



cc: Mayor James Mueller
Committee Meeting List
Media

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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, January, 8, 2024

7:00 P.M.

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:

<http://tinyurl.com/SBCC010824>

1. **INVOCATION**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE** **TIME: _____**
BILL NO.

[83-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 603, 607, 611, 615, 617, 619, AND 621 WEST MARION STREET, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[86-23](#) PUBLIC HEARING ON 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 3001, 3011 AND 3015 WEST WESTERN, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

8. **BILLS ON THIRD READING**

TIME:_____

BILL NO.

[83-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 603, 607, 611, 615, 617, 619, AND 621 WEST MARION STREET, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[86-23](#) THIRD READING ON 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 3001, 3011 AND 3015 WEST WESTERN, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

9. **RESOLUTIONS**

BILL NO.

[24-01](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CORRECTING SCRIVENER'S ERROR IN RESOLUTION NO. 5031-23 AS ADOPTED ON AUGUST 28, 2023, CORRECTING SCRIVENER'S ERROR IN RESOLUTION 5031-23 AS ADOPTED ON JUNE 26, 2023, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1405 PORTAGE AVENUE, SOUTH BEND, IN 46616 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) REAL PROPERTY TAX ABATEMENT FOR PEAK INVESTMENT AND ASSET MANAGEMENT LLC AND CORRECTING SCRIVENER'S ERROR IN RESOLUTION NO. 5040- 23 TO CORRECT INCORRECT BILL AND RESOLUTION NUMBERS IN RESOLUTION NO. 5031-23 AS ADOPTED ON AUGUST 28, 2023, AND CONFIRMING THE ADOPTION OF RESOLUTION NO. 5031-23 AS ADOPTED ON JUNE 26, 2023

[24-02](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3607 SOUTH MAIN STREET, SOUTH BEND, INDIANA 46614 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A NINE-YEAR (9) REAL PROPERTY TAX ABATEMENT FOR THE NEXUS CENTER, LLC

10. **BILLS ON FIRST READING**

BILL NO.

01-24 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 3931 PORTAGE ROAD AND VACANT LOT ADJACENT TO AND WEST OF 3931 PORTAGE ROAD COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

02-24 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 711 LELAND AVENUE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

03-24 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 734 SOUTH WALNUT STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

04-24 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1610 AND 1612 HILDE COURT COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

05-24 FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:THE FIRST EAST-WEST ALLEY SOUTH OF JEFFERSON BLVD BETWEEN NOTRE DAME AVENUE AND THE NORTH-SOUTH ALLEY TO THE EAST OF NOTRE DAME AVENUE

06-24 FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:THE ALLEY NORTH/SOUTH BETWEEN MONROE STREET AND WESTERN AVENUE TO THE EAST AND WEST, AND BETWEEN LAFAYETTE BLVD. AND MAIN STREET NORTH AND SOUTH

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

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



2024 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-04-2024)

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.

Troy Warner, Chairperson

Rachel Tomas-Morgan, Vice-Chairperson

Ophelia Gooden-Rodgers., Member

Sherry Bolden-Simpson, Member

Citizen Member

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.

Ophelia Gooden-Rodgers, Chairperson

Canneth Lee, Vice-Chairperson

Citizen Member

Sheila Niezgodski, Member

Sherry Bolden-Simpson, 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

Troy Warner, 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.

Rachel Tomas Morgan, Chairperson

Dr. Oliver Davis, Vice-Chairperson

Karen L. White, Member

Troy Warner, Member

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

Sherry Bolden-Simpson, Vice-Chairperson

Citizen Member

Canneth Lee, Member

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

Citizen Member

Dr. Oliver Davis, Member

Rachel Tomas Morgan, 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

Karen L. White, Member
Canneth Lee, Member
Citizen 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
Citizen Member

Dr. Oliver Davis, Member
Sherry Bolden-Simpson, Member
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
Citizen Member

Ophelia Gooden-Rodgers, Member
Sheila Niezgodski, Member
Citizen Member

UTILITIES COMMITTEE

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

Sherry Bolden-Simpson, Chairperson
Dr. Oliver Davis, Vice-Chairperson
Citizen Member

Troy Warner, Member
Ophelia Gooden-Rodgers, 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.

Dr. Oliver Davis, Chairperson
Ophelia Gooden Rodgers, Vice-Chairperson
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

Sherry Bolden-Simpson, Member



2024 COMMON COUNCIL STANDING COMMITTEES (Rev.01-04-2024)

CANNETH LEE, 1ST District Council Member

Chairperson, Committee of the Whole

PARC Committee, Chairperson

Residential Neighborhoods Committee, Vice-Chairperson

Community Relations Committee, Vice-Chairperson

Personnel & Finance Committee, Member

Information & Technology Committee, Member

OPHELIA GOODEN-RODGERS, 2ND District Council Member

Community Relations Committee, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Community Investment Committee, Member

Utilities Committee, Member

Residential Neighborhoods Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

President

Council Rules Committee, Member

TROY WARNER, 4TH District Council Member

Community Investment Committee, Chairperson

Personnel & Finance Committee, Vice-Chairperson

PARC Committee, Vice-Chairperson

Council Rules Committee, Member

Health & Public Safety Committee, Member

Utilities Committee, Member

Sub-Committee on the Minutes, Member

SHERRY BOLDEN-SIMPSON, 5TH District Council Member

Utilities Committee, Chairperson

Information & Technology, Vice-Chairperson

Public Works & Property Vacation Committee, Member

Sub-Committee on Minutes, Member

Community Relations Committee, Member

Community Investment 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

Community Relations Committee, Member

DR. OLIVER DAVIS, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Utilities Committee, Vice-Chairperson

Health and Public Safety Committee, Vice-Chairperson

Public Works & Property Vacation, Member

PARC Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Information & Technology Committee, Chairperson

Health & Public Safety Committee, Chairperson

Committee Investment Committee, Vice-Chairperson

PARC Committee, Member

Personnel & Finance Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Public Works & Property Vacation, Vice-Chairperson

Personnel and Finance Committee, Member

Health & Public Safety Committee, Member

Zoning & Annexation Committee, Member



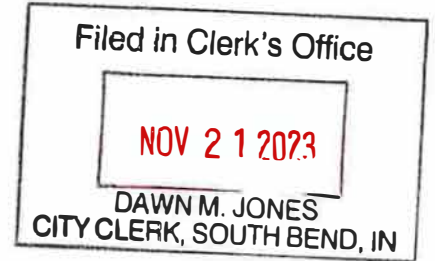
City of South Bend
PLAN COMMISSION

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

November 21, 2023

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

RE: 603, 607, 611, 615, 617, 619, and 621 West Marion Street
PC#0151-23



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 November 27, 2023, Council meeting, and set it for public hearing at your January 8, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the December 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 rezone the property from NC Neighborhood Center to U3 Urban Neighborhood 3 to allow a new multi-family residential development.

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

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer

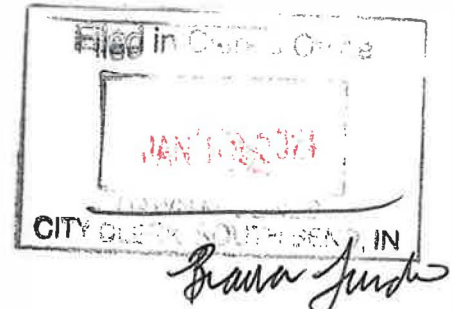


City of South Bend PLAN COMMISSION

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

December 19, 2023

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



Re: Bill#83-23 - A proposed ordinance of DEPARTMENT OF REDEVELOPMENT, CITY OF SOUTH BEND to zone from NC Neighborhood Center to U3 Urban Neighborhood 3, property located at 603, 607, 611, 615, 617, & 621 MARION ST, City of South Bend - PC# 0151-23

Dear Council Members:

I hereby Certify that the above referenced ordinance of DEPARTMENT OF REDEVELOPMENT, CITY OF SOUTH BEND was legally advertised on December 8, 2023 and that the South Bend Plan Commission at its public hearing on December 18, 2023 took the following action:

Upon a motion by Jason Piontek, being seconded by Caitlin Stevens and carried, a proposed ordinance of DEPARTMENT OF REDEVELOPMENT, CITY OF SOUTH BEND to zone from NC Neighborhood Center to U3 Urban Neighborhood 3, property located at 603, 607, 611, 615, 617, & 621 MARION ST, 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: DEPARTMENT OF REDEVELOPMENT, CITY OF SOUTH BEND
Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

Property Information

Location: 603, 607, 611, 615, 617, & 621 MARION ST
Owner: DEPARTMENT OF REDEVELOPMENT, CITY OF SOUTH BEND

Requested Action

Rezone from NC Neighborhood Center to U3 Urban Neighborhood 3

Variance(s):

- 1) from the maximum 1.5 stories in a cottage court to 2 stories
- 2) from the maximum 9 units in a cottage court to 10 units
- 3) from the maximum 2 units per cottage in a cottage court to 4 units

Project Summary

A rezoning from NC Neighborhood Center to U3 Urban Neighborhood 3, a cottage court development containing 10 units, and the development of an additional 5 single family units on the parcel.

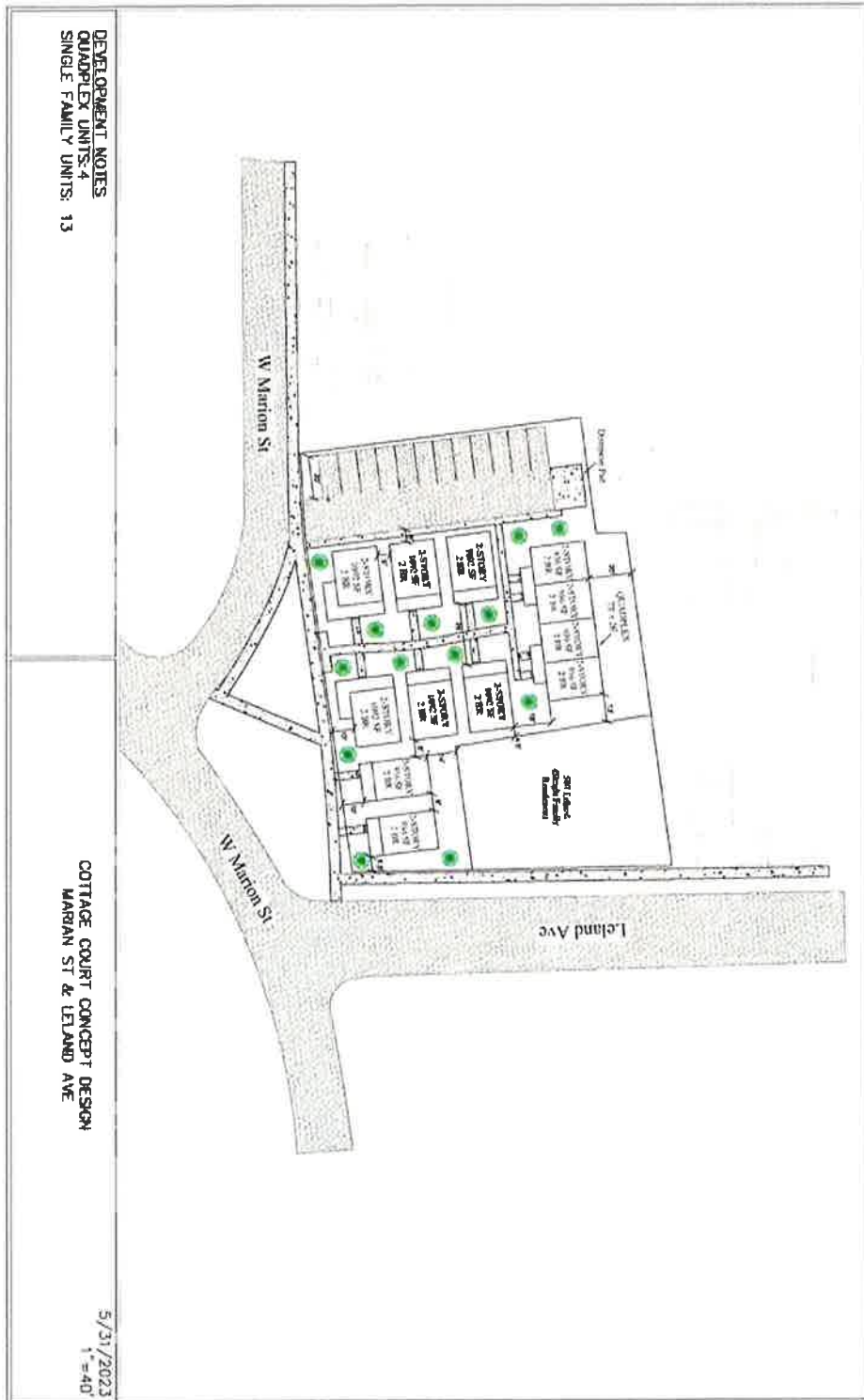
Location Map



Recommendation

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends that the Commission send the rezoning to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variances as requested.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

- On site: A series of vacant lots
- North: Residential dwellings zoned NC Neighborhood Center and a vacant lot zoned U2 Urban Neighborhood 2
- East: A residential dwelling zoned NC and across Leland Ave a residential dwelling zoned U3
- South: Across W Marion St vacant lots zoned NC and vacant lots zoned U3 Urban Neighborhood 3
- West: Residential dwellings zoned NC

District Intent:

The U3 District is established to provide for, promote, and maintain the development of a full range of housing types located near neighborhood centers and along major streets in urban neighborhoods in core and outlying areas of the City.

Site Plan Description:

15 new units will be built on the parcels. 10 will be arranged in a cottage court and another 5 will be single family dwellings. A parking lot will be built on the western portion of 611 and 615 Marion St.

Zoning and Land Use History and Trends:

These parcels have historically been used for residential dwelling units. It appears that all of these parcels contained housing units as late as 1972 and were all vacant by 2010, with half being vacant by 1987. These parcels are separated by 250' along Leland Avenue and 150' along Scott Street from Lincoln Way West, a primary corridor through the north and western portions of the city, flanked by medium density residential development to the north and south.

Traffic and Transportation Considerations:

To the south, the western leg of Marion Street is a 20' yield street. Marion Street curves to the southeast and intersects Leland Avenue, forming a y-intersection with the two-lane street running northeast. To the east of the parcels, Leland Avenue is a 30' yield street and to the west of the parcels, Scott Street is a 30' yield street.

Agency Comments

Staff Comments: No additional comments at this time.

Criteria for Decision Making

Rezoning

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

1. Comprehensive Plan:

Policy Plan:

This petition is consistent with the Comprehensive Plan. The Near Northwest Neighborhood Plan (2019) recommends infill development, focusing more intense housing along or near corridors with the most intense housing appropriate for the Lincoln Way West corridor.

Land Use Plan:

These parcels were identified in the Near Northwest Neighborhood Plan as the northern portion of a targeted node for redevelopment, utilizing urban design principles to create a pedestrian oriented mixed-use space.

Plan Implementation/Other Plans:

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

2. Current Conditions and Character:

The parcels are currently vacant at this site and the sites directly to the south. Residential properties line the parcels to the east and north. South and west, Lincoln Way West is a mix of residential structures and a wide variety of nonresidential uses.

3. Most Desirable Use:

The most desirable use is one that supports the neighborhood through infill to increase housing stock and promote a mixed use and pedestrian scale outcome.

4. Conservation of Property Values:

The use and value of the adjacent properties should not be negatively impacted. Development at this site will increase housing stock and create a denser, safer neighborhood.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the infill development in this neighborhood along a major city corridor.

Variance(s)

The petitioner is seeking the following variance(s):

- 1) from the maximum 1.5 stories in a cottage court to 2 stories
- 2) from the maximum 9 units in a cottage court to 10 units
- 3) from the maximum 2 units per cottage in a cottage court to 4 units

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 approval of variances 1, 2, and 3 should not be injurious to the general welfare of the community. These variances allow for higher density development that is consistent with the character of the neighborhood.

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

The use and value of the area adjacent to the property should not be affected in a substantially adverse manner. The development will be consistent with the character of the neighborhood and will not have a greater impact than a use that would have been permitted in an NC zoned district.

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

A higher density cottage court on this irregularly shaped parcel would more closely reflect the character of the surrounding neighborhood and support more housing stock in a parcel along a major city corridor and proximate to the downtown area.

(4) The variance granted is the minimum necessary.

The intent in NC zoned districts is to develop higher intensity urban neighborhood centers. Rezoning to U3 with variances to allow for a higher density cottage court is the minimum necessary because the higher density cottage court preserves the character of the neighborhood and supports greater housing stock in a parcel that was previously zoned NC.

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

The NC zoning district does not allow for a cottage court building type, but does allow for more intense residential building types such as apartment houses and stacked flats. These same dense residential building types are permitted in U3. Downzoning to U3 and permitting a cottage court with a higher density than outlined in the Ordinance allows for a wider range of housing stock options at an appropriate density along a major city corridor proximate to the downtown area.

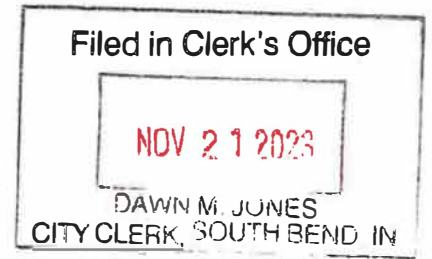
Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: The Comprehensive Plan and the Near Northwest Neighborhood Plan support the proposed rezoning and variances to allow for infill development of a cottage court at this site. The NC zoning district does not allow for a cottage court building type, but does allow for more intense residential building types such as apartment houses and stacked flats. U3 also permits these building types, allowing for 3-4 story developments with an unlimited number of units. Downzoning from NC to U3 allows for a cottage court building type, while the variances allow for ten 2-story cottages rather than nine 1.5-story cottages. Cottage court limitations are intended to protect U1/U2 zoned districts from development that is more intense than the surrounding neighborhood. Allowing for a more dense cottage court in a U3 zoned parcel off of a major city corridor and proximate to downtown will increase housing stock, support a variety of housing types, and strengthen the neighborhood.

Recommendation: Based on the information available prior to the public hearing, the Staff recommends that the Commission send the rezoning to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variances as requested.

BILL NO. 83-23
ORDINANCE NO. 10997-23



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 603, 607, 611, 615, 617, 619, AND 621 WEST MARION STREET, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The proposed project includes construction of multi-unit residential dwellings on vacant lots owned by the City of South Bend

Petitioners desire to rezone the properties from NC Neighborhood Center to U3 Urban Neighborhood 3

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:

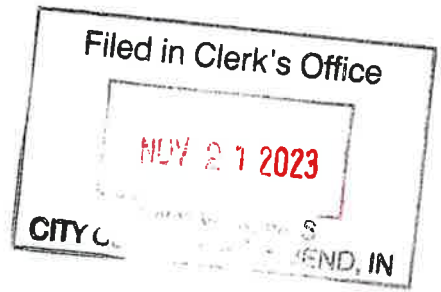
Fifty-four (54') feet off of and from the South End of the East one-half (1/2) of Lot Numbered 66, and Fifty-four (54') feet off of and from the South End of the East one-half (1/2) of Lot Numbered 65, as shown on the recorded Plat of Henricks and Grant's Addition to the Town, now City of South Bend, Indiana; Lot 66 W 1-2 Henricks & Grants; Lot Numbered 10 and the North Half of Lot Numbered 11 in Kent and Garrison's Subdivision of Out Lot Numbered 1 of Hendrick's and Grant's Addition to the Town, now City of South Bend, Indiana, as per plat thereof recorded August 13, 1881 in Plat Book 4, page 16 in the Office of the Recorder of Saint Joseph County, Indiana, EXCEPTING THEREFROM 6 feet off the Westerly side of said Lot 11; S 1/2 Lot 11 Ex 6 Wly Side Kent & Garrison Add; Lot 12 Excluding 9' Off East Side and Lot 13 Smith & Jacksons Sub; Lot 14 Smith & Jacksons Sub

Parcel Numbers:

State ID: 71-08-02-476-051.000-026/018-1021-0868

State ID: 71-08-02-476-049.000-026/018-1021-0869

State ID: 71-08-02-476-048.000-026/018-1055-2342
State ID: 71-08-02-476-047.000-026/018-1055-2343
State ID: 71-08-02-476-028.000-026/018-1055-2366
State ID: 71-08-02-476-027.000-026/018-1055-2365



be and the same is hereby established as U3 Urban Neighborhood 3

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

Petition for Rezoning or Combined Public Hearing

Property Information

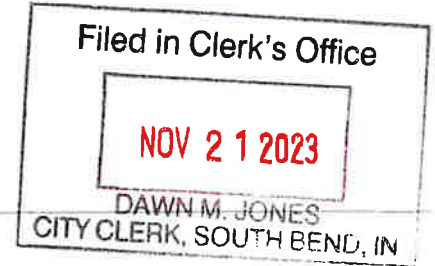
Tax Key Number: See Attached

Address: See Attached

Owner: Department of Redevelopment City of South Bend

Legal Description:

See Attached



Project Summary

The City of South Bend is in the process of marketing these lots for residential units. The property would be better suited under a true residentially zoned district as opposed to the current mixed use zoning.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: NC Neighborhood Center

Additional Districts, if applicable

Proposed District U3 Urban Neighborhood 3

Additional Districts, if applicable

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

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

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested: _____

Required Documents

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

Contact information

Property owner(s) of the petition site:

Name: Department of Redevelopment City of South Bend

Address: 227 W Jefferson South Bend IN 46601

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Joseph Molnar

Address: 227 W Jefferson South Bend IN 46601

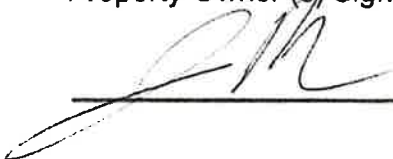
Phone Number: 574-245-6022

E-mail: jrmolnar@southbendin.gov

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:



TAX ID

018-1055-2365 / 018-1055-2366 / 018-1055-2343 / 018-1055-2342 / 018-1021-0869 / 018-1021-0868

ADDRESSES

621 Marion / 617-619 Marion / 615 Marion / 611 Marion / 18 VAC LOT 600 BLK MARION /
603 W MARION ST

Legal Descriptions

LOT 14 SMITH & JACKSONS SUB /

Lot 12 Ex 9' Off E Side & Lot 13 Smith & Jackson Sub Per Owners Req Cons W/ 18

S 1/2 LOT 11 EX 6 WLY SIDE KENT & GARRISON ADD

Lot 10 & Alley Adj And N 1/2 Lot 11 Ex 6" Wly Side Kent & Garrison Add

LOT 66 W 1-2 HENRICKS & GRANTS

54 Ft S End E 1-2 Lot 66 54 Ft S End Lot 65 Henricks & Grants

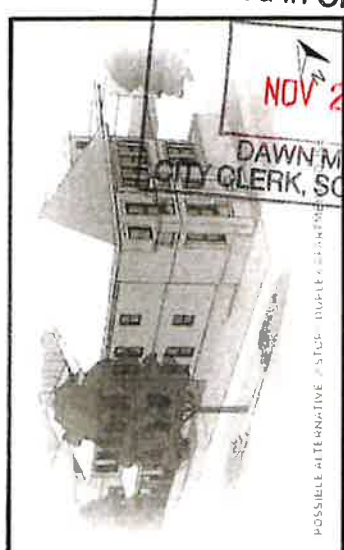
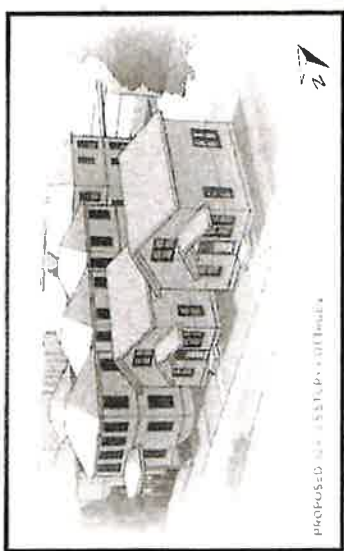
Development Proposal: Lincoln Way West & Marion Street

Guiding Principles for Site 3

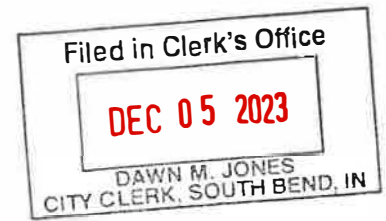
- Use residential
- Setback - 10' - 15' - 20'
- Building type - 2-3 story walk-up
- Height - 25' - 30' - 35'
- Design - 10' - 15' - 20' - 25' - 30' - 35' - 40' - 45' - 50' - 55' - 60' - 65' - 70' - 75' - 80' - 85' - 90' - 95' - 100' - 105' - 110' - 115' - 120' - 125' - 130' - 135' - 140' - 145' - 150' - 155' - 160' - 165' - 170' - 175' - 180' - 185' - 190' - 195' - 200' - 205' - 210' - 215' - 220' - 225' - 230' - 235' - 240' - 245' - 250' - 255' - 260' - 265' - 270' - 275' - 280' - 285' - 290' - 295' - 300' - 305' - 310' - 315' - 320' - 325' - 330' - 335' - 340' - 345' - 350' - 355' - 360' - 365' - 370' - 375' - 380' - 385' - 390' - 395' - 400' - 405' - 410' - 415' - 420' - 425' - 430' - 435' - 440' - 445' - 450' - 455' - 460' - 465' - 470' - 475' - 480' - 485' - 490' - 495' - 500' - 505' - 510' - 515' - 520' - 525' - 530' - 535' - 540' - 545' - 550' - 555' - 560' - 565' - 570' - 575' - 580' - 585' - 590' - 595' - 600' - 605' - 610' - 615' - 620' - 625' - 630' - 635' - 640' - 645' - 650' - 655' - 660' - 665' - 670' - 675' - 680' - 685' - 690' - 695' - 700' - 705' - 710' - 715' - 720' - 725' - 730' - 735' - 740' - 745' - 750' - 755' - 760' - 765' - 770' - 775' - 780' - 785' - 790' - 795' - 800' - 805' - 810' - 815' - 820' - 825' - 830' - 835' - 840' - 845' - 850' - 855' - 860' - 865' - 870' - 875' - 880' - 885' - 890' - 895' - 900' - 905' - 910' - 915' - 920' - 925' - 930' - 935' - 940' - 945' - 950' - 955' - 960' - 965' - 970' - 975' - 980' - 985' - 990' - 995' - 1000'
- Alternative - 10' - 15' - 20' - 25' - 30' - 35' - 40' - 45' - 50' - 55' - 60' - 65' - 70' - 75' - 80' - 85' - 90' - 95' - 100' - 105' - 110' - 115' - 120' - 125' - 130' - 135' - 140' - 145' - 150' - 155' - 160' - 165' - 170' - 175' - 180' - 185' - 190' - 195' - 200' - 205' - 210' - 215' - 220' - 225' - 230' - 235' - 240' - 245' - 250' - 255' - 260' - 265' - 270' - 275' - 280' - 285' - 290' - 295' - 300' - 305' - 310' - 315' - 320' - 325' - 330' - 335' - 340' - 345' - 350' - 355' - 360' - 365' - 370' - 375' - 380' - 385' - 390' - 395' - 400' - 405' - 410' - 415' - 420' - 425' - 430' - 435' - 440' - 445' - 450' - 455' - 460' - 465' - 470' - 475' - 480' - 485' - 490' - 495' - 500' - 505' - 510' - 515' - 520' - 525' - 530' - 535' - 540' - 545' - 550' - 555' - 560' - 565' - 570' - 575' - 580' - 585' - 590' - 595' - 600' - 605' - 610' - 615' - 620' - 625' - 630' - 635' - 640' - 645' - 650' - 655' - 660' - 665' - 670' - 675' - 680' - 685' - 690' - 695' - 700' - 705' - 710' - 715' - 720' - 725' - 730' - 735' - 740' - 745' - 750' - 755' - 760' - 765' - 770' - 775' - 780' - 785' - 790' - 795' - 800' - 805' - 810' - 815' - 820' - 825' - 830' - 835' - 840' - 845' - 850' - 855' - 860' - 865' - 870' - 875' - 880' - 885' - 890' - 895' - 900' - 905' - 910' - 915' - 920' - 925' - 930' - 935' - 940' - 945' - 950' - 955' - 960' - 965' - 970' - 975' - 980' - 985' - 990' - 995' - 1000'



Possible/Potential Program (Site 3 Area Only)	
Site 3 Area	24.145 SF / 1.55 Acre
Residential Use	Residential
# of Residential Units	12 Residences
Residential SF	9,630 SF
# of Parking Spaces	25 Residences / 12 Total (2 off-street)



PLANNING DEPARTMENT



City of South Bend
BOARD OF ZONING APPEALS

December 6, 2023

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

RE: Special Exception at 3001, 3011 and 3015 West Western Avenue

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 December 11, 2023, Council meeting and set it for public hearing at your January 8, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the January 2, 2024, 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:
Vehicle Service, Minor

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

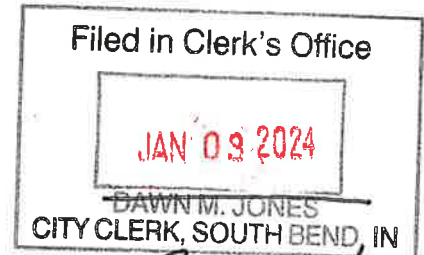
CC: Bob Palmer

City of South Bend
BOARD OF ZONING APPEALS

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

January 3, 2024

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



Re: 86-23: The petition of WESTERN AVE LLC seeking a Special Exception for Minor Vehicle Service in the NC Neighborhood Center for property located at 3001, 3011, and 3015 WESTERN AVE

Dear Council Members:

I hereby Certify that the above referenced petition of WESTERN AVE LLC was legally advertised on December 23, 2023, and that the South Bend Board of Zoning Appeals at its public hearing on January 2, 2024, took the following action:

Upon a motion by Kathy Schuth, being seconded by Frank Fotia and unanimously carried, a petition by WESTERN AVE LLC seeking a Special Exception for Minor Vehicle Service for property located at 3001, 3011, and 3015 WESTERN 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 black ink that reads "Kari Myers".

Kari Myers
Zoning Specialist

Attachment

CC: WESTERN AVE LLC
Manuel Villegas
Theodore Thymianos
Building Department
Bob Palmer

Property Information

Location: 3001, 3011, and 3015 WESTERN AVE
Owner: WESTERN AVE LLC

Project Summary

Requesting a special exception for Vehicle Service, Minor, and proposing a parking lot on vacant eastern lot.

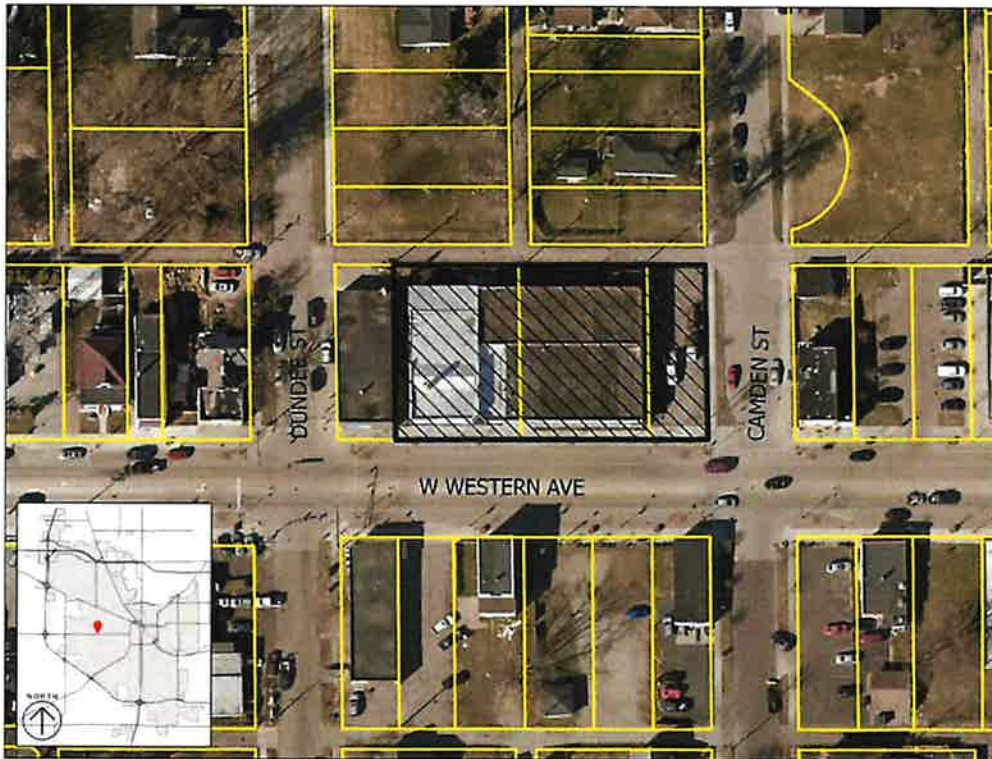
Requested Action

Special Exception: Minor Vehicle Service

Variance(s):

- 1) from the minimum 60% transparency of a front façade to 7% and from the minimum 20% transparency of a corner façade to 0%
- 2) to allow parking in the front/corner yard

Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends the Board deny Variance #1 to allow reduced transparency requirements. Staff recommends the Board approve Variance #2 to allow parking in a front/corner yard.

Proposed Site Plan



Criteria for Decision Making: Special Exception

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

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

Provided the building is brought up to NC building standards, the proposed use should not be injurious to the public health, safety, comfort, or general welfare of the community. The site development standards in the Ordinance are established to limit potentially negative impacts on the surrounding properties.

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

Western Avenue is a long established mixed use corridor. The building was utilized to accommodate commercial vehicle repair from 1985 until 2017. The approval of the Special Exception should not injure or adversely affect the use of adjacent area, provided the building is brought up to NC building standards.

(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 building was originally constructed for window manufacturing, and was then used as a commercial vehicle service station from the mid 1980s until 2017. The NC Neighborhood Center District allows this as a Special Exception in order to evaluate the appropriateness in specific areas. At this location, the reactivation of the vacant building to its original use is consistent with the character of the district and surrounding area.

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

The plan is consistent with City Plan (2006) Objective LU 2: Stimulate the rehabilitation and adaptive reuse of the property in the city

Criteria for Decision Making: Variance(s)

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

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

The approval of variance #1 may be injurious to the general welfare of the community. The low transparency does not meet the intent of the Ordinance to create pedestrian oriented buildings in the NC district that appropriately address the street. The approval of variance #2 should not be injurious to the general welfare of the community. The parking lot will be built to all development standards and serve as an accessory use to the minor vehicle repair.

(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 approval of variance #1 may adversely impact the use and value of adjacent properties. Design standards in the NC district encourage buildings with active facades that address the street. The existing 7% transparency does not meet the intent of the Ordinance. Variance #2 should not adversely impact the use and value of adjacent properties. The parking lot will be built to all development standards and mirrors the layout of several proximal buildings.

(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 Ordinance would not result in practical difficulties in the use of the property for variance #1. The building could meet transparency standards utilizing existing window openings. Due to the narrow width of the corner lot, strict application of the Ordinance on variance #2 would substantially reduce the parking capacity of the parcel.

(4) The variance granted is the minimum necessary

Granting variance #1 would not be the minimum necessary. Reducing minimum transparency requirements from 60% to 7% would not meet the intent of building standards in the NC district. Granting variance #2 would be the minimum necessary. The Ordinance mandates a 12' setback for corner yard parking when no building is present on the parcel. Reducing this setback to a type 1 buffer would allow for more parking while still preserving the intent of the Ordinance to buffer the lot from the sidewalk and adjacent parcels.

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

Variance #1 corrects a hardship caused by a former owner of the property. The existing window openings would meet the 60% transparency requirements but were boarded up by a previous owner. If the current owner were granted the Special Exception, the owner would have to meet all development standards, including transparency standards. Variance #2 responds to the narrow width of the lot, which was not a hardship created by a former or current owner of the property.

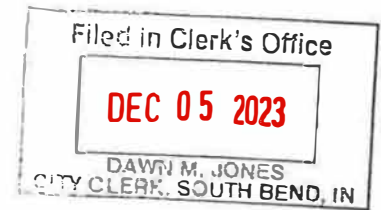
Analysis & Recommendation

Analysis: The building was originally constructed for window manufacturing, and was then used as a commercial vehicle service station from the mid 1980s until 2017. While the Neighborhood Center Zoning District outlines pedestrian orientated development, the use of Vehicle Service, Minor is an allowed Special Exception in the district, particularly for such instances. Because the proposed use is consistent with a previous use, it is within the character of the district and surrounding area.

The site contains no practical difficulties and it would not affect the usability of the site to install appropriate transparency that meets the standards of the Ordinance. However the use of the corner parcel as a parking area, if held to setback requirements, could hinder the usability and reactivation of the parcel.

Staff Recommendation: Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends the Board deny variance #1 to allow reduced transparency requirements. Staff recommends the Board approve variance #2 to allow parking in a front/corner yard.

BILL NO. 86-23
ORDINANCE NO. 11000-23



**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 3001, 3011 AND 3015 WEST
WESTERN, 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 Minor Vehicle Service

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:

3001 West Western 018-4055-2040

3011 West Western 018-4055-2038

3015 West Western 018-4056-2079

In order to permit Vehicle Service, Minor

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

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

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

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

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-08-10-154-023.000-026,71-08-10-154-024.000-026,71-08-10-154-025.000-026

Address: 3001, 3011 and 3015 W Western Ave

Owner: Western Ave LLC

Zoning: NC Neighborhood Center

Project Summary:

Special Exception for the use of Vehicle Service, Minor in an NC district
Special Exception for the use of a Parking Lot in an NC district
variance from the 60% front façade transparency requirement in an NC district
variance from the building material requirements in NC

Requested Action

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

Use requested: Vehicle service minor

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

Variance(s) requested:

Window size at 3011 W Western Ave. 3011 W Western Ave was never retail space it is a six thousand feet of empty warehouse space. It has never had windows. We added windows to add light to the interior. The height of the windows is needed to reduce the incidence of broken windows.

Stone Facade 3015 W Western Ave

The stone facade on the first floor of 3015 W Western ave was falling off. 50% of it was gone. It was not an original feature of the building prior to 2014. We repaired the wall by returning it to its original stucco exterior.

Parking on side yard. The properties around the lot are commercial. It is a half a city lot that has always had a pea gravel surface .

Required Documents

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



Criteria for Decision Making

Special Exception - *if applicable*

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

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

The proposed use does not cause injury to public health or safety or comfort. The proposed change does not affect Moral standards. The proposed change creates a more competitive environment for automotive work. More repair shops leads to more competition and more capacity is more convenience and faster service for the public. I would categorise an addition repair shop on Western as a positive for the general welfare. Having an operating car is how you get to work, the doctors office and to the grocery store. Western is the place to go for reasonable cost repairs because of the many shops.

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

Automotive repair is existing on Western Ave. The street already supports many repair shops and car dealers. Another shop would not be out of line with the activity that is existing.

Western Ave LLC takes up the majority of the block between Camden and Dundee. Prior to the repair/detail shop opening the building was boarded up and used as warehouse space. Now there is activity and the building is alive !

(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:

Automotive repair is existing on Western Ave. The street already supports many repair shops and car dealers. Another shop would not be out of line with the activity that is existing. It provides another needed service to community. Being able to keep your car running is how you get work to the doctors office and to the grocery store. Western Avenue is the place to go for reasonable car repairs.

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

The majority of the block on Western between Camden and Dundee had been empty and boarded up since Power Brake and Spring moved out over a decade ago. The building now is supporting unsubsidised businesses creating jobs paying taxes and adding services to the community. We would be happy to talk to the city about improvements to the facade and look of the building. Without paying viable tenants it would have continued to be a vacant eye sore.

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:

Adding parking does not take away anything from the community. It will be an improvement visually and functionally. It a net addition.

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

Parking on the lot at 3001 W Western Ave will increase the amount of available parking in the area by decreasing the need for street parking.

(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:

This a city lot with its own tax id. Leaving it unused would end up making it a dumping ground for mattresses and refuse. There is a need for more parking in the immediate area.

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

Additional parking encourages more activity in the area.

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:

The transparency percentage of the area between 2 and 8 ft at the front 3011 W Western Ave was zero. The addition of windows brought it to 40%. 3011 W Western Ave is not retail shopping space it is six thousand feet of warehouse space. It has never had windows. We added windows to add light to the interior. The height of the windows helps reduce the incidents of theft and vandalism.

(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:

Adding windows to warehouse space is an improvement and does not in anyway detract the value of the surrounding property.

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

Larger windows attract break ins and vandalism because windows are lower and more accesable to breakage and to entry. We have experienced vandalm in the past.

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

There is a tradeoff between security and esthetics with windows at this particular time. The currant size of the windows is a compromise that taks into account security.

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

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:

variance from the building material requirements in NC.
The stone facade was not an original feature of the building and appeared after 2014. The stone facade was falling down when we bought the building. We repaired the wall by returning it to its original stucco exterior.

(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:

The stone facade on the first floor of 3015 W Western ave was falling off. We repaired the wall by returning it to its original stucco exterior as an improvement.

(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:

DEC 05 2023

LAWRENCE JONES
CITY CLERK SOUTH BEND, IN

Contact Information

Property owner(s) of the petition site:

Name: Manuel Villegas

Address: 4102 W Western
South Bend Indiana 46619

Name: Theodoros Arhontas

Address: 2565 Portage Ave
Las Vegas NV 89120

Name: Theodore Thymianos

Address: 9866 Raven Wing Canyon Ct
Las Vegas NV 89183

Contact Person:

Name: Theodoros Arhontas

Address: 2565 Portage Ave
Las Vegas NV 89120

Phone Number: 702-945-8307

E-mail: Ted.Arhontas@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.

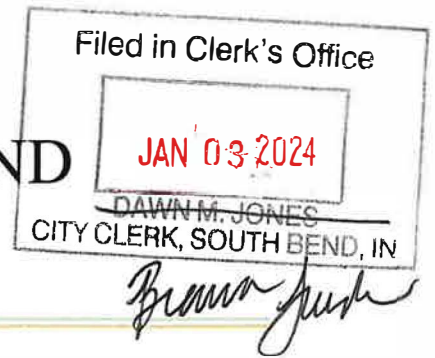
The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:





CITY OF SOUTH BEND
COMMUNITY INVESTMENT



January 3, 2024

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

RE: **Resolution Correcting Scrivener's Error:** Retail Development Real Property Tax Abatement Petition for **Peak Investment and Asset Management LLC**

Dear Council Member Tomas Morgan:

Please find the enclosed resolution correcting a scrivener's error in Resolution No. 5031-23 as adopted by the Common Council on August 28, 2023. The resolution adopted in August was numbered incorrectly; it was assigned bill and resolution numbers that were previously assigned. This new resolution would correct the numbering of the August-adopted resolution.

Resolution No. 5031 as adopted on August 28, 2023, corrected a scrivener's error in the Declaratory and Confirming Resolutions for a tax abatement granted to a development at the corner of Portage Avenue and Elwood Avenue. The Common Council passed those resolutions on June 26, 2023, and July 10, 2023, respectively.

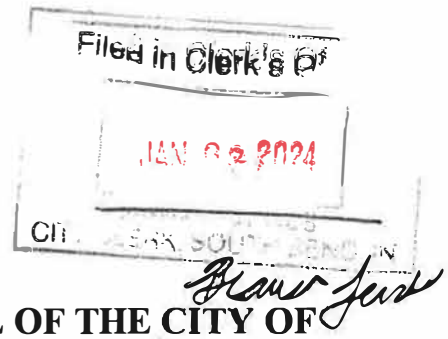
If you or any of the other Council members have questions concerning the report or need additional information, please feel free to call me at (574) 235-5838.

Sincerely,

Erik Glavich
Director, Growth and Opportunity

BILL NO. 24-01

RESOLUTION NO.



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CORRECTING SCRIVENER'S ERROR IN RESOLUTION NO. 5031-23 AS ADOPTED ON AUGUST 28, 2023, CORRECTING SCRIVENER'S ERROR IN RESOLUTION 5031-23 AS ADOPTED ON JUNE 26, 2023, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1405 Portage Avenue, South Bend, IN 46616

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) REAL PROPERTY TAX ABATEMENT FOR

Peak Investment and Asset Management LLC

AND CORRECTING SCRIVENER'S ERROR IN RESOLUTION NO. 5040-23 TO CORRECT INCORRECT BILL AND RESOLUTION NUMBERS IN RESOLUTION NO. 5031-23 AS ADOPTED ON AUGUST 28, 2023, AND CONFIRMING THE ADOPTION OF RESOLUTION NO. 5031-23 AS ADOPTED ON JUNE 26, 2023

WHEREAS, on June 26, 2023, the Common Council of the City of South Bend, Indiana, adopted Resolution No. 5031-23 designating a certain area within the City as an Economic Revitalization Area for the purpose of tax abatement consideration; and

WHEREAS, Resolution No. 5031-23 as adopted on June 26, 2023, designated the area described as:

Key Number: 71-03-35-360-020.000-026
Commonly Known As: 1405 Portage Avenue
Legal Description: Lot C Victory Add & Vac Alley N & Adj & Ex Se
Tri Cor to City 20/21 Con w/ 018-2182-6830 Per
Assessors Req IC 6-1.1-5-16

an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, on July 10, 2023, the Common Council adopted Resolution No. 5040-23 confirming Resolution No. 5031-23 as adopted on June 26, 2023; and

WHEREAS, in addition to the area described in Resolution No. 5031-23 as adopted on June 26, 2023, and Resolution No. 5040-23, the area designated as an Economic Revitalization Area by Resolution No. 5031-23 as adopted on June 26, 2023, and confirmed by Resolution No. 5040-23 should have also included the area described as:

Key Number: 71-03-35-360-017.000-026
Commonly Known As: 1301 Elwood Avenue
Legal Description: Lot 8 Victory Add

Key Number: 71-03-35-360-016.000-026
Commonly Known As: 1305 Elwood Avenue
Legal Description: Lot 7 Victory Add

and that this additional area was inadvertently excluded in error from Resolution No. 5031- 23 as adopted on June 26, 2023, and Resolution No. 5040-23; and

WHEREAS, on August 28, 2023, the Common Council adopted a resolution correcting scrivener's error in Resolution No. 5031-23 as adopted on June 26, 2023, correcting scrivener's error in Resolution No. 5040-23, and reaffirming Resolution No. 5040-23; and

WHEREAS, the resolution adopted by the Common Council on August 28, 2023, was incorrectly numbered as Resolution No. 5031-23 and should have been assigned a Bill Number and a Resolution Number that had not been previously assigned to another resolution; and

WHEREAS, the Common Council desires to correct the scrivener's error in Resolution No. 5031-23 as adopted by the Common Council on August 28, 2023 to assign it a Bill Number and Resolution Number that has not been previously assigned.

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

SECTION I. The Bill Number and Resolution Number of Resolution No. 5031-23 as adopted on August 28, 2023, are hereby corrected to Bill No. 23-66 and Resolution No. 5063-23.

SECTION II. Resolution No. 5031-23 as adopted on August 28, 2023, and corrected via adoption of this Resolution is reaffirmed in all other respects and will continue in full force and effect according to its terms.

SECTION III. Resolution No. 5040-23 is reaffirmed in all other respects and will continue in full force and effect according to its terms.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

Bianca Tirado, 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 _____, 2024, at _____ o'clock _____.m.

Bianca Tirado, City Clerk
Office of the City Clerk

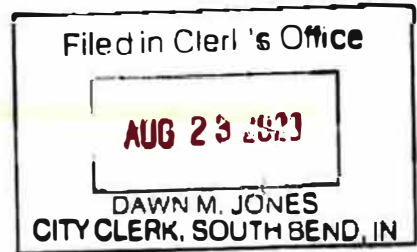
Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend

BILL NO. 23-34



CITY OF SOUTH BEND COMMUNITY INVESTMENT



August 23, 2023

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

RE: **Resolution Correcting Scrivener's Error:** Retail Development Real Property Tax
Abatement Petition for **Peak Investment and Asset Management LLC**

Dear Council Member Tomas Morgan:

Please find the enclosed resolution correcting a scrivener's error in Resolution No. 5031-23, a Declaratory Resolution adopted by the Common Council on June 26, 2023, and Resolution No. 5040-23, the subsequent Confirming Resolution adopted by the Council on July 10, 2023. Collectively, these two resolutions provide a real property tax abatement for a retail development by Peak Investment and Asset Management LLC.

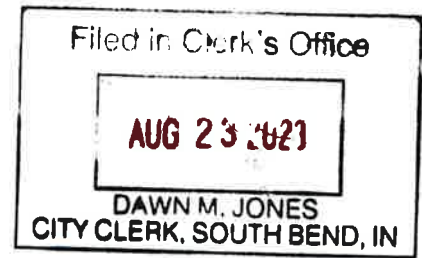
The development receiving the abatement will consist of two retail buildings and a parking lot over three parcels at the corner of Portage Avenue and Elwood Avenue. Unfortunately, the abatement resolutions adopted by the Council included only one of the parcels and inadvertently and in error excluded the other two parcels. The new resolution to be presented to Council for consideration will add the two parcels to the abatement and correct the error.

If you or any of the other Council members have questions concerning the report or need additional information, please feel free to call me at (574) 235-5838.

Sincerely,

Erik Glavich
Director, Growth and Opportunity

BILL NO. 23-34
RESOLUTION NO. 5031-23



**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA, CORRECTING SCRIVENER'S
ERROR IN RESOLUTION NO. 5031-23 DESIGNATING CERTAIN AREAS
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN
AS**

1405 Portage Avenue, South Bend, IN 46616

**AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
FIVE-YEAR (5) REAL PROPERTY TAX ABATEMENT FOR**

Peak Investment and Asset Management LLC

**AND CORRECTING SCRIVENER'S ERROR IN RESOLUTION NO. 5040-
23 CONFIRMING THE ADOPTION OF RESOLUTION NO. 5031-23**

WHEREAS, on June 26, 2023, the Common Council of the City of South Bend, Indiana, adopted Resolution No. 5031-23 designating a certain area within the City as an Economic Revitalization Area for the purpose of tax abatement consideration; and

WHEREAS, Resolution No. 5031-23 designated the area described as:

Key Number: 71-03-35-360-020.000-026
Commonly Known As: 1405 Portage Avenue
Legal Description: Lot C Victory Add & Vac Alley N & Adj & Ex Se
Tri Cor to City 20/21 Con w/ 018-2182-6830 Per
Assessors Req IC 6-1.1-5-16

an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, on July 10, 2023, the Common Council adopted Resolution No. 5040-23 confirming Resolution No. 5031-23; and

WHEREAS, in addition to the area described in Resolution No. 5031-23 and Resolution No. 5040-23, the area designated as an Economic Revitalization Area by Resolution No. 5031-23 and confirmed by Resolution No. 5040-23 should have also included the area described as:

Key Number: 71-03-35-360-017.000-026
Commonly Known As: 1301 Elwood Avenue

Legal Description: Lot 8 Victory Add

Key Number: 71-03-35-360-016.000-026

Commonly Known As: 1305 Elwood Avenue

Legal Description: Lot 7 Victory Add

and that this additional area was inadvertently excluded in error from Resolution No. 5031-23 and Resolution No. 5040-23; and

WHEREAS, the Common Council desires to correct this scrivener's error appearing in Resolution No. 5031-23 and in Resolution No. 5040-23.

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

SECTION I. The area designated as an Economic Revitalization Area by Resolution No. 5031-23 as adopted on June 26, 2023, and confirmed by Resolution No. 5040-23 as adopted on July 11, 2023, is deleted and in its place is inserted the area described as:

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

Commonly Known As: 1405 Portage Avenue

Legal Description: Lot C Victory Add & Vac Alley N & Adj & Ex Se
Tri Cor to City 20/21 Con w/ 018-2182-6830 Per
Assessors Req IC 6-1.1-5-16

Key Number: 71-03-35-360-017.000-026

Commonly Known As: 1301 Elwood Avenue

Legal Description: Lot 8 Victory Add

Key Number: 71-03-35-360-016.000-026

Commonly Known As: 1305 Elwood Avenue

Legal Description: Lot 7 Victory Add

SECTION II. Resolution No. 5040-23 is reaffirmed in all other respects and will continue in full force and effect according to its terms.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

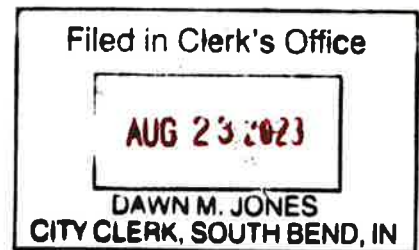
Dawn M. Jones, City Clerk
Office of the City Clerk

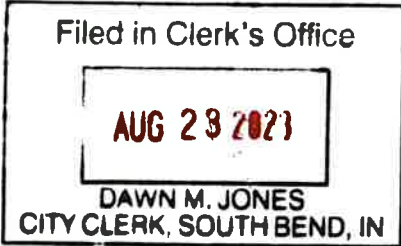
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2023, at _____ o'clock _____.m.

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





MEMORANDUM OF AGREEMENT

(RETAIL DEVELOPMENT REAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (Agreement) dated as of August 21, 2023, serves as confirmation of a commitment by **Peak Investment and Asset Management LLC** (the "Applicant") to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement.

1. Property Associated with the Abatement and Responsibilities of the Applicant. At the time of this Agreement, the property is located at 1405 Portage Avenue and 1301-1305 Elwood Avenue, South Bend, Indiana 46616, and has Key Numbers 71-03-35-360-020.000-026, 71-03-35-360-017.000-026, and 71-03-35-360-016.000-026. Throughout the duration of the abatement, the Applicant shall promptly report any changes in the addresses or Key Numbers of the property receiving the abatement to the Department of Community Investment and to the Office of the City Clerk. Moreover, the Applicant also shall report any material changes or improvements made to the property subject to the abatement including changes as the result of subdividing, replatting, or otherwise. The Applicant agrees that failure to promptly report changes can result in a finding of noncompliance on behalf of the Applicant under the commitments of this Agreement.

2. Commitments of City and Applicant. Subject to the adoption of a resolution correcting a scrivener's error in Resolution No. 5031-23 and Resolution No. 5040-23 by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana, (the "City") commits to provide a **five-year (5) retail development real property tax abatement** for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to the following (the "Commitments"):

(a) making total combined real property expenditures of no less than One Million Four Hundred Thousand Dollars (\$1,400,000.00) for the construction of two (2) new retail buildings totaling approximately ten thousand three hundred (10,300) square feet at property identified in Section 1 of this Agreement; and

(b) acting in good faith to complete the project as described in its Application.

3. Applicant's Compliance with City and State Laws. During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6, of the South Bend Municipal Code, entitled "Tax Abatement Procedures," and all governing provisions of the Indiana Code. During the term of this abatement, the City may annually request information from the Applicant concerning the nature of the Project, the approved capital expenditure of the Project, the number of full-time permanent positions newly created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (the "Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has at all times complied with the Commitments after the Commitment Date and during the duration of the abatement and for no other purpose. The Applicant further agrees to provide the City with such additional information as requested by the City

to determine Applicant's compliance with the Commitments and with local and state requirements within twenty (20) days following any such request. Notwithstanding anything herein to the contrary, the Applicant acknowledges that the City may be required to disclose certain documents provided by the Applicant as required by a court order or applicable law.

4. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it reasonably determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, as defined in Section 2 of this Agreement, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control, as described in Section 5 below.

5. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant, and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement. Applicant has the burden to communicate to the City any such factors in which it believes is beyond its control and impacting its ability to fulfill the terms of this Agreement or any tax abatement benefit provided to the City. The City reserves the right to investigate the factors cited by Applicant under this Section 5 to the fullest extent possible and may deny Applicant's request upon the completion of the City's investigation.

6. Repayment of Tax Abatement Savings. If at any time during the term of this Agreement the Applicant shall: (a) be delinquent or in default with respect to any tax payment in St. Joseph County, Indiana; or (b) cease operations at the facility for which the tax abatement was granted; or (c) announce the cessation of operations at such facility, then the City may immediately terminate the Economic Revitalization Area designation and associated tax abatement deductions, and upon such termination, require Applicant to repay all of the tax abatement savings received through the date of such termination.

7. Notice/Hearing of Termination. In the event that the City determines that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated or that all or a portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax savings repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax savings repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or the tax repayment action is proper, the Applicant shall be provided with written notice and a hearing before the SBCC before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. The Applicant shall be entitled to appeal that determination to a St. Joseph County Superior or Circuit Court.

8. Repayment. In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (the "Statement"), and Applicant shall make such repayment to the City within one hundred twenty (120) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement of this Agreement and the collection of the tax abatement savings required to be repaid hereunder.

9. Voidance of Previous Agreement. This Agreement supersedes the Memorandum of Agreement dated June 28, 2023, as agreed to by the Applicant and the City.

10. Modification/Entire Agreement. This Agreement and the schedules attached hereto as Exhibit A contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral, or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

11. Waivers. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power, or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power, or privilege preclude any other or further exercise of the same or of any other right, remedy, power, or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

12. Governing Laws of Indiana. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

13. Applicant's Consent to Jurisdiction. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the St. Joseph County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

14. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:	Peak Investment and Asset Management LLC 5199 Gardenia Court West Lafayette, Indiana 47906 Attn: Praveen Gulati, Owner
If to the City:	City of South Bend, Indiana 227 W. Jefferson Boulevard, Suite 1400S South Bend, Indiana 46601 Attn: Executive Director of Community Investment

15. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except (a) that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld, and (b) Applicant may assign and transfer its rights under this Agreement to the Permitted Assign without prior written consent. "Permitted Assign" means the affiliated single purpose entity created for purposes of designing, constructing, owning, operating, and maintaining the project which is the subject of this Agreement.

16. Valid and Binding Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

17. Severability. The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

18. No Personal Liability. No official, director, officer, employee, or agent of the City shall be charged personally by the Applicant, its employees, or its agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.



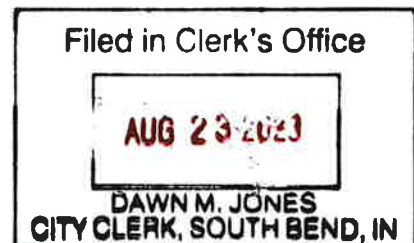
<p>"Applicant"</p> <p>Peak Investment and Asset Management LLC</p> <p>By: </p> <p>Praveen Gulati Owner Peak Investment and Asset Management LLC</p> <p>Approved as to Legal Adequacy and Form this _____ day of _____, 2023.</p> <p>Counsel, South Bend Common Council</p> <p>_____</p> <p>Counsel for Applicant</p> <p>_____</p>	<p>"City"</p> <p>City of South Bend, Indiana</p> <p>By: _____</p> <p>Sharon McBride President, South Bend Common Council</p> <p>By: _____</p> <p>Rachel Tomas Morgan Chairperson, Community Investment Committee</p> <p></p> <p>By: _____</p> <p>Erik Glavich Department of Community Investment</p> <p>By: _____</p> <p>James Mueller Mayor</p>
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EXHIBIT A

Abatement Schedule

Subject to the adoption by the SBCC of a resolution correcting a scrivener's error in Resolution No. 5031-23 and Resolution No. 5040-23, the property owner is qualified for and is granted a retail development real property tax abatement for a period of five (5) years as shown by the schedule outlined below.

Year 1 - 100%
Year 2 - 90%
Year 3 - 80%
Year 4 - 70%
Year 5 - 60%



RESOLUTION

No. 5031-23

Passed by the Common Council of the City of South Bend, Indiana _____

June 26, _____ 20 23

Attest: *Dawn M. Jones* _____ City Clerk
Dawn M. Jones

Attest: *Sharon McBride* _____ President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana _____

June 27, _____ 20 23

Dawn M. Jones _____ City Clerk
Dawn M. Jones

Approved and signed by me *July 5,* _____ 20 *23*

l Mh -

BILL NO. 23-34
RESOLUTION NO. 5031-23

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS**

1405 Portage Avenue, South Bend, IN 46616

**AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
FIVE-YEAR (5) REAL PROPERTY TAX ABATEMENT FOR**

Peak Investment and Asset Management LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area described as:

<i>Key Number:</i>	<i>71-03-35-360-020.000-026</i>
<i>Commonly Known As:</i>	<i>1405 Portage Avenue</i>
<i>Legal Description:</i>	<i>Lot C Victory Add & Vac Alley N & Adj & Ex Se Tri Cor to City 20/21 Con w/ 018-2182-6830 Per Assessors Req IC 6-1.1-5-16</i>

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the Key Number and legal description to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code 6-1.1-12.1 et seq. for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, is sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating the area as an Economic Revitalization Area for purposes of real property tax abatement.

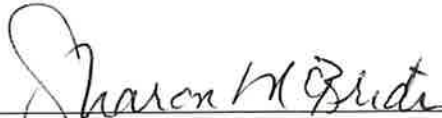
SECTION V. The designation as an Economic Revitalization Area shall expire on December 31, 2026.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of five (5) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%
Year 2 - 90%
Year 3 - 80%
Year 4 - 70%
Year 5 - 60%

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code 5-3-1 and Indiana Code 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

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



Sharon McBride, Council President
South Bend Common Council

Attest:



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

Approved and signed by me on the 5th day of July, 2023, at 5 o'clock
7 .m.



James Mueller, Mayor
City of South Bend

BILL NO. 24-02



CITY OF SOUTH BEND COMMUNITY INVESTMENT

January 3, 2024

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



RE: **Confirming Resolution:** Mixed-Use Development Real Property Tax Abatement
Petition for the **Nexus Center, LLC**

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a mixed-use development real property tax abatement petition submitted by the Nexus Center, LLC, an Indiana Limited Liability Company. The petitioner plans to complete the renovation of the former Praxair building located at 3607 S. Main Street and is found south of downtown South Bend. This petition package includes:

- Department of Community Investment's summary report
- Petition for abatement
- Statement of Benefits form (SB-1 / Real Property)
- Supporting information

The report contains the Department's findings relative to the above-mentioned petition. The petitioner will complete the remodel of the ~20,000 sq. ft building which will include a commercial kitchen, a great hall, an auditorium, multi-purpose community event spaces including outdoor space, and an outdoor amphitheater. The total private investment for the last phase of the remodel is projected to cost \$800,000.

The project meets the requirements established by Sections 2-80, et seq. and would qualify for a nine-year (9) mixed-used development real property tax abatement. Representatives from the Nexus Center, LLC will be available to meet with the Committee on Monday, January 8, 2024.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at (574) 235-5836.

Sincerely,

Mark Bemenderfer
Manager Business Development

TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Mark Bemenderfer, Manager Business Development

SUBJECT: Mixed-Use Development Real Property Tax Abatement Petition for **the Nexus Center LLC**

DATE: December 6, 2023

On December 6, 2023, a petition for tax abatement from for the Nexus Center LLC was filed with the Office of the City Clerk. The petition seeks consideration for a mixed-use development real property tax abatement for the completion of the redevelopment of the building known as the Nexus Center at 3607 S Main St.

Pursuant to Chapter 2, Article 6, Section 2 84.9 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to Indiana Code § 6 1.1-12.1 and all zoning requirements have been met.

The Department of Community Investment has reviewed the petitions (a copy of which each is attached), investigated the area, and makes the following report.

Project Summary

- The petitioner, the Nexus Center LLC, plans to complete the renovations of the former Praxair building. Previous phases of the remodel included the development of the front lobby area, developing the second-floor office space currently being leased to Goodwill and partial construction of a health clinic that will focus on providing aid to disadvantaged individuals. However, for a variety of reasons including increased construction costs and COVID, the final phase of the project has been delayed.
- The petitioner will complete the remodel of the ~20,000 sq. ft building which will include a commercial kitchen, a great hall, an auditorium, multi-purpose community event spaces including an outdoor space, and an outdoor amphitheater.
- The petitioner is investing a total of \$800,000 into this late phase of the project. Total project expenditure for all phases is expected to exceed \$2.4 million.

Tax Estimates

The petitioner qualifies for a nine-year (9) mixed-use development real property tax abatement.

- Current taxes for 2023 (Paid): \$17,736.22
- Total estimated taxes during the nine-year (9) abatement period: \$355,449
 - Estimated taxes being abated during the abatement period: \$102,180

- Estimated total taxes to be paid during the abatement period: \$253,269
- Estimated taxes paid after fifteen (15) years: \$490,234
- Estimated taxes paid after twenty (20) years: \$687,706

Employment Impact

The parcel and areas of Nexus Center for which this abatement petition applies currently do not have direct employees. However, there are 20 indirect employees (primarily with Goodwill) who work out of the Nexus Center.

- Upon completion of the project, the petitioner expects to create at least ten (10) new full-time jobs with an average hourly wage of \$20. Administrative positions will start at \$15 per hour.

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has not been granted or is associated with any previous abatements.
2. The property is properly zoned for the proposed project.
3. Taxes on the property have been paid in full.
4. A review of the South Bend Redevelopment designation areas finds that the property is located in the South Side Development Tax Incremental Financing (TIF) area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a nine-year (9) mixed-use development real property tax abatement under Division 5 (Mixed Use Development Real Property Tax Abatement).

Nexus Center LLC

South Bend Portage Township
Commencement Development Real Property Tax Abatement Schedule *

Type of Property: Community space; offices
 Estimated Project Cost: \$ 800,000 Rehabilitation
 Property Address: 3607 S. Main Street
 Tax Key Number: 71-06-24-353-001-000-026

	Current	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
Assessed Value (AV)										
Land	\$ 71,000	\$ 71,000	\$ 71,000	\$ 71,000	\$ 71,000	\$ 71,000	\$ 71,000	\$ 71,000	\$ 71,000	\$ 71,000
Structure (AV = 80% Project Cost)	450,700	1,090,700	1,090,700	1,090,700	1,090,700	1,090,700	1,090,700	1,090,700	1,090,700	1,090,700
Gross Assessed Value	521,700	1,161,700	1,161,700	1,161,700	1,161,700	1,161,700	1,161,700	1,161,700	1,161,700	1,161,700
Abatement		100%	100%	95%	95%	90%	90%	85%	85%	80%
Abatement Deduction		(640,000)	(640,000)	(608,000)	(608,000)	(576,000)	(576,000)	(544,000)	(544,000)	(512,000)
Net Assessed Value	521,700	1,161,700	521,700	553,700	553,700	585,700	585,700	617,700	617,700	649,700
Property Taxes										
Assume constant tax rate of 5.2897%										
Gross Tax (Tax Rate x Net AV)	27,596	61,450	27,596	29,289	29,289	30,982	30,982	32,674	32,674	34,367
Local Tax Credit (6.7112% of GT-DS)	(2,222)	(4,949)	(2,222)	(2,359)	(2,359)	(2,495)	(2,495)	(2,631)	(2,631)	(2,768)
Circuit Breaker Credit	(7,638)	(17,008)	-	-	-	-	-	-	-	-
Taxes Due	\$ 17,736	\$ 39,494	\$ 25,374	\$ 26,930	\$ 26,930	\$ 28,487	\$ 28,487	\$ 30,043	\$ 30,043	\$ 31,600
Circuit Breaker Cap	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Debt Service (0.3997% of Net AV)	15,651	34,851	34,851	34,851	34,851	34,851	34,851	34,851	34,851	34,851
Max Tax Under the Cap	2,085	4,643	2,085	2,213	2,213	2,341	2,341	2,469	2,469	2,597
	17,736	39,494	36,936	37,064	37,064	37,192	37,192	37,320	37,320	37,448

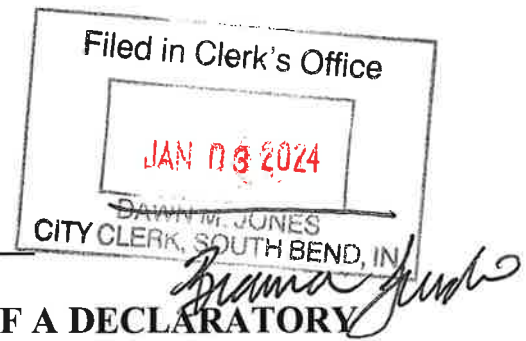
Year	Abatement	Current Taxes Due	New Projected Tax	Combined Current & New Taxes	Taxes Abated	Net Taxes Paid
1	100%	\$ 17,736	\$ 21,758	\$ 39,494	\$ (14,120)	\$ 25,374
2	100%	17,736	21,758	39,494	(14,120)	25,374
3	95%	17,736	21,758	39,494	(12,564)	26,930
4	95%	17,736	21,758	39,494	(12,564)	26,930
5	90%	17,736	21,758	39,494	(11,007)	28,487
6	90%	17,736	21,758	39,494	(11,007)	28,487
7	85%	17,736	21,758	39,494	(9,451)	30,043
8	85%	17,736	21,758	39,494	(9,451)	30,043
9	80%	17,736	21,758	39,494	(7,895)	31,600
Total:		159,628	195,823	355,449	(102,180)	253,269

* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2022 Payable 2023. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



BILL NO. 24-02

RESOLUTION NO. _____



**A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY
RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY
OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS**

3607 South Main Street, South Bend, Indiana 46614

**AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A NINE-
YEAR (9) REAL PROPERTY TAX ABATEMENT FOR**

The Nexus Center, LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area described as:

<i>Key Number:</i>	<i>71-08-24-353-001.000-026</i>
<i>Commonly Known As:</i>	<i>3607 South Main Street, South Bend, Indiana 46614</i>
<i>Legal Description:</i>	<i>Lots 1 Thru 5 Ida M. Walz Sub & Lots D & E. J E Walz Revised & Vac St. & Vac Alley</i>

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

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

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such

designation is for mixed-use development real property tax abatement only and shall expire on December 31, 2026.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of nine (9) years as shown by the schedule outlined below pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

- Year 1 - 100%
- Year 2 - 100%
- Year 3 - 95%
- Year 4 - 95%
- Year 5 - 90%
- Year 6 - 90%
- Year 7 - 85%
- Year 8 - 85%
- Year 9 - 80%

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

Sharon McBride, Council President
South Bend Common Council

Attest:

Bianca Tirado, 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 _____, 2024, at _____ o'clock _____.m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ___ o'clock
____.m.

James Mueller, Mayor
City of South Bend

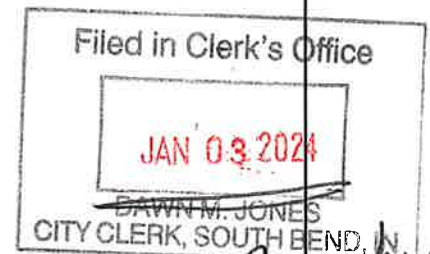
City of South Bend Petition for Incentives

*Petition must include a \$250 filing fee payable to the
"City of South Bend" before processing can be complete*

**Instructions: Complete pages 1-3
AND the proper Form SB-1 for
the type of abatement (real
property or personal property)
for which you are applying.**



General Information		Project Name	Project Number
Legal name as registered with Secretary of State		Nexus Center LLC	
Business structure		Domestic Limited Liability Company	
Company website		n/a	
Proposed Project Information			
Proposed project address		3607 S. Main Street	Parent company name Nexus Center LLC
City, State, Zip	South Bend, IN 46614	Legal owner	Nexus Center LLC
Site acreage or acreage required	2.74	Is the real estate owned or leased?	Owned
Square feet of facility	~20,000	If leased, by whom?	
Primary Contact Information			
Primary company contact name		David Buggs	Title Manager
Address of company contact		3607 S. Main Street	Phone (574) 633-1303
City, State, Zip	South Bend, IN 46614	Email	davidrialbuggs@alumni.nd.edu
Senior Official Information			
Company senior official name		n/a	Title
Address of company contact (if different from above)			Phone
City, State, Zip		Email	
Consultant Information/Agent			
Hired business consultant/agent name		n/a	Consultant release? (Y/N)
Address			Local economic development partners approval? (Y/N)
City, State, Zip		Email	
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth		Final phase of rehabilitation of the Nexus Center: commercial kitchen; great hall; auditorium; exterior community space and outdoor amphitheater; grand entrance; and multi-purpose community event space.	
Certified Technology Park appropriate		n/a	
Is the project in a Tax Incremental Financing (TIF) area? If so, which?		South Side Development Area	
Have Building Permits been issued? (Y/N) [Note-Not eligible for abatement if Yes]		N	Number of residential units created by project
If this is a petition for personal property tax abatement, has the equipment been installed?		n/a	



Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
0	No	n/a	n/a

New Project Investments								
Calendar Year	2022	2023	2024	2025	2026	2027	2028	2029
Land Acquisition								
Building Lease Payments								
Building Purchase Costs								
New Building Construction								
Existing Building Improvements			\$ 800,000.00					
New Machinery & Equipment								
Special Tooling/Retooling								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 0.00	\$ 0.00	\$ 800,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Hourly average wage, w/o benefits or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2023	20					
2024			10	\$ 20.00		
2025						
2026						
2027						
2028						
2029						
2030						
2031						
2032						
2033						
2034						

Provide hourly wage information for new employees in the following positions.		
	Full time	Part time
Laborers		
Technical		
Managerial		
Administrative	\$ 15.00	\$ 15.00

Who will be the individual responsible for coordinating with WorkOne on recruiting? **David Buggs**

Does your company have an EEO hiring policy? **Yes** Are you an EEO employer? **Yes**

Please list the number of full time and part time minority and/or female employees for the following years:						Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
Year	2023		2022		2021	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Black						
Hispanic						
Asian						
Indian						
Female						
Other						

Committed to supporting diversity and inclusion – The Nexus Center is focused on bringing people together and connecting them with resources; The Nexus Center’s mission is to serve residents who are disadvantaged including minorities and women and our goal is to create opportunities.

Complete the table below for Real Property Tax Abatement only.

***** Sign at the bottom for all requested incentives (real AND personal property). *****

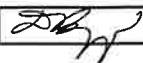
Public Benefit Item:

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.

		Qualify (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	Y	20	20
	B.	Purchase Materials from Local Companies (75%)	Y	20	20
	C.	Require Employees vs. Independent Contractors	Y	19	19
	D.	Require Prevailing Wage	N	0	22
	E.	Require Health Benefits	N	0	22
	F.	Require Retirement Benefits	N	0	18
	G.	Maintain Affirmative Action Plan	N	0	20
		Sub-total Construction Related:		59	141
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	Y	33	33
	B.	Provide Health Benefits	N	0	34
	C.	Provide Retirement Benefits	N	0	29
	D.	Provide Training	Y	28	28
	E.	Provide Child Care	N	0	15
	F.	Provide Transportation Assistance	N	0	14
	G.	Provide Employer Assisted Housing program	N	0	9
	Sub-total Wage & Benefit Related:		61	162	
3	Workforce Related:				
	A.	Create New Jobs	Y	42	42
	B.	Retain Existing Jobs	Y	41	41
	C.	Maintain Affirmative Action Plan	Y	35	35
	D.	Provide Targeted Hiring Preference	N	0	34
	Sub-total Workforce Related:		118	152	
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	Y	84	84
		Name of Facility	The History Museum		
	Sub-total Municipal Facility:		84	84	
Sub-total from Above:			322	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:



Date:

11/29/2023

For Staff Use Only Below This Line					
What is the current assessed value?	Real Property:	\$521,700	Personal Property:	n/a	
What is the projected assessed value?	Real Property:	\$1,161,700	Personal Property:	n/a	
What is the tax key number for this project?	71-08-24-353-001.000-026				
What is the six digit NAICS code?	n/a				
Please attach a Google map and street view of the location.					
Please list the amount of real and personal property taxes paid for the last five years when applicable.		Real Property Taxes:	Personal Property Taxes:		
Year One		17,736.22	n/a		
Year Two		16,923.28	n/a		
Year Three		19,368.10	n/a		
Year Four		17,010.00	n/a		
Year Five		19,207.68	n/a		
Please fill out the following Public Benefit Summary information and add to total from above.					
			(Y or N)	Points	Points
Public Benefit Item:					
Project Related:					
5	A.	Redevelop a Site that has Special Needs	Y	49	49
	B.	Develop Based on Local University Research	N	0	35
	C.	Achieve a Physical Element of a Plan	N	36	36
	Sub-total Project Related:			85	120
6	Super Size Projects (point values are cumulative):				
	A.	100% to 199%	Y	25	25
	B.	200% to 299%	Y	68	68
	C.	300% to 399%	Y	65	65
	D.	400% and Over	Y	52	52
Sub-total Super Size Projects:			210	210	
7	Pay for Municipal Infrastructure:				
	A.	Pay for Oversizing or Upgrading	N	0	14
	B.	Pay for 26-50% of Extension Cost	N	0	26
	C.	Pay for 51-75% of Extension Cost	N	0	39
	D.	Pay for 76-100% of Extension Cost	N	0	52
Sub-total Infrastructure Related:			0	131	
Total from Applicant Section:				322	539
Total from Staff Section:				295	461
Total Public Benefit Points:				617	1000



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office

JAN 03 2024

DAWN M. JONES
CITY CLERK SOUTH BEND, IN

2023 PAY 2024

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box)

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Nexus Center LLC					
Address of taxpayer Number and Street: 3607 S. Main Street City: South Bend State: IN ZIP: 46614					
Name of contact person First Name: David Last Name: Buggs		Telephone number (574) 633-1303		E-mail address davidrbuggs@alumni.nd.edu	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body Common Council of the City of South Bend				Resolution number	
Location of property Number and Street: 3607 S. Main Street City: South Bend State: IN ZIP: 46614		County St. Joseph		DLGF taxing district number 026 (South Bend-Portage)	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Final phase of rehabilitation of the Nexus Center: commercial kitchen; great hall; auditorium; exterior community space and outdoor amphitheater; grand entrance; and multi-purpose community event space.				Estimated start date (month, day, year) 3/1/2024	
				Estimated completion date (month, day, year) 3/1/2026	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number 0	Salaries \$ 0	Number Retained 0	Salaries \$ 0	Number Additional 10	Salaries \$ 400,000
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		\$ 0		\$ 450,700	
Plus estimated values of proposed project		\$ 800,000		\$ 640,000	
Less values of any property being replaced		\$ 0		\$ 0	
Net estimated values upon completion of project		\$ 800,000		\$ 1,090,700	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) 0		Estimated hazardous waste converted (pounds) 0			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 11/29/2023	
Printed name of authorized representative David Buggs				Title Owner	

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed N/A calendar years* (see below). The date this designation expires is 12/31/2026 . *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ N/A .
- D. Other limitations or conditions (specify) N/A
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body Common Council of the City of South Bend, Indiana	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

**IC 6-1.1-12.1-17
Abatement schedules**

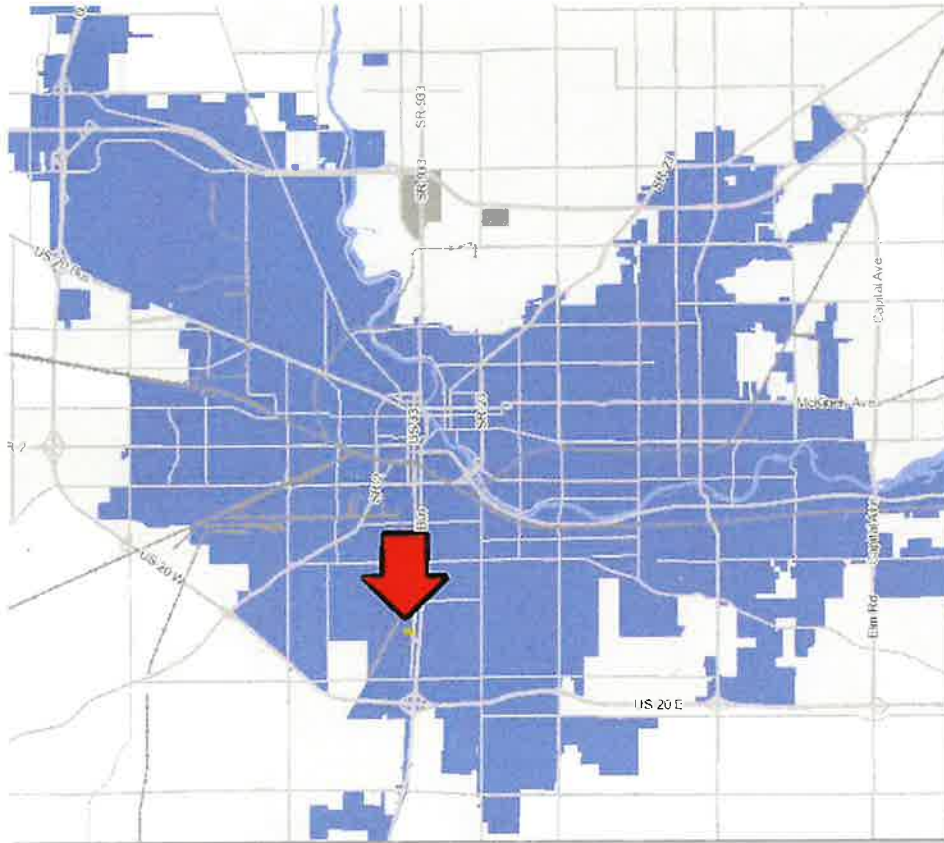
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Aerial Views



View of the Nexus Center looking west from South Main Street



View of the Nexus Center looking south from Sherwood Street



Current images of the interior to be redeveloped.







MEMORANDUM OF AGREEMENT

(MIXED-USE REAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (Agreement) dated as of December 19, 2023, serves as confirmation of a commitment by **THE NEXUS CENTER, LLC** (the “Applicant”), pending a January 8, 2024, public hearing, to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement.

1. Property Associated with the Abatement and Responsibilities of the Applicant. At the time of this Agreement, the property is located at 3607 S. Main St, South Bend, Indiana 46614, and has Key Number 71-08-24-353-001.000-026. Throughout the duration of the abatement, the Applicant shall promptly report any changes in the address or Key Number of the property receiving the abatement to the Department of Community Investment and to the Office of the City Clerk. Moreover, the Applicant also shall report any material changes or improvements made to the property subject to the abatement including changes as the result of subdividing, replatting, or otherwise. The Applicant agrees that failure to promptly report changes can result in a finding of noncompliance on behalf of the Applicant under the commitments of this Agreement.

2. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the “SBCC”), the City of South Bend, Indiana, (the “City”) commits to provide a **nine-year (9) mixed-use real property tax abatement** for the Applicant, based on the Applicant’s commitment set forth in its Application. The Applicant commits to the following (the “Commitments”):

(a) making total combined real property expenditures of approximately Eight Hundred Thousand dollars (\$800,000.00) for the development of a commercial kitchen, a great hall, an exterior community space and amphitheater, and a multi-purpose community event space at property identified in Section 1 of this Agreement;

(b) creating approximately ten (10) permanent full-time jobs with a total estimated annual payroll of approximately Four Hundred Sixteen Thousand dollars (\$416,000.00) within three (3) years of the tax abatement; and

(c) acting in good faith to complete the project as described in its Application.

3. Applicant’s Compliance with City and State Laws. During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6, of the South Bend Municipal Code, entitled “Tax Abatement Procedures,” and all governing provisions of the Indiana Code. During the term of this abatement, the City may annually request information from the Applicant concerning the nature of the Project, the approved capital expenditure of the Project, the number of full-time permanent positions newly created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (the “Annual Survey”). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the

Statement of Benefits form to verify that the Applicant has at all times complied with the Commitments after the Commitment Date and during the duration of the abatement and for no other purpose. The Applicant further agrees to provide the City with such additional information as requested by the City to determine Applicant's compliance with the Commitments and with local and state requirements within twenty (20) days following any such request. Notwithstanding anything herein to the contrary, the Applicant acknowledges that the City may be required to disclose certain documents provided by the Applicant as required by a court order or applicable law.

4. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it reasonably determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, as defined in Section 2 of this Agreement, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control, as described in Section 5 below.

5. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant, and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement. Applicant has the burden to communicate to the City any such factors in which it believes is beyond its control and impacting its ability to fulfill the terms of this Agreement or any tax abatement benefit provided to the City. The City reserves the right to investigate the factors cited by Applicant under this Section 5 to the fullest extent possible and may deny Applicant's request upon the completion of the City's investigation.

6. Repayment of Tax Abatement Savings. If at any time during the term of this Agreement the Applicant shall: (a) be delinquent or in default with respect to any tax payment in St. Joseph County, Indiana; or (b) cease operations at the facility for which the tax abatement was granted; or (c) announce the cessation of operations at such facility, then the City may immediately terminate the Economic Revitalization Area designation and associated tax abatement deductions, and upon such termination, require Applicant to repay all of the tax abatement savings received through the date of such termination.

7. Notice/Hearing of Termination. In the event that the City determines that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated or that all or a portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax savings repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax savings repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or the tax repayment action is proper, the Applicant shall be provided with written notice and a hearing before the SBCC before any final action shall be taken terminating the abatement

and/or requiring repayment of tax benefits. The Applicant shall be entitled to appeal that determination to a St. Joseph County Superior or Circuit Court.

8. Repayment. In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (the “Statement”), and Applicant shall make such repayment to the City within one hundred twenty (120) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys’ fees incurred in the enforcement of this Agreement and the collection of the tax abatement savings required to be repaid hereunder.

9. Modification/Entire Agreement. This Agreement and the schedules attached hereto as Exhibit A contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral, or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

10. Waivers. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power, or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power, or privilege preclude any other or further exercise of the same or of any other right, remedy, power, or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant’s Consent to Jurisdiction. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the St. Joseph County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

12. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:	The Nexus Center, LLC 3607 S Main St, South Bend, IN 46614 Attn: Pastor David Buggs
If to the City:	City of South Bend, Indiana 227 W. Jefferson Boulevard, Suite 1400S South Bend, Indiana 46601 Attn: Executive Director of Community Investment

13. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except (a) that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld, and (b) Applicant may assign and transfer its rights under this Agreement to the Permitted Assign without prior written consent. “Permitted Assign” means the affiliated single purpose entity created for purposes of designing, constructing, owning, operating, and maintaining the project which is the subject of this Agreement.

14. Valid and Binding Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

15. Severability. The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

16. No Personal Liability. No official, director, officer, employee, or agent of the City shall be charged personally by the Applicant, its employees, or its agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.


<p>“Applicant”</p> <p>The Nexus Center, LLC</p> <p>By: <u>David Buggs</u></p> <p>Pastor David Buggs Manager The Nexus Center, LLC</p> <p>Approved as to Legal Adequacy and Form this _____ day of _____, 2024.</p> <p>Counsel, South Bend Common Council</p> <p>_____</p> <p>Counsel for Applicant</p> <p>_____</p>	<p>“City”</p> <p>City of South Bend, Indiana</p> <p>By: _____</p> <p>Sharon McBride President, South Bend Common Council</p> <p>By: _____</p> <p>Rachel Tomas Morgan Chairperson, Community Investment Committee</p> <p>By:  _____</p> <p>Erik Glavich Department of Community Investment</p> <p>By: _____</p> <p>James Mueller Mayor</p>
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EXHIBIT A

Abatement Schedule

Subject to the adoption by the SBCC of a resolution confirming the adoption of Declaratory Resolution No. 5062-23, the property owner is qualified for and is granted a mixed-use real property tax abatement for a period of nine (9) years as shown by the schedule outlined below.

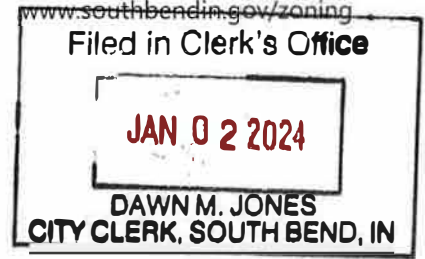
Year 1 - 100%
Year 2 - 100%
Year 3 - 95%
Year 4 - 95%
Year 5 - 90%
Year 6 - 90%
Year 7 - 85%
Year 8 - 85%
Year 9 - 80%

BILL NO. 01-24



City of South Bend PLAN COMMISSION

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



December 19, 2023

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

RE: 3931 Portage Road and Vacant Lot Adjacent to and West of 3931 Portage Road
PC#0186-24

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 January 8, 2024, Council meeting, and set it for public hearing at your January 22, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the January 16, 2024, 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:

Rezone property from S2 Suburban Neighborhood 2 to C Commercial.

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

Sincerely,

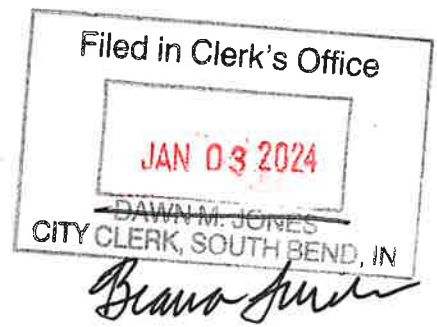
Kari Myers
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



BILL NO. 01-24

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 3931 PORTAGE ROAD AND VACANT LOT ADJACENT TO AND WEST OF 3931 PORTAGE ROAD COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Rezone property from S2 Suburban Neighborhood 2 to C Commercial

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:

A part of the West Half of the Northwest Quarter of Section 22, Township 38, Range 2 East, bounded by a line running as follows: Beginning at the Southwest Corner of said Northwest Quarter of Section 22; thence running North on the West line of said Section 292.71 Feet; then East 955.68 Feet to the center line of Portage Road; thence Southeasterly with the centerline of Portage Road to the South line of said Quarter Section; thence West on said line 1066.56 Feet to the place of beginning.

be and the same is hereby established as C Commercial

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 L. McBride, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2024, at _____ o'clock ____ .m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 025-1014-0221 and 025-1014-022101

Address: 3931 Portage Road and vacant lot adjacent to and west of 3931 Portage Road

Owner: Salah M & Cynthia Hilal

Legal Description:

A part of the West Half of the Northwest Quarter of Section 22, Township 38, Range 2 East, bounded by a line running as follows: Beginning at the Southwest Corner of said Northwest Quarter of Section 22; thence running North on the West line of said Section 292.71 Feet; then East 955.68 Feet to the center line of Portage Road; thence Southeasterly with the centerline of Portage Road to the South line of said Quarter Section; thence West on said line 1066.56 Feet to the place of beginning.

Project Summary

The proposed rezoning would result in the both portions of the property being zoned the same in order to allow for a cohesive commercial development.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: S2 Suburban Neighborhood 2

C Commercial

Proposed District C Commercial

Additional Districts, if applicable

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

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

Subdivision – *complete and attach subdivision application*

Special Exception – *complete and attach Criteria for Decision Making*

Use requested: _____

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

Variance(s) requested: _____

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: Salah Hilal

Address: 52447 Portage Rd
South Bend, IN 46628

Name: Cynthia Hilal

Address: 52447 Portage Rd
South Bend, IN 46628

Name: _____

Address: _____

Contact Person:

Name: Danch, Harner & Associates; Attn: Angela Smith

Address: 1643 Commerce Drive
South Bend, IN 46628

Phone Number: 574-234-4003


E-mail: asmith@danchharner.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:



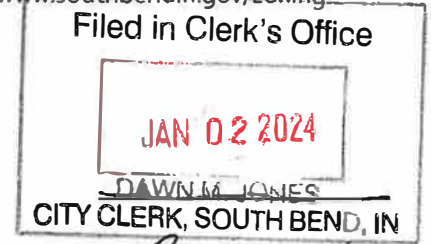


BILL NO. 02-24



City of South Bend PLAN COMMISSION

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



December 19, 2023

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

RE: 711 Leland Avenue – PC#0187-24

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 January 8, 2024, Council meeting, and set it for public hearing at your January 22, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the January 16, 2024, 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:

Rezone property from U2 Urban Neighborhood 2 to UF Urban Flex

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

Sincerely,

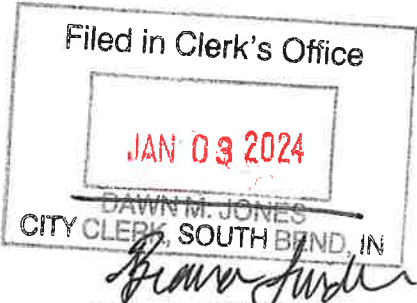
Kari Myers
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



BILL NO. 02-24

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 711 LELAND AVENUE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from U2 Urban Neighborhood 2 to UF Urban Flex

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 SIX (6) AS SHOWN ON THE RECORDED PLAT OF ST. JOSEPH COUNTY AGRICULTURAL SOCIETY'S ADDITION TO THE CITY OF SOUTH BEND, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 1

be and the same is hereby established as UF Urban Flex

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 L. McBride, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-1057-2416

Address: 711 Leland

Owner: Caspers-Shutts Family Trust

Legal Description:

LOT NUMBERED SIX (6) AS SHOWN ON THE RECORDED PLAT OF ST. JOSEPH COUNTY AGRICULTURAL SOCIETY'S ADDITION TO THE CITY OF SOUTH BEND, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 1.

Project Summary

The propose rezoning would allow for a non-residential ground-floor use with a residential dwelling unit above. The development would use the existing structure on site. Additional residential units may be added in an secondary structure at the rear of the property in compliance with the Ordinance.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U2 Urban Neighborhood 2

Additional Districts, if applicable

Proposed District: UF Urban Flex

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: Retail & Service and Restaurant

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

Variance(s) requested:

Required Documents

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

Criteria for Decision Making

Special Exception - *if applicable*

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

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

The proposed restaurant or retail space will meet all applicable building and fire safety codes. Therefore, it should not be detrimental to the public health, safety, or 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, because:

This home is located in a historic district, which protects the appearance and form of the structure. Allowing for a use that would compliment the neighborhood - like a small restaurant or retail place - should not adversely impact the use or value of the adjacent property. The outward appearance of the structure would be residential, and the use would be limited in scale by the nature and size of the structure.

(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:

While not immediately fronting Portage Road, the unique street configuration in this area makes it feel like it is part of the Portage Road frontage. Across Leland Ave is the successful No. 6 Restaurant. The proposed use would compliment the No.6 Restaurant use and provide needed services to the neighborhood. The property would be developed in a mixed use format with a residential unit on the 2nd story of the existing structure, allowing for a more traditional neighborhood development pattern common in this area where a business owner could potentially live above their business.

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

The proposed use is consistent with City Plan (2006), Objective LU2: Encourage a compatible mix of land uses in the community. More specifically, LU2.2 Pursue a mix of land uses along major corridors. This property is less than 75' from and highly visible to the Portage Road corridor. The only property between this and Portage Road is a small piece of a triangular lot occupied by a restaurant. As a mixed use building (with residential above), it would also comply with Objective H2, which speaks of both renovating and repairing older homes and maintaining housing stock.

Contact information

Property owner(s) of the petition site:

Name: Casper-Shutts Family Trust

Address: 1211 Campeau St
South Bend, IN 46617

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Danch, Harner & Associates - Attn: Angela Smith

Address: 1643 Commerce Drive
South Bend, IN 46628

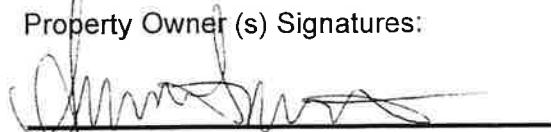
Phone Number: 574-234-4003

E-mail: asmith@danchharner.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.

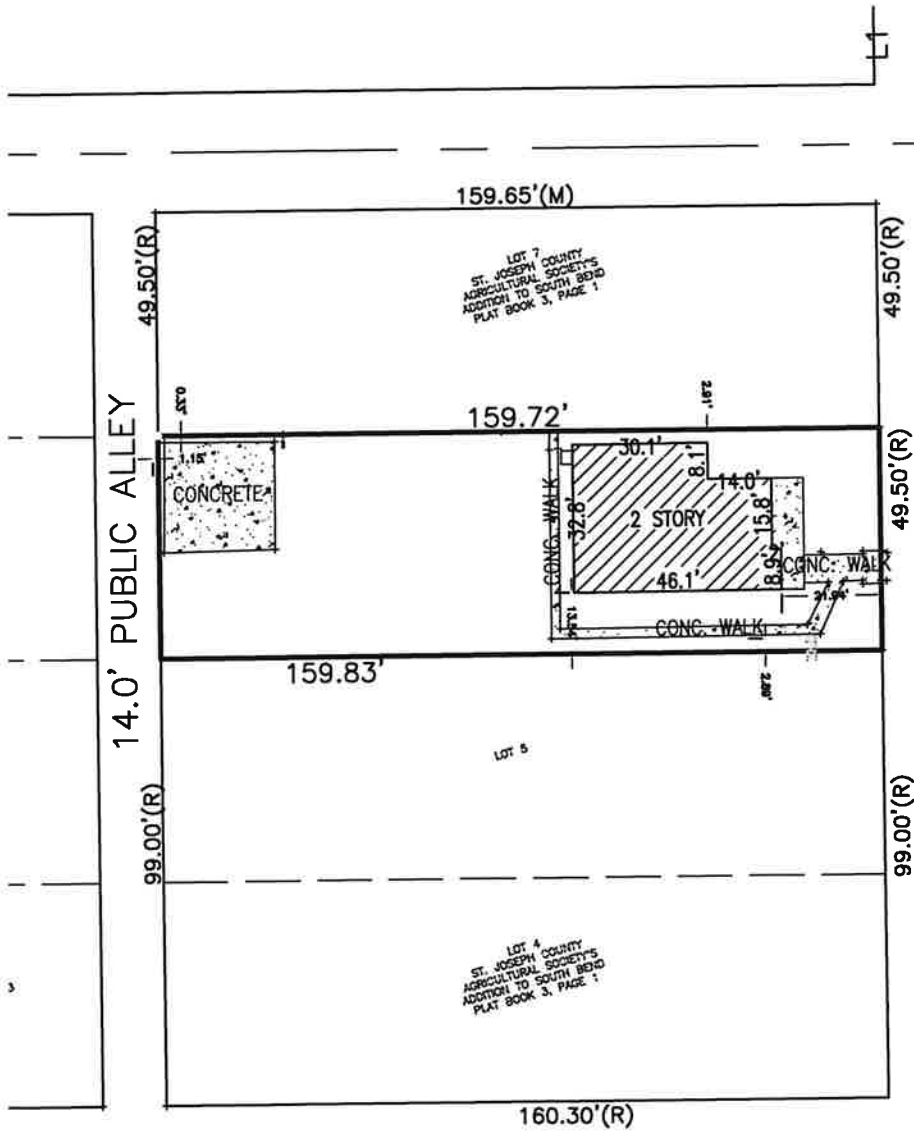
Property Owner (s) Signatures:



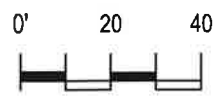


12/12/2023 9:10 AM

230125.3 Site Plan.dwg



LELAND AVENUE (60.0' R/W)

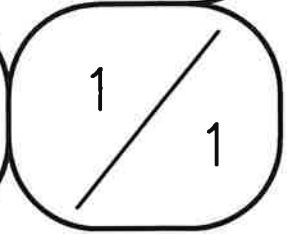


Danch, Harner & Associates, Inc.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

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

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BILL NO. 03-24



City of South Bend PLAN COMMISSION

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

December 19, 2023

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

RE: 734 S. Walnut Street – PC#0185-24

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 January 8, 2024, Council meeting, and set it for public hearing at your January 22, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the January 16, 2024, 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:

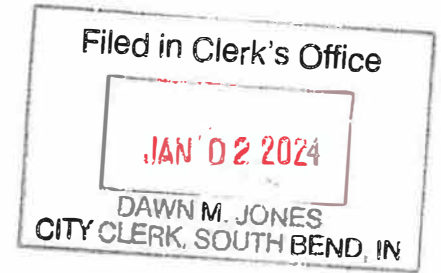
Rezone property from U1 Urban Neighborhood 1 to NC Neighborhood Center

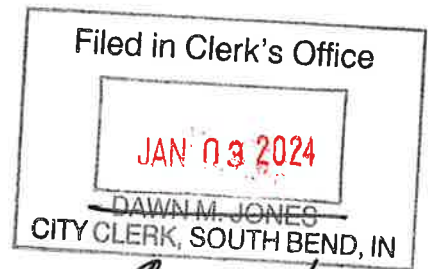
If you have any questions, please feel free to contact our office.

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer





BILL NO. 03-24

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 734 SOUTH WALNUT STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Rezone property from U1 Urban Neighborhood 1 to NC Neighborhood Center

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:

40.887 FT SOUTH SIDE LOT 5 HONERS SUB OF BANK OUTLOT 101
COMMONLY KNOWN AS 734 SOUTH WALNUT STREET

be and the same is hereby established as NC Neighborhood Center

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

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

Sharon L. McBride, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 01830843394

Address: 734 S Walnut St

Owner: Rosa M Arevalo

Legal Description:

Vacant lot of land

Project Summary

The original structure was taken down and cement was put in place allowing 7 parking spaced to be created

with hedges acting as buffers on the west and north sides of the concrete

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District: NC Neighborhood Center

Additional Districts, if applicable

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

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

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested: _____

Required Documents

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

PAID

DEC 12 2023

Per MA

\$675

Contact information

Property owner(s) of the petition site:

Name: Rosa M Arevalo
Address: 740 S Walnut St
South Bend IN 46619

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Jennifer Arevalo
Address: 740 S Walnut St
South Bend IN 46619
Phone Number: 574-387-0230
E-mail: jarevalo1223@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:



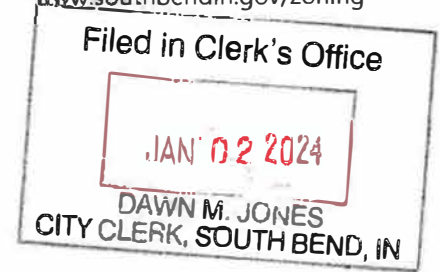
BILL NO. 04-24



City of South Bend PLAN COMMISSION

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

www.southbendin.gov/zoning



December 19, 2023

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

RE: 1610 and 1612 Hilde Court – PC#0188-24

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 January 8, 2024, Council meeting, and set it for public hearing at your January 22, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the January 16, 2024, 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:

Rezone property from U1 Urban Neighborhood 1 to UF Urban Flex

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

Sincerely,

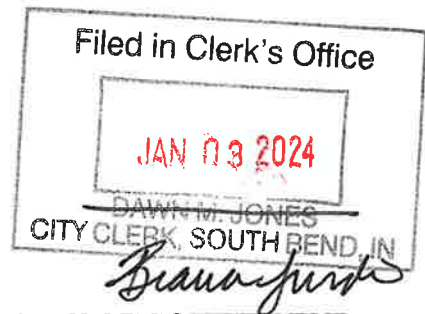
Kari Myers
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



BILL NO. 04-24

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1610 AND 1612 HILDE COURT COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Rezone properties from U1 Urban Neighborhood 1 to UF Urban Flex

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:

A PARCEL OF GROUND IN THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, BEING A PART OF LOT "A" OF THE PLAT OF "KLINE'S ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED BY DOCUMENT NUMBER 1901003 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT # 2 OF THE PLAT OF "WEINLIN ADDITION" AS RECORDED BY DOCUMENT NUMBER 9033840 IN THE RECORDS OF SAID RECORDER'S OFFICE: THENCE ALONG THE SOUTH LINE OF SAID LOT FOR THE NEXT TWO (2) COURSES: SOUTH 88°38'52" EAST, A DISTANCE OF 37.00 FEET MORE OR LESS AND SOUTH 78°31'37" EAST, A DISTANCE OF 40.82 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID LOT AND A POINT OF THE EAST LINE OF LOT "A" OF THE PLAT OF "KLINE'S ADDITION TO THE CITY OF SOUTH BEND"; THENCE ALONG THE EAST LINE OF SAID LOT, SOUTH 00°00'00" EAST, A DISTANCE OF 106.00 FEET MORE OR LESS; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 77.00 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF HILDE COURT; THENCE NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 117.00 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.20 ACRES MORE OR LESS.

Attest:

Bianca L. Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-7073-2695 and 018-7073-2696

Address: 1610 and 1612 Hilde

Owner: Theresa Lightner

Legal Description:

A PARCEL OF GROUND IN THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, BEING A PART OF LOT "A" OF THE PLAT OF "KLINE'S ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED BY DOCUMENT NUMBER 1901003 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT # 2 OF THE PLAT OF "WEINLIN ADDITION" AS RECORDED BY DOCUMENT #

Project Summary

The proposed rezoning is to legalize a parking lot that was installed in 2008.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District UF Urban Flex

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.*

Variance(s) requested:

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

- 1) From the required streetscape trees on Hilde to none
- 2) From the minimum parking setback of 5' the corner facade and 5' from the side lot line to 2' behind the corner facade on the west and 0' on the south.
- 3) From the required Type 1 parking area screening on the west and south to a 6' solid fence
- 4) From the 3' maximum height for a solid fence in the established corner yard to 6'.

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: Theresa Lightner _____

Address: 524 W LaSalle _____
Mishawaka, IN 46545 _____

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Danch, Harner & Associates, Attn: Angela Smith _____

Address: 1643 Commerce Drive _____
South Bend, IN 46628 _____

Phone Number: 574-234-4003 _____

E-mail: asmith@danchharner.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:

Theresa A. Lightner _____

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:

Hilde Court is a narrow 20' right-of-way that dead ends into the railroad tracks. The road appears and functions more like an alley than a street, so approving variances to allow for it to be treated as such would not be injurious to the health, safety, or general welfare of the community.

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

Granting the variances will actually allow for improved screening for the few houses that exist on the block. If the variances are denied and the 6' screening fence has to be removed and replaced by 2' tall shrubs, the use and value of adjacent properties will be negatively impacted.

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

The Ordinance is intended to improve buffering along public streets. Although Hilde Court is technically a street, the width and improvements of the right-of-way function more as an alley that warrants the treatment as such. The southern portion of the parking lot existed in its current configuration since before 1985. The northern portion was redone with the assistance of a contractor and in a way to match the existing parking area. The fence was legally installed in compliance with the Ordinance and should be allowed to continue as a legal non-conforming structure. While saw cutting the parking lot would not be difficult, the underlying base and oils from the asphalt will make planting in this area extremely difficult, thus making the exercise pointless. Strict application will require a 6' fence be removed and replaced with 2' tall shrubs, which will ultimately provide less screening to the adjoining neighbors.

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

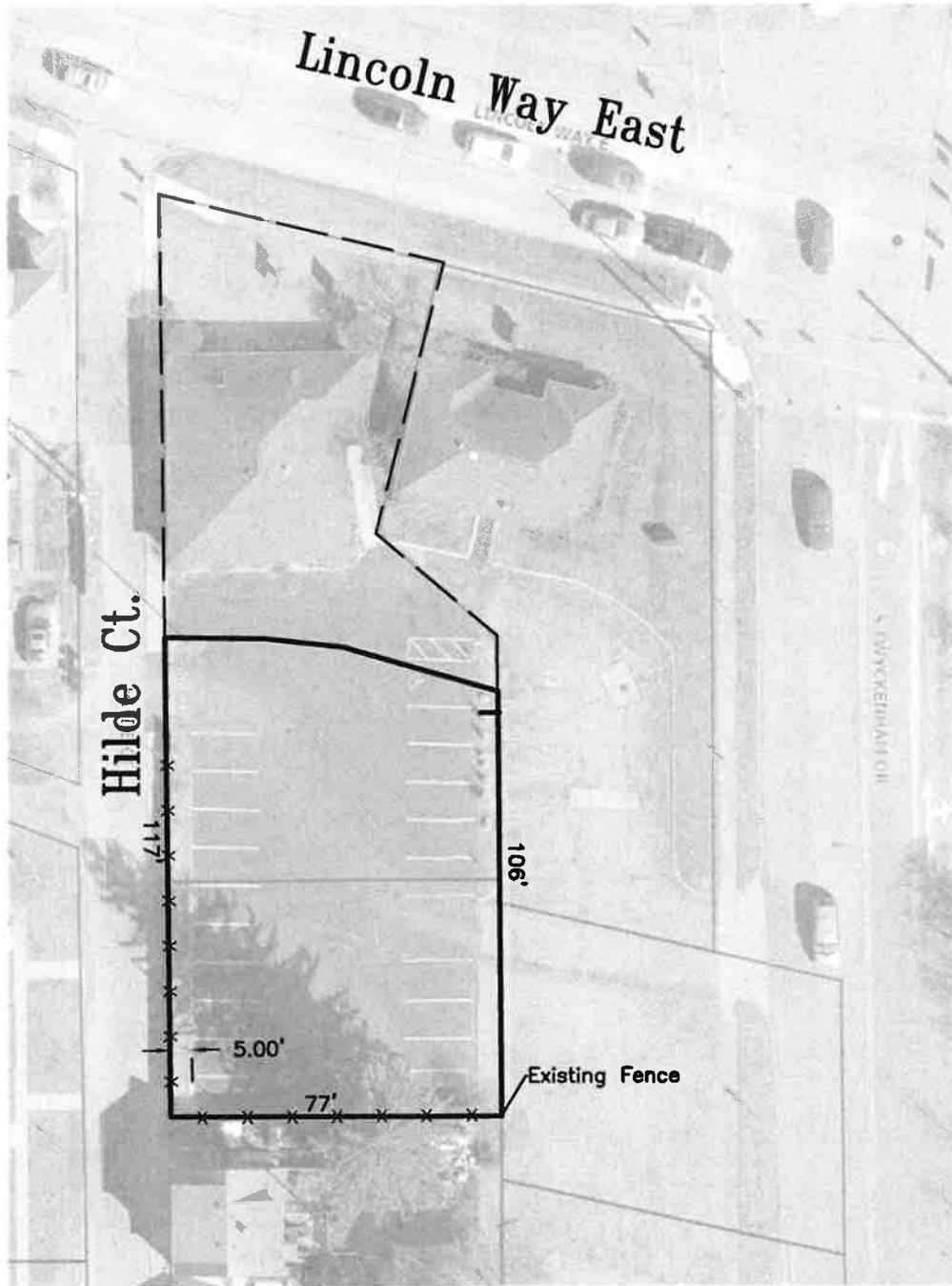
The variance requested is the minimum necessary to support maintaining the property in the same way it has existed for more than 15 years. Financial institutions are unwilling to lend on the property since the parking lot portion of the lot is still zoned residential, which is the basis for the request. The property is maintained in good condition. The variances will allow for the reuse of the building in a way consistent with the intent of the Ordinance.

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

The layout and condition of Hilde Court is not caused by the current or former owner. The property has clear frontage and interaction with Lincoln Way East. The fact that Hilde is technically a street, even though it functions as an alley, created an undue hardship on the property owner which was not created through any of their actions.

12/13/2023 2:47 PM

Site Plan.dwg



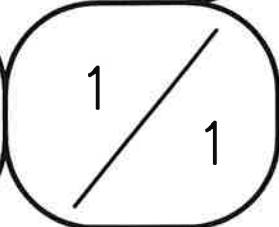
Danch, Harner & Associates, Inc.



Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

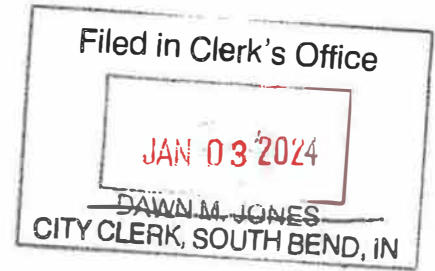
Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46628

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BILL NO. 05-24

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



January 3, 2024

Dear Honorable Council,

Please accept this Ordinance to vacate the paper alley adjacent to my property. We have resided at 914 E. Jefferson for a little over 3 years. In that time, the alley south of our property has been overgrown grass that has never been used for access. The alley approach on Notre Dame Avenue is used as a private driveway of sorts for my neighbor, providing access to what used to be a parking lot when it was a business. The alley to the east has already been vacated. Our block is quite short, just over 400', far below the requirement for a mid-block connection. The only purpose the alley serves is access for the utility companies for the electric/phone/cable lines in the alley. The propose ordinance preserves those rights via a utility easement.

We are seeking this approval at this time because we would like to construct a small ancillary dwelling unit for our aging parents. By vacating the alley, we will be able to set the small accessory home (800 sq.ft.) at the current property line and use the vacated alley as a means of meeting our setback. With the utility easement in place, no construction will occur in the vacated alley. We investigated a development variance from the BZA, but where told by the Staff that the appropriate action was the vacate the alley. Historical aerials show that this alley has never been used. Recent changes in development (conversions from businesses to homes on this block) make access from that alley unlikely. The home at the corner of Notre Dame and Jefferson already has direct access to Notre Dame. The only other property abutting the alley, as well as our own, has access from the heavily used north-south alley.

We respectfully request approval to vacate this alley. While we prefer not to remove the approach on Notre Dame because of the frequency in which the utility companies use that access point, we understand it is a current City policy to remove the approach when the alley is vacated.

Thank you for your consideration.

Sincerely,


Angela M. Smith

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

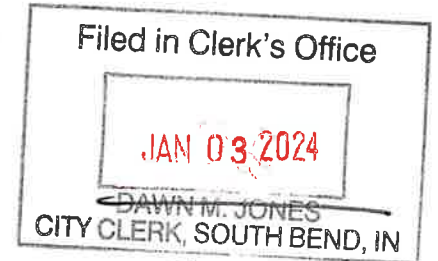


PHONE 574/235-9251
FAX 574/235-9171

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

December 19, 2023

Ms. Angela Smith
914 E. Jefferson Blvd.
South Bend, IN 46617
asmith@danchharner.com



Bramo Justo

RE: Alley/Street Vacation – 914 E. Jefferson Blvd. (Preliminary Review)

Dear Ms. Smith:

At its December 19, 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 alley vacation **contingent upon the removal of the approach**. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4th floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property 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 alley vacation will affect your property taxes, please contact the Auditor's Office.

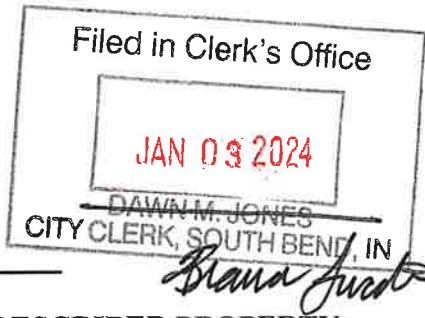
In its Ordinance, the City of South Bend Common Council included the Board of Public Works' requirement that you **eliminate the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specifications**. These updates should be made within ninety (90) days of final approval from the Common Council. Please notify us when this work is complete. If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh



BILL NO. 05-24

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The first East-West alley South of Jefferson Blvd between Notre Dame Avenue and the North-South alley to the East of Notre Dame Avenue

STATEMENT OF PURPOSE AND INTENT

To eliminate an unused alley to allow for the construction of an ancillary dwelling unit.

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

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

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

The first East-West alley South of Jefferson Blvd between Notre Dame Avenue and the North-South alley to the East of Notre Dame Avenue

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:

- 018-6007-0168 – 914 E Jefferson
- 018-6007-0167 – 904 E. Jefferson
- 018-6007-0169 – V/L south of alley

SECTION IV. The purpose of the vacation of the real property is to allow for the construction of an ancillary dwelling unit on the adjacent property.

SECTION V. The vacation is subject to the elimination of the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specification.

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

Sharon L. McBride, Council President
South Bend Common Council

Attest:

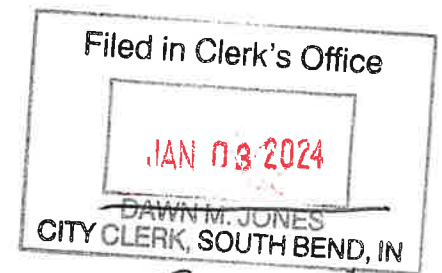
Bianca L. Tirado, City Clerk
Office of the City Clerk

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 _____, 2024, at _____ o'clock ____ . m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



Dawn M. Jones

**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: November 29, 2023

TO: Kyle Ludlow, Public Works
Kara Boyles, Engineering
Zach Hurst, Engineering
Chris Dressel, Community Investment
Gerard Ellis, Fire Department
Brad Rohrscheib, Police Department

FROM: Theresa Heffner, Clerk (theffner@southbendin.gov)

SUBJECT: REQUEST FOR RECOMMENDATIONS – ALLEY VACATION

APPLICANT: Angela Smith
LOCATION: 914 E. Jefferson Blvd.

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

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

PUBLIC WORKS/ENGINEERING: Favorable in conjunction with the removal of the approach.

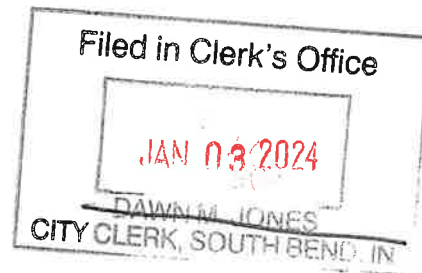
COMMUNITY INVESTMENT: Favorable recommendation conditional on removal of approach.

FIRE: Favorable

POLICE: Favorable recommendation



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



Briana Jones

Date: November 29, 2023 Phone #: 574-876-7206
 Name: Angela M. Smith Email: asmith@danchharner.com

Property Address: 914 E. Jefferson

Applicant property information: Residential Commercial Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):
 The first East-West alley South of Jefferson Blvd between Notre Dame Avenue and the North-South alley to the East of Notre Dame Avenue

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:

They alley is currently a paper alley with no regular traffic. The alley vacation would allow for a reduced setback for a proposed ancillary dwelling unit. The vacation would be subject to a 14' utility easement for AEP. We do not intend to construct anything in the vacated alley.

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. Maradiak
 Elizabeth A. Maradiak, President

Gary A. Gilot
 Gary A. Gilot, Member

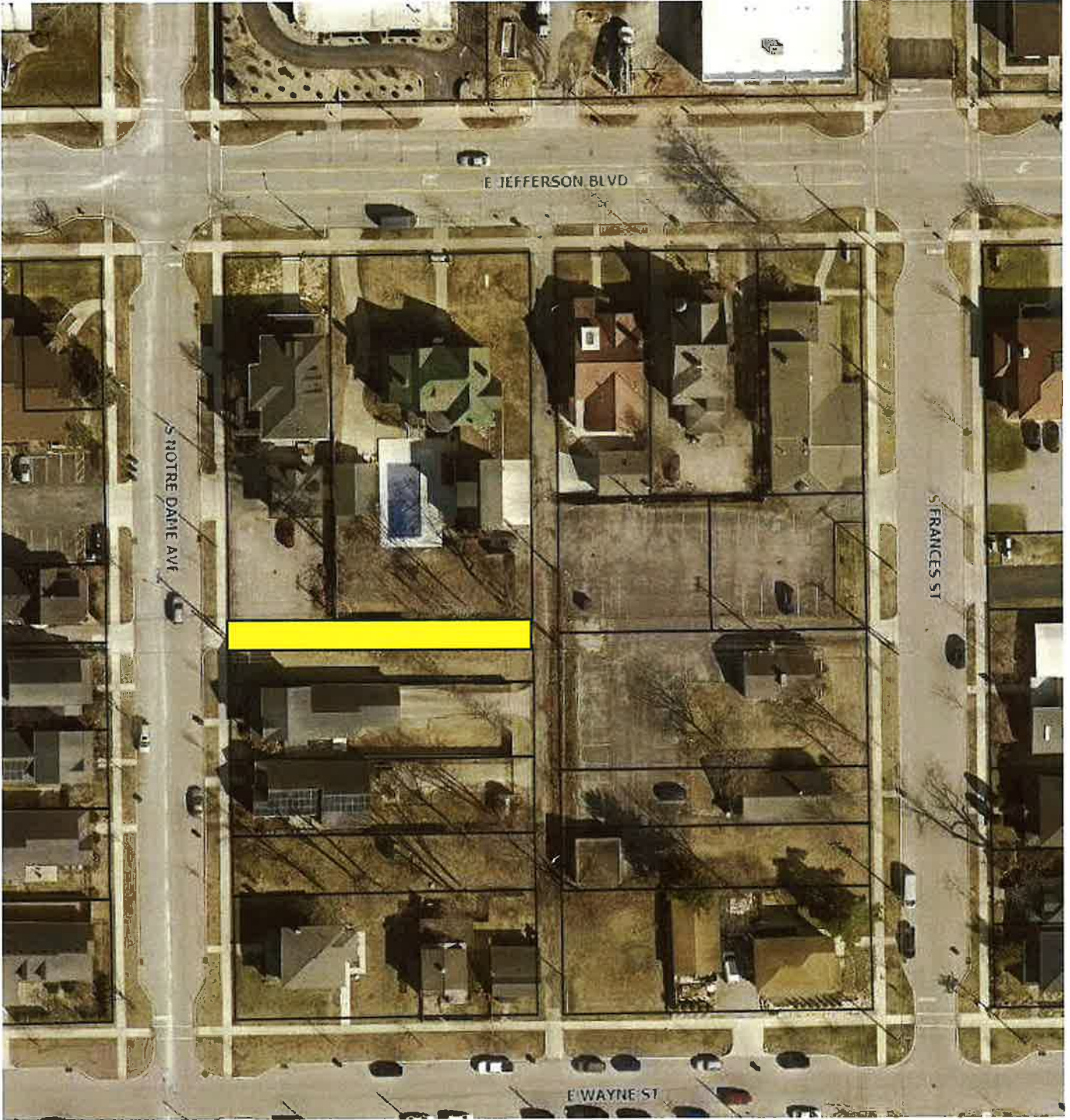
Murray L. Miller
 Murray L. Miller, Member

Joseph R. Molnar
 Joseph R. Molnar, Vice President

Briana Micou
 Briana Micou, Member

Theresa M. Heffner
 Attest: Theresa M. Heffner, Clerk

Date: December 19, 2023



Filed in Clerk's Office

123

S FRANCES ST

E JEFFERSON BLVD

E WAYNE ST

018-6007-0177

018-6007-0175

018-6007-0178

018-6007-017801

018-6007-0179

018-6007-0180

018-6007-0181

018-6007-0182

018-6007-018201

018-6007-0167

018-6007-0168

018-6007-0169

018-6007-0170

018-6007-0172

018-6007-0173

018-6007-0174

S NOTRE DAME AVE

E JEFFERSON BLVD

E WAYNE ST

018-6003-0065

018-6003-0064

018-6003-0068

018-6003-0069

018-6003-0070

018-6003-0074

018-6003-0073

018-6003-0075

018-6003-0055

018-6003-005701


018-6003-0079

Name	Mailing Address	Proper Address
DMS Living Trust – Donald William Shank Jr.	1224 Stanford Ave. Fullerton, CA 92831	227 S. Notre Dame Ave. South Bend, IN 46617
Jeffrey & Julia Wickes	223 S. Notre Dame Ave. South Bend, IN 46617	223 S. Notre Dame Ave. South Bend, IN 46617
Kevin Bradley	108 E. Jefferson St. Falls Church, VA 22046	219 S. Notre Dame Ave. South Bend, IN 46617
Edward & Tara Smalstig	500 S. Turnberry Ln. Yorktown, IN 47396	215 S. Notre Dame Ave. South Bend, IN 46617
East Race Villas, LLC.	127 N. Michigan St. South Bend, IN 46601	828 E. Jefferson Blvd. South Bend, IN 46617 & 824 E. Jefferson Blvd. South Bend, IN 46617
James Tamke	922 E. Jefferson Blvd. South Bend, IN 46617	922 E. Jefferson Blvd. South Bend, IN 46617
South Bend RE Holdings, LLC	250 School Ln. Springfield, PA 19064	926 E. Jefferson Blvd. South Bend, IN 46617 & 215 N. Frances St. South Bend, IN 46617
DMTM INC.	401 E. Colfax Ave. South Bend, IN 46617	222 Notre Dame Ave. South Bend, IN 46617
Morgan Caurro	212 S. Notre Dame Ave. South Bend, IN 46617	224 S. Notre Dame Ave. South Bend, IN 46617
Dorothy Macri's REV. Trust	3622 Sullivan Ct. South Bend, IN 46614	917 E. Wayne St. South Bend, IN 46617 & 215 S. Frances St. South Bend, IN 46617 & 217 S. Frances St. South Bend, IN 46617 & 227 S. Frances St. South Bend, IN 46617 & 229 S. Frances St. South Bend, IN 46617
Adam & Patricia Toering	236 S. Notre Dame Ave. South Bend, IN 46617	230 S. Notre Dame Ave. South Bend, IN 46617 & 236 S. Notre Dame Ave.

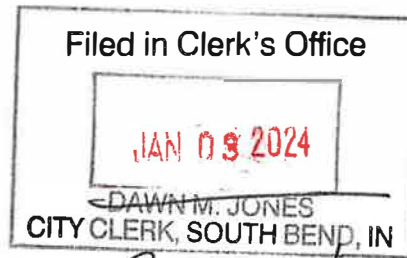
Filed in Clerk's Office

 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN


		South Bend, IN 46617
Brian & Jennifer Harbison	228 S. Notre Dame Ave. South Bend, IN 46617	228 S. Notre Dame Ave. South Bend, IN 46617
Janak Kanti & Rekha Patel	904 E. Jefferson Blvd. South Bend, IN 46617	904 E. Jefferson Blvd. South Bend, IN 46617
Timothy Smith & Angela Furore-Smith	914 E. Jefferson Blvd. South Bend, IN 46617	914 E. Jefferson Blvd. South Bend, IN 46617
Jeffrey Keller	918 E. Jefferson Blvd. South Bend, IN 46617	918 E. Jefferson Blvd. South Bend, IN 46617
Burton Cebulski Jr.	812 Rush Ave. Lehigh Acres, FL 33972	235 S. Frances St. South Bend, IN 46617

Filed in Clerk's Office

 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

Brian Jurb



432 S. Lafayette Blvd.
South Bend, IN 46601

Phone: 574.235.4150

Fax: 574.289.7801

www.hopesb.org

A handwritten signature in black ink, appearing to read "Dawn Jones".

January 3, 2024

Office of the City Clerk
South Bend, IN

Re: Hope Ministries Request to the City of South Bend to Vacate a Portion of an Alley

We submit this letter to provide information as to the reason Hope Ministries is requesting the City of South Bend to vacate a portion of the alley between Western Ave. and Monroe St. to the north and south, and between Main St. and S Lafayette Blvd. to the east and west.

Hope Ministries has provided housing and support to those experiencing homelessness in South Bend for 70 years. Currently, approximately 100 men, women and children live with us in our main building at 432 S Lafayette Blvd. Among the housing we offer are 18 two-bedroom apartments for families and single mothers. We have a wait list of 3 to 6 months for families who need a safe place to live and find stability in their lives for their future. Hope would like to add an additional 6 apartments for families so that we might be able to care for more families who need housing and who want to be part of the program we offer. In addition to the six new apartments Hope would like to improve the quality of housing we offer single men. In order to accomplish these objectives, we need to remodel several areas of our existing main building. This renovation requires that we move a portion of our non-residential program to the adjacent building which we own at 211 W. Monroe St. This building is immediately across the alley from our main building. We need to connect the two buildings for the safe and efficient operation of Hope Ministries.

The portion of the alley we are petitioning the City to vacate is adjacent to four parcels. Hope Ministries own three of these. The remaining building is owned by H Y Properties (Michoacan Supermarket). The part of their building that abuts the alley has no door or window openings into the alley. We will not be establishing any permanent barriers to the alley allowing full access by utility companies to all points of service currently existing in the alley.

Vacating the portion of the alley we have requested will allow Hope to move forward with planning so that we might house and serve more of the most vulnerable members of our community.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Steve Matteson".

Steve Matteson
Director of Ministry Partnerships

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

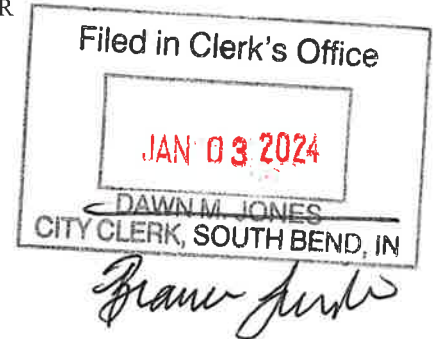


PHONE 574/235-9251
FAX 574/235-9171

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

December 19, 2023

Mr. Steve Matteson
432 S. Lafayette Blvd.
South Bend, IN 46601
smatteson@hopesb.org



RE: Alley/Street Vacation – 432 S. Lafayette Blvd. (Preliminary Review)

Dear Mr. Matteson:

At its December 19, 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 make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted an **Unfavorable** recommendation for the vacation of this alley. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4th floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property 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 alley vacation will affect your property taxes, please contact the Auditor's Office.

In its Ordinance, the City of South Bend Common Council included the Board of Public Works' requirement that you **eliminate the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specifications.** These updates should be made within ninety (90) days of final approval from the Common Council. Please notify us when this work is complete. If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh



**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: October 23, 2023

TO: Kyle Ludlow, Public Works
Kara Boyles, Engineering
Chris Dressel, Community Investment
Gerard Ellis, Fire Department
Brad Rohrscheib, Police Department

FROM: Theresa Heffner, Clerk (theffner@southbendin.gov)

SUBJECT: REQUEST FOR RECOMMENDATIONS – ALLEY VACATION

APPLICANT: Steve Matteson

LOCATION: 432 S. Lafayette Blvd.

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

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

PUBLIC WORKS/ENGINEERING: Unfavorable due to utility conflicts

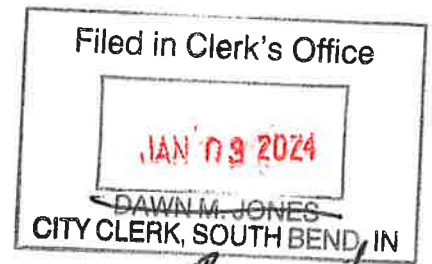
COMMUNITY INVESTMENT: Unfavorable

The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

The vacation would hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

FIRE: Favorable

POLICE: Favorable recommendation



BILL NO. 06-24

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

*The Alley North/South between Monroe Street and Western Avenue to the East and West,
and between Lafayette Blvd. and Main Street North and South*

Dawn M. Jones

STATEMENT OF PURPOSE AND INTENT

To eliminate the approach and the curb

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

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

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

The Alley North/South between Monroe Street and Western Avenue to the East and West, and between Lafayette Blvd. and Main Street North and South

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:

018-3015-0571 018-3015-0573 018-3015-0572 018-3015-0574 018-3015-0575 018-3015-0566 018-3015-0555 018-3015-0552 018-3015-56301 018-3015-055601 018-3015-0556

Section IV. The purpose of the vacation of the real property is to house and serve more of the most vulnerable members of our community.

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

Sharon L. McBride, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



Filed in Clerk's Office
JAN 03 2024
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

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

Dawn Jones

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

DATE: January 3, 2024

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

1. THE ALLEY DESCRIBED AS:

It is the alley that runs north/south between Monroe St. and Western Ave. to the east and west, and between Lafayette Blvd. and Main St. to the north and south.

2. THE STREET DESCRIBED AS:

Monroe St. is where the approach and the curb would be removed.

Abutting Property Owner(s) Signatures:

Name:	Signature	Address	Lot Number
HY Properties, LLC		425 S Main St, SB, IN 46601	018-3015-0571
Rescue Inc. dba Hope Ministries		211 W Monroe St, SB, IN 46601	018-3015-0573
Rescue Inc. dba Hope Ministries		429 S Main St, SB, IN 46601	018-3015-0572
SMP Realty, LLC		433 S Main St, SB, IN 46601	018-3015-0574
JP Bell, LLC		511 S Main St, SB, IN 46601	018-3015-0575
Hyveth Williams Ministries		202 W Western, SB, IN 46601	018-3015-0566
412 SB LLC		412 S Lafayette Blvd, SB, IN 46601	018-3015-0555
412 SB LLC		412 S Lafayette Blvd, SB, IN 46601	018-3015-0552
Dept. of Redevelopment, City of South Bend		Vacant	018-3015-56301
Hope Housing LP		Vacant	018-3015-055601
Rescue Inc. dba Hope Ministries		432 S Lafayette Blvd, SB, IN 46601	018-3015-0556

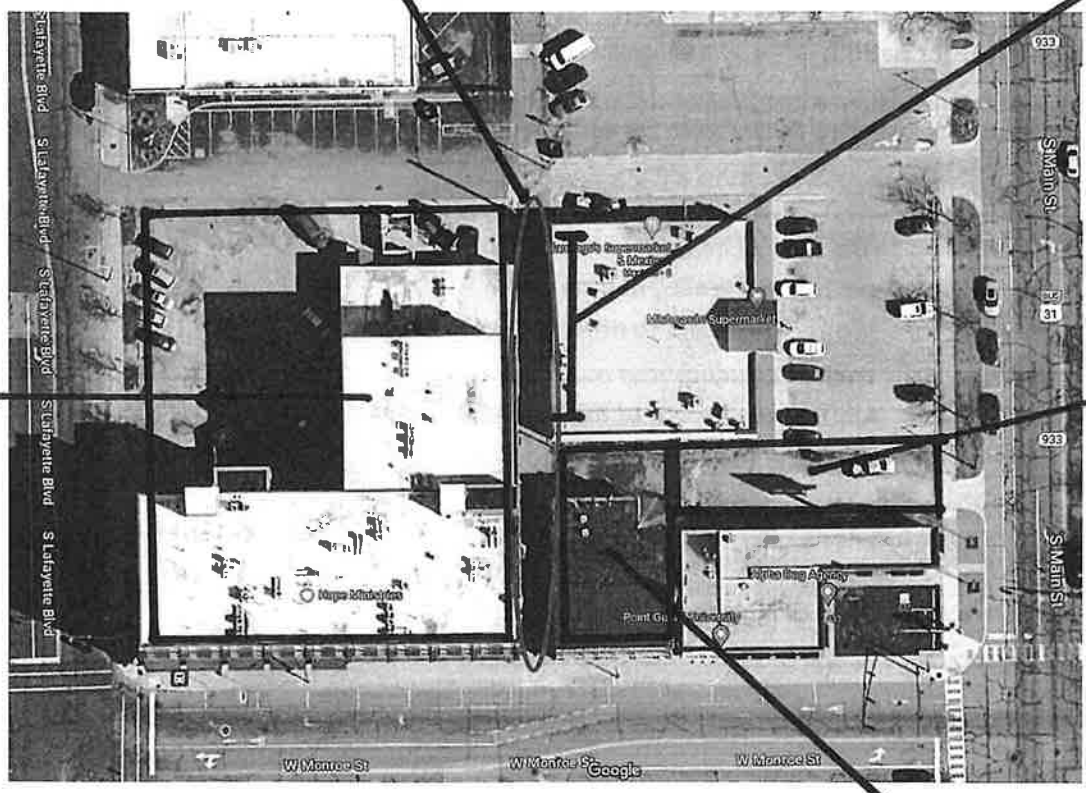
Vacate this section only

No access of any kind on this wall

Hope owns

Hope owns

Hope owns



018-3015-0552

018-3015-0555

018-3015-0555

018-3015-0556

018-3015-0566

018-3015-0571

018-3015-0572

018-3015-0573

018-3015-0574

W MONROE ST

018-3015-0575

018-3015-056301

S LAFALETTE BLVD

S MAIN ST

S MAIN ST

S LAFALETTE B

Name	Mailing Address	Proper Address
HY Properties, LLC	61577 Miami Meadows Ct. South Bend, IN 46614	425 S. Main St. South Bend, IN 46601 Parcel ID 018-3015-0571
Rescue Inc. dba Hope Ministries	432 S. Lafayette Blvd. South Bend, IN 46634	211 W. Monroe St. South Bend, IN 46601 Parcel ID 018-3015-0573
Rescue Inc. dba Hope Ministries	432 S. Lafayette Blvd. South Bend, IN 46634	429 S. Main St. South Bend, IN 46601 Parcel ID 018-3015-0572
SMP Realty, LLC	PO BOX 853 South Bend, IN 46624	433 S. Main St. South Bend, IN 46601 Parcel ID 018-3015-0574
JP Bell, LLC	9421 Joliet St. Ste. C Saint John, IN 46373	511 S. Main St. South Bend, IN 46601 Parcel ID 018-3015-0575
Hyveth Williams Ministries	6124 Pachappa Dr. Riverside, CA 92506	202 W. Western Ave. South Bend, IN 46601 Parcel ID 018-3015-0566
412 SB LLC	412 Lafayette Blvd. South Bend, IN 46601	412 S. Lafayette Blvd. South Bend, IN 46601 Parcel ID 018-3015-0555
412 SB LLC	412 Lafayette Blvd. South Bend, IN 46601	Vacant Parcel ID 018-3015-0552
Department of Redevelopment City of South Bend	227 W. Jefferson Blvd. 1400 S County-City Bldg. South Bend, IN 46601	Vacant Parcel ID 018-3015-56301
Hope Housing LP	PO BOX 4488 South Bend, IN 46634	Vacant Parcel ID 018-3015-055601
Rescue INC. Hope Rescue Mission Correct SP FR DEED	PO BOX 4488 South Bend, IN 46634	432 S. Lafayette Blvd. South Bend, IN 46601 Parcel ID 018-3015-0556