



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: DAWN M. JONES, CITY CLERK
DATE: WEDNESDAY, NOVEMBER 8, 2023
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, November 13, 2023:**

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/11132023CC>.

4:00 P.M. **COMMUNITY INVESTMENT** **CHAIRPERSON, TOMAS MORGAN**
[Bill No. 23-64](#) – A Resolution Reaffirming the Grant of Real Property Tax Abatement Deductions and Waiver of Non-Compliance for 4836 W. Western Avenue.

4:15 P.M. **PUBLIC WORKS & PROPERTY VACATION** **CHAIRPERSON, NIEZGODSKI**
[Bill No. 62-23](#) – Alley/Street Vacation: East/West Street at 1101 King St. from Kessler Blvd.

4:25 P.M.

ZONING & ANNEXATION

CHAIRPERSON, HAMANN

[Bill No. 53-23](#) – An Ordinance Approving a Petition for 1132 Portage Ave., District 1

[Bill No. 54-23](#) – An Ordinance Approving a Petition for 1128 Portage Ave., District 1

[Bill No. 55-23](#) – An Ordinance Approving a Petition for 1110 S. Main St., District 2

[Bill No. 75-23](#) – An Ordinance Approving a Petition for 1119 Twyckenham Dr., District 4

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

**INFORMAL MEETING OF THE
COMMON COUNCIL**

PRESIDENT, 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, November 13, 2023

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/111323SBCC>

1. **INVOCATION**

Rev. Ivy Butler Shepherdess – Power in Praise Ministries

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

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

5. **SPECIAL BUSINESS**

Approval of 2024 South Bend Common Council Meeting Dates & Deadlines

6. **REPORTS FROM CITY OFFICES**

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

[53-23](#) 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 1132 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[54-23](#) 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 1128 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[55-23](#) 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 110 S MAIN STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[62-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 2 EAST OF THE 2ND PRINCIPAL MERIDIAN, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 49 ON THE RECORDED PLAT OF NORTHWEST ADDITION 2ND PLAT IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 90°00'00" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF MCCARTNEY STREET, A DISTANCE OF 72.90 FEET; THENCE SOUTH 0°05'13" EAST A DISTANCE OF 269.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KING STREET AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 0°05'13" EAST A DISTANCE OF 60.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID KING STREET; THENCE SOUTH 90°00'00" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 64.00 FEET; THENCE NORTH 0°05'13" WEST A DISTANCE OF 60.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID KING STREET; THENCE NORTH 90°00'00" EAST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 64.00 FEET TO THE POINT

OF BEGINNING OF THIS DESCRIPTION. CONTAINING 3,840 SQUARE FEET

[75-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1119 N TWYCKENHAM DRIVE COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

8. **RISE AND REPORT**

9. **REGULAR MEETING RECONVENED**

10. **BILLS ON THIRD READING**

BILL NO.

[50-23](#) THIRD READING 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 AT 23114 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA **(THIRD READING ONLY)**

[53-23](#) THIRD 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 1132 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[54-23](#) THIRD 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 1128 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[55-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, 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 110 S MAIN STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

62-23

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 2 EAST OF THE 2ND PRINCIPAL MERIDIAN, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 49 ON THE RECORDED PLAT OF NORTHWEST ADDITION 2ND PLAT IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 90°00'00" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF MCCARTNEY STREET, A DISTANCE OF 72.90 FEET; THENCE SOUTH 0°05'13" EAST A DISTANCE OF 269.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KING STREET AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 0°05'13" EAST A DISTANCE OF 60.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID KING STREET; THENCE SOUTH 90°00'00" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 64.00 FEET; THENCE NORTH 0°05'13" WEST A DISTANCE OF 60.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID KING STREET; THENCE NORTH 90°00'00" EAST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 64.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. CONTAINING 3,840 SQUARE FEET

75-23

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1119 N TWYCKENHAM DRIVE COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

11. **RESOLUTIONS**
BILL NO.

23-64

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, REAFFIRMING THE GRANT OF CERTAIN REAL PROPERTY TAX ABATEMENT DEDUCTIONS AND WAIVING NONCOMPLIANCE FOR PROPERTY COMMONLY KNOWN AS 4836 W. WESTERN AVENUE, SOUTH BEND, INDIANA 46619 FOR NILKANTH PROPERTIES, LLC

12. **BILLS OF FIRST READING**

BILL NO.

[76-23](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING CHAPTER 17, ARTICLE 14, SECTION 17-128 TO UPDATE THE MONTHLY STORM WATER USER FEES

[77-23](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10985-23 TITLED AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE CITY'S SEWAGE WORKS; AUTHORIZING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED THIRTY-SIX MILLION DOLLARS (\$36,000,000) TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF; PROVIDING FOR THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID BONDS; ADDRESSING OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS; AND REPEALING ORDINANCES INCONSISTENT HEREWITH

[78-23](#) 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 2921 WEST WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[80-23](#) 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 1410 FORD STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

13. **UNFINISHED BUSINESS**

14. **NEW BUSINESS**

Cancellation of December 25, 2023, South Bend Common Council Meeting

15. **PRIVILEGE OF THE FLOOR**

16. **ADJOURNMENT**

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



2023 COMMON COUNCIL STANDING COMMITTEES (Rev. 04-24-2023)

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

Eli Wax, Member
Thomas Kurzhal, *Citizen 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
Lori K. Hamann, Vice-Chairperson
Citizen Member

Canneth Lee, Member
Eli Wax, 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
Matthew Coats, *Citizen Member*

Canneth Lee, Member
Maria Gibbs, *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
Beth Sanford, *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
Troy Warner, Vice-Chairperson
Rachel Tomas Morgan, Member

Eli Wax, Member
Canneth Lee, 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
Karen L. White, Vice-Chairperson
Jason Piontek, *Citizen Member*

Lori K. Hamann, 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
Lakeyue Williams, *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
Eli Wax, Vice-Chairperson
Citizen Member

Troy Warner, 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



2023 COMMON COUNCIL STANDING COMMITTEES (Rev.01-09-2023)

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
Personnel & Finance Committee, Member

HENRY DAVIS, JR. 2ND District Council Member

Utilities Committee, Chairperson

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

Residential Neighborhoods Committee, Member
PARC Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

President

Council Rules Committee, Member

TROY WARNER, 4TH District Council Member

Community Relations Committee, Chairperson

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

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

ELI WAX, 5TH District Council Member

Health & Public Safety Committee, Chairperson

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

Community Relations Committee, 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, Vice Chairperson
Zoning & Annexation Committee, Member

LORI K. HAMANN, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Information & Technology Committee, Vice-Chairperson
Community Relations Committee, Vice-Chairperson

Public Works & Property Vacation, Member
Utilities Committee, Member



Filed in Clerk's Office
NOV 08 2023
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

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

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: DAWN M. JONES, CITY CLERK
SUBJECT: 2024 REGULAR COUNCIL MEETING NOTICE

The following dates are for the South Bend Common Council meetings of **2024** to be held on the 2nd/4th Mondays of each month in the **Council Chambers** on the **4th floor of the County-City Building** at **7:00 p.m.** Any Special Meetings called by the South Bend Common Council will be given a separate notice.

2024 COMMON COUNCIL MEETING DATES

Month	Meeting Date	Filing Deadline (By 12:00 P.M. Noon)
January	2 nd	N/A (Organizational Meeting) at 5:00 P.M.
	8 th	3 rd
	22 nd	17 th
February	12 th	7 th
	26 th	21 st
March	11 th	6 th
	25 th	20 th
April	8 th	3 rd
	22 nd	17 th
May	13 th	8 th
	28 th (Tuesday)	22 nd
June	10 th	5 th
	24 th	19 th

INTEGRITY | SERVICE | ACCESSIBILITY

VICTORIA A. TRUJILLO
 CHIEF DEPUTY/CHIEF OF STAFF

SHAYLA KIMBROUGH
 DEPUTY/DIRECTOR OF POLICY

ADJIA SAMBE
 DIRECTOR OF SPECIAL PROJECTS

Month	Meeting Date	Filing Deadline (By 12:00 P.M. Noon)
July	8 th 22 nd	3 rd 17 th
August	12 th 26 th	7 th 21 st
September	9 th 23 rd	4 th 18 th
October	14 th 28 th	9 th 23 rd
November	11 th 25 th	6 th 20 th
December	9 th 23 rd	4 th 18 th (Typically Cancelled)

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

Rev. 11.08.2023

Filed in Clerk's Office
NOV 08 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

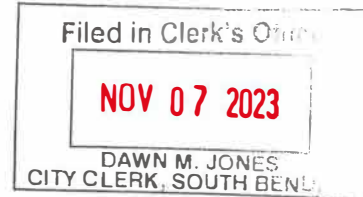
BILL NO. 23-64



CITY OF SOUTH BEND COMMUNITY INVESTMENT

November 7, 2023

Council Member Rachel Tomas Morgan
Chairperson, Community Investment Committee
South Bend Common Council
County City Building, 4th Floor
South Bend, IN 46601



Dear Council Member Tomas Morgan,

Attached please find a proposed form of resolution approving a waiver of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for Nilkanth Properties LLC, who is the owner of real property at 4836 W. Western Avenue in South Bend (Parcel number 71-08-08-426-012.000-026).

Nilkanth Properties is requesting that the Common Council waive noncompliance with the filing deadline for tax deduction forms. In 2020, 2021, and 2022, the company filed Forms CF-1/RE and 322/RE with the City of South Bend but inadvertently did not file the forms with the Auditor's office. In 2023, the Company filed the forms correctly but after the deadline.

As a result of this filing error, the company did not receive a tax abatement pursuant to Resolution No. 4691-18 for these years. The waiver of noncompliance to be presented to the Common Council for consideration is for three years of non-filing, and for one-year of filing late.

The Department of Community Investment endorses and supports this waiver as the company has exceeded requirements associated with the abatement. The estimated project cost in 2018 was \$1.66 million, and the company reported that the actual project costs to date are \$2.10 million. Despite challenges, including the pandemic, the restaurant employs a total of 50 people compared to the initially projected 45 new positions. Additionally, Nilkanth Properties has retained 14 full-time jobs and created 1 additional full-time position.

We ask that the attached resolution be referred to the Community Investment Committee for an advisory recommendation and then heard at the Common Council meeting to be held on November 13, 2023.

A representative from Nilkanth Properties, LLC will be present at the meetings. Should you require additional information, please contact me at (574) 235-5838.

Sincerely,

Erik Glavich
Director, Growth and Opportunity



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

Nilkanth Properties
50795 Brownstone
Granger, IN 46530

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

RE: Tax Abatement Waiver of Noncompliance

Dear Common Council Members,

On November 12, 2018, Nilkanth Properties, LLC, was granted a real property tax abatement for our facility at 4836 West Western Avenue in South Bend. The Common Council approved Resolution No. 4691-18, which established a 7-year abatement.

We are requesting a waiver of noncompliance for failure to file Forms CF-I/RE and 322/RE for tax years 2020, 2021, 2022, and 2023. We filed the forms with the Department of Community Investment but failed to file the forms with the St. Joseph County Auditor's Office. This was a regrettable oversight that has been corrected, and we will file the forms with the correct office moving forward.

At the time we received the abatement in 2018, estimated private investment for the real property associated with the project were \$1.66 million. Construction began in June 2019 to build the approximately 3100 sq ft. facility, and we completed the project in May 2020. The total cost of construction was about \$1.60 million.

As of today, Dairy Queen Grill and Chill has committed \$2.1 million to the project. Our investment in local businesses has grown, as well. The additional investment not only includes the initial movement and installation of equipment but has also provided for the purchase of new equipment, along with creating a

greater need for continuous support of maintenance for both the property and building.

We are committed to investing in our employees by increasing our starting wage rate as market competitive plus, which has deepened our employees' sense of job security. We employ 50 people, which exceeds the estimated number of 45 employees we provided in 2018. Since the completion of the Western Avenue location, Nilkanth Properties has retained 14 full-time jobs and added 1 new full-time job.

The impacts of COVID and the pandemic are still a challenge we are working through, but we have increased the annual salary for our full-time employees by \$85,000, excluding benefits. Forty percent (40%) of the spring/summer team members are under the age of 18, and we pride our business on molding the future young workers of South Bend.

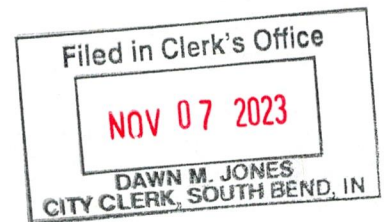
Thank you for your consideration of our request.

Warm Regards,



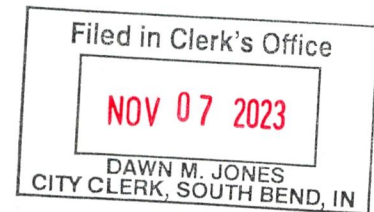
Vandna Patel

vandna@michianadq.com / 574-327-9994



BILL NO. 23-64

RESOLUTION NO. 5061-23



A RESOLUTION REAFFIRMING THE GRANT OF CERTAIN REAL
PROPERTY TAX ABATEMENT DEDUCTIONS AND WAIVING
NONCOMPLIANCE FOR PROPERTY COMMONLY KNOWN AS

4836 W. WESTERN AVENUE, SOUTH BEND, INDIANA 46619

FOR

Nilkanth Properties, LLC

WHEREAS, on November 12, 2018, the Common Council of the City of South Bend (the "Common Council") adopted Resolution No. 4691-18 (the "2018 Resolution"), approving a seven-year (7) real property tax deduction for a Dairy Queen Grill & Chill located at 4836 W. Western Avenue, South Bend, Indiana 46619 (the "Building") by Nilkanth Properties, LLC (the "Taxpayer") within an area located in the City of South Bend that had been designated an economic revitalization area in accordance with Indiana Code § 6-1.1-12.1 et seq.;

WHEREAS, as part of the Taxpayer's deduction application, the Taxpayer described for the Common Council that Nilkanth Properties, LLC by the end of the three-year (3) designation period would (a) invest \$1,660,661 to purchase and develop a new restaurant at 4836 W. Western Avenue, South Bend, Indiana 46619, and (b) create 20 new full-time jobs and 25 part-time jobs with a total estimated annual payroll of \$741,000.00.

WHEREAS, the Taxpayer completed construction of the Building and has met all objectives in its deduction application;

WHEREAS, while the Taxpayer submitted its CF-1/RE and 322/RE forms to the City of South Bend Department of Community Investment in May 2020, May 2021, May 2022, and June 2023, the company may have inadvertently failed to timely and properly file the forms with the St. Joseph County Auditor;

WHEREAS, the Common Council recognizes that the Taxpayer (a) has fulfilled its pledge to develop the Building; (b) has requested a waiver of its inadvertent oversight in failing to file the CF-1/RE and 322/RE forms for taxes due and payable in 2021, 2022, 2023 and 2024 with the St. Joseph County Auditor and instead filed forms with the wrong office to claim benefits of the tax deduction for the first four years of the tax deduction, which the Common Council has the power and authority to approve under Indiana law, and (c) would have been entitled to receive the tax deduction for the first four years of the deduction period had no noncompliance event occurred;

WHEREAS, the Indiana General Assembly has expressed the policy of this State by enacting laws that expressly permit tax abatement noncompliance events such as the untimely or erroneous filing of an application form to be waived; and

WHEREAS, the noncompliance event has been corrected, and a public hearing of the Common Council has been held on the subject of this Resolution.

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

SECTION 1. The Taxpayer has presented testimonial and documentary evidence supporting the Taxpayer's (a) progress towards satisfying its obligations detailed in its original Statement of Benefits and its application for tax deduction related to the extension of a Dairy Queen Grill & Chill (the "Property"), and (b) inadvertent oversight leading to a belated filing or filing in the incorrect office of the CF-1/RE and 322/RE forms to claim the benefits of a tax deduction for the January 1, 2020, January 1, 2021, January 1, 2022, and January 1, 2023, assessment dates of the Property.

SECTION 2. The foregoing facts, taken together, lead the Common Council to conclude that the Taxpayer has substantially fulfilled its projected plans to improve and conduct operations at the Property contemplated as part of the 2018 Resolution (the "Deduction") and that its belated/errant filing of applications required to claim the benefits of the Deduction as of for taxes due and payable in 2021, 2022, 2023, and 2024 was inadvertent.

SECTION 3. The Common Council hereby waives all matters of noncompliance that may be waived under State and local law regarding the late filing of applicable deduction applications in order for the Taxpayer to claim and receive the benefit of the Deduction on its investment contemplated as part of the 2018 Resolution as of the January 1, 2020, January 1, 2021, January 1, 2022, and January 1, 2023, assessment dates, all as is permitted under Indiana Code § 6-1.1-12.1-11.3 (including specific waiver of any and all nonconformities relating to the requirement, under Indiana Code § 6-1.1-12.1-5 that economic revitalization area deduction applications be timely filed with the county auditor to claim property tax deductions for the 2020-Pay-2021, 2021-Pay-2022 tax years, 2022-Pay-2023 and 2023-Pay-2024).

SECTION 4. The Common Council incorporates herein by reference, and hereby ratifies and reaffirms: (a) the 2018 Resolution; (b) the tax deduction application and statements of benefits of the Taxpayer; and (c) the recitals of this Resolution. The Common Council and the Clerk of the City of South Bend are authorized to take all such further acts and execute and deliver all such further documents for the St. Joseph County Auditor or otherwise as may be reasonably necessary to give effect to this Resolution, all without further application to or formal action by the Common Council.

SECTION 5. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Sharon McBride, Council President
South Bend Common Council

Attest:

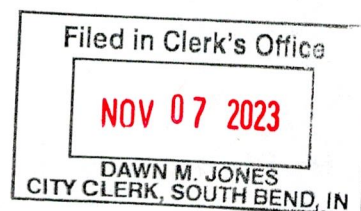
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 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



BILL NO. 62-23

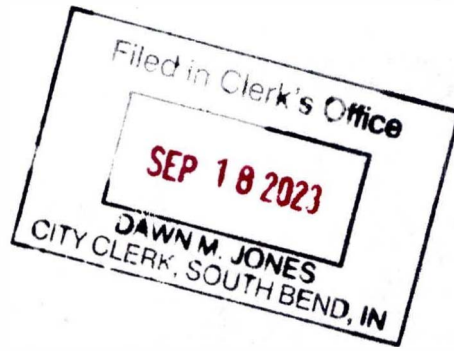


TRANSFORMATION
MINISTRIES

1101 King str | South Bend, IN 46616

574.299-3935

orlandomendez@Transformation58.com



TO: South Bend Indiana Clerk's Office

SUBJECT: Alley/Street Vacation: East/West Street at 1101 King St. from Kessler Blvd.

To Whom It May Concern,

Transformation Ministries, a nonprofit based in Keller Park, is petitioning to vacate the east/west street at 1101 King St. from Kessler Blvd. As part of its mission to mentor the youth of South Bend through meaningful work, Transformation Ministries runs a lawncare and landscaping business that uses the 1101 King St. property to store its trucks, trailers, and other equipment. The vacation of the alley specified in this petition will:

1. Ensure our staff and the youth we employ are able to consistently back our trucks and trailers into our storage facilities. (When the alley is occupied by other vehicles or objects, it is impossible for us to adequately maneuver the equipment needed to provide our services).
2. Provide a solid surface on which to place our dumpsters, as mandated by the Health Department.

We have received a favorable recommendation for our petition from the Board of Public Works and have already implemented their stipulations of 1) maintaining unobstructed access the fire hydrant; 2) leaving a three-foot clear space around the fire hydrant's circumference; and 3) prohibiting parking within 15 feet of the fire hydrant (see photo on the next page).

Thank you for your consideration, and please let us know if you have any additional questions or concerns.

Sincerely,

Orlando Mendez

Director of Facilities and Hospitality

BILL NO. 62-23

ORDINANCE NO. 10976-23



AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

Part of the South Half of the Southwest Quarter of Section 35, Township 38 North, Range 2 East of the 2nd Principal Meridian, Portage Township, St. Joseph County, Indiana being more particularly described as follows:

Commencing at the Northeast corner of Lot 49 on the recorded plat of Northwest Addition 2nd plat in the Office of the Recorder of St. Joseph County, Indiana; thence South 90°00'00" East along the Southerly right of way line of McCartney Street, a distance of 72.90 feet; thence South 0°05'13" East a distance of 269.55 feet to the Northerly right-of-way line of King Street and the point of beginning of this description; thence continuing South 0°05'13" East a distance of 60.00 feet to the Southerly right-of-way line of said King Street; thence South 90°00'00" West along said Southerly right-of-way line a distance of 64.00 feet; thence North 0°05'13" West a distance of 60.00 feet to the Northerly right-of-way line of said King Street; thence North 90°00'00" East along the said Northerly right-of-way line a distance of 64.00 feet to the point of beginning of this description.

Containing 3,840 Square Feet

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:

Part of the South Half of the Southwest Quarter of Section 35, Township 38 North, Range 2 East of the 2nd Principal Meridian, Portage Township, St. Joseph County, Indiana being more particularly described as follows:

Commencing at the Northeast corner of Lot 49 on the recorded plat of Northwest Addition 2nd plat in the Office of the Recorder of St. Joseph County, Indiana; thence South 90°00'00" East along the Southerly right of way line of McCartney Street, a distance of 72.90 feet; thence South 0°05'13" East a distance of 269.55 feet to the Northerly right-of-way line of King Street and the point of beginning of this description; thence continuing South 0°05'13" East a distance of 60.00 feet to the Southerly right-of-way line of said King Street; thence South 90°00'00" West along said Southerly right-of-way line a distance of 64.00 feet; thence North 0°05'13" West a distance of 60.00 feet to the Northerly right-of-way line of said King Street; thence North 90°00'00" East along the said Northerly right-of-way line a distance of 64.00 feet to the point of beginning of this description.

Containing 3,840 Square Feet

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:

Parcel ID 018-2168-6182 and 018-2110-4067

Section IV. The purpose of the vacation of the real property is

The adjoining owner to the north, Transformation Ministries, plans to use the vacated right of way of King Street to secure access to the east portion of the building. Maintenance equipment, trailers and the owner's vehicles will be stored in the building. This will allow the owner to access the this area of the building without any obstructions.

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 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



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

August 8, 2023

Ms. Maggie VanZalen - Transformation Ministries
1101 King St.
South Bend, IN 46616
maggiervanzalen@transformation58.com

RE: Alley/Street Vacation – East/West Street at 1101 King St. from Kessler Blvd. (Preliminary Review)

Dear Ms. VanZalen:

At its August 8, 2023 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 not 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 not 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 a **favorable** recommendation for the vacation of this street **subject to access of the fire hydrant. The vacation will need to be three (3) feet less to the East with added No Parking Striping and Bollards.** If you still wish to pursue this street 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 must then 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 street 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/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh



STREET/ALLEY VACATION APPLICATION

City of South Bend - Board of Public Works

227 W. Jefferson Boulevard, Ste. 1316

South Bend, IN 46601

Date: 5/24/2023

Phone #: 616-283-5590

Name: Maggie VanZalen - Transformation Ministries

Email: maggievanzalen@transformation58.com

Property Address: 1101 King St, 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):

Portion of King Street shown in attached picture. From farthest east end of King Street up to the fire hydrant location as shown. The fire hydrant is approximately 68' from the east property line.

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:

This portion of the street will have no traffic except Transformation Ministries staff. Transformation will be able to use this part of King Street to secure access to the east portion of the building where their lawn equipment trailers and vehicles will be stored and they can pull them in and out of the building without any possible obstructions.

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

OFFICE USE ONLY:

Board Recommendation:

Yes No

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

Gary A. Gilot, Member

Murray L. Miller, Member

Joseph R. Molnar, Vice President

Alexandra Dolz-Lane, Member

Attest: Theresa M. Heffner, Clerk

Date: August 8, 2023

1222 S. Michigan Street
South Bend, Indiana 46601-2821



Phone (574) 235-9255
Fax (574) 235-9305

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
SOUTH BEND FIRE DEPARTMENT

CARL R. BUCHANON
FIRE CHIEF



MICHAEL J. DAMIANO
ASST. CHIEF OPERATIONS

GERARD ELLIS
ASST. CHIEF FIRE PREVENTION

TODD L. SKWARCAN
ASST. CHIEF SERVICES

ANDREW J. MYER
ASST. CHIEF EMS

BRANDON ROARK
ASST. CHIEF TRAINING

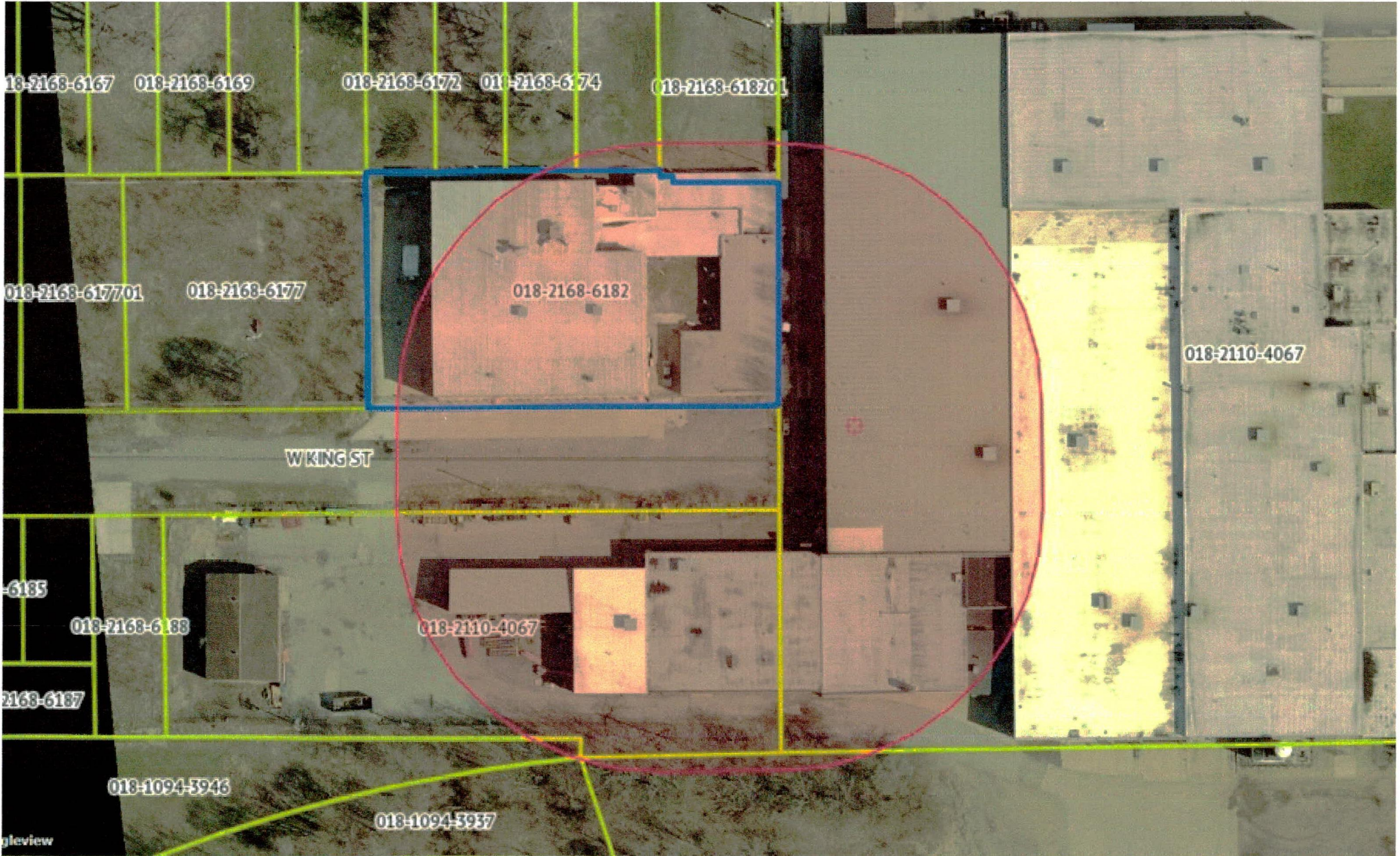












018-2168-6167

018-2168-6169

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018-2168-6174

018-2168-618201

018-2168-617701

018-2168-6177

018-2168-6182

018-2110-4067

WKING ST

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018-1094-3946

018-1094-3957

gview

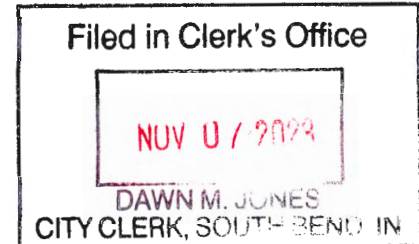
BILL NO. 53-23

City of South Bend BOARD OF ZONING APPEALS

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

November 7, 2023

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



Re: 53-23: The petition of SHARI SELLERS seeking a Special Exception for 2 unit dwelling in the U1 Urban Neighborhood 1 for property located at 1132 PORTAGE AVE

Dear Council Members:

I hereby Certify that the above referenced petition of SHARI SELLERS was legally advertised on October 27, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on November 6, 2023, took the following action:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1132 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,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers
Zoning Specialist

Attachment

CC: SHARI SELLERS
Shari Sellers
Terri Sellers-Olivarez
Building Department
Bob Palmer

Filed in Clerk's Office

SEP 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 53-23

ORDINANCE NO. 10967-23

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 1132 PORTAGE AVENUE,
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a duplex.

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:

1132 Portage Ave., South Bend, IN 46616. 018-1064-2747

In order to permit a Two Unit Dwelling.

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

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

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

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

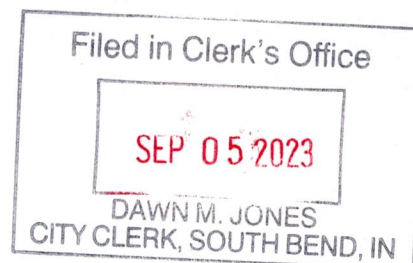
Dawn M. Jones, City Clerk
Office of the City Clerk

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

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

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

James Mueller, Mayor
City of South Bend, Indiana



Property Information

Location: 1132 PORTAGE AVE
Owner: SHARI SELLERS

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

Project Summary

Request a Special Exception to allow for the use of a duplex on a U1 zoned lot

Requested Action

Special Exception: 2 unit dwelling

Site Location

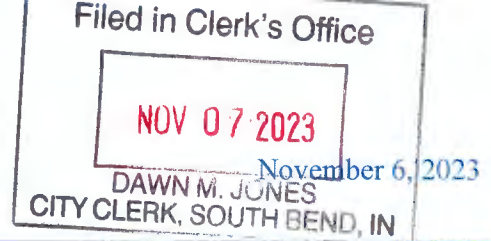


Staff Recommendation

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 as presented.

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;

Approval of the Special Exception should not be injurious to the public health, safety, morals and general welfare of the community. The building is existing and no exterior renovations are proposed at this time. residents to the neighborhood which will increase safety and the general welfare of the community.

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

Legalizing a duplex should not injure or adversely affect the use or value of the adjacent properties provided the current residential building form is maintained.

(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 use as a two unit dwelling will further complement the existing housing stock in the surrounding area and be visually indistinguishable from nearby one unit dwellings. The proposed use will provide more housing options for residents.

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

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006) Objective H1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Analysis & Recommendation

Analysis: Legalizing the use of the current two unit dwelling will further complement the existing housing stock in the surrounding area and is visually indistinguishable from nearby one unit dwellings. The proposed use will provide more housing options for residents.

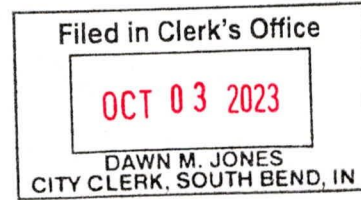
Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.

City of South Bend
BOARD OF ZONING APPEALS

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

October 3, 2023

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



Re: The petition of SHARI SELLERS seeking a Special Exception for 2 unit dwelling in the U1 Urban Neighborhood 1 for property located at 1132 PORTAGE AVE

Dear Council Members:

I hereby Certify that the above referenced petition of SHARI SELLERS was legally advertised on September 22, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on October 2, 2023 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1132 PORTAGE AVE, City of South Bend is **tabled to the November 6, 2023, Board of Zoning Appeals meeting.**

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

Sincerely,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers
Zoning Specialist

CC: SHARI SELLERS
Shari Sellers
Terri Sellers-Olivarez
Building Department
Bob Palmer

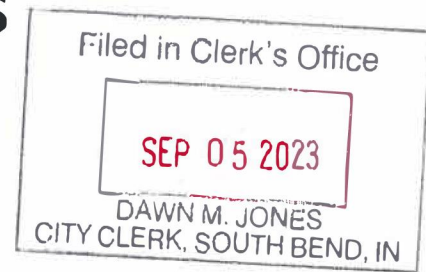
BILL NO. 53-23

City of South Bend

BOARD OF ZONING APPEALS

September 5, 2023

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



RE: Special Exception Use at 1132 Portage Avenue

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 11, 2023**, meeting and set it for public hearing at your **October 9, 2023**, Council meeting. The petition is tentatively scheduled for public hearing at the October 2, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for the use of a duplex.

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,

Kari Myers
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

RECEIVED AUG 22 2023

Petition for Variance - Special Exception

Property Information

Tax Key Number: _____

08-10604-2747

Address: 1132 PORTAGE AVE

Owner: SHARI SELLERS

Zoning: Choose the current district

U1

Project Summary:

This previous duplex was purchased as is in the hopes to contribute to more affordable housing and as an owner afford to manage the large investment that I've already put into the house and maintain the house to the beautification of the street and neighborhood.

Requested Action

Special Exception – complete and attach Criteria for Decision Making

Use requested: 2 unit dwelling

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

P A I D

AUG 22 2023

Per KB

\$300

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 house will help with affordable housing.

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

Properties on this street have a variety of uses such as businesses, markets, and both single and family dwellings. The home needs a great deal of repair and investment and that will increase it's property value and neighborhood value

(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:

*Same as above...
there are many kinds of spaces/properties on this main Rd.*

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

A community needs a variety of housing for everyone. Many family owned businesses are on this street which I visit and a house like this with 6-8 bedrooms would be more valuable and helpful to be a duplex, to fit into affordable housing.

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: Shari Sellers

Address: 10426 VISTULA Rd
Osceola, IN 46561

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Shari Sellers or Terri Sellers-Olivarez

Address: 706 S. Gladstone
South Bend, IN 46619

Phone Number: 310-625-1432

E-mail: Sharprc@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:

Shari Sellers _____

BILL NO. 54-23

City of South Bend BOARD OF ZONING APPEALS

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

November 7, 2023

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

Filed in Clerk's Office

NOV 07 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Re: 54-23: The petition of SHARI SELLERS seeking a Special Exception for 2 unit dwelling in the U1 Urban Neighborhood 1 for property located at 1128 PORTAGE AVE

Dear Council Members:

I hereby Certify that the above referenced petition of SHARI SELLERS was legally advertised on October 27, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on November 6, 2023, took the following action:

Upon a motion by Kaine Kanczuzewski, being seconded by Caitlin Stevens and unanimously carried, a petition by SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1128 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,



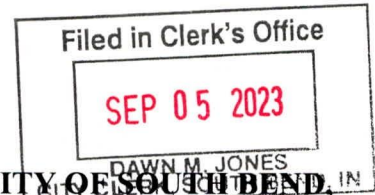
Kari Myers
Zoning Specialist

Attachment

CC: SHARI SELLERS
Shari Sellers
Terri Selers-Olivarez
Building Department
Bob Palmer

BILL NO. 54-23

ORDINANCE NO. 10968-23



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1128 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a duplex.

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:

1128 Portage Ave., South Bend, IN 46616. 018-1064-2748

In order to permit a Two Unit Dwelling.

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:

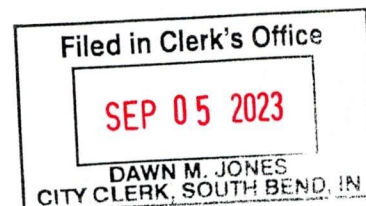
Dawn M. Jones, City Clerk
Office of the City Clerk

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

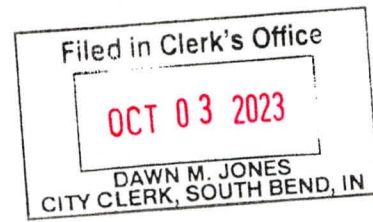


City of South Bend
BOARD OF ZONING APPEALS

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

October 3, 2023

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



Re: The petition of SHARI SELLERS seeking a Special Exception for 2 unit dwelling in the U1 Urban Neighborhood 1 for property located at 1128 PORTAGE AVE

Dear Council Members:

I hereby Certify that the above referenced petition of SHARI SELLERS was legally advertised on September 22, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on October 2, 2023 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1128 PORTAGE AVE, City of South Bend is **tabled to the November 6, 2023, Board of Zoning Appeals meeting.**

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

Sincerely,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers
Zoning Specialist

Attachment

CC: SHARI SELLERS
Shari Sellers
Terri Selers-Olivarez
Building Department
Bob Palmer

Property Information

Location: 1128 PORTAGE AVE
Owner: SHARI SELLERS

Filed in Clerk's Office
NOV 11 2023
CITY OF SOUTH BEND, IN

Project Summary

Request a Special Exception to allow for the use of a duplex on a U1 zoned lot.

Requested Action

Special Exception: 2 unit dwelling

Site Location

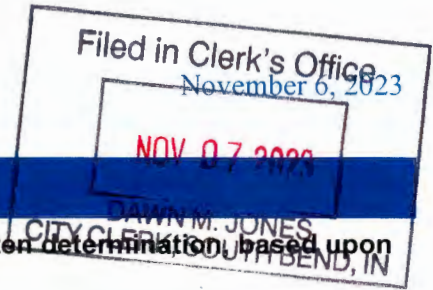


Staff Recommendation

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 as presented.

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;

The proposed use should not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare as reactivating a vacant large dwelling will provide more residents to the neighborhood which will increase safety and the general welfare of the community.

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

Adding an additional unit to an existing building should not injure or adversely affect the use or value of the adjacent area or property values, provided the current residential character is maintained. Renovation of the building should strengthen nearby property values and prevent the building from deteriorating.

(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 two unit dwelling will be consistent with the character of the district and neighborhood in both use and style of construction. The property immediately to the north is currently a two unit dwelling.

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

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006) Objective H1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Analysis & Recommendation

Analysis: The conversion and rehab of a current one unit dwelling to a two unit dwelling will further complement the existing housing stock in the surrounding area. The proposed use will provide more housing options for residents.

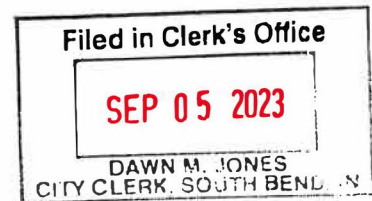
Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.

BILL NO. 54-23

City of South Bend BOARD OF ZONING APPEALS

September 5, 2023

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



RE: Special Exception Use at 1128 Portage Avenue

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 11, 2023**, meeting and set it for public hearing at your **October 9, 2023**, Council meeting. The petition is tentatively scheduled for public hearing at the October 2, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for the use of a duplex.

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 blue ink that reads "Kari Myers".

Kari Myers
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
RECEIVED AUG 22 2023

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-1064-2748
Address: 1128 PORTAGE AVE
Owner: SHARI SELLERS
Zoning: Choose the current district U1

Project Summary:

*Help Revitalize the house (and neighborhood)
It's an old house that will be replumbed, cleaned up, new electric
and divided into more affordable and manageable space,
which contributes to the aesthetic and value of the neighborhood
and also helps maintain such a large house.*

Requested Action

- Special Exception – complete and attach Criteria for Decision Making
Use requested: 2 unit dwelling
- Variance(s) - List variances below, complete and attach Criteria for Decision Making
Variance(s) requested:

Filed in Clerk's Office
SEP 05 2023
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

PAID
AUG 22 2023
Per KB
\$300

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.

Filed in Clerk's Office
SEP 03 2023
CITY CLERK, SOUTH BEND, IN

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

The house is large with 6 bedrooms and if made separated into a duplex, helps with housing shortages; families are smaller and need affordable, manageable sized housing.

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

Properties on the same street have been duplexes, and there is a housing shortage. Repairing and separating into a duplex will increase the value of the house and the value of the neighborhood.

(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:

There are many businesses on the street and ^{some of} the neighboring houses are also duplexes, or homes with small businesses attached.

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

A revitalized home(s) increases the value of the neighborhood. Businesses and decent affordable sized housing with people who care about the character of the community are needed to be actively involved, especially so near Notre Dame and the river and other small shop owners to keep the community interconnected. I'm very invested being a South Bend native.

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:

Filed in Clerk's Office

SEP 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

SEP 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Contact Information

Property owner(s) of the petition site:

Name: Shari Sellers

Address: 10426 VISTULA Rd
OSCEOLA, IN 46561

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Shari Sellers OR Terri Sellers/Olivarez

Address: 706 S. Gladstone Ave
SOUTH BEND IN 46619

Phone Number: 310.625.1432

E-mail: Sharprc@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.

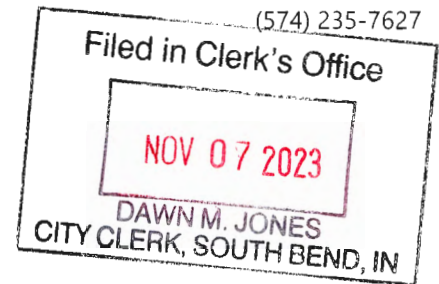
Property Owner (s) Signatures:

Shari Sellers

BILL NO. 55-23

City of South Bend BOARD OF ZONING APPEALS

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



November 7, 2023

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

Re: 55-23: The petition of TEACHERS CREDIT UNION seeking a Special Exception for a free standing sign in a Downtown zoning district in the DT Downtown for property located at 110 MAIN

Dear Council Members:

I hereby Certify that the above referenced petition of TEACHERS CREDIT UNION was legally advertised on October 27, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on November 6, 2023 took the following action:

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by TEACHERS CREDIT UNION seeking a Special Exception for a free standing sign in a Downtown zoning district for property located at 110 MAIN, 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,

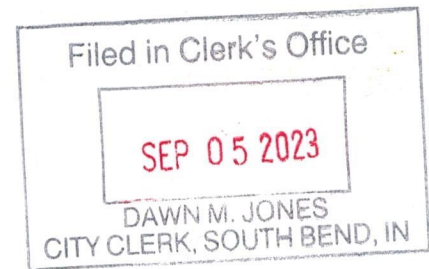
Kari Myers
Zoning Specialist

Attachment

CC: TEACHERS CREDIT UNION
Autumn Wimmer
Building Department
Bob Palmer

BILL NO. 55-23

ORDINANCE NO. 10969-23



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 110 S MAIN STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for a freestanding sign in the DT Downtown District

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:

110 S Main St., South Bend, IN 46601. 018-3006-0184

In order to permit a freestanding sign in the DT Downtown district

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

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

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

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

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

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

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

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

James Mueller, Mayor
City of South Bend, Indiana

Property Information

Location: 110 MAIN
Owner: TEACHERS CREDIT UNION

Filed in Clerk's Office

NOV 07 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Project Summary

Installation of monument sign in DT Downtown zoning district.

Requested Action

Special Exception: a free standing sign in a Downtown zoning district

Site Location

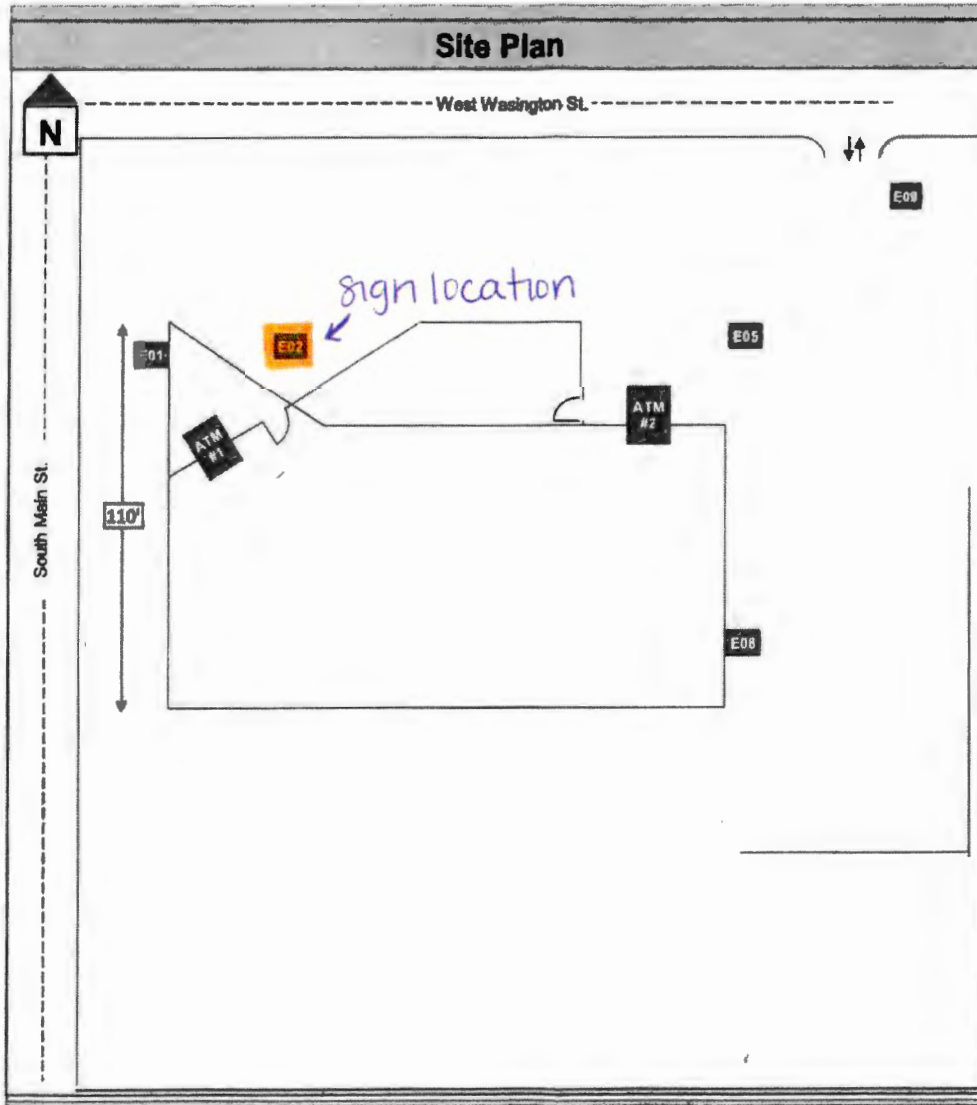


Staff Recommendation

Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation. Should the Board recommend approval of a freestanding sign at this location, it is recommended it follow monument signage standards for the NC Neighborhood Center district, i.e. maximum 32 square feet in area and, 8' in height. If it is determined the sign is located within City right-of-way, it would need to be relocated.

Proposed Site Plan

SITE MAP



CUSTOMER: Everwise Credit Union - 19009	JOB NAME: SIGN PACKAGE	DATE: 11-15-22
ADDRESS: 110 South Main St.	CITY/STATE: South Bend, IN	REV: 11-20-22
FILE: 10009 Everwise Credit Union (110 South Main Street-South Bend, IN) CO	SALES: BETSY LUNE	BYE # 00000
APPROVALS:	W.O. #: 00000	01-09-23 01-09-23 01-24-23



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;

The proposed use may not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. However, it is inconsistent with the intent of the ordinance. The DT Downtown zoning district is designed to be pedestrian oriented in scale.

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

The proposed use may injure or adversely affect the use of the adjacent area or property values therein as the sign is out of scale for the built environment and visually imposing.

(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 sign is not consistent with the character of the district as freestanding signs in the DT Downtown District are not permitted. There are no practical difficulties or unique characteristics that support the the need for a freestanding sign.

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

The petition is not consistent with South Bend City Plan (2006) policy UD1; Enhance the aesthetic appeal of the built environment.

Analysis & Recommendation

Analysis: There are no practical difficulties or unique characteristics for the petitioner that would necessitate a monument sign at this location.

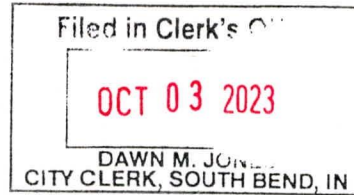
Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation. Should the Board recommend approval of a freestanding sign at this location, it is recommended it follow monument signage standards for the NC Neighborhood Center district, i.e. maximum 32 square feet in area and, 8' in height. If it is determined the sign is located within City right-of-way, it would need to be relocated.

City of South Bend
BOARD OF ZONING APPEALS

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

October 3, 2023

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



Re: The petition of TEACHERS CREDIT UNION seeking a Special Exception for a free standing sign in a Downtown zoning district in the DT Downtown for property located at 110 MAIN

Dear Council Members:

I hereby Certify that the above referenced petition of TEACHERS CREDIT UNION was legally advertised on September 22, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on October 2, 2023 took the following action:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by TEACHERS CREDIT UNION seeking a Special Exception for a free standing sign in a Downtown zoning district for property located at 110 MAIN, City of South Bend is **tabled to the November 6, 2023, Board of Zoning Appeals meeting.**

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

Sincerely,

A handwritten signature in cursive script that reads "Kari Myers".

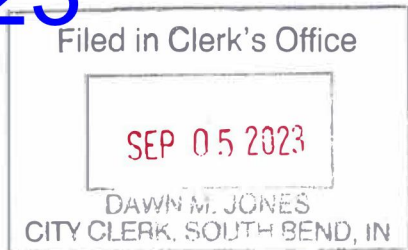
Kari Myers
Zoning Specialist

Attachment

CC: TEACHERS CREDIT UNION
Autumn Wimmer
Building Department
Bob Palmer

BILL NO. 55-23

City of South Bend BOARD OF ZONING APPEALS



September 5, 2023

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

RE: Special Exception Use at 110 S Main Street

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 11, 2023**, meeting and set it for public hearing at your **October 9, 2023**, Council meeting. The petition is tentatively scheduled for public hearing at the October 2, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for a freestanding sign in DT Downtown District

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 blue ink that reads "Kari Myers".

Kari Myers
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: 018-3006-0184
Address: 110 S Main St
Owner: Teachers Credit Union
Zoning: Choose the current district

Project Summary:

Installation of monument sign.

Requested Action

- Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: Free standing sign allowed in Downtown Zoning District.
- 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 sign is manufactured and installed by certified sign erectors.

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

The new signage is similar in construction and design to the previous free standing sign.

(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 sign is replacing an existing free standing sign.

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

The sign is replacing an existing sign and is staying the same size and square footage.

Contact Information

Property owner(s) of the petition site:

Name: Teachers Credit Union

Address: 110 S Main St.
South Bend, IN 46601

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Autum Wimmer

Address: 8816 Corporation Dr
Indianapolis, IN 46256

Phone Number: 317-842-8664

E-mail: awimmer@signcraftind.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:

(Please see attached)



Teachers Credit Union

To whom it may concern,

This letter authorizes **Mitchell Signs, Inc.** and its agent, **Adrenaline** to represent **Teachers Credit Union** for the purpose of obtaining permits to perform sign installations, removals, or any sign maintenance necessary at our property located at:

Location Address:

110 S. Main Street
South Bend, IN 46601

Property Owner: **Teachers Credit Union**

Brian D. Deter
Property Owner Signature

State of INDIANA
County of ST. JOSEPH

Sworn to (or affirmed) and subscribed before me this 23 day of MARCH 2023

by BRANDON DEMITRUK (name of person making statement)

Karen M. Orłowski
Signature of Notary Public



Commission Number
NP8693266

BILL NO. 75-23



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 17, 2023

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

RE: 1119 N Twyckenham Drive, PC#0174-23

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 October 23, 2023, Council meeting, and set it for public hearing at your November 13, 2023, Council meeting. The petition was heard at the October 16, 2023, Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk.

The petitioner provided the following to describe the proposed project:

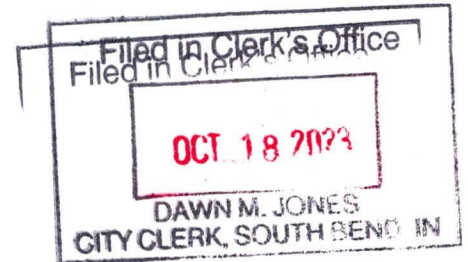
Rezone the property from S1 Suburban Neighborhood 1 to U1 Urban Neighborhood 1 to allow for a subdivision for three single family home lots.

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

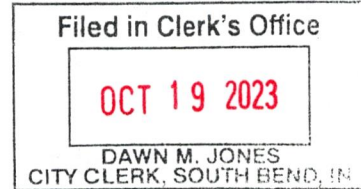
Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer



BILL NO. 75-23
ORDINANCE NO. 10989-23



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 900
S FRANKLIN COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from S1 Suburban Neighborhood 1 to U1 Urban Neighborhood 1.

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 NUMBERED THREE (3) AND FOUR (4) AS SHOWN ON THE RECORDED PLAT OF SAM WILLIAMS ADDITION, AN ADDITION TO THE CITY OF SOUTH BEND, AS RECORDED NOVEMBER 4, 1954, IN PLAT BOOK 19, PAGE W OF THE RECORDS OF SAID COUNTY IN ST. JOSEPH COUNTY, INDIANA

COMMONLY KNOWN AS 1119 N TWYCKENHAM DRIVE

be and the same is hereby established as Urban Neighborhood 1.

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:

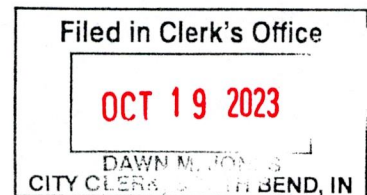
Dawn M. Jones, City Clerk
Office of the City Clerk

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: 018-5194-7584

Address: 1119 N Twyckenham Drive, South Bend, Indiana 46617

Owner: Vision Realty Int'l LLC

Legal Description:

Lots numbered three (3) and four (4) as shown on the recorded Plat of Sam Williams Addition, an Addition to the City of South Bend, as recorded November 4, 1954 in Plat Book 19, Page "W" of the records of said county in St. Joseph County, Indiana.



Project Summary

The owners wish to rezone this parcel and re-establish the property lines to create 3 buildable lots. These lots shall have individual townhouses constructed on them. A reduction by 1 foot in the side yard setback shall be requested to accommodate a larger townhouse.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: S1 Suburban Neighborhood 1

Additional Districts, if applicable

Proposed District U2 Urban Neighborhood 2

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

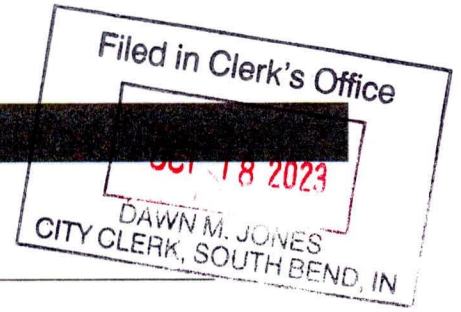
Variance(s) requested:

A variance from the required 5' side yard setback to a 4' setback on all side yards of Lots 1, 2 and 3.

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: Vision Realty Int'l LLC
Address: 4404 Technology Drive
South Bend, Indiana 46628

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Wightman attn. Terry Lang
Address: 1402 Mishawaka Avenue
South Bend, Indiana 46615

Phone Number: 574-233-1841

E-mail: TLang@gowightman.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:

Stephen C. Anid



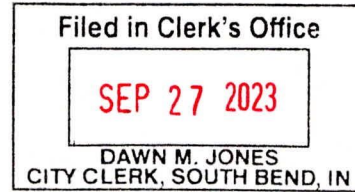
BILL NO. 50-23

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

Wednesday, September 27, 2023



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

Re: Bill#50-23 - A proposed ordinance of ST JOSEPH COUNTY AIRPORT AUTHORITY to zone from C Commercial (St. Joseph County) to I Industrial (City), property located at 23114 US 20 Highway (unincorporated St. Joseph County), City of South Bend - PC# 0172-23

Dear Council Members:

I hereby Certify that the above referenced ordinance of ST JOSEPH COUNTY AIRPORT AUTHORITY was legally advertised on September 8, 2023 and that the South Bend Plan Commission at its public hearing on September 18, 2023 took the following action:

Upon a motion by Kyle Copelin, being seconded by Jason Piontek and unanimously carried, a proposed ordinance of ST JOSEPH COUNTY AIRPORT AUTHORITY to zone from C Commercial (St. Joseph County) to I Industrial (City), property located at 23114 US 20 Highway (unincorporated St. Joseph County), 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,

Kari Myers
Zoning Specialist

Attachment

CC: ST JOSEPH COUNTY AIRPORT AUTHORITY
Bob Palmer

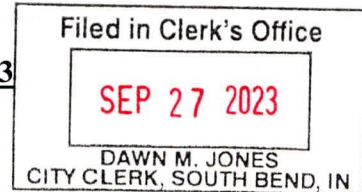
Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

SUBSTITUTE BILL NO. 50-23

ORDINANCE NO. 10964-23



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 AT 23114 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

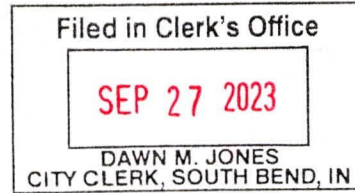
Petitioner desires to annex and rezone 23114 Lincolnway West from C Commercial District in Unincorporated St. Joseph County to I Industrial District in South Bend.

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

SECTION I. That the following described real estate 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:

A part of the East Half of the Southeast Quarter of Section 32, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as follows:

Beginning at the intersection of (1) the east line extended of Parcel II, as described in Deed Record #0838215 in the office of the St. Joseph County Recorder, which is also the centerline of the former Kensington Avenue, as shown on the recorded plat of Ira V. Carpenter's Subdivision as recorded in Book 16, Page C, and (2) the north right of way line of old Lincolnway West; thence south along said east line extended and said centerline 318.90' to the southeast corner of said Parcel II, which is also on the west line of land described in Deed Record 1707578; thence West 346.5 feet to the southwest corner of said Parcel II and the centerline of Moss Road, as shown on said Ira V. Carpenter's Subdivision, and the east line of land described in Deed Record #104981; thence North along said centerline and said east line and said east line extended a distance of 430.10 feet to said north right of way line of old Lincolnway West; thence Southeast along said north right of way line a distance of 389.86 feet to the point of beginning of this description.



Containing 2.93 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 I Industrial 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 _____, 2023, at _____ o'clock ____ m.

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

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

James Mueller, Mayor
City of South Bend, Indiana

Property Information

Location: 23114 US 20 Highway (unincorporated St. Joseph County)
Owner: ST JOSEPH COUNTY AIRPORT AUTHORITY

Filed in Clerk's Office
SEP 27 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

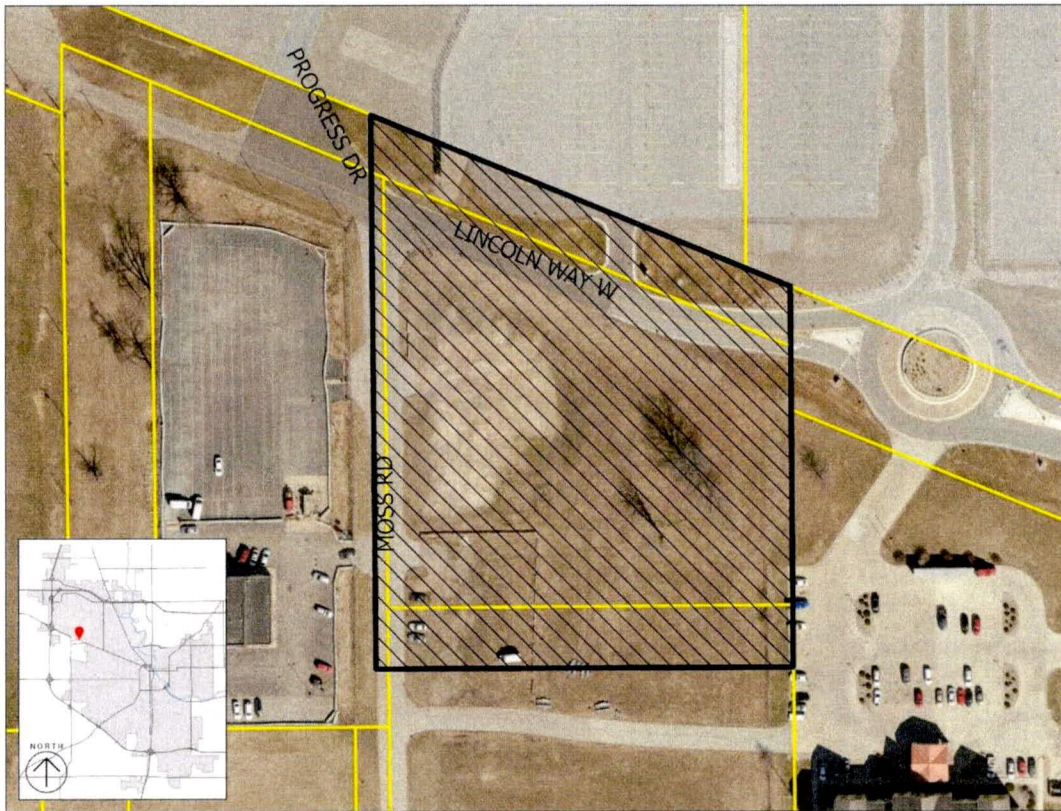
Requested Action

Annex and Rezone from C Commercial (St. Joseph County) to I Industrial (City)
Variance(s):
1) from the required sidewalk along all street frontages to none
2) from the required bicycle rack to none

Project Summary

Development of land into a car wash and detail facility available to the rental car businesses that use the airport. This request includes annexation into the City of South Bend.

Location Map



Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the Staff recommends the Commission send the rezoning and annexation petition to the Common Council with a favorable recommendation. The Staff recommends the Commission approve variance #1 and deny variance #2.

Site & Context

Land Uses and Zoning:

On site: A vacant lot zoned C Commercial in St. Joseph County
 North: Across Old Lincolnway West is the South Bend Airport.
 East: A hotel zoned C Commercial in unincorporated St. Joseph County.
 South: A vacant lot in unincorporated St. Joseph County.
 West: Across Moss Road, is a car rental office office zoned C Commercial in unincorporated St. Joseph County.

District Intent:

The I District is established to provide a location for medium- to high intensity industrial uses, typically grouped along highways and major streets and separated from residential uses.

Site Plan Description:

The proposed site plan shows a 6,600 sq. ft. car wash and detailing facility with associated parking and car access from both Old Lincolnway West and Moss Road to be used by car rental businesses at the airport. The petitioner intends to vacate Old Lincolnway West after the annexation is complete.

Zoning and Land Use History and Trends:

One single family house occupied the far northwest corner of the lot at the intersection of Moss Road and Lincolnway West between 1951 and 1998. Otherwise, no development has occurred on the lot since 1938. Several properties in the area have been acquired by the Airport Authority over the years.

Traffic and Transportation Considerations:

A roundabout northeast of the lot joins to Old Lincolnway West, a two lane road with access to the westernmost airport parking lot. Moss Road is a small two lane road. Old Lincolnway West has been used as a private drive since the realignment of Lincolnway West.

Agency Comments

Staff Comments:

After annexation, the Staff encourages the vacation of Old Lincolnway West.

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 does not address properties outside of the City limits.

Plan Implementation/Other Plans:

The petition is consistent with South Bend's Annexation Policy Plan (1992) "[E]xtension of City services and utilities beyond the City limits should not occur unless it furthers the annexation policies of the City..."

2. Current Conditions and Character:

Currently the character of the properties located within the City to the north are transportation uses and the properties located in the County are retail and lodging.

3. Most Desirable Use:

The most desirable use for the property would be a retail and service use designed to complement surrounding uses including the airport and bring the property up to city development standards including landscaping.

4. Conservation of Property Values:

The properties in the area a mix of commercial and industrial uses. The annexation and rezoning should not affect the use or value of the surrounding properties.

5. Responsible Development and Growth:

It is responsible development and growth to require properties contiguous to the City limits to annex into the City at the time of development. Likewise, it is responsible development to allow property in a commercially and industrially developing area to be used for commercial growth.

Variance(s)

The petitioner is seeking the following variance(s):

- 1) from the required sidewalk along all street frontages to none
- 2) from the required bicycle rack to none

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.

The requested variances should not be injurious to the public health and safety of the community.

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

The use and value of adjacent properties should not be affected by the variances requested.

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

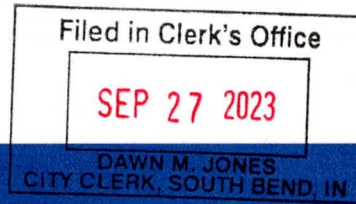
The strict application of the terms of this chapter to build a sidewalk and bicycle parking would not result in practical difficulties in the use of the property. However, since the adjacent properties will likely continue to be developed with uses associated with the airport, with some or all of the roads being vacated, installing sidewalk would not be logical. There are no practical difficulties that warrant a variance for bicycle parking.

(4) The variance granted is the minimum necessary.

The site is being developed in a manner consistent with the City standards with only the two minor variances requested.

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

The property is currently vacant. The hardship is one of future use and development of the property and the fact that the requirement for a sidewalk would no longer be required.



Analysis & Recommendation

Commitments: There are no commitments proposed.

Analysis: The annexation and rezoning of the property to I Industrial will allow for the development of the site for a use and service associated with the adjacent airport property. It is responsible development to assure that properties adjacent to the City limits are annexed and developed under City standards.

Recommendation: Based on information available prior to the public hearing, the Staff recommends the Commission send the rezoning and annexation petition to the Common Council with a favorable recommendation. The Staff recommends the Commission approve variance #1 and deny variance #2.

BILL NO. 50-23

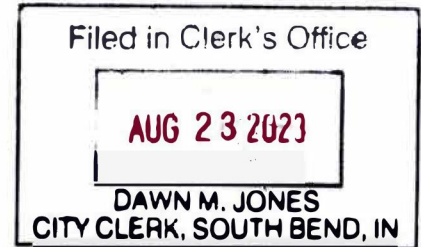


City of South Bend PLAN COMMISSION

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

August 23, 2023

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



RE: 23114 Lincolnway West
PC#0172-23

Dear Ms. 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 August 28, 2023, Council meeting, and set it for public hearing at your October 23, 2023 Council meeting. The petition is tentatively scheduled for public hearing at the September 18, 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:

Petitioners desire to annex and zone the property to I Industrial to allow for the development of a carwash and detail facility for car rental businesses at the airport.

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

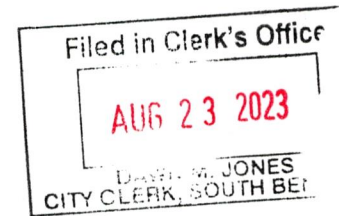
Sincerely,

Angela Smith
Zoning Administrator

CC: Bob Palmer

BILL NO. 50-23

ORDINANCE NO. 10964-23



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 AT 23114 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to annex and rezone property address from County Zoning District Unincorporated St. Joseph County to proposed SB District

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:

Beginning at a point at the intersection of the north right-of-way line of Old Lincolnway West with the western right-of-way line of Moss Road; thence south along the west right-of-way line of Moss Road a distance of 480'; thence west a distance of approximately 406' to the centerline of vacated Kensington Avenue; thence north along the centerline of vacated Kensington Avenue approximately 325' to the north line of Old Lincolnway West; thence northwest along the right-of-way line along Old Lincolnway West to the point of beginning, all in Section 32, Township 38 North, Range 2 East.

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, 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:

Beginning at a point in the center of Lincolnway West where it is intersected by the centerline of Moss Road; thence East on the centerline of Lincolnway West to the intersection with the centerline of Kensington A venue; thence South along the centerline of Kensington Avenue 198 feet; thence West 346.5 feet to the centerline of Moss Road; thence North along the centerline of Moss Road to the point of beginning, all in Section 32, Township 38 North, Range 2 East.

be and the same is hereby established as I Industrial District

SECTION IV. 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:

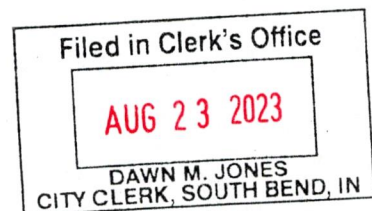
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana





RECEIVED AUG 21 2023

City of South Bend Petition for Annexation and Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 71-03-32-480-004.000-008

Property Address: 23114 LINCOLN WAY W

Property Owner: ST JOSEPH COUNTY AIRPORT AUTHORITY

Legal Description of Annexation Area: (include any adjacent rights of way not already in the City)
See Attached Deed Information and Legal Description for Parcel II

Project Summary

The St Joseph County Airport Authority is developing this land into a carwash and detail facility available to the rental car businesses that use the airport, and plan to connect to the City sanitary sewer and municipal water.

Rezoning

County Zoning Map at: <https://www.sicindiana.com/996/Zoning-Map>

City Zoning Map at: <https://southbend.in.gov/zoning>

Current Zoning District (County): **C Commercial District**



Select One

Additional Districts, if applicable

Proposed Zoning District (City): **I Industrial**

Select One

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.

Additional Requested Actions (check all that apply and include additional required documentation)

- Subdivision** - complete and attach Subdivision Application
- Special Exception** - complete and attach Criteria for Decision Making
- Variance(s)** - list variances below, complete and attach Criteria for Decision Making

See attached List of Requested Variances

P A I D

AUG 21 2023

Per

KJB
\$ 725

Annexation Application Checklist

- 1. Completed Application Form
- 2. Site Plan (drawn to scale)
- 3. Subdivision Application (if required)
- 4. Criteria for Decision Making (if required)
- 5. Filing Fee

Contact Information

Name: Robert Heiden of JPR (Jones Petrie Rafinski)

Address: 325 S Lafayette Blvd

Phone Number: 574-323-4388 Email: rheiden@jpr1source.com

Property Owner Information (attach additional ownership list on separate page, if necessary)

Property Owner: ST JOSEPH COUNTY AIRPORT AUTHORITY

Property Owner Address: 4477 Progress Dr, South Bend, IN 46628

Property Owner: _____

Property Owner Address: _____

By signing this petition, the Petitioner/Property Owner(s) of the above described Real Estate acknowledge(s) 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.

	Michael Daigle	8/21/2023
Property Owner Signature	Property Owner Name Printed	Date

Property Owner Signature	Property Owner Name Printed	Date
--------------------------	-----------------------------	------

**Completed applications should be submitted in one of the following ways: Email: zoning@southbendin.gov
Mail: 227 W. Jefferson Blvd., Suite 1400S, South Bend, IN 46601**

List of Requested Variances

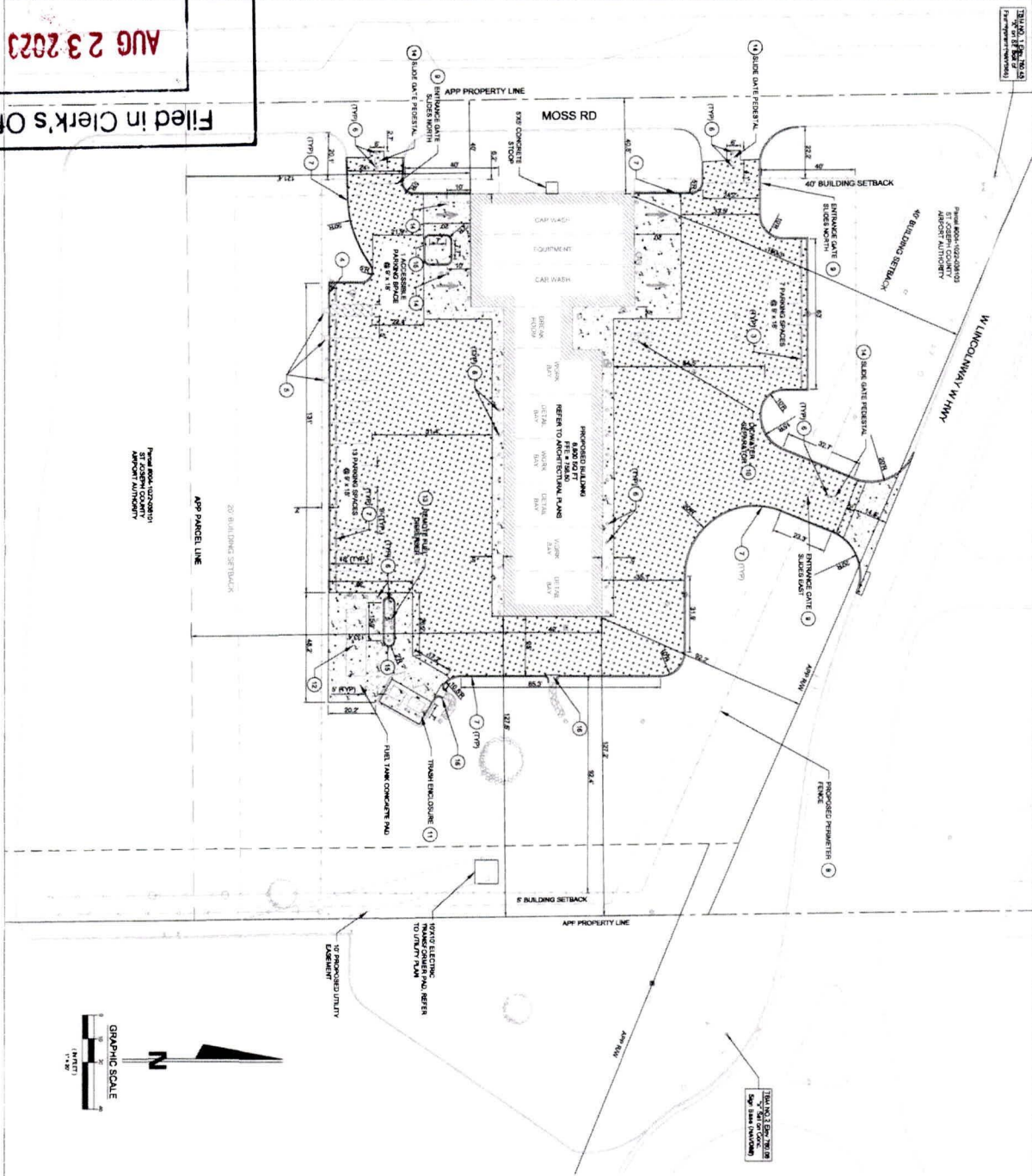
Variance to not construct public sidewalks where sidewalks are required under the I – Industrial Zoning requirements. The reason for requesting no sidewalks is this is all airport property and there are no pedestrians or places to walk to through this mostly vacated stretch of Lincolnway, on the south side of the airport.

Variance to not install bicycle racks for parking, where they may be required by the ordinance. The reason for no bicycle parking is this is a private facility that will not have customers of any kind. This carwash, and vehicle maintenance facility, will only be accessible by rental car employees with a scan card to take care of and service the fleet vehicles.

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

AUG 23 2023

Filed in Clerk's Office



DETAILS TABLE

NO.	DESCRIPTION	SHEET NO.
1	STANDARD ASPHALT PAVEMENT	DETAIL 1, SHEET 2010
2	CONCRETE PAVEMENT STANDBY	DETAIL 1, SHEET 2010
3	THICK CONCRETE, 4000 PSI 8" O.C. WITH REINFORCING BARS	DETAIL 1, SHEET 2010
4	PROPOSED ASPHALT PAVEMENT	DETAIL 1, SHEET 2010
5	PROPOSED CONCRETE PAVEMENT	DETAIL 1, SHEET 2010
6	PROPOSED FENCE	DETAIL 1, SHEET 2010
7	PROPOSED ASPHALT PAVEMENT	DETAIL 1, SHEET 2010
8	PROPOSED CONCRETE PAVEMENT	DETAIL 1, SHEET 2010
9	PROPOSED ASPHALT PAVEMENT	DETAIL 1, SHEET 2010
10	PROPOSED CONCRETE PAVEMENT	DETAIL 1, SHEET 2010
11	PROPOSED ASPHALT PAVEMENT	DETAIL 1, SHEET 2010
12	PROPOSED CONCRETE PAVEMENT	DETAIL 1, SHEET 2010
13	PROPOSED ASPHALT PAVEMENT	DETAIL 1, SHEET 2010
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16	PROPOSED CONCRETE PAVEMENT	DETAIL 1, SHEET 2010
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46	PROPOSED CONCRETE PAVEMENT	DETAIL 1, SHEET 2010
47	PROPOSED ASPHALT PAVEMENT	DETAIL 1, SHEET 2010
48	PROPOSED CONCRETE PAVEMENT	DETAIL 1, SHEET 2010
49	PROPOSED ASPHALT PAVEMENT	DETAIL 1, SHEET 2010
50	PROPOSED CONCRETE PAVEMENT	DETAIL 1, SHEET 2010

**SOUTH BEND INTERNATIONAL AIRPORT
CAR WASH SITE PLANS**

**SOUTH BEND INTERNATIONAL AIRPORT
4477 PROGRESS DRIVE SOUTH BEND - INDIANA**

SITE DIMENSIONAL PLAN

DATE: 06/27/23
JOB NUMBER: 2022-0298
SCALE: 1" = 30'

**JONES
PETRIE
RAFINSKI**

South Bend, IN
615-274-1792

Fort Wayne, IN
317-425-2522

REV	DESCRIPTION	BY	DATE



Department of
Community Investment

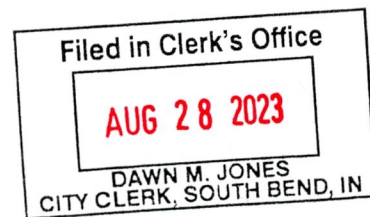
Memorandum

Monday, August 28, 2023

TO: Kara Boyles, Engineering
Gerard Ellis, Fire
Sandra Kennedy, Legal
Timothy Lancaster and Joseph Leszczynski, Police
Angela Smith, Community Investment - Zoning
Kelly J. Smith, Solid Waste
Kenisha Wells, Neighborhood Services & Enforcement
Kyle Willis, Administration & Finance

FROM: Michael Divita, Principal Planner

SUBJECT: Request for Service Reports
Airport-Moss Annexation Area
(100% Voluntary Annexation of Contiguous Property)



A petition for voluntary annexation of the Airport-Moss Annexation Area has been submitted to the City and will receive First Reading by the Common Council today, August 28, 2023.

The proposed Annexation Area consists of one parcel, a part of a second parcel, and adjacent right-of-way totaling about 3.3 acres and is located at the southeast corner of old Lincolnway West and Moss Road, near the South Bend International Airport entrance. The area is currently vacant and is zoned commercial in the County. With the annexation, the petitioner seeks zoning of I Industrial District to develop a car wash and detailing facility for car rental businesses at the airport.

Please complete the Service Report addressing how your Department will or can provide City services to the proposed Annexation Area, and return it to me **by September 11, 2023**. This deadline must be met so that the Legal Department can prepare the necessary resolutions in time to be considered by the Board of Public Works and the Board of Public Safety. A fact sheet, map, and an annexation schedule are attached to assist you in your review.

If you have any questions, please contact me at (574) 235-5843 or mdivita@southbendin.gov.

cc: Mayor James Mueller
Kacey Gergely, Chief of Staff, Office of the Mayor
Bob Palmer, Attorney for the Common Council
Caleb Bauer, Executive Director, Community Investment
Tim Corcoran, Director of Planning, Community Investment
Dawn M. Jones, City Clerk
Staff, City Clerk
Robert Kruszynski, County Surveyor



SERVICE REPORT CHECK LIST

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

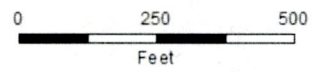
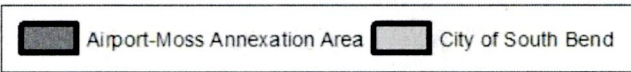
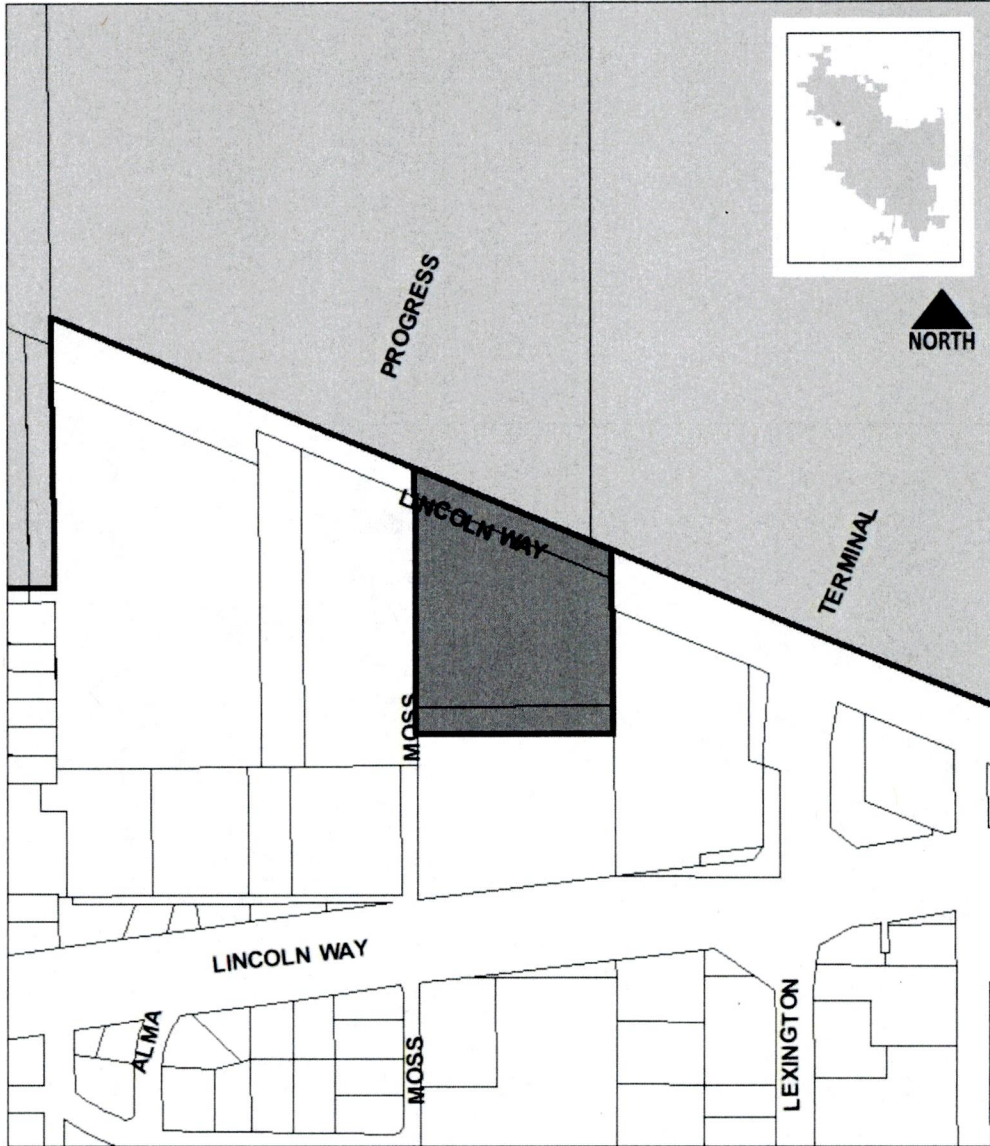
A. Annexation Criteria (Minimum)		Analysis	Criteria Met?
1.	Contiguity: At least 1/8 (12.5%)	25.1%	Yes
	<i>and</i>		
2.	100% of owners signed petition	100%	Yes
	<i>and</i>		
3.	a. essential City services are/can be provided		Yes
	b. City is able to provide services		Yes
	c. territory is contiguous		Yes

B. General

Location:	On the southeast corner of old Lincolnway West and Moss Road
Address(es):	Vacant land at 23114 Lincolnway West (old US 20)
Tax Key Number(s):	004-1022-038103 004-1022-038101 (part)
Subdivision(s) of Record:	None
Acres:	3.3
Current Net Assessment:	\$0
Current Population:	0
Proposed Population:	0
Current Land Use:	Vacant land
Proposed Land Use:	Car wash/detailing facility for car rental businesses at airport
Current Zoning:	C Commercial District, St. Joseph County
Proposed Zoning:	I Industrial District, City of South Bend
Council District:	1 st Council District
Scheduled Effective Date:	December 24, 2023
Comments:	Proposed Annexation Area includes the adjacent old Lincolnway West and Moss Road rights-of-way

Map

Airport-Moss Annexation Area



Prepared by City of South Bend Department of Community Investment August 28, 2023

Legal Description

Beginning at a point at the intersection of the north right-of-way line of old Lincolnway West with the western right-of-way line of Moss Road; thence south along the west right-of-way line of Moss Road a distance of 480'; thence east a distance of approximately 354' to the centerline of vacated Kensington Avenue; thence north along the centerline of vacated Kensington Avenue approximately 331' to the north line of Old Lincolnway West; thence northwest along the north right-of-way line of Old Lincolnway West approximately 390' to the point of beginning, all in Section 32, Township 38 North, Range 2 East.

Proposed Schedule for Airport-Moss Annexation Area

File Date	8/23/23
Fiscal Plan Service Request Sent	8/28/23
Council 1st Reading	8/28/23
Fiscal Plan Service Request Due	9/11/23
Plan Commission Public Hearing	9/18/23
Fiscal Plan Done	9/25/23
Council Advertisement	9/29/23
Board of Public Works Agenda Session	10/5/23
Board of Public Works Hearing	10/10/23
Board of Public Safety	10/18/23
Fiscal Plan Resolution to Clerk	10/18/23
Council 2nd Reading	10/23/23
Council 3rd Reading	11/13/23
Ordinance Advertised	11/24/23
Appeal Period Start	11/24/23
Appeal Period End	12/24/23

Filed in Clerk's Office
AUG 28 2023
DAWN M. J.
CITY CLERK, SOUTH BEND, IN

BILL NO. 76-23



Filed in Clerk's Office

NOV 07 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

CITY OF SOUTH BEND DEPARTMENT OF PUBLIC WORKS

November 7, 2023

Ms. Sharon McBride
President, South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Re: Ordinance amending Chapter 17, Article 14 of the South Bend Municipal Code to revise storm water rates for non-residential customers

Dear President McBride:

Attached is a bill for consideration by the South Bend Common Council addressing changes to the monthly storm water user fee for non-residential customers.

Chapter 17, Article 14, of the South Bend Municipal Code was amended in 2021 to establish a hybrid rate system with residential customers continuing to be charged a flat fee while non-residential customers having a multi-tiered impervious-based stormwater rate. This was done to better align the cost of service for parcels generating larger amounts of runoff. Due to challenges in implementing an impervious-based rate into the current billing and customer account management software, the proposed amendments are meant to implement a simplified rate structure for non-residential customers. This will give the City more time to develop the multi-tiered approach that is deemed overall fair and equitable to everyone within a user class.

The proposed amendment will implement the rate for Non-Residential Tier 1 customers to all other tiers in 2024 and 2025.

I will present the ordinance changes to Council at its upcoming meeting. As always, thank you for your consideration.

Sincerely,

Jitin Kain
Deputy Director

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

1316 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9251 | f 574.235.9171 | www.southbendin.gov

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

BILL NO. 76-23

ORDINANCE NO. 10990-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 17, ARTICLE 14, SECTION 17-128 TO UPDATE THE MONTHLY STORM WATER USER FEES

STATEMENT OF PURPOSE AND INTENT

Chapter 17, Article 14, of the South Bend Municipal Code was amended in 2021 to establish a hybrid rate system with residential customers continuing to be charged a flat fee while non-residential customers having a multi-tiered impervious-based stormwater rate. This was done to better align the cost of service for parcels generating larger amounts of runoff. Due to challenges in implementing an impervious-based rate into the current billing and customer account management software, the proposed amendments are meant to implement a simplified rate structure for non-residential customers. This will give the City more time to develop the multi-tiered approach that is deemed overall fair and equitable to everyone within a user class.

The proposed amendment will implement the rate for Non-Residential Tier 1 customers to all other tiers in 2024 and 2025.

This ordinance is necessary for the effective, efficient operation of the City's storm water utility. This ordinance is in the best interest of the City and its residents.

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

SECTION I. Chapter 17, Article 14, Section 17-128 shall be amended as follows:

(d)	Monthly Rates			
	2022	2023	2024	2025
Residential	\$2.00	\$2.00	\$2.25	\$2.50
Non-Residential Tier 1	\$5.00	\$6.00 <u>\$5.00</u>	\$7.00	\$8.00
Non-Residential Tier 2	\$8.00	\$10.00	\$12.00 <u>\$7.00</u>	\$14.00 <u>\$8.00</u>
Non-Residential Tier 3	\$10.00	\$14.00	\$18.00 <u>\$7.00</u>	\$22.00 <u>\$8.00</u>
Non-Residential Tier 4	\$16.00	\$22.00	\$28.00 <u>\$7.00</u>	\$34.00 <u>\$8.00</u>
Non-Residential Tier 5	\$20.00	\$35.00	\$50.00 <u>\$7.00</u>	\$65.00 <u>\$8.00</u>

SECTION II. This Ordinance shall be in full force and effect after adoption by the Common Council, approval by the Mayor, and any publication required by law, with an effective date of _____, 2023

Sharon McBride, President,
South Bend Common Council

ATTEST:

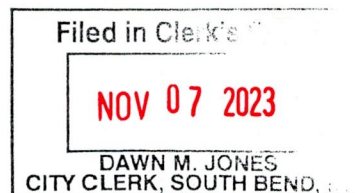
Dawn M. Jones, City Clerk

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

Dawn M. Jones, City Clerk

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

James Mueller, Mayor,
City of South Bend, Indiana

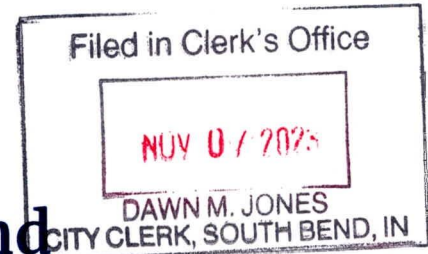


BILL NO. 77-23

County-City Building
227 W Jefferson Blvd Suite, 1200 N
South Bend, IN 46601

Phone 311 inside City limits
Email 311@southbendin.gov
Website Southbendin.gov

James Mueller, Mayor



City of South Bend

Department of Administration & Finance
Division of Human Resources

November 7, 2023

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

RE: Amended Sewage Works (Wastewater) Bond Ordinance

Dear President McBride,

The attached proposed amended ordinance authorizes the City to issue a bond anticipation note and revenue bonds to fund certain additions and improvements to the municipal Sewage Works system of the City of South Bend. The proposed bonds will be repaid from net revenues of the Sewage Works system and will be issued in one (1) or more series, in an amount not to exceed thirty-six million dollars (\$36,000,000).

The amending ordinance will update Exhibit A. In the original ordinance since it only included the first phase of the project. In the amending ordinance, Exhibit A will include the additional phase of the project.

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 13, 2023 with 2nd reading, public hearing and 3rd reading scheduled for November 27, 2023.

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

Regards,

A handwritten signature in cursive that reads "Kyle Willis".

Kyle Willis
City Controller

BILL NO. 77-23
ORDINANCE NO. 10991-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING ORDINANCE NO. 10985-23 TITLED AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE CITY'S SEWAGE WORKS; AUTHORIZING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED THIRTY-SIX MILLION DOLLARS (\$36,000,000) TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF; PROVIDING FOR THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID BONDS; ADDRESSING OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS; AND REPEALING ORDINANCES INCONSISTENT HEREWITH

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana ("Common Council") previously adopted its Ordinance No. 10985-23 ("Ordinance 10985-23") authorizing the acquisition, construction and installation of certain additions, extensions and improvements to the City of South Bend, Indiana's ("City") Sewage Works and authorizing the issuance of sewage works revenue bonds by the City in one or more series in an aggregate principal amount not to exceed Thirty-Six Million Dollars (\$36,000,000).

To provide clarity on the projects to be financed with the Bond proceeds, the Common Council now desires to amend Ordinance 10985-23 as set forth herein.

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

Section 1. Exhibit A of Ordinance 10985-23 is hereby deleted in its entirety and replaced with Exhibit A attached hereto.

Section 2. Except as modified by this Ordinance, all provisions of Ordinance 10985-23 shall remain in full force and effect.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and the execution of any procedures required by applicable law.

* * * * *

Passed and adopted by the Common Council of the City of South Bend, Indiana on the _____ day of _____, 2023.

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

EXHIBIT A

PROJECT DESCRIPTION

The Project consists of the design, acquisition, construction, and installation of certain additions, extensions and improvements to the Sewage Works, including, but not limited to:

1. Final Clarifier Nos. 1-3 influent channel improvements, including new concrete influent channel cover; and abandoned RAS pits fill and cover;
2. Final Clarifier Nos. 1-3 rehabilitation, including replacement sludge collector mechanisms (GPR), effluent weirs, scum baffle and launders; new density current baffles and scum removal equipment; modified return sludge piping; conversion from rim feed to center feed type (GPR) with new influent piping and junction box; structural repairs; and replacement handrailing;
3. Final Clarifier Nos. 1-3 flow control improvements, including relocated influent gates; instrumentation and SCADA; and associated electrical work; and
4. Associated site work, including grading, seeding, sidewalk, and piping.
5. Wastewater Treatment Plant Hydraulic Improvements project includes:
 - a. Modifying the primary effluent channel and primary clarifier effluent flumes with a parallel effluent channel; and
 - b. Replacing the existing 60-inch diameter Final Clarifier Nos. 6 and 7 influent piping with 84-inch diameter piping.
6. CSO 045 EQ Basin project includes:
 - a. CSO 045 diversion structure, including screens and control gates;
 - b. 40 MGD inlet pump station, including four centrifugal flow pumps;
 - c. 3.0 MG circular prestressed concrete basin, partial buried with open top, modulating effluent plug valve and drain system, and radial flushing system;
 - d. CSO 045 overflow structure;
 - e. Control building, electrical and instrumentation, and standby power generator; and
 - f. Site work, including interceptor piping, site piping, access drive, and fencing.

The Project is more particularly described in the separate Preliminary Engineering Reports and the Plans and Specifications each as approved by the Indiana Finance Authority (IFA) – State Revolving Fund (SRF).

BILL NO. 78-23

City of South Bend BOARD OF ZONING APPEALS

November 7, 2023

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

RE: Special Exception at 2921 West Western Ave

Dear Committee Chair Hamann:

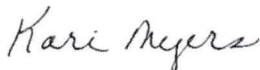
Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your November 13, 2023, Council meeting and set it for public hearing at your December 11, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the December 4, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for the use of a Group Residence.

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,



Kari Myers
Zoning Specialist

CC: Bob Palmer



BILL NO. 78-23

ORDINANCE NO. 10992-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 2921 WEST WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a group residence.

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:

2921 W Western Ave. South Bend, IN 46619. 018-4055-2041

In order to permit a Group Residence

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

RECEIVED OCT 24 2023
227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-4055-2041

Address: 2921 W Western Ave

Owner: Robert Henderson

Zoning: Choose the current district

Project Summary:

WILL HAVE GROUP RESIDENCE ROOMS UP STAIRS
MEETING SPACE DOWN STAIRS

Requested Action

Special Exception/ Use Variance – complete and attach Criteria for Decision Making

Use requested: Group Residence

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:

NO - The opposite.

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

No

(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 This is zoned w/c AND
This met the goals

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

providing different kind of
housing in area to help people

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: Robert J Henderson
Address: 411 Campbell St - 3002 Western Ave
South Bend, IN 46619

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Bob Henderson
Address: 300 W Western Ave
South Bend, IN 46619
Phone Number: 574-220-1423
E-mail: bob3002@att.net

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.

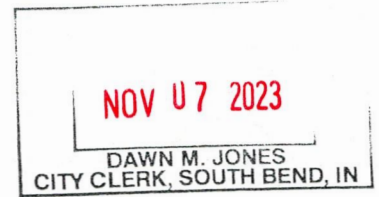
Property Owner (s) Signatures:

Robert Henderson Bob Henderson

City of South Bend BOARD OF ZONING APPEALS

November 7, 2023

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



RE: Special Exception at 1410 Ford Street

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your November 13, 2023, Council meeting and set it for public hearing at your November 27, 2023, Council meeting. The petition was considered at the November 6, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for the use of a duplex.

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,

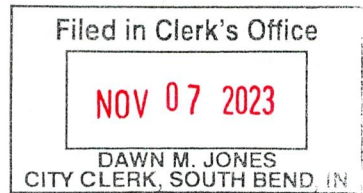
A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers
Zoning Specialist

CC: Bob Palmer

BILL NO. 80-23

ORDINANCE NO. 10994-23



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1410 FORD STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a duplex.

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:

1410 Ford Street, South Bend, IN. 018-3085-3423

In order to permit a two-unit dwelling.

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

Filed in C
NOV 07 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN.