow for parking in the establish front yard
2) From the 60% minimum transparency to none

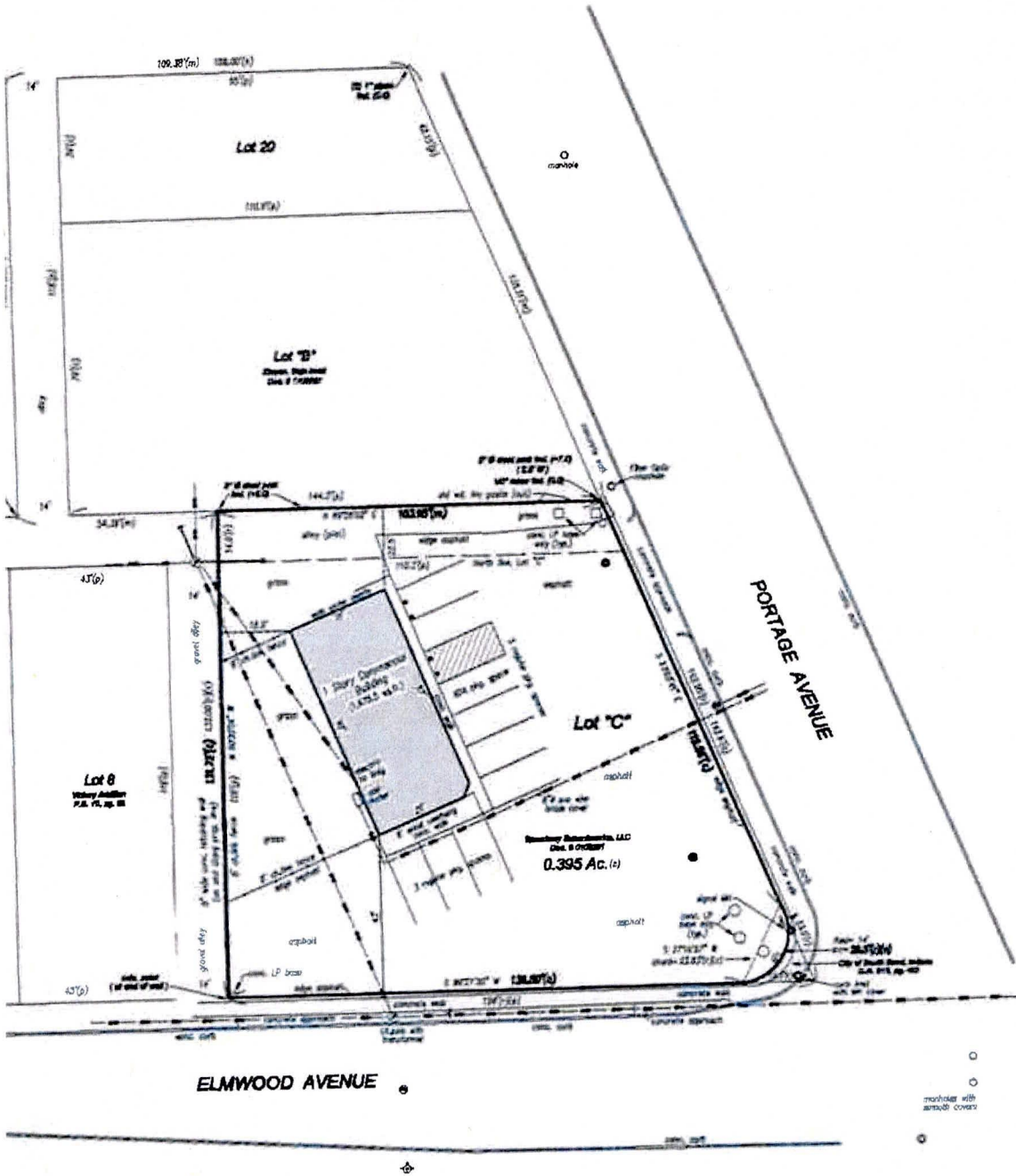
Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with a favorable recommendation. The Staff recommends the Board approve variance #1 for parking in the established front yard, subject to meeting current development standards for off street parking and removing any excess pavement. The Staff recommends the Board deny variance #2.

Proposed Site Plan



Criteria for Decision Making: Special Exception

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

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

Provided the site is brought up to the current development standards of the Ordinance, the proposed use should not be injurious to the public health, safety, or general welfare of the community. This portion of Portage Ave. has a mix of commercial and residential uses. With the commercial uses lining the corridor.

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

The proposed use should not injure or adversely affect the use of the adjacent area or property values. With proper buffering and design, the proposed development should not have significant impact on surrounding residential property values. The developme

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

The proposed use will be consistent with the character of the district. The corridor has a mix of commercial uses and this use will be consistent in the development standards of the district.

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

The petition, with City Plan, South Bend Comprehensive Plan (2006). Objective LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

Criteria for Decision Making: Variance(s)

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

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

Since this is located in a commercial node, approval of the parking variances should not be injurious to the public health, safety, or general welfare of the community. The variance for reduction of transparency can have a negative impact on the safety of the community as it does not allow for visibility into the store and reduces visibility of the street.

(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

Approving the variance for minimum transparency could negative affect property values. Buildings without windows often look abandoned an can contribute to the perception of

blight in the area. With proper buffering, the variance for parking in the front yard should not adversely affect surrounding properties.

(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 Zoning Ordinance would require the building to be demolished and relocated in order to allow access and parking in a different configuration. The window cavities appear to still be in place, which should eliminate any practical difficulty from reestablishing the proper transparency on the building.

(4) The variance granted is the minimum necessary

Provided the parking area is configured to meet current design standards and any excess pavement is removed, the variance should be the minimum necessary to allow for operation of the site. The variance requested for the transparency is not the minimum necessary since the windows can easily be reinstalled.

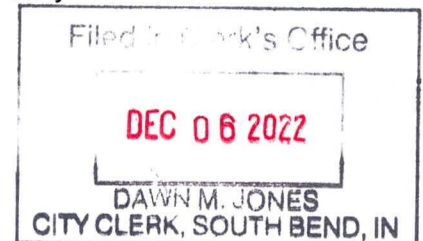
(5) The variance does not correct a hardship cause by a former or current owner of the property

The building was developed prior to standards that promoted street activation and pedestrian scaled design. The hardship for the building location was not created by the owner. The building, however, was designed with a large amount of windows that would meet or exceed the current Ordinance. They have been covered over time by previous owners and could easily be restored to meet the intent of the district.

Analysis & Recommendation

Analysis: With proper buffering and design, the proposed development should not have significant impact on surrounding residential property values. The development standards of the NC Neighborhood Center district should be applied to the property to help mitigate any impact on the surrounding neighborhood. This property is located at a commercial node along Portage Avenue.

Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with a favorable recommendation. The Staff recommends the Board approve variance #1 for parking in the established front yard, subject to meeting current development standards for off street parking and removing any excess pavement. The Staff recommends the Board deny variance #2.

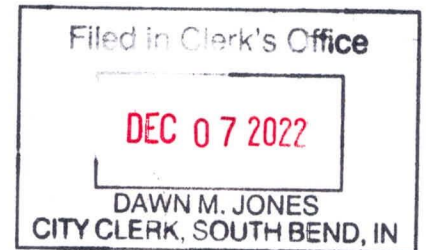


City of South Bend

BOARD OF ZONING APPEALS

December 6, 2022

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



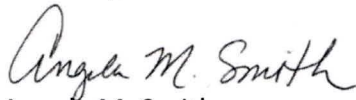
Re: Bill# 70-22: The petition of DAPHNE PATEL seeking a Special Exception for Group Residence in the U1 Urban Neighborhood 1 District for property located at 3409 S St. Joseph St.

Dear Council Members:

I hereby Certify that the above referenced petition of DAPHNE PATEL was not legally advertised due to the determination of Staff and Legal Counsel that the petition was not necessary. The petition was withdrawn. The following bill should be dismissed or withdrawn by the Common Council at the December 12th Common Council meeting.

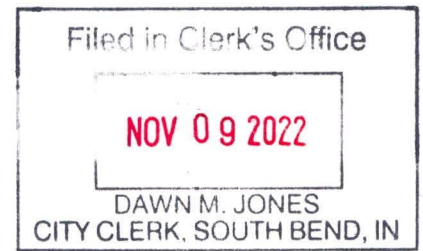
If you have any questions, please feel free to contact our office.

Sincerely,


Angela M. Smith
Zoning Administrator

City of South Bend

BOARD OF ZONING APPEALS



November 9, 2022

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

RE: Special Exception at 3409 S Saint Joseph St.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **November 14th, 2022**, Council meeting and set it for public hearing at your **December 12th, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the December 5, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

Request a Special Exception to allow for the property to operate a residential care facility.

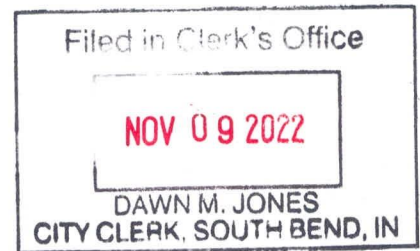
The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

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

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer



BILL NO. 70-22
ORDINANCE NO.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 3409 S ST. JOSEPH ST.
COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate a residential care facility.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

3409 S St. Joseph St. 018-7199-7286

In order to permit Residential Care Facility

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

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

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

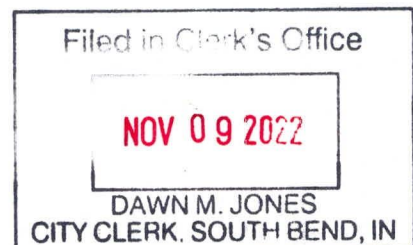
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

RECEIVED SEP 16 2022

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-7199-7286
Address: 3409 S SAINT JOSEPH ST, SOUTH BEND IN 46614
Owner: DAPHINE PATEL
Zoning: U1 Urban Neighborhood 1

Project Summary:

To convert a Three(3) unit dwelling house into Residential Care Facility

Requested Action

- Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: Residential Care Facility
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*
Variance(s) requested:

Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

Filed in Clerk's Office
NOV 09 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

PAID
SEP 16 2022
Per _____

Criteria for Decision Making

Special Exception - *if applicable*

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

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

The proposed use of the property will continue to adhere to sanitary and waste management practices, continue observing the community's moral standards, maintain the property in acceptable and recommended living standards for occupants, and provide appropriate and recommended parking features to enhance convenience of other road users.

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

The proposed use is in conformity to permitted uses of zoning district U1 Special Exceptions for residential care facility. On the valuation aspect, the property will be maintained to reduce all forms of depreciation. Additionally, the highest and best use will not change thereby minimising adverse effects on adjacent property values.

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

It is permitted under principal uses 21-06.01(j)(8) of Residential Care Facility as defined under Section 21-06.01(j)(8).

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

It maintains community moral living and aims to provide supported living services to elderly and aging population.

Criteria for Decision Making

Variance(s) - if applicable

N/A

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

(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, because:

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

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Contact Information

Property owner(s) of the petition site:

Name:

Address:

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name:

Address:

Phone Number:

E-mail:

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

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

Property Owner (s) Signatures:

P. Jumbe _____

9.8.22 _____

SITE PLAN FOR 3409 S ST. JOSEPH STREET, SOUTHBEND, IN

Filed in Clerk's Office
NOV 09 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN





City of South Bend Common Council

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

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

Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

December 7, 2022

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

Re: AN UPDATED AND SUPERCEDING RESOLUTION OF THE SOUTH BEND COMMON COUNCIL CONCERNING CLIMATE RECOVERY AND OUR COMMITMENT TO DEVELOP A CLIMATE ACTION PLAN AIMED AT GREENHOUSE GAS REDUCTIONS FOR THE CITY OF SOUTH BEND AND TO SUPPORT OTHER CLIMATE RELATED INITIATIVES

Dear Council Members:

On November 28, 2019, the Common Council passed Resolution 4787-19, entitled: **“RESOLUTION OF THE SOUTH BEND COMMON COUNCIL CONCERNING CLIMATE RECOVERY AND OUR COMMITMENT TO DEVELOP A CLIMATE ACTION PLAN AIMED AT GREENHOUSE GAS REDUCTIONS FOR THE CITY OF SOUTH BEND AND TO SUPPORT OTHER CLIMATE RELATED INITIATIVES”**. That resolution called for a climate action plan by the City to updated on a three-year cycle.

Since that time, studies have indicated that best practices are to require an updated climate action plan to be made on a five-year cycle. This updated resolution retains all the substantive requirements of Resolution 4787-19 except for the frequency of the climate action plan. This resolution changes the 3-year cycle to a five-year cycle.

I ask that this resolution be assigned to the Community Investment Committee for consideration and recommendation to the full Council at its December 12, 2022, meeting.

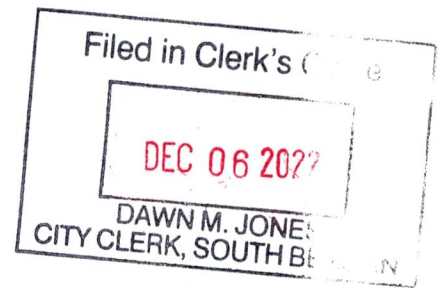
Thank you for your consideration.

Sincerely yours,

Rachel Tomas Morgan, At Large Member
South Bend Common Council

BILL NO. 22-60

RESOLUTION NO. 4994-22



AN UPDATED AND SUPERCEDING RESOLUTION OF THE SOUTH BEND COMMON COUNCIL CONCERNING CLIMATE RECOVERY AND OUR COMMITMENT TO DEVELOP A CLIMATE ACTION PLAN AIMED AT GREENHOUSE GAS REDUCTIONS FOR THE CITY OF SOUTH BEND AND TO SUPPORT OTHER CLIMATE RELATED INITIATIVES.

WHEREAS, scientific consensus concludes that it is extremely likely that the dominant cause of ongoing climate change is the emission of heat-trapping gases by human actions, primarily from the combustion of fossil fuels; and the more carbon dioxide in our atmosphere, the warmer our planet gets. Per the National Oceanic and Atmospheric Administration (NOAA), carbon has not been this highly concentrated in the atmosphere in the past 800,000 years; in fact, according to NOAA, the five-year period, 2014-2018, are the warmest years ever recorded¹; and

WHEREAS, in 1988, NASA's Dr. James Hansen testified before Congress on the impending perils of climate change, and the Intergovernmental Panel on Climate Change (IPCC) was established by the United Nations and the World Meteorological Association, and has since released five climate assessments with each affirming: the planet is getting warmer and humans are causing it through our carbon emissions, and unless we reduce emissions, there are serious environmental consequences in our future. Both the 1997 Kyoto Protocol² and the 2015 Paris³ Agreement challenged nations to reduce greenhouse emissions and thereby, limit climate change, and the 2019 IPCC report just released in January advocates for policies aimed at temperature targets under one point five (1.5) degrees Celsius, and further acknowledged that the impact of even a one point five (1.5) degrees Celsius rise will pose drastic impact on the Earth's ecosystems and inhabitants⁴; and

WHEREAS, climate change already poses risks at the global, state, and local level, impacts evidenced around the world are changes in precipitation (intensification of both drought and storm effects), ocean acidification, coral reef degradation, loss of species, threats to marine life and biodiversity, rising sea levels threatening food supplies and livelihoods, and forced emigration of coastal populations. In addition, extreme weather events, temperatures, and air pollutants can acutely impact human health. The elderly, young, homeless, and people with chronic diseases, or respiratory illnesses (such as asthma) are particularly sensitive to

¹ <https://www.nationalgeographic.com/environment/2019/02/2018-fourth-warmest-year-ever-noaa-nasa-reports/>

² UNFCCC (1997) Kyoto Protocol to the United Nations Framework Convention on Climate Change adopted at COP3

³ <https://unfccc.int/resource/bigpicture/#content-the-paris-agreement>

⁴ <https://www.ipcc.ch/>

extreme temperatures contributing to increase hospital visits, health care costs, and mortality. Another health effect of climate change is the spread of disease such as Lyme and the Zika Virus which are transmitted by ticks and mosquitoes that thrive in hot, humid environments⁵; and

WHEREAS, Indiana and South Bend will certainly share in some of these impacts, already documented or projected effects include, but are not limited to: record breaking heat waves and high humidity (with accompanying increased demand for cooling), reduced water and air quality, decreased agricultural productivity (e.g., of corn and soybean crops); increased heavy rainfall leading to more flooding, shorter winters and delayed fall freeze (e.g., extending the ragweed allergy season), increased invasive species; loss of plant, fish and wildlife habitats⁶; and

WHEREAS, these and other impacts will not be equally distributed; communities that already face socioeconomic and health inequities, whether around the world or here in our community, will be most severely impacted, including youth, senior, people of color, and low-income populations; and

WHEREAS, City services, infrastructure, our local economy, the natural environment, public health, and our homes and businesses are endangered by climate change; and Cities have a primary duty and responsibility to ensure the public health, safety, and welfare of its residents - both now and in future generations; and

WHEREAS, Cities are uniquely empowered to take proactive, resolute, and prompt measures to directly influence activities that have climate impacts, such as energy use in homes and buildings, transportation, and by promoting sustainable development; and

WHEREAS, the Common Council, in February of 2019 at two joint committee hearings of Health and Public Safety and Utilities Committees, were presented with clear and compelling science, public testimony, letters, and petitions by local youth of all ages and other community members, to take immediate, real, and lasting legislative actions to reduce emissions of greenhouse gases and thus reduce global warming and contribute to the recovery of our planet; and

WHEREAS, Climate action provides opportunities for South Bend to improve our air quality, mobility, public health, social equity, energy independence and energy security, and the quality of our natural environment; it also can serve to attract jobs and economic development opportunity and increase long-term competitiveness. Action on climate change supports the development of a livable, sustainable City with a strong economy and high quality of life.

⁵ <http://docs.southbendin.gov/WebLink/Browse.aspx?dbid=0&startid=279856&row=1&cr=1>

⁶ Purdue Climate Change Research Center's 2019 Indiana Climate Change Impacts Assessment; <https://ag.purdue.edu/indi/anaclimate/>

Action can also improve resilience in face of climate change and other challenges; and

WHEREAS, South Bend has pursued various climate action with Mayor Stephen Luecke having signed the U.S. Mayors Climate Protection Agreement in 2008, convened the Green Ribbon Commission in 2009, and founded the Municipal Energy Office in 2010. In 2014, Mayor Pete Buttigieg created the Office of Sustainability and reconvened the Green Ribbon Commission, an advisory body of local climate and sustainability experts. The South Bend Common Council, in 2016, unanimously passed the Cleaner Energy Resolution, and then, in 2018 signed on with Mayor Buttigieg to a "Repower Indiana" letter calling for 100% clean energy use by our utility supplier. In 2017, Mayor Pete Buttigieg signed the "We're Still In" letter, joining Climate Mayors world-wide affirming a commitment to the Paris Agreement on Climate, despite the United States' formal withdrawal from the talks; and

WHEREAS, this and previous Councils have also supported other energy efficiency and renewable energy initiatives in the municipal budget, including but not limited to, energy and water-efficient facilities, alternative fuel vehicles, reducing waste and paper use, and robust community education and engagement endeavors. The City of South Bend actively influences sustainable behaviors in our community, encouraging biking and walking, supporting mass transit, yard waste and recycling opportunities, and advocating for clean and affordable energy; and

WHEREAS, by way of executive authority in April of 2018, Mayor Pete Buttigieg committed to the Global Covenant of Mayors for Climate and Energy, and effectively joined South Bend to 9,296 cities representing 814 million people in a pledge to implement policies and to undertake measures to (i) reduce/limit greenhouse emissions, (ii) prepare for the impacts of climate change, (iii) increase access to sustainable energy, and (iv) track progress of these policies and measures in meeting or exceeding the Paris Agreement objectives⁷; and

WHEREAS, in keeping with our pledge, our City has already measured and reported both our community and government operation levels of greenhouse gases, we are next poised under this global framework on climate action to set a greenhouse gas reduction goal and create a climate action plan encompassing not only the City of South Bend's operations, but our community as a whole as defined by the geographic limits of our City; and

WHEREAS, the Common Council, on November 28, 2019, passed Resolution 4787-19, entitled "A Resolution of the South Bend Common Council Concerning Climate Recovery and Our Commitment to Develop a Climate Action Plan Aimed at Greenhouse Gas Reductions for the City of South Bend and to Support Other Climate Related Initiatives"; and

⁷ <https://www.globalcovenantofmayors.org>

WHEREAS, Resolution 4787-19 stated: “Both the municipal greenhouse gas inventory and the community greenhouse inventory will be updated every 3 years, and the climate action plan updated on a 3-year cycle”; and that best practices require an updated climate action plan on a 5-year cycle instead of a 3-year cycle.

THEREFORE, BE IT RESOLVED the South Bend Common Council hereby supports the City Administration’s current Q2-Q3-2019 initiative to develop a climate action plan that: specifies climate actions most impactful in South Bend, identifies ambitious but achievable greenhouse gas reduction goals customized to South Bend, includes both immediate internal actions and longer-term programs and policies, and outlines appropriate timelines for implementing the specific climate actions and achieving the greenhouse gas reductions, and

THEREFORE, BE IT RESOLVED, the South Bend Common Council requests this plan be completed by the Fall of 2019, and the administration's planning process include appropriate stakeholder feedback, consider Council and administration priorities, including but not limited to opportunities for climate action to increase social equity, maximizing benefits and minimizing impacts on individuals and businesses; and consideration of any action through the lens of the "triple bottom line." This approach posits we can slow the pace of climate change in ways that save money, build a better quality of life for our residents, and drive economic growth.

THEREFORE, BE IT RESOLVED, and to this end of triple net returns, the South Bend Common Council will look to support the administration's current and future internal policies, and community-focused measures to reduce greenhouse emissions. Accordingly, Council will respond to administration proposals; act to adopt proposed plans, goals, targets, and measures as appropriate, including the consideration of a local ordinance or ordinances by the end of 2019; and to ensure adequate funding and staffing for adopted operational climate and community priorities.

THEREFORE, BE IT RESOLVED, the South Bend Common Council also sets, henceforth, that the administration create an iterative process of setting goals, tracking progress, and reporting. Specifically, Council and the community will be provided annual progress reports on the climate action plan well in advance of the budget planning process. Both the municipal greenhouse gas inventory and the community greenhouse inventory will be updated every 3 years, and the climate action plan updated on a 5-year cycle.

THEREFORE, BE IT RESOLVED, Council will seek opportunities to demonstrate climate leadership in Indiana, throughout the Midwest, and in our own community. It will also support the work of the Office of Sustainability and the Administration in doing the same, including collaboration with other governmental entities and agencies, assisting in engaging community stakeholders, and through public-private partnerships. These

relationships and activities will be essential to the design, funding, implementation, and attainment of our community's climate action plan goals.

THEREFORE, BE IT RESOLVED, that this Council commits itself today, and strongly urges future members of the South Bend Common Council, our Mayor's office, and our citizenry to remain engaged in and committed to climate action. Working together, we can confront what has been considered one of the greatest challenges of our time in proactive and strategic ways that benefit our community, our county, and our world.

Approved this 12th day of December 2022.

Sharon McBride, President,
South Bend Common Council

Attest:

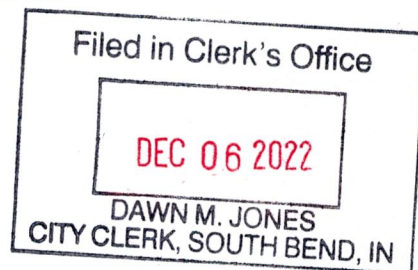
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of December 2022 at __ o'clock __. m.

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

Approved and signed by me, on the _____ day of December 2022, at __ o'clock __. m.

James Mueller, Mayor
City of South Bend





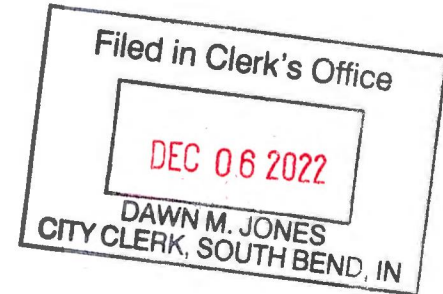
City of South Bend PLAN COMMISSION

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

December 6, 2022

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

RE: 1144 Corby Blvd. – PC#0130-23



Dear Committee Chair Hamann:

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 December 12th, 2022, Council meeting, and set it for public hearing at your January 23rd, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the January 17th, 2023, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

The proposed project includes construction of approximately 103 apartment units housed in two buildings located on the southeast corner of SR23 and Corby Street in South Bend. This rezoning is for one more additional lot purchased by the developer that will allow extra green space and parking.

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

Sincerely,

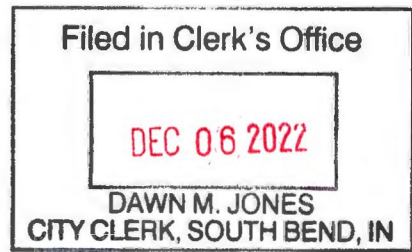
Rachel Boyles
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



BILL NO. 78-22
ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 CORBY BLVD. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from NC Neighborhood Center District to U1 Urban Neighborhood 1 to allow for expansion of the development site.

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby 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:

Lot 319 Park Place 3rd Addition

be and the same is hereby established as NC Neighborhood Center

SECTION II. This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

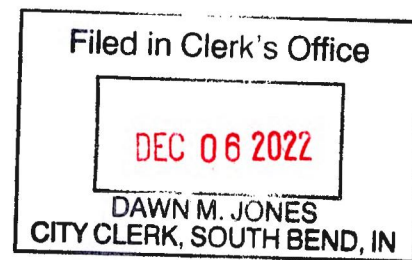
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2023, at _____ o'clock ____ . m.

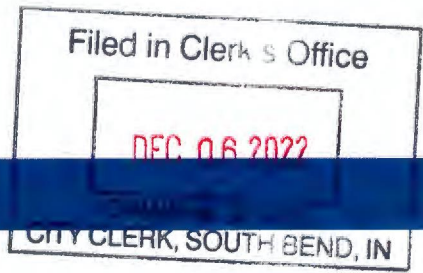
Dawn M. Jones, City Clerk
Office of the City Clerk

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

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
PLAN COMMISSION



Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-5087-3095

Address: 1144 E. Corby Blvd.

Owner: Five Corners LLC

Legal Description:

Lot 319 of Park Place, 3rd Addition

Project Summary

The proposed project includes construction of approximately 103 apartment units housed in two buildings located on the southeast corner of SR23 and Corby Street in South Bend. This rezoning is for one more additional lot purchased by the developer that will allow extra green space and parking.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District NC Neighborhood Center

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) The comprehensive Plan;
- (2) Current conditions and the character of the current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the jurisdiction; and
- (5) Responsible development and growth.

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested: _____

Required Documents

- Completed Application (including Contact Information)
- Site Plan drawn to scale
- Filing Fee
- Additional documents as noted above

Criteria for Decision Making

Variance(s) - if applicable

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

(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, because:

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

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Contact information

Property owner(s) of the petition site:

Name: Five Corners, LLC

Address: 814 Marietta Street
South Bend, IN 46601

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Robert Nichols, Abonmarche Consultants

Address: 315 W. Jefferson Blvd.
South Bend, IN 46602

Phone Number: 5743289701

E-mail: rnichols@abonmarche.com

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

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

Property Owner (s) Signatures:

CURVE TABLE					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	86.82	1410.00	33°15'	N14°08'04"E	86.82
C2	186.23	1406.00	6°33'28"	N81°21'34"E	186.14
C3	81.34	1406.00	37°18'43"	N37°21'34"E	81.32

TABULATED SITE DATA				
	LOT 1	LOT 2	TOTAL	
PROPOSED LAND USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	
Building	45,833	5,280	51,113	10.50
Pavement/Street	43,184	1,304	44,488	43.78
Other	14,000	1,236	15,236	15.45
TOTAL	102,017	7,820	109,837	100.00

EXISTING FEATURES LEGEND	
○	Iron/Steel Pipe
○	Manhole
○	Water Valve
○	Fire Hydrant
○	Light Pole
○	Power Pole
○	Ingress/Egress Easement
○	Indiana Michigan Power Company Easement
○	Utility Easement

AUTO PARKING SPACE SUMMARY
 57 Spaces Proposed including:
 3 Car ADA Accessible Spaces &
 1 Van ADA Accessible Space

BICYCLE PARKING SPACE SUMMARY
 102 Residential Units
 1 Space/10 Units = 11 Spaces

LOT 2
 4 Residential Units
 1 Space/10 Units = 1 Space
 5,280 SF Commercial Area
 3 Spaces
 Total Lot 2 = 4 Spaces
 See Shaded CDS for Bicycle Rack Pad Detail

PROPOSED FEATURES LEGEND

○	1/2" Parallax Concrete Pavement (At Parking Spaces As Shown)	○	Landscaping Area
○	6" Concrete Pavement for Commercial Drive Approach	○	Stop Bar Pavement Marking
○	6" Concrete Pavement for Residential Drive	○	24" Solid Line, White
○	4" Concrete Slabwork	○	Retained Power Pole/Light Pole (By Others)
○	Stoneware Concrete Curb	○	Traffic Direction Arrow
○	Cure Slagwall w/Slagwash	○	Cure Ramp
○	Concrete Combined Curb & Cutoff	○	Sign & Post
○	Concrete Combined Curb & Cutoff, Type A	○	Taper Curb From Full Height to 6" in 3'
○	Adjust Casting To Grade	○	R1-1 "STOP" Sign
		○	R7-5 "RESERVED PARKING" (ADA Accessible) Sign
		○	R7-8P "VAN ACCESSIBLE" Sign
		○	A-43 "DON'T BICYCLE DO NOT ENTER" Sign
		○	Drainage Structure
		○	Clear-Dirt
		○	Water Valve

PARKING SPACE NOTES

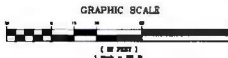
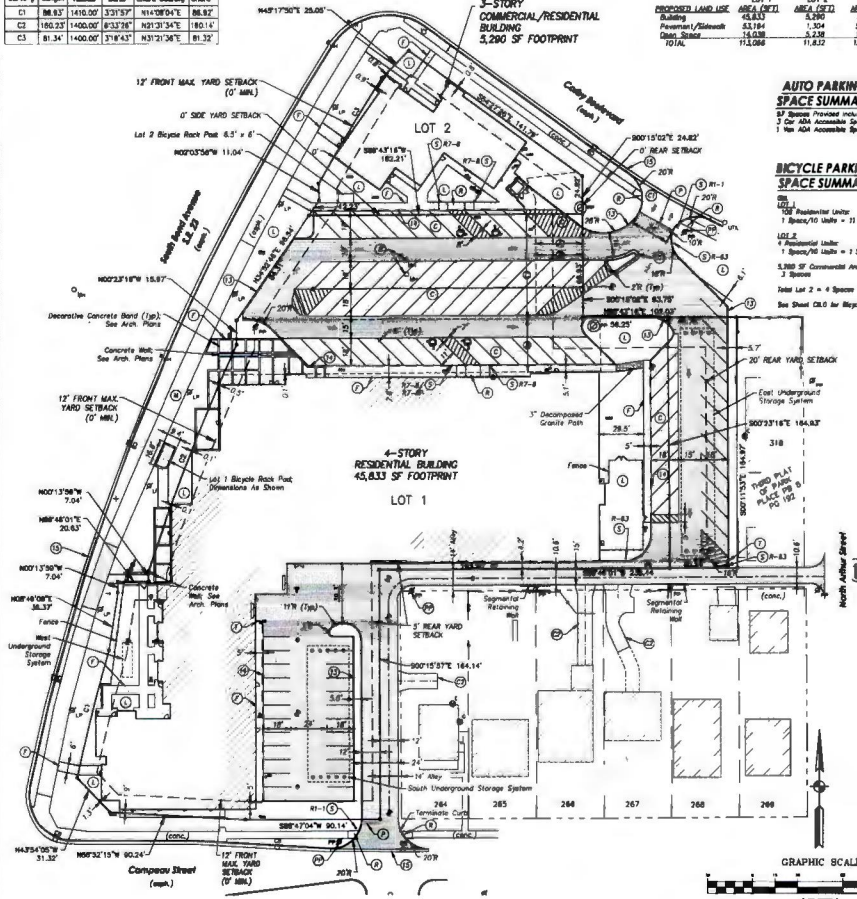
- All parking spaces 8'-0" wide unless noted otherwise.
- All angled parking spaces at 45 degrees.
- All pavement markings to be 4" solid paint lines. (Note for standard parking spaces & aisles. Blue for ADA accessible spaces & aisles.)

GENERAL NOTES

- Zoning District: City of South Bend
IC Neighborhood Center
- Existing Land Use: Vacant
Proposed Land Use: Multi-Unit Residential
- Building setbacks are in accordance with the requirements of the zoning ordinance.
- The site will be serviced by municipal sewer and water.
- Drainage will be collected on-site and managed by the Owner.
- Parking areas will be gravel and primarily covered.
- The site shall conform to area, height and setback regulations of the Commercial zoning district unless proper variances are granted by the Board of Zoning Appeals.

SITE PLAN CONSTRUCTION NOTES

- Contractor shall request meeting utility location from Indiana 811 prior to commencing construction.
- Damage to public and private property shall be repaired to equal or better condition at no additional cost to the Owner.
- No streets shall be closed or restricted without prior approval from the local municipality.
- Contractor shall protect the work and the safety of the public and shall provide, erect and maintain berms, barricades, signs and other traffic control devices in accordance with the Indiana Manual on Uniform Traffic Control Devices.
- Contractor shall follow "2000 Indiana Department of Transportation Standard Specifications" for pavement materials and installation procedures.
- Contractor shall construct sidewalks, ramps, parking spaces and ADA accessible areas in accordance with the current ADA standards.
- Traffic sign designations shall comply with the U.S. Dept. of Transportation Federal Highway Administration "Manual on Uniform Traffic Control Devices" (MUTCD).
- Cure road notes are dimensional along the face of curb.
- Contractor shall bring Drawing discrepancies and conflicts to the attention of the Engineer as soon as they are noticed, for clarification and resolution as necessary.
- Contractor shall prepare Record Drawings with field annotations and elevations upon completion of the work for submittal to the Engineer.



ABONMARCHÉ
 ARCHITECTS
 1000 W. SOUTH BEND AVENUE
 SOUTH BEND, IN 46708
 TEL: 765.291.1378
 FAX: 765.291.1379
 WWW.ABONMARCHÉ.COM
 PROJECT NO. 21-1378
 SHEET NO. 21-1378-1

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	86.83	1410.00	3°31'57"	N4°40'54"E	86.82
C2	180.23	1400.00	8°33'38"	N31°31'34"E	160.14
C3	81.34	1400.00	3°19'43"	N31°31'38"E	81.33

TABULATED SITE DATA				
LOT 1	LOT 2	TOTAL		
PROPOSED LAND USE	AREA (SQ FT)	AREA (SQ FT)	AREA (SQ FT)	TOTAL AC
Building	18,813	5,290	24,103	45.82
Pavement/Stormwater	63,194	1,304	64,498	43.78
Open Space	18,028	5,538	23,566	15.48
TOTAL	11,000	11,832	124,866	100.08

EXISTING FEATURES LEGEND			
⊖	Iron/Concrete Beam	⊖	Light Pole
⊖	Manhole	⊖	Power Pole
⊖	Water Valve	⊖	Ingress/Egress Easement
⊖	Fire Hydrant	⊖	Indiana Michigan Power Company Easement
		⊖	Utility Easement

PROPOSED FEATURES LEGEND			
⊖	1/2" Paved Pavement for Parking Lot & Alleyway	⊖	1' x 2' x 4' Sign
⊖	1/2" Paved Sidewalk (75% ADA)	⊖	2' x 4' Sign
⊖	1/2" Paved Stormwater (75% ADA)	⊖	3' x 4' Sign
⊖	1/2" Concrete ADA Appropriate Base on Compacted Subgrade	⊖	4' x 4' Sign
⊖	6" Precast Concrete Pavement (All Parking Spaces As Shown)	⊖	5' x 4' Sign
⊖	8" Concrete Pavement for Commercial Drive Approach	⊖	6' x 4' Sign
⊖	8" Concrete Pavement for Residential Drive	⊖	7' x 4' Sign
⊖	4" Concrete Slab	⊖	8' x 4' Sign
⊖	Standard Concrete Curb	⊖	9' x 4' Sign
⊖	Curb Integral w/Slab	⊖	10' x 4' Sign
⊖	Concrete Combined Curb & Outlet	⊖	11' x 4' Sign
⊖	Concrete Combined Curb & Outlet, Type A	⊖	12' x 4' Sign
⊖	Asphalt Coating to Grade	⊖	13' x 4' Sign

PARKING SPACE NOTES

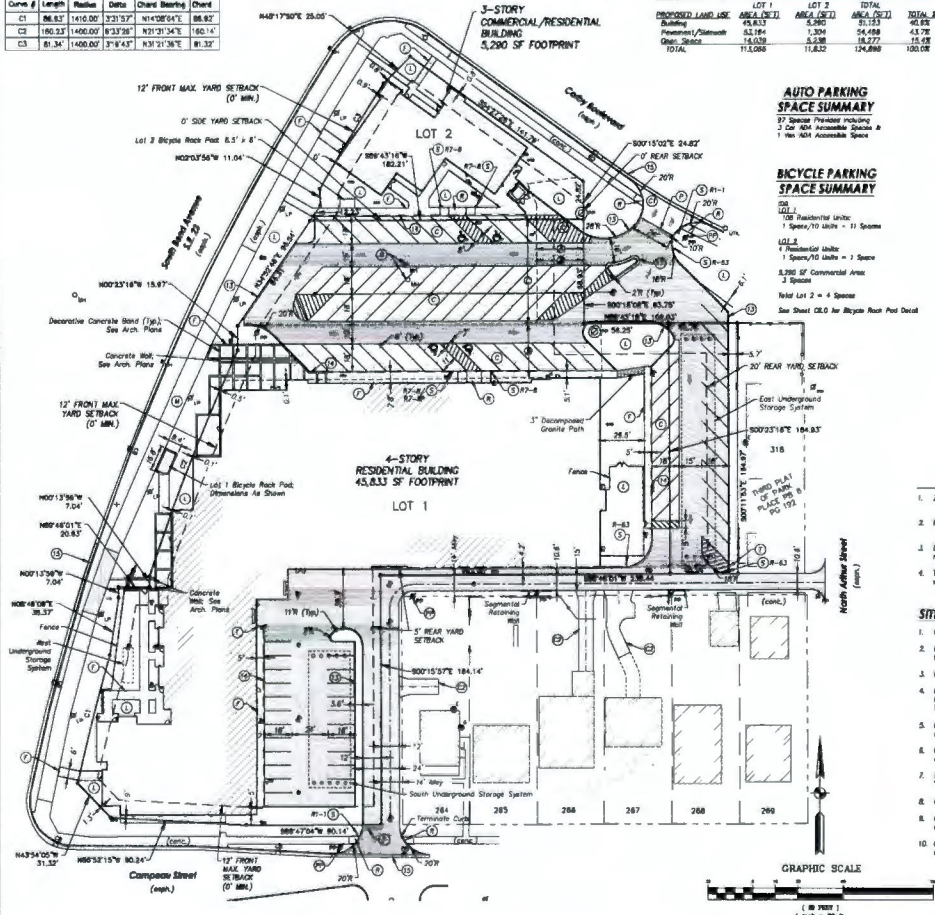
- All parking spaces 9'-2" wide unless noted otherwise.
- All angled parking spaces of 45 degrees.
- All pavement markings to be 4" wide paint lines. Width for standard parking spaces & stalls. Blue for ADA accessible spaces & stalls.

GENERAL NOTES

- Zoning District: City of South Bend Neighborhood Center
- Existing Land Use: Warehouse
- Proposed Land Use: Multi-Unit Residential
- Building setbacks are in accordance with the requirements of the zoning ordinance.
- The site will be served by installed sewer and water.
- Drainage will be collected on-site and managed by the Owner.
- Parking areas will be paved and priority marked.
- The site shall conform to rules, health and development regulations of the Commercial zoning district unless further variance are granted by the Board of Zoning Appeals.

SITE PLAN CONSTRUCTION NOTES

- Contractor shall request utility location from Indiana 811 prior to construction activities.
- Damage to public and private property shall be repaired in equal or better condition at no additional cost to the Owner.
- No streets shall be closed or restricted without prior approval from the local municipality.
- Contractor shall protect the work and the safety of the public and shall provide, erect and maintain barricades, signs, lights and other traffic control devices in accordance with the Indiana Manual on Uniform Traffic Control Devices.
- Contractor shall follow "2020 Indiana Department of Transportation Standard Specifications" for pavement materials and installation procedures.
- Contractor shall construct sidewalks, ramps, parking spaces and ADA accessible areas in accordance with the current ADA standards.
- Traffic sign suspensions shall comply with the U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD).
- Curb wall notes are eliminated along the face of curb.
- Contractor shall bring drainage discrepancies and concerns to the attention of the Engineer as soon as they are noticed, for clarification and resolution as necessary.
- Contractor shall preserve Round Drains with field sections and structures upon completion of the work for submitted to the Engineer.



ABONMARCHÉ
 1100 S. STATE ST. SUITE 200
 SOUTH BEND, IN 46708
 TEL: 765.291.1100
 FAX: 765.291.1101
 WWW.ABONMARCHÉ.COM

**FIVE CORNERS
 MULTI-FAMILY PROJECT
 SOUTH BEND AVENUE
 SOUTH BEND, IN**

SITE LAYOUT PLAN

DATE:	11/20/2022
SCALE:	AS SHOWN
PROJECT:	21-1378
NO.:	01
DATE:	11/20/2022
SCALE:	AS SHOWN
PROJECT:	21-1378
NO.:	01
DATE:	11/20/2022
SCALE:	AS SHOWN
PROJECT:	21-1378
NO.:	01

Filed in Clerk's Office
DEC 06 2022
 DAWN M. JONES
 CITY CLERK

City of South Bend

BOARD OF ZONING APPEALS

December 6, 2022

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

RE: Special Exception at 7468 and 7686 Vorden Parkway

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **December 12th, 2022**, Council meeting and set it for public hearing at your **January 9, 2023**, Council meeting. The petition is tentatively scheduled for public hearing at the January 3, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

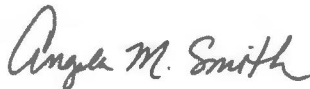
The petitioner provided the following to describe the proposed project:

Construction of a 94,000+ SF warehouse and distribution facility for Coast Southwest, a full-service, chemical distributor. The facility will accommodate future expansion in phases up to 200,000 SF to potentially include space for research, development, and manufacturing.

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

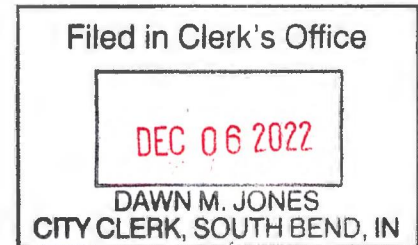
If you have any questions, please feel free to contact our office.

Sincerely,

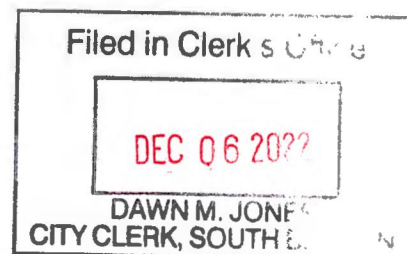


Angela M. Smith
Zoning Administrator

CC: Bob Palmer



BILL NO. 79-22
ORDINANCE NO. 10913-22



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 7468 AND 7686 VORDEN PARKWAY. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for a warehouse and distribution facility for a chemical distributor.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

7468 and 7686 Vorden Parkway – 031-1036-059011 and 031-1036-059010

In order to permit Heavy Industrial Use

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

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

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

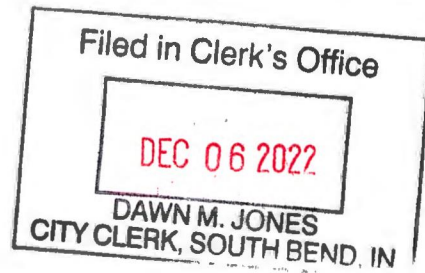
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2023, at _____ o'clock ____ .m.

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

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

James Mueller, Mayor
City of South Bend, Indiana




City of South Bend
BOARD OF ZONING APPEALS

Filed in Clerk's Office
DEC 06 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

Petition for Variance - Special Exception

Property Information

Tax Key Number: 031-1036-059011 & 031-1036-059010
Address: 7468 and 7686 Vorden Parkway, South Bend, Indiana 46628
Owner: 7468 Vorden Parkway, LLC
Zoning: I Industrial 

Project Summary:

Construction of a 94,000+ SF warehouse and distribution facility for Coast Southwest, a full-service, chemical distributor. The facility will accommodate future expansion in phases up to 200,000 SF to potentially include space for research, development, and manufacturing.

Requested Action

- Special Exception – *complete and attach Criteria for Decision Making*
Use requested: Industrial, Heavy (21-06.01(g)(2))
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*
Variance(s) requested:

Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)**
- Site Plan drawn to scale
- Filing Fee

Criteria for Decision Making

Special Exception - *if applicable*

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

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

The proposed use, including potential future expansion aligns with the current zoning and other existing industrial facilities in and around the parcel. The facility may house and process hazardous material in an area specifically designed and built for such activities. In addition the development, construction and operation of the entire facility will abide by all applicable local, state and federal regulations related to materials storage, handling, waste and containment. The facility will NOT produce significant external impacts detectable beyond the lot lines of the property.

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

The proposed use, including potential future expansion aligns with the current zoning and uses and would be consistent with the character and use of other existing industrial facilities in and around the parcel. The proposed development is within the Blackthorne West Industrial Park, currently home to the Tire Rack, General Metal and Stamping, Maxi-Blast, DSM Food Specialties, as well as a significant number of warehouse and distribution centers.

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

See response to #2 above.

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

The Blackthorne West Industrial Park was envisioned and developed as part of the City's Comprehensive Plan going back to the 1990's and has been included in each new amendment thereto.

Contact Information

Property owner(s) of the petition site:

Name: 7468 Vorden Parkway, LLC

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: George Lepeniotis

Address: 4101 Edison Lakes Parkway
Mishawaka, Indiana 46545

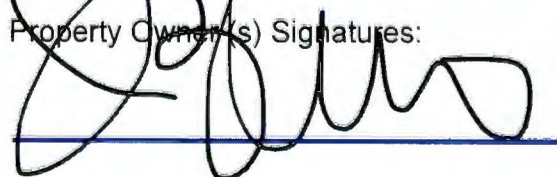
Phone Number: 574-485-2008

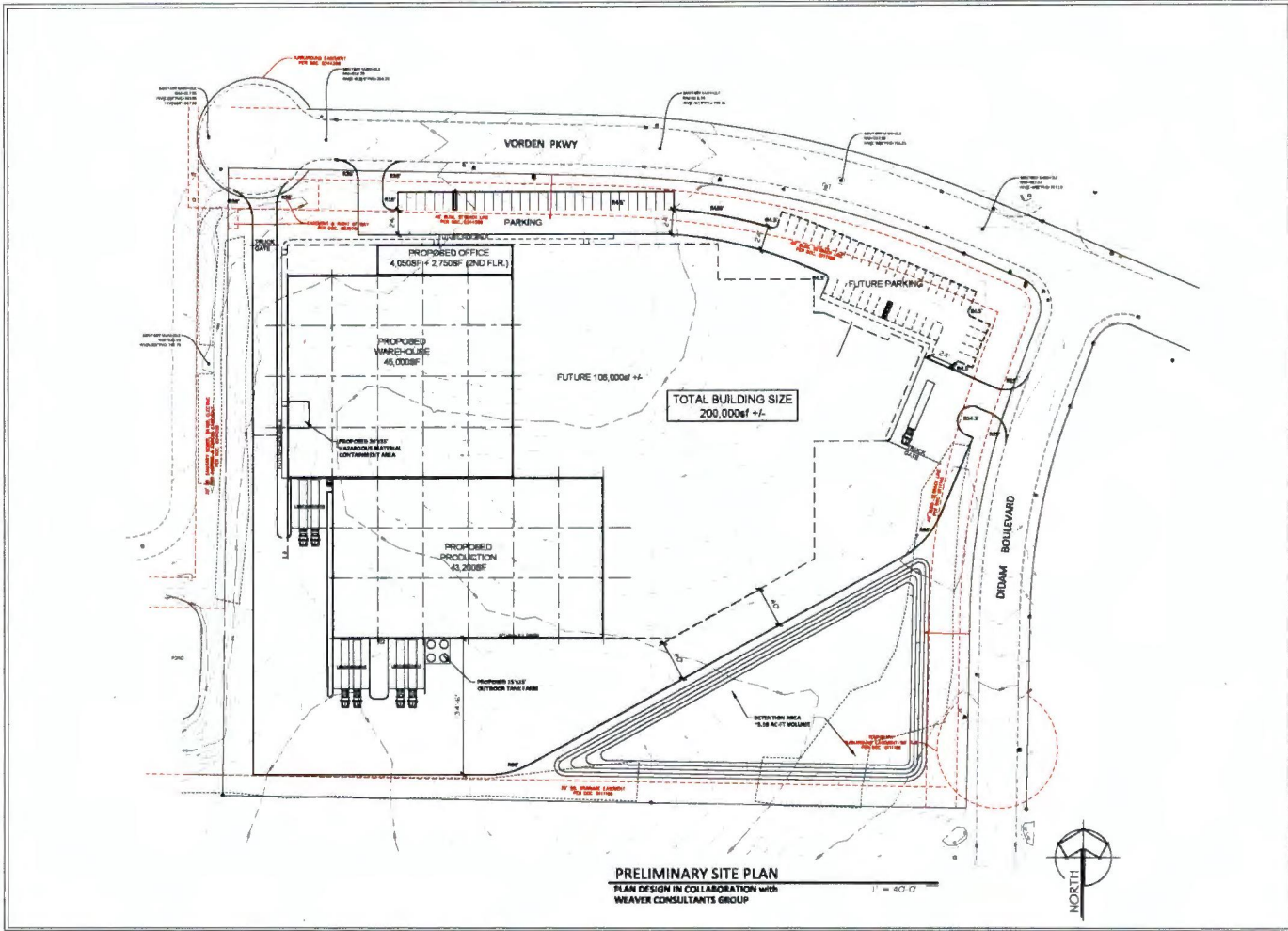
E-mail: glepeniotis@kdlegal.com

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

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

Property Owner(s) Signatures:





6370 AmeriFlex Dr., Suite 110
Portage, Indiana 46368

SITE DATA

PARCEL AREA
Parcel 1 & 11 = 10.58 acres

RETENTION AREA
PRELIM. = 3.39 ac-ft Volume

BUILDING HEIGHT
to MIT: OFFICE AREA: 2-STORY
WAREHOUSE: 25'-30" CLEAR

INITIAL BUILDING SEES
WAREHOUSE 45,000sf
PRODUCTION 40,000sf
OFFICE (1st) 4,000sf
(2nd) 2,750sf
TOTAL BUILDING 85,000sf

TOTAL FUTURE AREA
UP TO 202,000sf +/- SHOWN

PROJECT NAME

**COAST SOUTHWEST
NEW BUILDING DEVELOPMENT**

7488 & 7686 VORDEN PARKWAY
SOUTH BEND, IN

DATE
12/08/2023

CREATED BY
LAM

SHEET TITLE
PRELIMINARY
SITE PLAN

SHEET NO.
X-1

PRELIMINARY SITE PLAN
PLAN DESIGN IN COLLABORATION WITH
WEAVER CONSULTANTS GROUP



Filed in Clerk's Office

DEC 06 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN