



OFFICE OF THE CITY CLERK

BIANCA L. TIRADO, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: BIANCA L. TIRADO, CITY CLERK
DATE: THURSDAY, JULY 10, 2025
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, July 14, 2025:**

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

The Council Chambers will be Open to the Public. Members of the Public may Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/071425CC>

- 4:15 P.M.** **PERSONNEL & FINANCE** **CHAIRPERSON, NIEZGODSKI**
1. [Bill No. 43-25](#) - Amending Section 2-210 of the South Bend Municipal Code to Update Fees and Processes for Public Records Requests (*Discussion Only*)
- 4:30 P.M.** **ZONING & ANNEXATION** **CHAIRPERSON, DR. DAVIS**
1. [Bill No. 29-25](#) - Amending the Zoning Ordinance for Property Located at 1144 and 1148 Sorin Street
 2. [Bill No. 30-25](#) - Special Exception at 1114 Mayflower Road
 3. [Bill No. 31-25](#) - Amending the Zoning Ordinance for Property Located at 314 West Chippewa Avenue
 4. [Bill No. 32-25](#) - Amending the Zoning Ordinance for Property Located at 1037 West Colfax Avenue
 5. [Bill No. 39-25](#) - Special Exception at 1039 Lincoln Way West (*Substitute*)
 6. [Bill No. 40-25](#) - Special Exception at 1527 South Michigan Street
 7. [Bill No. 41-25](#) - Special Exception at 1024 West Thomas Street
- 5:45 P.M.** **COMMUNITY INVESTMENT** **CHAIRPERSON, WARNER**
1. [Bill No. 25-36](#) - Confirming Resolution - Real Property Tax Abatement for KCG Companies, LLC

INTEGRITY | SERVICE | ACCESSIBILITY

Jasmine Jackson
CHIEF DEPUTY CITY CLERK / CHIEF OF STAFF

Matthew Neal
DEPUTY CITY CLERK / DIRECTOR OF POLICY

Margaret Gotsch
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

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



Council President Canneth Lee has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Community Investment Committee Meeting.

INFORMAL MEETING OF THE COMMON COUNCIL

PRESIDENT, C. LEE

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

cc: Mayor James Mueller
Committee Meeting List
Media

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



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, July 14, 2025
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:

<https://tinyurl.com/SBCC071425>

1. **INVOCATION**

PASTOR JOSEPH RISINGER | LIGHTHOUSE BAPTIST CHURCH

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

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

MAY 12, 2025

JUNE 23, 2025

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

29-25 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 SORIN STREET AND 1148 SORIN STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[30-25](#) 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 1114 MAYFLOWER ROAD COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[31-25](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 314 WEST CHIPPEWA AVENUE COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

[32-25](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1037 WEST COLFAX AVENUE COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[39-25](#) 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 1039 LINCOLN WAY WEST & 50 SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA (SUBSTITUTE)

[40-25](#) 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 1527 SOUTH MICHIGAN STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[41-25](#) 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 1024 THOMAS STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

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

TIME: _____

[29-25](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 SORIN STREET AND 1148 SORIN STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[30-25](#) 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 1114 MAYFLOWER ROAD COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[31-25](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 314 WEST CHIPPEWA AVENUE COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

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[41-25](#) 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 1024 THOMAS STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

9. **RESOLUTIONS**

BILL NO.

[25-36](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 2020 SOUTH MAIN STREET SOUTH BEND IN 46613 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR KCG DONALD & MAIN, LP (C/O KCG COMPANIES, LLC)

10. **BILLS ON FIRST READING**

BILL NO.

42-25 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 740 N BROOKFIELD ST COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

43-25 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 2-210 OF THE MUNICIPAL CODE PERTAINING TO FEES AND PROCESSES FOR PUBLIC RECORDS REQUESTS

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

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

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the 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.



2025 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-18-2025)

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
Karen L. White, Vice-Chairperson
Ophelia Gooden-Rodgers, Member

Sherry Bolden-Simpson, Member
Thomas Gryp, *Citizen Member*
Kaine Kanczuzewski, *Citizen Member*

COMMUNITY RELATIONS COMMITTEE

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

Ophelia Gooden-Rodgers, Chairperson
Karen L. White, Vice-Chairperson
Alice Marie Pickens, *Citizen Member*

Sheila Niezgodski, Member
Sherry Bolden-Simpson, Member
Citizen 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*.

Canneth Lee, Member
Rachel Tomas Morgan, 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
Troy Warner, Vice-Chairperson
Sheila Niezgodski, Member
Citizen Member

Sharon McBride, Member
Dr. Oliver Davis, Member
Savino Rivera Jr., *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

Sharon McBride, Member
Dr. Oliver Davis, 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.



Sharon L. McBride, Chairperson
Karen L. White, Vice- Chairperson
Citizen Member

Ophelia Gooden-Rogers, Member
Troy Warner, Member
Citizen Member

PERSONNEL AND FINANCE COMMITTEE

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

Sheila Niezgodski, Chairperson
Karen L. White, Vice-Chairperson
Citizen Member

Dr. Oliver Davis, Member
Rachel Tomas Morgan, 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
Ophelia Gooden-Rodgers, Vice-Chairperson
Carl Littrell, *Citizen Member*

Dr. Oliver Davis, Member
Troy Warner, Member
Citizen Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen L. White, Chairperson
Sheila Niezgodski, Vice-Chairperson
Gabriel Murei, *Citizen Member*

Ophelia Gooden-Rodgers, Member
Sharon McBride, 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
Firdia Johnson, *Citizen Member*

Sheila Niezgodski, Member
Ophelia Gooden-Rodgers, Member
Joseph Mayer, *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
Rachel Tomas Morgan, Vice-Chairperson
Henry Davis Jr., *Citizen Member*

Troy Warner, Member
Karen L. White, Member
Stacey Odom, *Citizen 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



2025 COMMON COUNCIL STANDING COMMITTEES (Rev.03-10-2025)

CANNETH LEE, 1ST District Council Member

President

Council Rules Committee, Member

OPHELIA GOODEN-RODGERS, 2ND District Council Member

Community Relations Committee, Chairperson

Public Works & Property Vacation Committee, Vice-Chairperson

Community Investment Committee, Member PARC Committee, Member

Residential Neighborhoods Committee, Member Utilities Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

PARC Committee, Chairperson

Residential Neighborhoods Committee, Member

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

TROY WARNER, 4TH District Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson

Health and Public Safety, Vice-Chairperson

Council Rules Committee, Member

Public Works & Property Vacation, Member

PARC Committee, Member

Sub-Committee on the Minutes, Member

Zoning & Annexation Committee, Member

SHERRY BOLDEN-SIMPSON, 5TH District Council Member

Utilities Committee, Chairperson

Community Relations Committee, Member

Information & Technology, Vice-Chairperson

Community Investment Committee, Member

Sub-Committee on Minutes, Member

SHEILA NIEZGODSKI, 6TH District Council Member

Personnel & Finance Committee, Chairperson

Public Works & Property Vacation, Chairperson

Health & Public Safety Committee, Member

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

Utilities Committee, Member

DR. OLIVER DAVIS, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Public Works & Property Vacation Committee, Member

Utilities Committee, Vice-Chairperson

Information & Technology Committee, Member

Personnel & Finance Committee, Member

Health & Public Safety Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Vice-President

Health & Public Safety Committee, Chairperson

Personnel & Finance Committee, Member

Information & Technology Committee, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Council Rules Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Personnel & Finance Committee, Vice-Chairperson

Community Investment Committee, Vice-Chairperson

Zoning & Annexation Committee, Member

Community Relations Committee, Vice-Chairperson

PARC Committee, Vice-Chairperson

29-25



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

Filed in Clerk's Office

Wednesday, July 9, 2025

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

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#29-25 - A proposed ordinance of COORSMITH PROPERTIES LLC to zone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2, property located at 1144 SORIN ST and 1148 SORIN ST, City of South Bend - PC# 0260-25

Dear Council Members:

The petitioner (COORSMITH PROPERTIES LLC) for Bill#31-25 has requested the petition be continued at the August 25, 2025 Committee and Council meetings.

Sincerely,

Timothy Staub
Zoning Specialist

Attachment

CC: COORSMITH PROPERTIES LLC
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Jason Piontek
Commission President



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

April 22, 2025

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

RE: 1144 and 1148 Sorin Street – PC#0254-25

Dear Committee Chair Davis:

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 April 28th, 2025, Council meeting, and set it for public hearing at your May 28th, 2025 Council meeting. The petition is tentatively scheduled for public hearing at the May 19th, 2025 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 U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2.

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

Sincerely,

Timothy P. Staub
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President



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

Filed in Clerk's Office

Wednesday, June 18, 2025

JUN 18 2025

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

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#29-25 - A proposed ordinance of COORSMITH PROPERTIES LLC to zone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2, property located at 1144 SORIN ST and 1148 SORIN ST, City of South Bend - PC# 0260-25

Dear Council Members:

I hereby Certify that the above referenced ordinance of COORSMITH PROPERTIES LLC was legally advertised on June 6, 2025 and that the South Bend Plan Commission at its public hearing on June 16, 2025 took the following action:

Upon a motion by Francisco Fotia, being seconded by Scott Ford and unanimously carried, a proposed ordinance of COORSMITH PROPERTIES LLC to zone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2, property located at 1144 SORIN ST and 1148 SORIN ST, City of South Bend, is sent to the Common Council with NO 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,

A handwritten signature in black ink, appearing to read "TP Staub".

Timothy Staub
Zoning Specialist

Attachment

CC: COORSMITH PROPERTIES LLC
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Francisco Fotia
Acting Commission President

Property Information

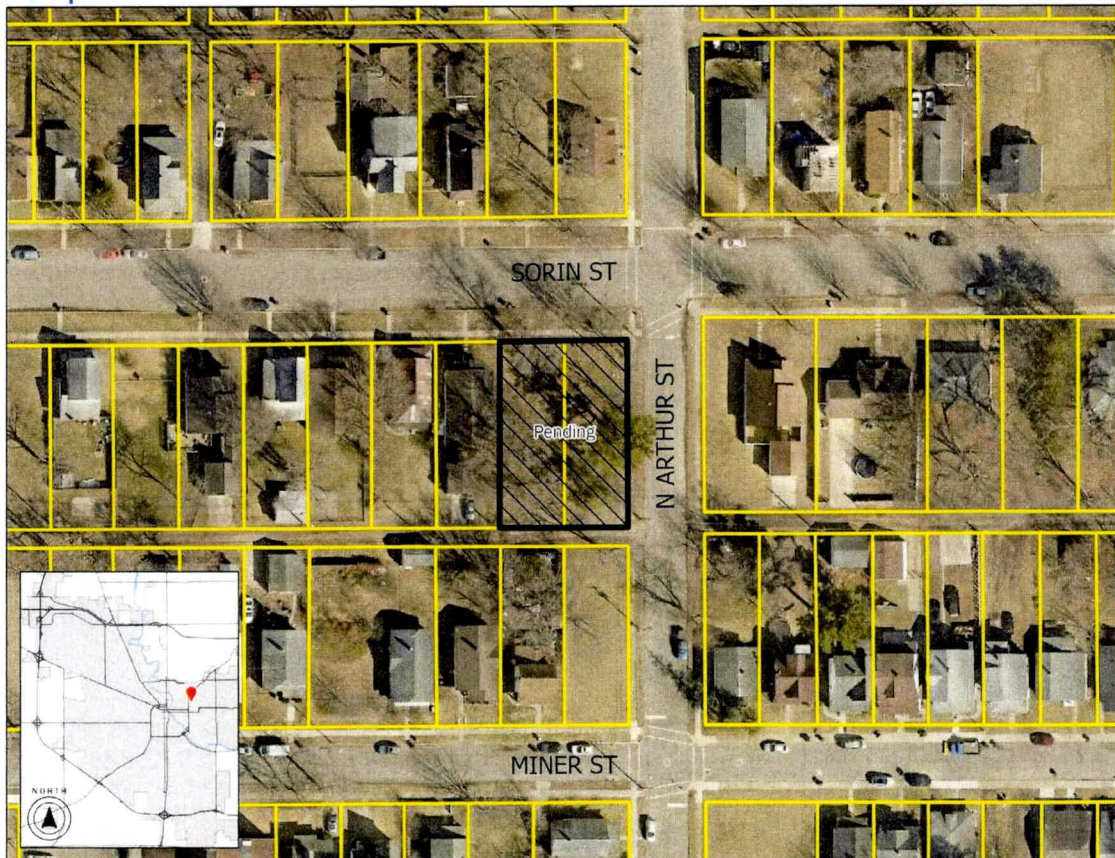
Location: 1144 SORIN ST and 1148 SORIN ST
Owner: COORSMITH PROPERTIES LLC

Requested Action

Rezone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2
Variance(s): Article 21-03.04 (d) Building Setbacks - 5' side to 1' side on the north side of lots 2, 3, and 4.

Project Summary

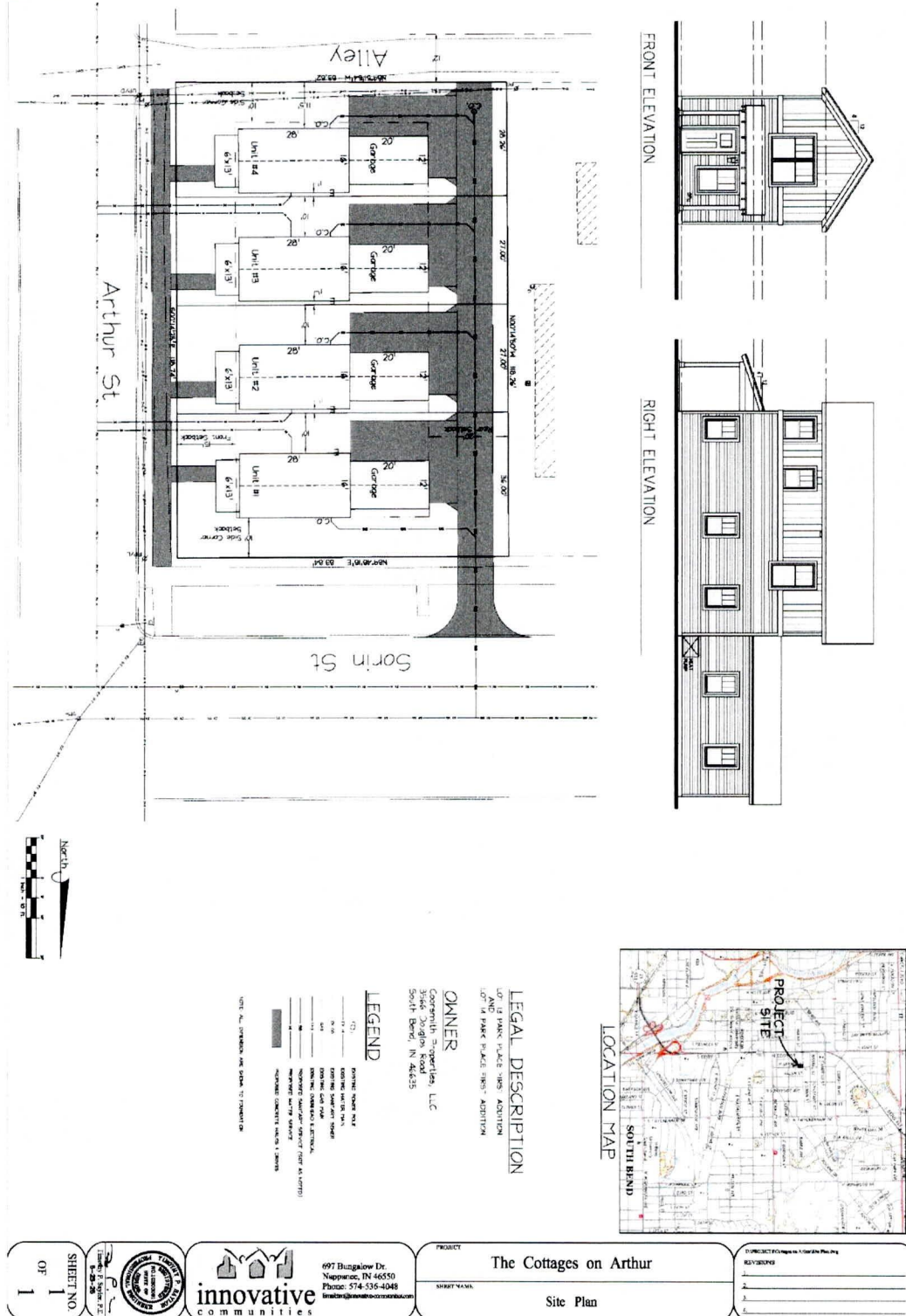
Rezoning a property from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2.

Location Map

Recommendation

Staff Recommendation: Based on information provided prior to the public hearing, the Staff recommends the Commission send the rezoning to the Common Council with a favorable recommendation and approve the variance with the condition the building be seperated by at least 10'.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: Two vacant parcels

North: Across Sorin Street a residential dwelling and a vacant lot zoned U1 Urban Neighborhood 1

East: Across Arthur Street, a residential dwelling zoned U1 Urban Neighborhood 1

South: Across an alley, a residential parcel and a vacant lot zoned U1 Urban Neighborhood 1

West: A residential dwelling zoned U1 Urban Neighborhood 1

District Intent:

The U2 District is established to provide for, promote, and maintain the development of diverse housing types in urban neighborhoods located near neighborhood centers in core and outlying areas of the City.

Site Plan Description:

The site will be subdivided into several lots for residential dwellings with smaller footprints.

Zoning and Land Use History and Trends:

A house was constructed on 1144 Sorin Street at some point between 1917 and 1936. The house was demolished in 2020 and the lot remains vacant. No development has occurred on 1148 Sorin Street.

Traffic and Transportation Considerations:

At this site, Sorin Street is a 40' wide street with one lane of traffic in each direction and on-street parking. Arthur Street is 30' wide two-way street with on-street parking

Agency Comments

Agency Comments:

There are no additional comments at this time.

There are no Engineering 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:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.

Land Use Plan:

The Future Land Use Map (2006) identifies this area for Medium Density Residential.

Plan Implementation/Other Plans:

The petition is consistent with the Northeast Neighborhood Plan (2022), to support the production of a range of housing types through new construction.

2. Current Conditions and Character:

The surrounding neighborhood is compact and largely residential. To the east, the neighborhood is comprised primarily of single unit dwellings. Density increases and a wider range of residential building types and commercial spaces are found to the west along North Eddy Street and moving towards downtown.

3. Most Desirable Use:

The most desirable use for this property is medium density housing that matches the scale and character of the surrounding area and provides additional units in the area.

4. Conservation of Property Values:

Developing a new residential project on currently vacant land will contribute to the growth and value of the surrounding neighborhood.

5. Responsible Development and Growth:

It is responsible to allow for continued development in the Northeast Neighborhood in the form of smaller scale, compact housing that introduces units to the area.

Variance(s)

The petitioner is seeking the following variance(s):

Article 21-03.04 (d) Building Setbacks - 5' side to 1' side on the north side of lots 2, 3, and 4.

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 will not be injurious to the public health, safety, morals, and general welfare of the community. These are detached homes being built on a vacant parcel adjacent to other detached homes.

(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 included in the variance will not be affected in a substantially adverse manner. These are detached homes going into a neighborhood of detached homes of varying sizes.

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

The strict application of the terms of this chapter would result in practical difficulties in the use of the property. Each resident would have difficulty utilizing outdoor space with only a 5' side yard of property.

(4) The variance granted is the minimum necessary.

The variance granted is the minimum necessary. The applicant is requesting the variance to reflect the spirit of the statute. The homes in question still would have a 10' space between their sides, similar to the two 5' side setbacks. It is adjusting that side lot line to permit the property owners to have quasi-private outdoor space to enjoy while maintaining the intent of the side setback.

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

The variance granted does not correct a hardship caused by the current owner. This variance is providing usable side yards to the future owners of these homes, this hardship is created by the way the zoning ordinance applies to side setbacks of properties.

Analysis & Recommendation

Commitments: No commitments are proposed at this time.

Analysis: Rezoning the property to U2 Urban Neighborhood 2 will allow for the development of smaller scale, compact housing that will introduce new units to the area. This rezoning and project is consistent with the Northeast Neighborhood Plan, which supports rezoning properties within the U1 District to the U2 District for sensitively designed buildings at a scale compatible with surrounding residential properties. The variance provides the opportunity for the eventual residents to have quasi-private outdoor space while maintaining the spirit of the ordinance it is varying from.

Recommendation: Based on information provided prior to the public hearing, the Staff recommends the Commission send the rezoning to the Common Council with a favorable recommendation and approve the variance as written.

APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 29-25

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED
1144 SORIN STREET AND 1148 SORIN STREET COUNCILMANIC DISTRICT NO. 4
IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from U1 Urban Neighborhood 1 to U2 Urban
Neighborhood 2.

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 13 AND LOT 14 OF PARK PLACE 1ST ADDITION TO THE CITY OF SOUTH
BEND, INDIANA

COMMONLY KNOWN AS 1144 AND 1148 SORIN STREET

be and the same is hereby established as U2 Urban Neighborhood 2

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.

Canneth Lee, 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 _____, 2025, at _____ o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____ m.

James Mueller, Mayor
City of South Bend, Indiana

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-5082-2863 018-5082-2864
71-09-06-351-015.000-026; 71-09-06-351-016.000-026

Address: 1144 & 1148 Sorin Street South Bend, Indiana 46617

Owner: _____

Legal Description:

Lot 13 Park Place 1st Addition
Lot 14 Park Place 1st Addition

Filed in Clerk's Office

APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

Project Summary

The project is a 6-lot cottage court layout located on the SW corner of Arthur & Sorin Street. Parking is on the alley side with an artistic internal sidewalk layout.

Requested Action

Application includes (check all that apply)

☒ Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District U2 Urban Neighborhood 2

Additional Districts, if applicable

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

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

☐ Subdivision – complete and attach subdivision application

☐ Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested:

Article 21-03.04 (d) Building Setbacks - 12' front; 5' rear; Lot depth 46'
Article 21-03.04 (f) Building Form - Building Orientation front on lot 5
Article 21-08.02 (3) Building Height - 2 stories; Building units 6

Required Documents


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

Criteria for Decision Making


Variance(s) - if applicable

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


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

The approval of the front, rear, lot depth, height, units and building form (frontage) will not affect the health safety and welfare of the community. The building form of the cottage court with size, orientation and applicable development standards criteria fit the form of the existing neighborhood and does not negatively affect development patterns with any conflicts to the use of the property. 


(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 use and value of the area adjacent to the property included in the variance will not be affected by front, rear, lot depth, height, units and building form variances. The layout fits what is considered good building form and allows for pedestrian access, open air, light to exist on this property and adjacent property to the west and south. The height is similar to existing buildings in the neighborhood and the setbacks needed are also similar to what exists in 

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

The strict applications of the terms of this ordinance would result in practical difficulties if lot lengths were to be reorganized to fit lesser home on slightly bigger lots. Lot width is in excess and offsets whatever shortage in length; applying setbacks to each building is in excess when the cottage court form has predetermined layout to face homes to the interior, as it appears the building form is dismissed in place of standards for each lot; Building height reduction 

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

The variance granted is the minimum necessary to have a preferred layout of a cottage court form based housing development. Variances determined for the height, building form (frontage), placement and quantity are needed to fit the buildings on the lots. Layout and arrangement of structures is first approach to making the building form work and have a desired feel because of how the fronts of the structures are oriented. The design is purposefully and the 

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

The variance does not correct a hardship as this is the preferred layout of the cottage court with interior facing buildings. This is planned by design and is also presented in this manner to give the most ideal function of these structures. No hardship is created as it is a planned community.

Contact information

Property owner(s) of the petition site:

Name: Coorsmith Properties, LLC

Address: 3566 Douglas Road
South Bend, In 46635

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Abonmarche Consultants, Inc. - Chris Godlewski

Address: 315 W. Jefferson Blvd
South Bend, In 46601

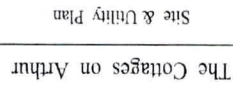
Phone Number: 574-393-9804

E-mail: cgodlewski@abonmarche.com


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

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

Property Owner (s) Signatures:



NAME _____

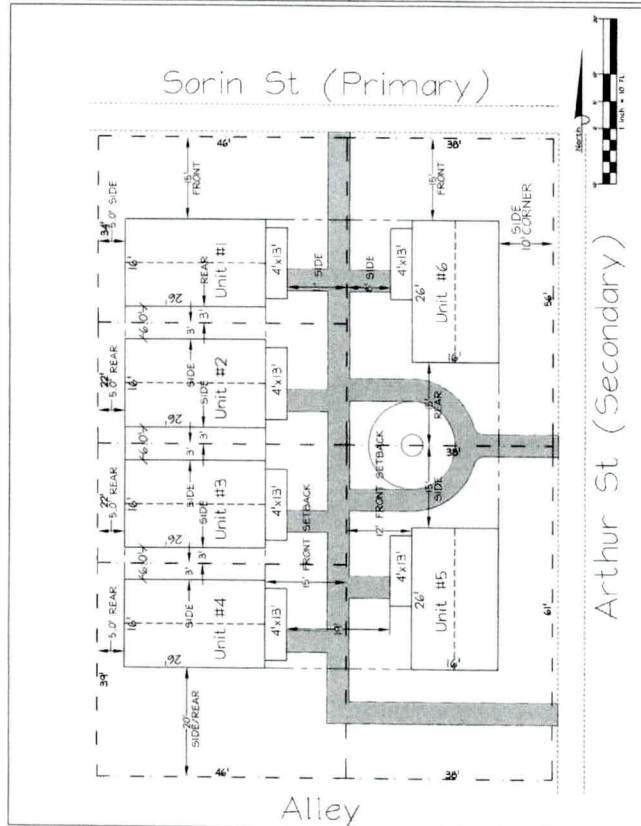


Innovative
communities

697 Bungalow Dr
Napanea, IN 46550
Phone: 574-536-4048
<http://www.innovativecommunities.com>



SHEET NO. 1 OF 7



30-25

Filed in Clerk's Office

MAY 07 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend

BOARD OF ZONING APPEALS

May 6, 2025

Honorable Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1114 MAYFLOWER ROAD

Dear Committee Chair Dr. Davis:

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 May 12, 2025 Council meeting and set it for public hearing at your June 9, 2025 Council meeting. The petition is tentatively scheduled for public hearing at the June 2, 2025 South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for a School (Pre-k/Primary/Secondary)

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,



Tim Staub
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

July 9, 2025

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

Filed in Clerk's Office

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#30-25: The petition of RHEDI MANAGEMENT GROUP INC seeking a Special Exception for the use of School, Pre K/Primary/Secondary (21-06.01(f)(11)) in the S1 Suburban Neighborhood 1 for property located at 1114 MAYFLOWER RD

Dear Council Members:

I hereby Certify that the above referenced petition of RHEDI MANAGEMENT GROUP INC was legally advertised on May 23, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on July 7, 2025 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Francisco Fotia and unanimously carried, a petition by RHEDI MANAGEMENT GROUP INC seeking a Special Exception for the use of School, Pre K/Primary/Secondary (21-06.01(f)(11)) for property located at 1114 MAYFLOWER RD, 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,



Timothy Staub
Zoning Specialist

Attachment

CC: RHEDI MANAGEMENT GROUP INC
Building Department
Bob Palmer

Property Information

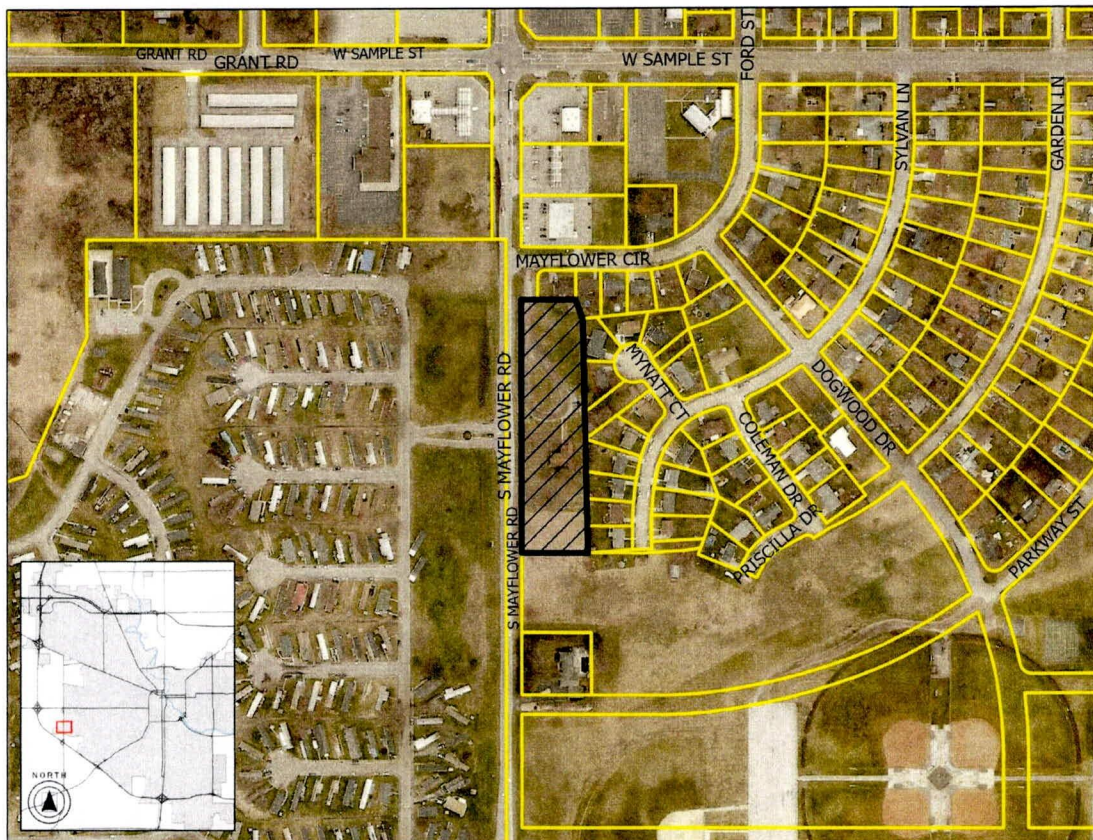
Location: 1114 MAYFLOWER RD
Owner: RHEDI MANAGEMENT GROUP INC

Project Summary

Seeking a Special Exception to allow, to be used as a School, Pre-K/Primary/Secondary, property located at 1114 MAYFLOWER RD. Zoned S1 Suburban Neighborhood 1.

Requested Action

Special Exception: to be used as a School, Pre-K/Primary/Secondary [21-06.01(f)(11)]

Site Location**Staff Recommendation**

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

Proposed Site Plan



Created by South Bend Department of Community Investment on: 6/27/2025 2:58 PM

Criteria for Decision Making: Special Exception

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

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

The proposed use should not be injurious to public health, safety, comfort, community moral standards, convenience, or general welfare. The petitioner is establishing a Pre-K program within the Suburban Neighborhood 1 district (S1). It supports the housing uses around it and should not generate any such injuries.

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

The proposed use should not injure or adversely affect the use of the adjacent area or property values therein. It is a pre-k program accessed by a major street in a residential area. It should benefit the adjacent uses and property values by providing an essential amenity.

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

The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein. The S1 district permits institutional uses that are compatible with the scale of the neighborhood. Additional schooling programs provide support to the uses within the district.

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

The proposed use is compatible with recommendation E 5.1 of the City comprehensive plan: Establish and maintain a consistent planning, review, and development process with institutions of higher education, private schools, and the SBCSC to address existing and future school facilities.

Analysis & Recommendation

Analysis: A pre-K program fits the surrounding land use and zoning of a suburban residential neighborhood. It supports and enhances the needs of the residents in the surrounding area. It is compatible with City Plan recommendation E 5.1: Establish and maintain a consistent planning, review, and development process with institutions of higher education, private schools, and the SBCSC to address existing and future school facilities.

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

MAY 07 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 30-25

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 1114 MAYFLOWER ROAD
COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request Special Exception to permit use as a School, Pre-K/Primary/Secondary

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:

1114 Mayflower Road, South Bend, IN 46619, 018-8136-4989

In order to permit School, Pre-K/Primary/Secondary use

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

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

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

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

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

Canneth J. Lee, 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 _____, 2025, at _____ o'clock .m.

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

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-8136-4989

Address: 1114 S Mayflower Road, South Bend IN 46619

Owner: Rhedi Management Inc

Zoning: Choose the current district S1 Sub-burban 1

Project Summary:

The property housed a Daycare Program since January 2012. As the new owners of the property we want to reopen the location to serve as a Daycare and Early childhood program for area residents.

Requested Action

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

Use requested: Early childhood Program / School Free

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

Variance(s) requested:

We are requesting authorization for the existing building to be used as an Early childhood center by licensed providers.

Filed in Clerk's Office

MAY 07 2025

Bianca Tirado
City Clerk, South Bend, IN

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 early childhood center will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare because it is designed to serve as a supportive and enriching environment for young children and their families. The center will adhere to all applicable health and safety regulations, including those governing sanitation, fire safety, and building accessibility. Licensed educators and caregivers will provide age-appropriate instruction and care in alignment with state standards. Additionally, the center will promote family engagement, strengthen community ties, and offer an essential service that contributes to the overall well-being and development of children in the area.

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

The proposed early childhood center will not injure or adversely affect the use of the adjacent area or property values therein because it is a low-impact, community-serving use that complements surrounding residential and institutional properties. The center will maintain a clean, safe, and well-landscaped facility that enhances the aesthetic of the neighborhood and adheres to all zoning and design requirements. Increased daytime activity at the site is expected to promote neighborhood safety and vitality without generating significant noise, traffic, or environmental concerns. Additionally, a

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

The proposed early childhood center will be consistent with the character of the district in which it is located and the land uses authorized therein because it aligns with the district's intended purpose to support family-oriented, educational, and community-serving uses. The center will operate during standard daytime hours, maintain a welcoming and orderly presence, and contribute to the social infrastructure of the neighborhood. Its design and operation will reflect the scale and aesthetic of nearby properties, ensuring it integrates seamlessly with surrounding land uses while fulfilling a vital need.

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

The proposed early childhood center is compatible with the recommendations of the Comprehensive Plan because it supports key priorities such as expanding access to quality education, strengthening neighborhoods, and promoting equitable community development. The center will help meet the growing demand for early learning opportunities, particularly in underserved areas, and contribute to long-term goals around workforce readiness and family support.

Criteria for Decision Making

Variance(s) - if applicable

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

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

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

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

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

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

Contact Information

Property owner(s) of the petition site:

Name: Rhedi Management Inc

Address: 12720 Jefferson Blvd
Mishawaka IN 46545

Name: Rhondy Grandison

Address: 12720 Jefferson Blvd
Mishawaka IN 46545

Name: Edith Grandison

Address: 12720 Jefferson Blvd
Mishawaka IN 46545

Contact Person:

Name: David Turner

Address: 50771 Hollyhock Road
South Bend IN 46637

Phone Number: (301) 908-5521

E-mail: davidfturner@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:

Rhondy Grandison

31-25



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

May 21, 2025

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

RE: 314 W Chippewa – PC#0271-25

Filed in Clerk's Office

MAY 21 2025

**Bianca Tirado
City Clerk, South Bend, IN**

Dear Committee Chair Davis:

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 May 28, 2025, Council meeting, and set it for public hearing at your June 23, 2025, Council meeting. The petition is tentatively scheduled for public hearing at the June 16, 2025, 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:

Change zoning of the parcel from Commercial (C) District to Suburban Neighborhood 2 (S2) District

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President



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

Filed in Clerk's Office

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Wednesday, June 18, 2025

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

Re: Bill#31-25 - A proposed ordinance of SYCAMORE LAND COMPANY LLC to zone from C Commercial to S2 Suburban Neighborhood 2, property located at 250 CHIPPEWA AVE, City of South Bend - PC# 0256-25

Dear Council Members:

I hereby Certify that the above referenced ordinance of SYCAMORE LAND COMPANY LLC was legally advertised on June 6, 2025 and that the South Bend Plan Commission at its public hearing on June 16, 2025 took the following action:

Upon a motion by Dr. Oliver Davis, being seconded by Tyler Gillean and unanimously carried, a proposed ordinance of SYCAMORE LAND COMPANY LLC to zone from C Commercial to S2 Suburban Neighborhood 2, property located at 250 CHIPPEWA AVE, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to all environmental and economic considerations being addressed in regards to adjacent land uses per 21-12.07 (f) (7).

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,

A handwritten signature in black ink, appearing to read "Tim Staub".

Timothy Staub
Zoning Specialist

Attachment

CC: SYCAMORE LAND COMPANY LLC
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Jason Piontek
Commission President

Property Information

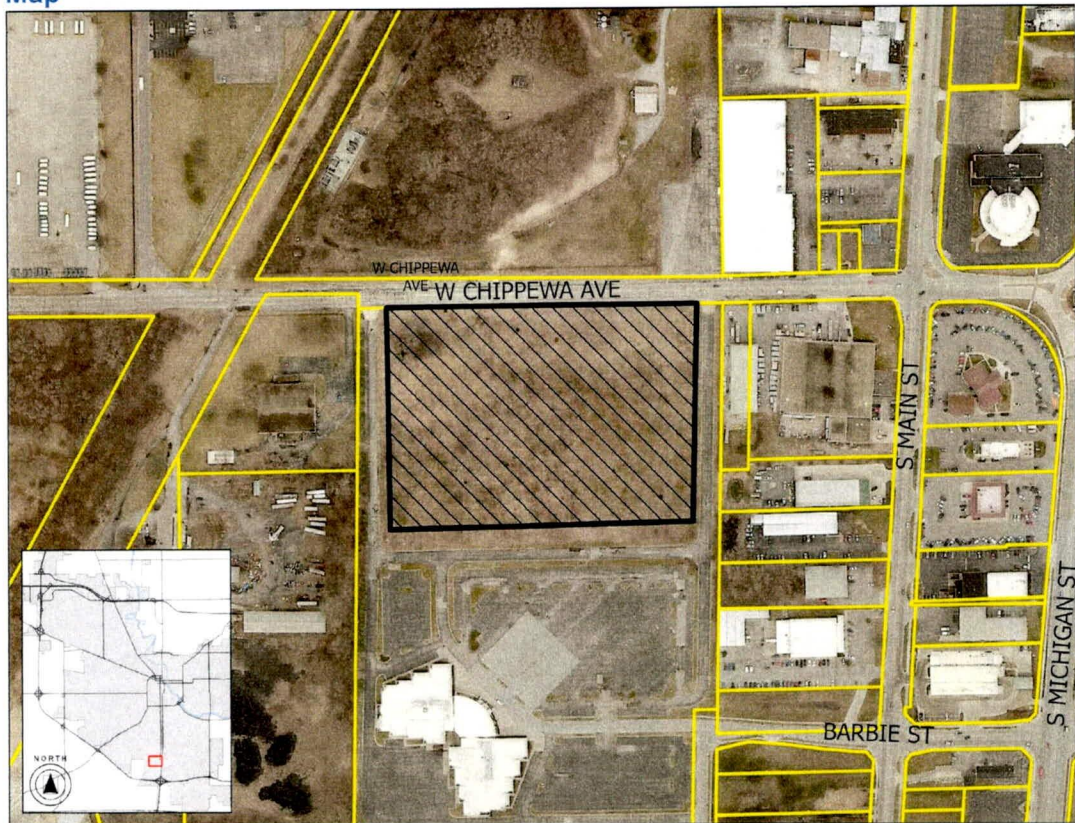
Location: 250 CHIPPEWA AVE
Owner: SYCAMORE LAND COMPANY LLC

Requested Action

Rezone from C Commercial to S2 Suburban Neighborhood 2
Variance(s): Article 21-03.02 (f) Building Height - 40' building height to 46' building height for the primary structure(s)

Project Summary

Rezoning from C to S2 to permit the construction of stacked flats.

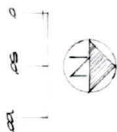
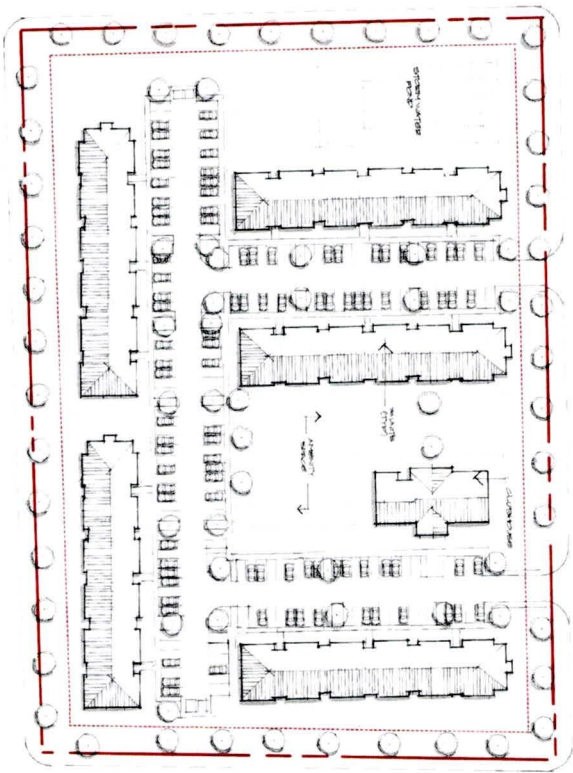
Location Map**Recommendation**

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

Proposed Site Plan



CONCEPTUAL SITE PLAN
BIRGE & HELD- SOUTH BEND, IN
SOUTH BEND, INDIANA



5.13.2025
BIRGE & HELD
8802 N. KOPPEL STREET, SUITE 205
INDIANAPOLIS, IN 46260

Site & Context

Land Uses and Zoning:

On site: A vacant parcel

North: Across Chippewa Avenue is property owned by the City for utility operations zoned I Industrial

East: Across a private drive to the movie theater is construction and light manufacturing companies zoned I Industrial

South: A movie theater and associated parking zoned C Commercial

West: Across a private drive to the movie theater is industrial sales and uses, zoned I Industrial

District Intent:

The S2 District is established to provide for, maintain, and enhance suburban neighborhoods of primarily apartment complexes or houses grouped together outside of the City's core.

Site Plan Description:

The site will feature several 3 story apartment flats, common space, and parking lots.

Zoning and Land Use History and Trends:

Between 1951 and 1994, the land was a part of a drive-in movie theater; it has been a vacant lot since at least 1998.

Traffic and Transportation Considerations:

At this site, Chippewa is a 60' wide street with one lane of traffic in each direction. There are private drives that buffer the east, west, & south sides of the parcel, owned by the movie theater.

Agency Comments

Agency Comments:

Please advise that the water main (6-inch) on Chippewa adjacent to the site on the south side of Chippewa will not be adequate to serve this development. There is a 12-inch distribution main on the north side of Chippewa that would be better suited for connection to this development. We may need to have our water model updated to confirm the water main size needed for the proposed development.

The sanitary sewer may require size increases between the development and the connecting structures to the west (near the railroad corridor) to provide capacity. This development would discharge municipal sewage into a separated sewer, but it will eventually reach the CSO 18 service area and the River Crossing Siphon near the Crooked Ewe. The additional volume from this development should be considered since improvements to CSO 18 are slated as part of the CSO Long Term Control Plan.

We will need to see a proposed utility layout to provide better feedback on the utility service network for this development.

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:**

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.

Land Use Plan:

The Future Land Use Map (2006) identifies this area for Commercial (Office & Retail).

Plan Implementation/Other Plans:

None.

2. Current Conditions and Character:

The surrounding neighborhood is mostly light industrial and commercial uses. It is made up of mostly large single-story structures, parking lots, and vacant land.

3. Most Desirable Use:

The most desirable use is an activation of the parcel that has been vacant for nearly 30 years, including multi-unit housing to support the Michigan Street Commercial Corridor.

4. Conservation of Property Values:

Developing a new residential project on currently vacant land will contribute to the growth and value of the surrounding properties.

5. Responsible Development and Growth:

It is responsible to allow multi-unit dwelling development along key transportation corridors that could activate vacant parcels.

Variance(s)

The petitioner is seeking the following variance(s):

Article 21-03.02 (f) Building Height - 40' building height to 46' building height for the primary structure(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 will not be injurious to the public health safety, morals, and general welfare of the community. These will be apartments along a major transportation corridor.

(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 adjacent properties are light industrial or commercial uses having a significant separation to their buildings. They should not experience substantial impacts to their use or value related to the construction and operation of apartments.

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

The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. This application is associated with affordable unit development and to make sure the financing is accessible, the applicant needs to maximize the number of units and function of the facility. The strict application of this Chapter could hinder the affordable unit development and not result in any apartment being built on the land.

(4) The variance granted is the minimum necessary.

The variance granted is the minimum necessary. As the building would still be limited in the number of stories constructed, this variance is providing steeper roofs to assist with the maintenance of the property in the winter season.

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

The variance granted does not correct a hardship caused by a former or current owner of the property. The property is a vacant parcel with space for the development of apartments.

Analysis & Recommendation

Commitments: No commitments are proposed at this time.

Analysis: Zoning this property to S2 Suburban Neighborhood 2 will permit the activation of a vacant parcel that has been dormant for 30+ years. It will help provide additional housing near many amenities, including commercial uses and major transportation corridors.

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



City of South Bend PLAN COMMISSION

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

Filed in Clerk's Office

JUN 18 2025

Bianca Tirado
City Clerk, South Bend, IN

Wednesday, June 18, 2025

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

Re: Bill#31-25 - A proposed ordinance of SYCAMORE LAND COMPANY LLC to zone from C Commercial to S2 Suburban Neighborhood 2, property located at 250 CHIPPEWA AVE, City of South Bend - PC# 0256-25

Dear Chair Dr. Oliver Davis & Council Members:

The petitioner (SYCAMORE LAND COMPANY LLC) for Bill#31-25 has requested the petition be tabled until the July 14th, 2025 Committee and Council meetings.

Sincerely,

Timothy Staub
Zoning Specialist

Attachment

CC: SYCAMORE LAND COMPANY LLC
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Jason Piontek
Commission President

BILL NO. 31-25

MAY 21 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 314
W CHIPPEWA AVE COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH
BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from Commercial (C) District to Suburban
Neighborhood 2 (S2) District.

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:

KERASOTES THEATRES MINOR SUBDIVISION LOT 1

be and the same is hereby established as Suburban Neighborhood 2 (S2) District

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.

Canneth J. Lee, 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 _____, 2025, at _____ o'clock .m.

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

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend

PLAN COMMISSION

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

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 71-08-26-200-004.000-002

Address: W Chippewa Ave, South Bend, IN 46614

Owner: Sycamore Land Company, LLC

Legal Description:

Lot Numbered One (1) as shown on the recorded plat of Kerasotes Theatres minor subdivision recorded June 24, 1997 as document 9724832, in the office of the Recorder of St. Joseph County, Indiana.

Project Summary

The proposed project is a 180-unit multifamily project across 5, 36-unit buildings and a clubhouse. The 5 residential buildings will be 3-story walk ups. The site will feature above ground retention.

Requested Action

Application includes (check all that apply)

☒ Rezoning

Current District: C Commercial

Additional Districts, if applicable

Proposed District S2 Suburban Neighborhood 2

Additional Districts, if applicable

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

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

Filed in Clerk's Office

☐ Subdivision – complete and attach subdivision application

☐ Special Exception – complete and attach Criteria for Decision Making

Use requested:

MAY 21 2025
Bianca Tirado
City Clerk, South Bend, IN

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

Variance(s) requested:

Height Requirement

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: Sycamore Land Company, LLC

Address: 7901 4th St N, Ste 5032
Saint Petersburg, FL 33702

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Cole R. Caress

Address: 8902 N Meridian St
Indianapolis, IN 46260

Phone Number: (317) 590-3616

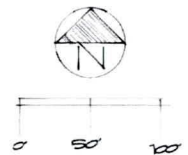
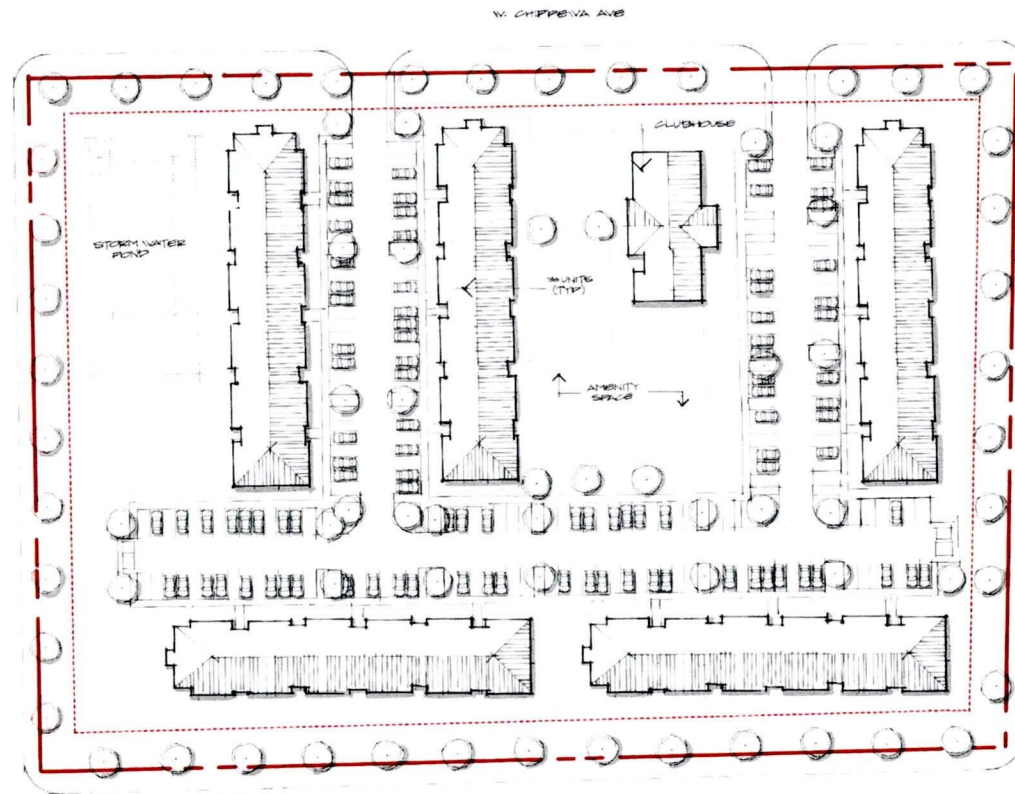
E-mail: ccaress@birgeandheld.com

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:

Signed by:
Jared Goldfarb
4E5CAB5565D6414



City of South Bend

BOARD OF ZONING APPEALS

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-08-26-200-004.000-002

Address: W Chippewa Ave, South Bend, IN 46614

Owner: Sycamore Land Company, LLC

Zoning: S2 Suburban Neighborhood 2

Project Summary:

The proposed project is a 180-unit multifamily project across 5, 36-unit buildings and a clubhouse. The 5 residential buildings will be 3-story walk ups. The site will also feature above ground retention.

Requested Action

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

Use requested: _____

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

Variance(s) requested:

Developer is requesting a variance to the height requirement of 40'-0" per S2 zoning regulations. For a 3-story building of this type the typical height of the roof bearing is approximately 31'-0". Based on the Zoning definition (vertical distance from the average finished grade adjacent to the front of the building to the highest point of the building) at a 6:12 roof pitch the highest peak would be 46'-0".

Developer is requesting a variance to increase the requirement by 6'-0".

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:

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

(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:

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

The zoning requirements allow for a 3-story building, so the variance request will not be outside the intent for the use of the property, it will give the building the necessary height to allow for a standard roof pitch of 6:12.

(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 variance is asking for a minimal amount of height increase to allow for a steeper roof slope which will produce a more attractive building massing.

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

The strict application would result in a shallower roof pitch or flat roof which would add more waterproofing concerns and a less attractive building form.

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

In effort to provide a unit count that aligns with the demand of the area and the economic goal of the developer, the orientation requirement requested by the ordinance causes hardship for this subject property.

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

The variance will not correct a hardship because the land is vacant.

Contact Information

Property owner(s) of the petition site:

Name: Sycamore Land Company, LLC

Address: 7901 4th St N, Ste 5032

Saint Petersburg, FL 33702

Name:

Address:

Name:

Address:

Contact Person:

Name: Cole R. Caress

Address: 8902 N Meridian St

Indianapolis, IN 46260

Phone Number: (317) 590-3616

E-mail: ccaress@birgeandheld.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:

Signed by:

Jared Goldfarb

32-25



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

May 21, 2025

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

RE: 1037 Colfax Ave – PC#0272-25

Filed in Clerk's Office

MAY 21 2025

**Bianca Tirado
City Clerk, South Bend, IN**

Dear Committee Chair Davis:

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 May 28, 2025, Council meeting, and set it for public hearing at your June 23, 2025, Council meeting. The petition is tentatively scheduled for public hearing at the June 16, 2025, 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:

Change the parcels zoning from Urban Neighborhood 1 (U1) to Urban Neighborhood Flex (UF)

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President



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

Filed in Clerk's Office

Wednesday, June 18, 2025

JUL 09 2025

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

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#32-25 - A proposed ordinance of MIATT PROPERTIES LLC to zone from U1 Urban Neighborhood 1 to UF Urban Neighborhood Flex, property located at 1037 COLFAX AVE, City of South Bend - PC# 0257-25

Dear Council Members:

I hereby Certify that the above referenced ordinance of MIATT PROPERTIES LLC was legally advertised on June 6, 2025 and that the South Bend Plan Commission at its public hearing on June 16, 2025 took the following action:

Upon a motion by Sarah Barber, being seconded by Dr. Oliver Davis and unanimously carried, a proposed ordinance of MIATT PROPERTIES LLC to zone from U1 Urban Neighborhood 1 to UF Urban Neighborhood Flex, property located at 1037 COLFAX AVE, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject commitments per 21-12.07 (f) (7).

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,

A handwritten signature in black ink, appearing to read "TP Staub".

Timothy Staub
Zoning Specialist

Attachment

CC: MIATT PROPERTIES LLC
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Jason Piontek
Commission President

Property Information

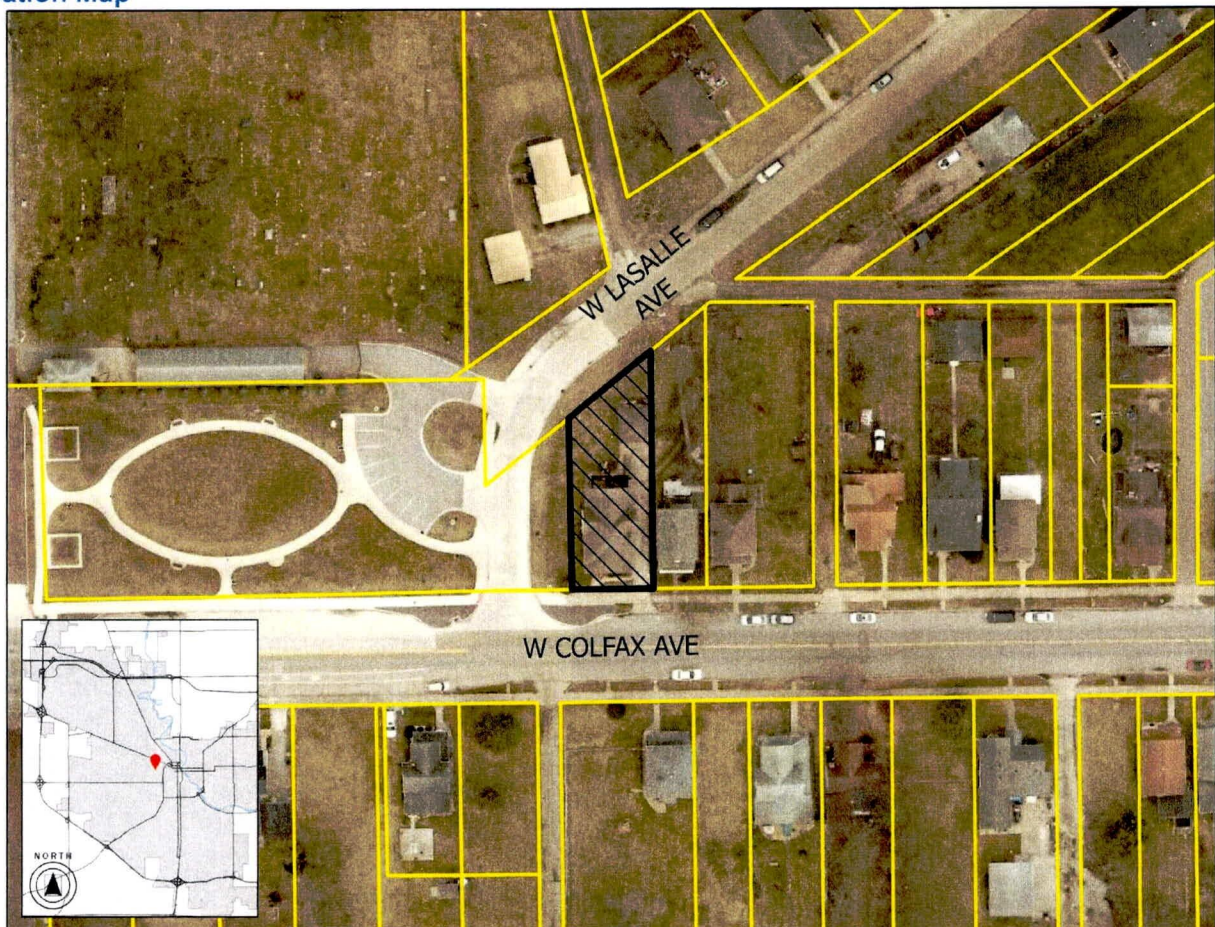
Location: 1037 COLFAX AVE
Owner: MIATT PROPERTIES LLC

Requested Action

Rezone from U1 Urban Neighborhood 1 to UF Urban Neighborhood Flex

Project Summary

Rezoning U1 to UF to allow for office space in a detached house.

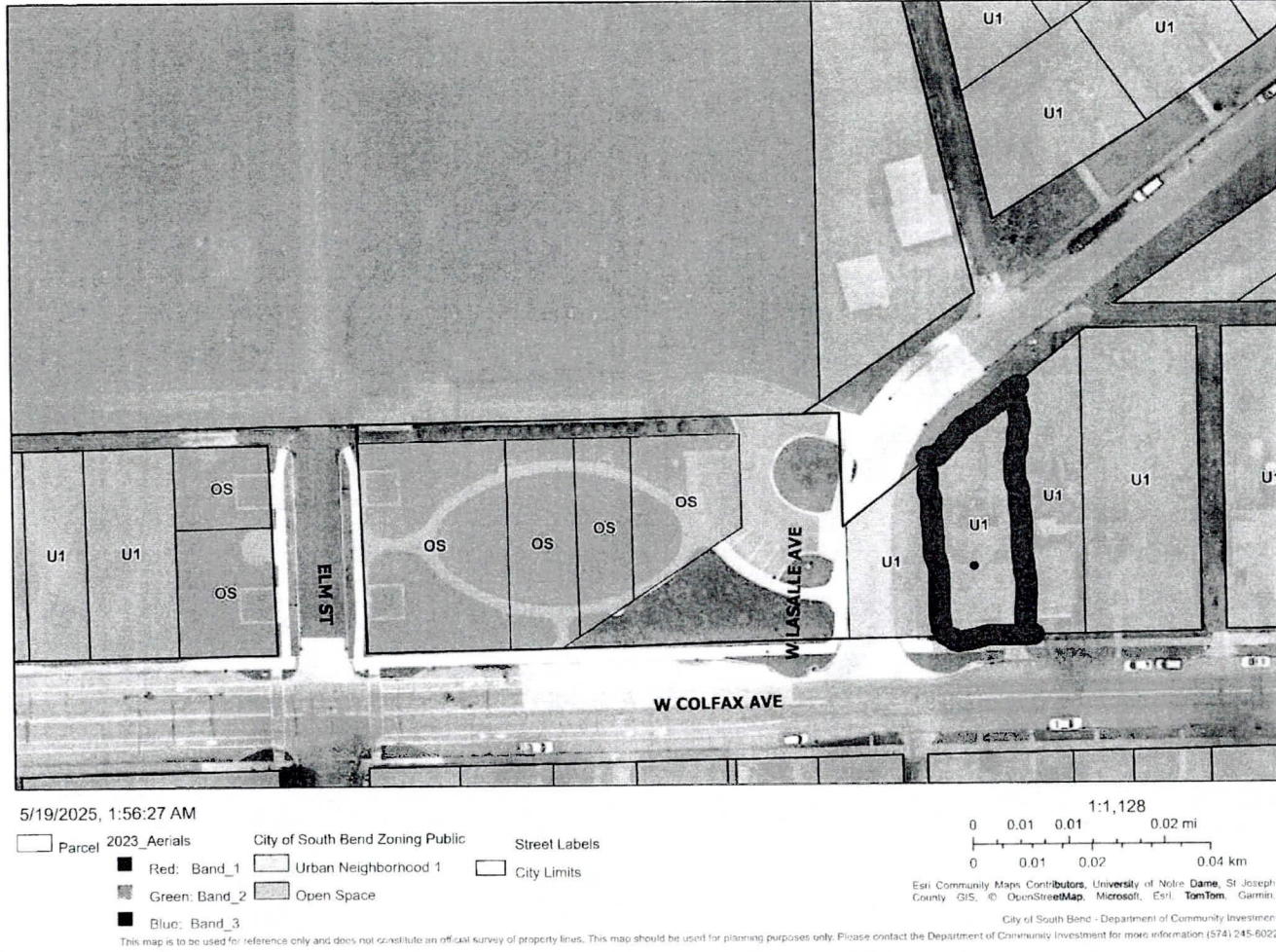
Location Map

Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with an unfavorable recommendation

Proposed Site Plan

Site Plan - 1037 W Colfax Ave



Site & Context

Land Uses and Zoning:

On site: A vacant detached house
 North: Across LaSalle Avenue, detached homes zoned U1
 East: Detached homes zoned U1
 South: Across Colfax Avenue, detached homes zoned U1
 West: Across LaSalle Avenue, the South Bend City Cemetery zoned OS

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:

Converting a vacant detached home into office space.

Zoning and Land Use History and Trends:

It has been a detached house since its construction in 1902, replacing a smaller house that was built there prior. The garage was established sometime between 1917 and 1945. The front porch was enclosed sometime between 1960 and 2007.

Traffic and Transportation Considerations:

At this site, Colfax Avenue varies in width from 30' to 38' with on-street parking. LaSalle Avenue is about 22' in width to the west with no on-street parking. Parking for the Cemetery is across the LaSalle Avenue. The property is served by a garage and driveway fronting Colfax Avenue. It is served by Transpo Route 2, with a stop at Washington and Elm Streets less than a quarter mile away.

Agency Comments

Agency Comments:

No additional comments at this time

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 application is inconsistent with the South Bend City Plan (2006) Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.

Land Use Plan:

The Future Land Use Plan identifies this area for Medium Density Residential, which would allow for a range of neighborhood-scaled residential housing types.

Plan Implementation/Other Plans:

In the Near West Side Neighborhood Plan (2002), the plan identifies it for residential use. Rezoning of this property to Urban Neighborhood 2 (U2) would be supported.

2. Current Conditions and Character:

Colfax Avenue is made up of detached homes within the U1 District. The adjacent City Cemetery is zoned OS.

3. Most Desirable Use:

The most desirable use for this property within the current zone is low to medium density residential housing.

4. Conservation of Property Values:

Retaining a house at this property should conserve the value of the surrounding properties.

5. Responsible Development and Growth:

Responsible development of this property would be the continuity of housing with densities up to that permitted in the U2 District.

Analysis & Recommendation

Commitments: No commitments are proposed at this time

Analysis: Rezoning this property from U1 to UF is not supported in the Near West Side Neighborhood Plan. The plan, developed through a public engagement process, established a future land use plan that reflects the desired development pattern of the neighborhood.

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



City of South Bend PLAN COMMISSION

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

Filed in Clerk's Office

Wednesday, June 18, 2025

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

JUN 18 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#32-25 - A proposed ordinance of MIATT PROPERTIES LLC to zone from U1 Urban Neighborhood 1 to UF Urban Neighborhood Flex, property located at 1037 COLFAX AVE, City of South Bend - PC# 0257-25

Dear Chair Dr. Oliver Davis & Council Members:

The petitioner (MIATT PROPERTIES LLC) for Bill#32-25 has requested the petition be tabled until the July 14th, 2025 Committee and Council meetings.

Sincerely,

Timothy Staub
Zoning Specialist

Attachment

CC: MIATT PROPERTIES LLC
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Francisco Fotia
Acting Commission President

BILL NO. 32-25

MAY 21 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED
1037 W COLFAX AVENUE COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF
SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from Urban Neighborhood 1 (U1) District to Urban Neighborhood Flex (UF) District

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:

EX RR LOT 50 ROCKAFELLERS 2ND ADD

be and the same is hereby established as Urban Neighborhood Flex (UF) District

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.

Canneth J. Lee, 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 _____, 2025, at _____ o'clock __.m.

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

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
PLAN COMMISSION

MAY 21 2025
Bianca Tirado
City Clerk, South Bend, IN

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

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 71-08-11-133-007.000-026

Address: 1037 W Colfax Avenue, South Bend, IN 46616

Owner: Miatt Properties LLC

Legal Description:

Beginning at a point on the East line of said Lot Numbered 50, 138 feet North of the Southeast corner of said Lot; thence South 138 feet to the said Southeast corner of said Lot; thence West to the Southwest corner of said Lot; thence North on said West line of said Lot, 99 feet; thence Northeasterly to the point of beginning.

Project Summary

To re-purpose long-term vacant house to a small-scale office space



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.

☐ 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: Miatt Properties LLC

Address: 1822 E Fox Street
South Bend, IN 46613

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Myra Reid

Address: 1822 E Fox Street
South Bend, IN 46613

Phone Number: 574.229.9446

E-mail: miattproperties@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:

Myra Reid Digitally signed by Myra Reid
Date: 2025.05.19 10:28:02
-04'00'

Site Plan - 1037 W Colfax Ave



5/19/2025, 1:56:27 AM

Parcel
 Red: Band_1
 Green: Band_2
 Blue: Band_3
 Urban Neighborhood 1
 Open Space
 City Limits
 City of South Bend Zoning Public
 2023_Aerials
 Street Labels

1:1,128
 0 0.01 0.01 0.02 mi
 0 0.01 0.02 0.04 km

Esri Community Maps Contributors, University of Notre Dame, St Joseph County GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

City of South Bend - Department of Community Investment

This map is to be used for reference only and does not constitute an official survey of property lines. This map should be used for planning purposes only. Please contact the Department of Community Investment for more information (574) 245-6022

Substitute 39-25

Filed in Clerk's Office

JUN 13 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend BOARD OF ZONING APPEALS

June 10, 2025

Honorable Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1039 LINCOLN WAY W

Dear Committee Chair Dr. Davis:

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 **June 23, 2025**, Council meeting and set it for public hearing at your **July 14, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the July 7, 2025, 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:

Establishing a U-Haul location for vehicle rentals and associated uses.

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,



Tim Staub
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
www.southbendin.gov/zoning

July 9, 2025

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

RE: 1039 Lincoln Way West – BZA#0333-25

Dear Committee Chair Davis:

Enclosed is a modified Ordinance for the proposed Special Exception at the above referenced location. The address on the original ordinance was modified from **50 Sherman** to **1039 Lincoln Way West** to reflect the correct property indicated by the Parcel ID number: 018-1074-311001.

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

SUBSTITUTE BILL NO. 39-25

JUL 09 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**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 1039 LINCOLN WAY WEST & 50
SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

Establishing a U-Haul location for vehicle rentals and associated uses.

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:

1039 LINCOLN WAY W 018-1077-3245

1039 LINCOLN WAY W 018-1074-311001

In order to permit Vehicle Sales or Rentals

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.

Canneth J. Lee, 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 _____, 2025, at _____ o'clock __.m.

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

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

SUBSTITUTE BILL NO. 39-25

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 1039 LINCOLN WAY WEST & 50
SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

Establishing a U-Haul location for vehicle rentals and associated uses.

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:

1039 LINCOLN WAY W	018-1077-3245
50 SHERMAN <u>1039 LINCOLN WAY W</u>	018-1074-311001

In order to permit Vehicle Sales or Rentals

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.

Canneth Lee, 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 _____, 2025, at _____
o'clock ____. m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

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

July 9, 2025

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

Filed in Clerk's Office

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#39-25: The petition of FARHAN MOHAMMED seeking a Special Exception for the use of Vehicle Sales or Rentals (21-06.01(k)) in the NC Neighborhood Center for property located at 1039 LINCOLNWAY and 1039 LINCOLNWAY

Dear Council Members:

I hereby Certify that the above referenced petition of FARHAN MOHAMMED was legally advertised on June 27, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on July 7, 2025 took the following action:

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by FARHAN MOHAMMED seeking a Special Exception for the use of Vehicle Sales or Rentals (21-06.01(k)) for property located at 1039 LINCOLNWAY and 1039 LINCOLNWAY, City of South Bend, is sent to the Common Council with an unfavorable recommendation, and will issue written Findings of Fact.

The staff comments related to this petition 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,



Timothy Staub
Zoning Specialist

Attachment

CC: FARHAN MOHAMMED
Building Department
Bob Palmer

Property Information

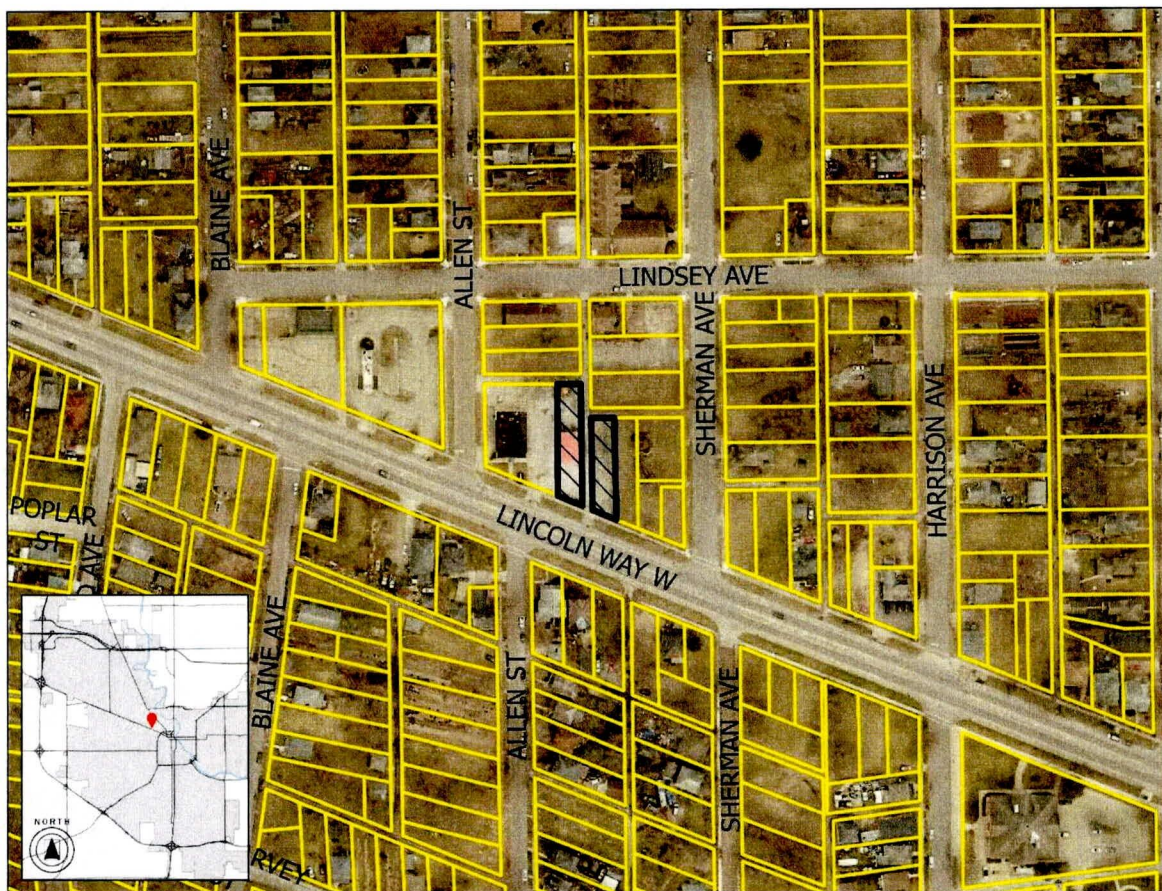
Location: 1039 LINCOLNWAY and 1039 LINCOLNWAY
Owner: FARHAN MOHAMMED

Project Summary

To allow Vehicle Sales or Rentals (21-06.01(k))

Requested Action

Special Exception: Vehicle Sales or Rental [21-06.01(k)]

Site Location

Staff Recommendation

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

Proposed Site Plan

South Bend Zoning



Criteria for Decision Making: Special Exception

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

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

The proposed use should not be injurious to the public healthy, safety, comfort, community moral standards, convenience or general welfare. It is a retail space where vehicles will be rented. The use should not cause any of these nuisances.

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

The proposed use may injure or adversely affect the use of the adjacent area or property values therein. The visual impact of a truck parking lot could have a negative impact on surrounding properties that are seeing infill residential development.

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

The proposed use is not consistent with the character of the district in which it is located and the land uses authorized therein. The intent of the district and the surrounding neighborhood is to produce an urban, walkable area with non-auto centric uses.

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

The proposed use is not compatible with the recommendations of the Near Northwest Neighborhood Plan (2019). The plan calls for the property to be Neighborhood Center as a hub for pedestrian-scale storefront retail and professional offices with active building facades. Vehicle sales and rental does not fulfill this intent.

Analysis & Recommendation

Analysis: The neighborhood plan calls for the property to be Neighborhood Center as a hub for pedestrian-scale storefront retail and professional offices with active building facades. Vehicle sales and rental does not fit within this guidance. This is a fairly dense neighborhood which is seeing urban infill, it will need a more urban style land use to support that infill. Vehicle rental is more generally meant for suburban areas. Any auto-oriented use in an NC should also be set behind the building. Additionally, the lots involved in the application cross over the public right-of-way in terms of an alley. Such a use would require the city's permission to utilize the right-of-way to conduct business or an alley vacation, which is not established at this time.

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

BILL NO. 39-25

JUN 13 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**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 1039 LINCOLN WAY WEST & 50
SHERMAN, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

**Request a Special Exception to establish a U-Haul location for vehicle rentals and
associated uses.**

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:

1039 LINCOLN WAY W 018-1077-3245

50 SHERMAN 018-1074-311001

In order to permit Vehicle Sales or Rentals

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.

Canneth Lee, 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 _____, 2025, at _____ o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-08-02-334-011.000-026

Address: 1039 Lincoln Way West South Bend, IN 46616

Owner: Mohammed Farhan

Zoning: NC Neighborhood Center

Project Summary:

The proposed U-Haul rental business aims to provide a convenient and accessible transportation solution while supporting economic growth by creating jobs, increasing foot traffic to nearby establishments, and contributing to the local economy.

Requested Action

☒ Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: Vehicle Sales OR Rentals/ U-Haul Rental Services

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

Filed in Clerk's Office

JUN 13 2025

Bianca Tirado
City Clerk, South Bend, IN

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 U-Haul rental service will operate responsibly, minimizing disruption to the community through traffic flow measures, safety compliance, and controlled operating hours. It will serve as a valuable resource for residents and businesses, enhancing transportation convenience while supporting local economic activity. Potential concerns about aesthetics and community standards will be addressed with proper signage, property maintenance, and zoning adherence, ensuring accessibility without negatively impacting public health, safety, or welfare.

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

The business will be designed and operated to seamlessly integrate with surrounding properties, maintaining the aesthetic and functional integrity of the area. Measures will be taken to minimize any potential impact on traffic flow, noise levels, or environmental conditions, ensuring that neighboring properties retain their value and appeal. Furthermore, the presence of a U-Haul rental facility can increase convenience for local businesses and residents, potentially enhancing the desirability of the surrounding properties rather than diminishing their worth.

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

The district currently supports commercial and service-oriented businesses, making this rental facility a natural addition to the existing landscape. The proposed use aligns with the district's economic and developmental goals, supporting local commerce and providing necessary transportation solutions for residents and businesses alike. Additionally, the facility's design and operational practices will be carefully tailored to match the character of the area, preventing any disruption to the established neighborhood atmosphere.

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

The Comprehensive Plan emphasizes responsible land use and economic development, both of which are supported by this proposal. The business will provide an essential service that facilitates mobility and commerce, reinforcing the plan's objectives for accessibility, business growth, and community convenience. Additionally, the proposed operations will be structured to ensure compliance with zoning standards, environmental considerations, and neighborhood cohesion, further aligning with the long-term vision set forth in the plan.

Criteria for Decision Making

Variance(s) - *if applicable*

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

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

N/A

(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:

N/A

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

N/A

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

N/A

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

N/A

Contact Information

Property owner(s) of the petition site:

Name: Mohammed Farhan

Address: 20792 S Gatehouse Dr
South Bend, IN 46637

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Fares Farhan

Address: 1828 Tea Rose Lane
Mishawaka, IN 46544

Phone Number: 574-217-1405

E-mail: faresfarhan1990@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:

Mohammed Farhan



LowTaxInfo

St. Joseph
County



1039 Lww
South Bend, IN 46616

Farhan Mohammed
P.O. Box 11664
South Bend, IN 46634



Spring Due by 05/12/2025: \$0.00

Fall Due by 11/10/2025: \$0.00

\$0.00
Total Due ⓘ

Property Information

Tax Year/Pay Year

2024 / 2025

Parcel Number

71-08-02-334-011.000-026

Duplicate Number

62591

Property Type

Real

Tax Unit / Description

18 - South Bend - Portage

Property Class

COMMERCIAL DRIVE-IN RESTAURANT

Mortgage Company

None

TIF

126 River West 1-SB Portge 026

Homestead Credit Filed?

No

Over 65 Circuit Breaker?

No

Legal Description

Note: Not to be used on legal documents

E 1/2 Lot 1A H Cushings

Section-Township-Range

No Info

Parcel Acres

No Info

Lot Number

No Info

Block/Subdivision

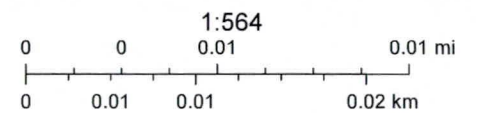
No info

South Bend Zoning



5/14/2025, 10:26:23 AM

- Parcel 2023_Aerials City Limits
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



Esri Community Maps Contributors, University of Notre Dame, St Joseph County GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

City of South Bend - Department of Community Investment

This map is to be used for reference only and does not constitute an official survey of property lines. This map should be used for planning purposes only. Please contact the Department of Community Investment for more information (574) 245-6022

JUN 13 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

June 11, 2025

Honorable Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1527 S MICHIGAN ST

Dear Committee Chair Dr. Davis:

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 **June 23, 2025**, Council meeting and set it for public hearing at your **July 14, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the July 7, 2025, 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:
Establishing an auto repair shop (vehicle service, minor) on the property.

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,



Tim Staub
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

July 9, 2025

Filed in Clerk's Office

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

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#40-25: The petition of 1527 MICHIGAN LLC seeking a Special Exception for for use of Vehicle Service, Minor (21-06.01(k)(23)) in the NC Neighborhood Center for property located at 1527 and 1527 MICHIGAN ST

Dear Council Members:

I hereby Certify that the above referenced petition of 1527 MICHIGAN LLC was legally advertised on June 27, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on July 7, 2025 took the following action:

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by 1527 MICHIGAN LLC seeking a Special Exception for for use of Vehicle Service, Minor for property located at 1527 and 1527 MICHIGAN ST, 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,



Timothy Staub
Zoning Specialist

Attachment

CC: 1527 MICHIGAN LLC
Building Department
Bob Palmer

Property Information

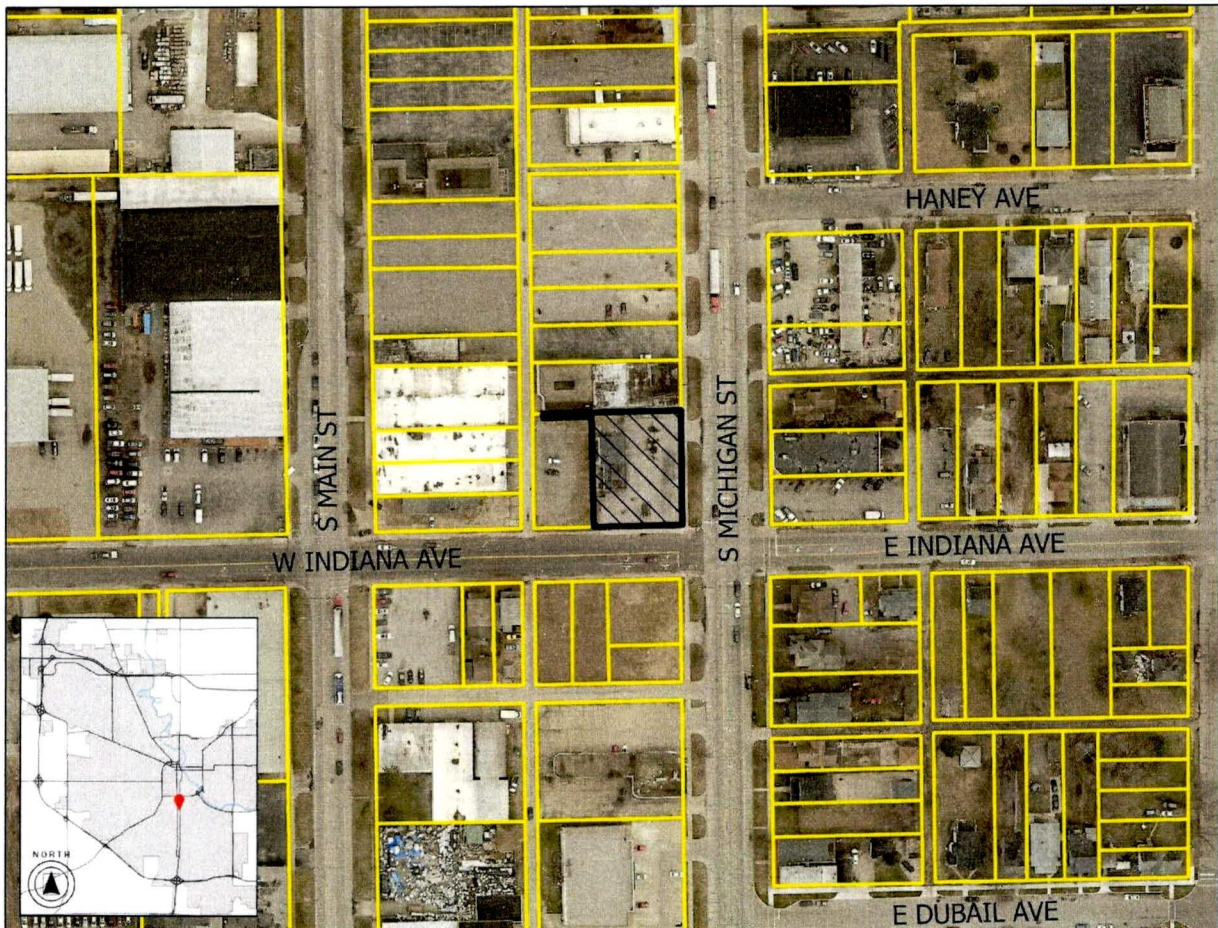
Location: 1527 and 1527 MICHIGAN ST
Owner: 1527 MICHIGAN LLC

Project Summary

To establish a Vehicle Service, Minor in an existing building

Requested Action

Special Exception: for use of Vehicle Service, Minor [21-06.01(k)(23)]

Site Location**Staff Recommendation**

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

Proposed Site Plan



Created by South Bend Department of Community Investment on: 6/27/2025 1:39 PM

Criteria for Decision Making: Special Exception

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

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

The proposed use 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 the adjacent area or property values therein;

The proposed use may injure or adversely affect the use of the adjacent area or property values there in. The visual impact of a long term vehicle storage could have a negative impact to surrounding property values that are seeing infill residential development. The applicant would need to add street trees and bring the existing lot up to 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 proposed use is not consistent with the character of the district in which it is located and the land uses authorized therein. The intent of the district and the surrounding neighborhood is to produce an urban, walkable area with non-auto centric uses.

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

The proposed use is not compatible with the recommendations of the 2015 Southeast Neighborhood Plan, which calls for a dense commercial use at the Michigan-Indiana intersection that serves as a walkable neighborhood center. Additionally, the 2020 zoning map designated this as a Neighborhood Center district for a mixture of storefront retail and professional offices with active building facades.

Analysis & Recommendation

Analysis: This block of S. Michigan Street is intended to be more neighborhood and pedestrian oriented. Neighborhood Center zoned lands are meant to serve local residential uses with a more active facade and little to no auto-centric uses.

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

BILL NO. 40-25

JUN 13 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**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 1527 S MICHIGAN ST
COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to establish an auto repair shop (vehicle service, minor) on the property.

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:

1527 S MICHIGAN ST 018-8005-027801

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.

Canneth Lee, 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 _____, 2025, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

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

Petition for Variance - Special Exception

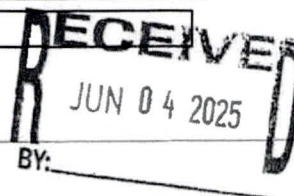
Property Information

Tax Key Number: 71-08-13-156-031.000-026

Address: 1527 Michigan Street South Bend, IN 46628

Owner: 1527 Michigan LLC

Zoning: NC Neighborhood Center



Project Summary:

The proposed auto repair shop will be ensuring compatibility with surrounding businesses. The shop will provide essential vehicle maintenance and repair services to the community, enhancing transportation reliability and local economic activity.

Requested Action

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

Use requested: Auto Shop/Mechanic Shop

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

Variance(s) requested:

Filed in Clerk's Office

JUN 13 2025

Bianca Tirado
City Clerk, South Bend, IN

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 auto shop will follow all safety regulations, including fire codes and environmental protections. It will provide a valuable service to the community by offering vehicle repairs and maintenance, enhancing transportation reliability.

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

The shop will be designed to minimize noise and emissions. Proper site planning, landscaping, and buffer zones will ensure that nearby properties maintain their value and appeal without disruption.

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

The proposed business aligns with existing commercial or mixed-use zoning policies. It complements other businesses in the area and supports the local economy.

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

The business fits within the city's long-term development goals, bringing employment opportunities and economic growth while maintaining responsible land use.

Criteria for Decision Making

Variance(s) - *if applicable*

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

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

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

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

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

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

Contact Information

Property owner(s) of the petition site:

Name: 1527 Michigan LLC

Address: PO BOX 11664
South Bend, IN 46634

Name: David Farhan

Address: 2828 E Jefferson Blvd
South Bend, IN 46615

Name: _____

Address: _____

Contact Person:

Name: Fares Fahran

Address: 1828 Tea Rose Lane
Mishawaka, IN 46544

Phone Number: 574-217-1405

E-mail: faresfarhan1990@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:



JUN 13 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

June 11, 2025

Honorable Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1024 W THOMAS ST

Dear Committee Chair Dr. Davis:

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 **June 23, 2025**, Council meeting and set it for public hearing at your **July 14, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the July 7, 2025, 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:

Establish a school in the El Campito Building

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,



Tim Staub
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

Filed in Clerk's Office

July 9, 2025

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

JUL 09 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#41-25: The petition of EL CAMPITO INC seeking a Special Exception for the use of a School, Pre-K/Primary/Secondary (21-06.01(f)(11)) in the U1 Urban Neighborhood 1 for property located at 1024 THOMAS ST

Dear Council Members:

I hereby Certify that the above referenced petition of EL CAMPITO INC was legally advertised on June 27, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on July 7, 2025 took the following action:

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by EL CAMPITO INC seeking a Special Exception for the use of a School, Pre-K/Primary/Secondary (21-06.01(f)(11)) for property located at 1024 THOMAS ST, 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,



Timothy Staub
Zoning Specialist

Attachment

CC: EL CAMPITO INC
Building Department
Bob Palmer

Property Information

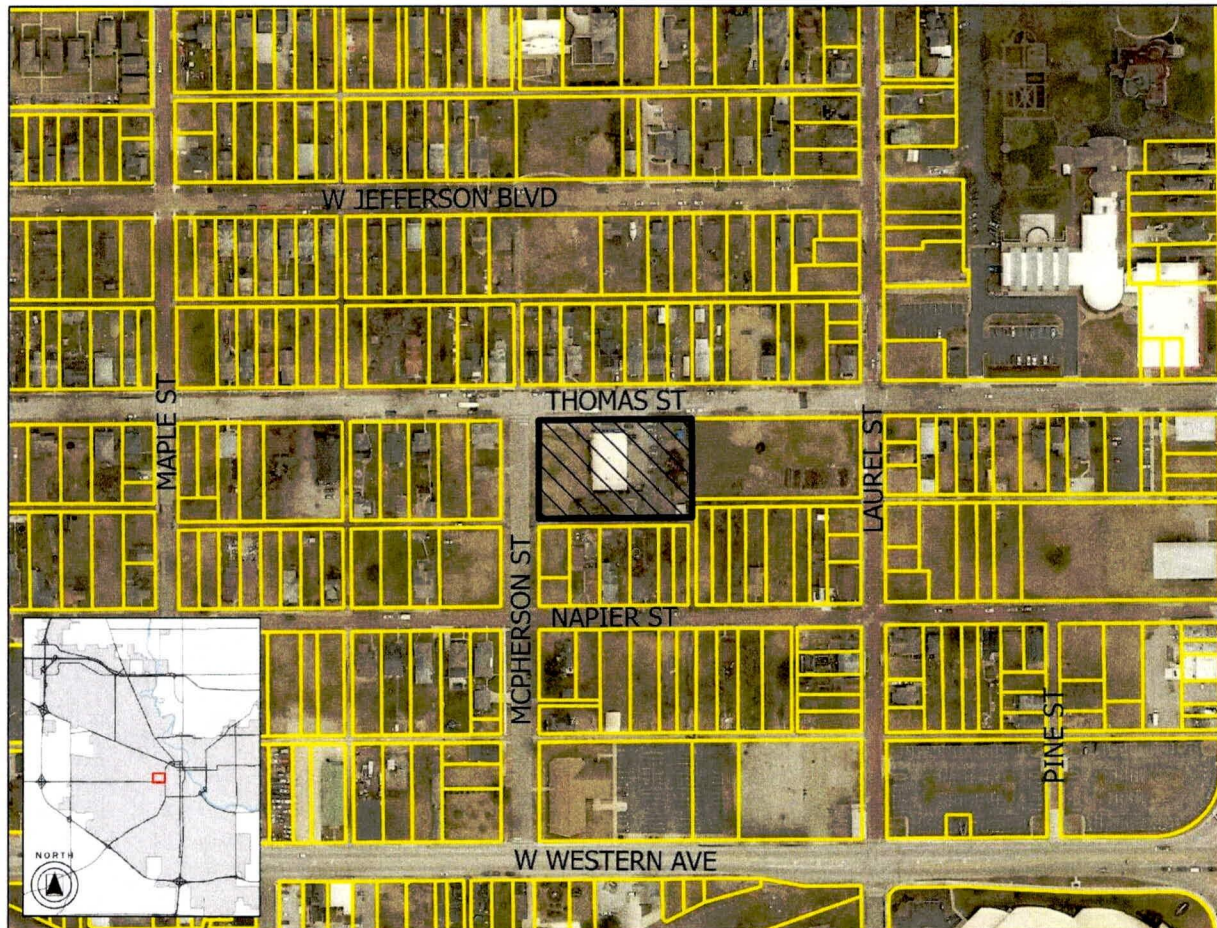
Location: 1024 THOMAS ST
Owner: EL CAMPITO INC

Project Summary

To allow to be used as a school for Pre-K, Primary/Secondary

Requested Action

Special Exception: for the use of a School, Pre-K/Primary/Secondary [21-06.01(f)(11)]

Site Location**Staff Recommendation**

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

Proposed Site Plan



Criteria for Decision Making: Special Exception

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

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

The proposed use should not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare. This is activating a vacant school building to become a school.

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

The proposed use should not injure or adversely affect the use of the adjacent area or property values therein. This is activating a vacant school building to become a school in a residential neighborhood.

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

The proposed use should be consistent with the character of the district in which it is located and the land uses authorized therein. This institutional use is activating a vacant school, which is consistent with the intent of the U1 zoning district.

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

The proposed use is compatible with the recommendations of the Near Westside Neighborhood Plan (2022). The plan indicates an educational use occupying this space.

Analysis & Recommendation

Analysis: Originally the parochial school for St. Stephen Catholic Church and later the location of El Campito, this vacant school building can continue to serve as a place of learning and a community space, as envisioned by the Near Westside Neighborhood Plan.

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

BILL NO. 41-25

JUN 13 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**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 1024 THOMAS STREET,
COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to establish a school in the El Campito Building

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:

1024 THOMAS ST 018-3069-2666

In order to permit School, Pre-K/Primary/Secondary

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.

Canneth Lee, 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 _____, 2025, at _____ o'clock _____. m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-3069-2666

Address: 1024 Thomas Street, South Bend, IN 46601

Owner: El Campito Inc. (Owner) / Trinity Schools, Inc. (Petitioner, Contracted Buyer)

Zoning: U1 Urban Neighborhood 1



Project Summary:

Seeking a Special Exception to allow the property located at 1024 Thomas Street, zoned U1 (Urban Neighborhood 1), to be used by Trinity Schools, Inc., as a School, PreK/Primary/Secondary, 21-06.01(f)(11), specifically for grades 6-12.

Requested Action

- ☒ Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: Special Exception to be used as a Primary/Secondary School
- ☐ Variance(s) - *List variances below, complete and attach Criteria for Decision Making*
Variance(s) requested:

Filed in Clerk's Office

JUN 13 2025

Bianca Tirado
City Clerk, South Bend, IN

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:

This historic site formerly housed St. Stephen's Catholic School. Recently, El Campito used the site as a child development center. Trinity School looks forward to continuing to educate children here by operating a grade 6-12 classical Christian school, establishing a culture marked by the discovery of truth, the practice of goodness, the creation of beauty, and the development of intellectual and aesthetic habits of mind. We look forward to serving our students and their families and benefitting the surrounding community. The school will meet all applicable building and fire safety codes. For these reasons, the proposed use will not generate any such injuries.

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

Trinity School believes that the regular presence of children, teachers, and parents at the school site will only increase the safety of the surrounding residential neighborhood, thereby benefitting the adjacent uses and property values. Further, the school will provide an additional educational option for families in the surrounding community, thereby offering an essential amenity. For these reasons, the use of the site as a school would not injure or adversely affect the use of the adjacent area or 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, because:

U1 permits institutional uses compatible with the scale and character of the surrounding neighborhood. "The U1 District is established to provide for, promote, and maintain urban neighborhoods located in both the core and outlying areas of the City." 21-03.03(a). Operating a school at this site would promote the surrounding urban neighborhood by advancing a neighborhood planning principle set forth in the Near West Side Neighborhood Plan: "Amenities such as stores, schools, healthcare, entertainment, parks, cultural institutions, and places of worship are within a convenient distance."

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

The proposed use of a grade 6-12 school is compatible with recommendation E 5.1 of the City of South Bend Comprehensive Plan: "Establish and maintain a consistent planning, review, and development process with institutions of higher education, private schools, and the SBCSC to address existing and future school facilities."

Criteria for Decision Making

Variance(s) - *if applicable*

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

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

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

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

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

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

Contact Information

Property owner(s) of the petition site:

Name: El Campito Inc. (Owner)

Address: 405 East Dubail Avenue
South Bend, IN 46613

Name: Trinity Schools, Inc. (Authorized Petitioner Under Contract to Purchase)

Address: c/o David Salmon, President
121 North Ellsworth Place, South Bend, IN 46617

Name: _____

Address: _____

Contact Person:

Name: Paul Kane, Trustee for Trinity School; Josh Caneff, Admissions Director

Address: 1529 East Washington Street
South Bend, IN 46617

Phone Number: (574) 876-6207 (Paul Kane); (503) 209-4399 (Josh Caneff)

E-mail: paulkane99@gmail.com (P. Kane); jcaneff@trinityschools.org (J. Caneff)

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:

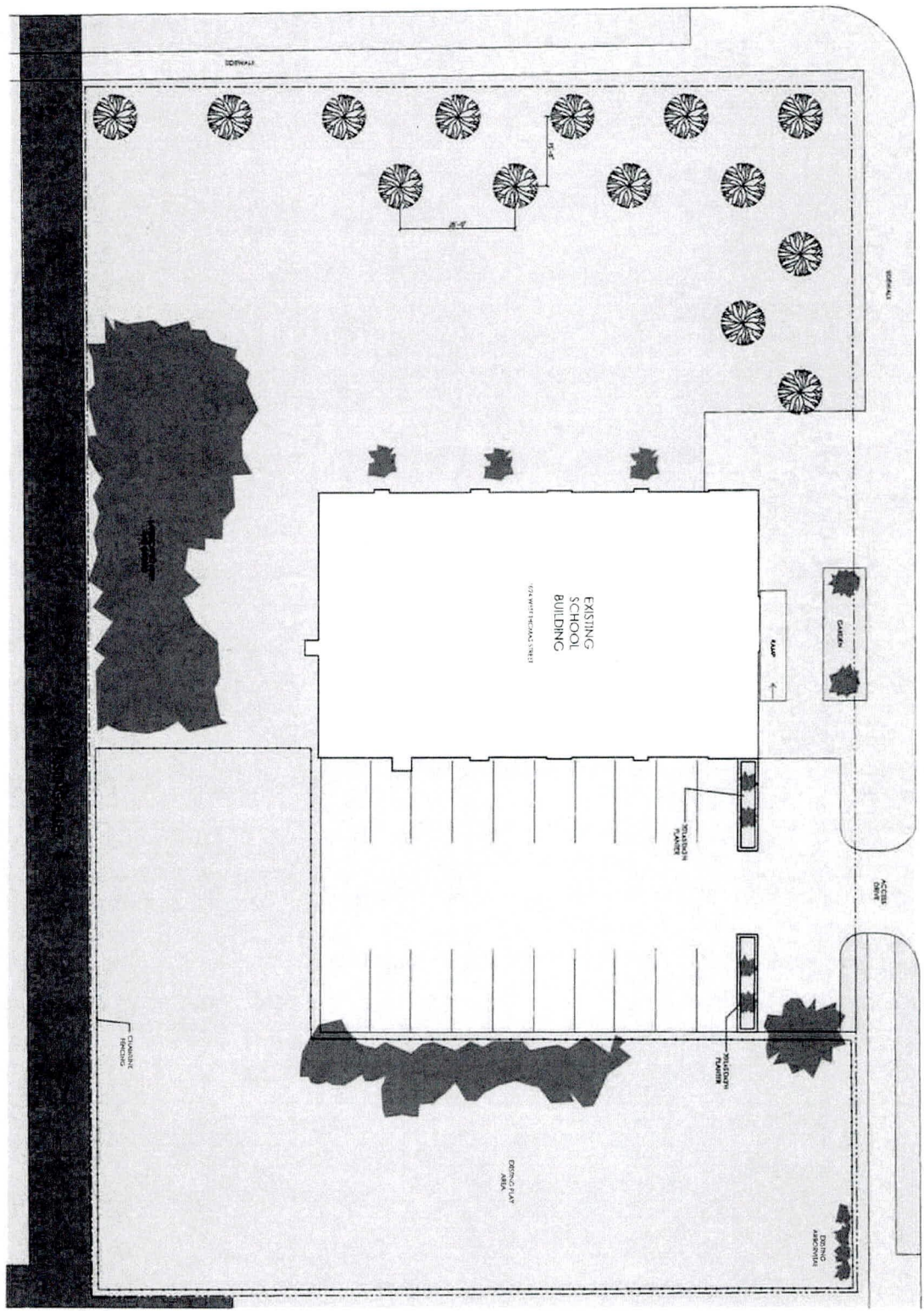
David Salmon Digitally signed by David Salmon
Date: 2025.06.05 13:45:01
-04'00'

MCPHERSON STREET

PAVED COURTYARD
10,000 SQA. FEET

THOMAS STREET


SITE ANALYSIS
SCALE: 1" = 10'-0"



PRELIMINARY

<p>C.1</p>	<p>DATE: 10/10/2018 BY: ALLIANCE ARCHITECTS</p>	<p>FUTURE LOCATION OF TRINITY SCHOOL CHANGE OF USE SOUTH BEND, INDIANA</p>	<p>PRELIMINARY PROGRAM PHASE</p>	<p>ALLIANCE ARCHITECTS 1201 University Blvd, Suite 200 South Bend, Indiana 46601</p>
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CITY OF SOUTH BEND

COMMUNITY INVESTMENT

July 8, 2025

Filed in Clerk's Office

Council Member Troy Warner
Chairperson, Community Investment Committee
South Bend Common Council
County-City Building, 4th Floor
South Bend, Indiana 46601

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN

RE: **Confirming Resolution:** Multi-Family Development Real Property Tax Abatement
Petition for the **KCG Donald & Main, LP (c/o KCG Companies, LLC)**

Dear Council Member Warner,

Please find the enclosed Confirming Resolution and Memorandum of Agreement for a multi-family development real property tax abatement for KCG Companies, LLC, an Indiana Limited Liability Company. The petitioner plans to construct a new affordable apartment building at 2020 S. Main Street. This proposed abatement is part of a support package partnering with KCG Companies, which is applying for rental housing tax credits through the Indiana Housing & Community Development Authority (IHCDA). The abatement will go into effect only if this project is chosen by IHCDA in this year's competitive Tax Credit application round.

The total investment for this project is \$14,000,000. The project meets the qualifications for an ten-year (10) multi-family development real property tax abatement.

A representative from KCG Companies LLC, will be available to meet with the Committee on Monday, July 14, 2024.

Should you or other Council members have questions about the report or need additional information, please feel free to call me at (574) 245-6022

Sincerely,

Joseph Molnar,
Assistant Director, Growth & Opportunity

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____
RESOLUTION NO. _____

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

2020 S. MAIN STREET SOUTH BEND IN 46613

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR

KCG Donald & Main, LP (c/o KCG Companies, LLC)

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

WHEREAS, a Declaratory Resolution designated the area described as:

Key Number: 71-08-02-476-027.000-026
Key Number: 71-08-13-355-004.000-026
Local Parcel Number: 018-8011-0500
Commonly Known As: 18 VAC LOT 96X165 MAIN ST
Legal Description: Lots 24 And 25 Bowman Add To The Town Of
Myler

Key Number: 71-08-13-355-003.000-026
Local Parcel Number: 018-8011-050001
Commonly Known As: 2020 Main St.
Legal Description: Lot 26 Thru 28 Bowman Add To Town Of Myler
Now Pt Of City Of So Bend

Key Number: 71-08-13-355-002.000-026
Local Parcel Number: 018-8011-0484
Commonly Known As: 2018 S MAIN ST
Legal Description: Lot 29 Bowmans Add To Town Myler Now Pt City
South Bend

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; and

WHEREAS, the Council adopted Declaratory Resolution No. 5139-25 on June 23, 2025.

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 multi-family development real property tax abatement only and shall expire on December 31, 2029.

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 ten (10) years as shown by the schedule outlined below as well as the attachment 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 - 80%
Year 8 - 80%
Year 9 - 70%
Year 10 - 70%

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.

Canneth Lee, 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 _____, 2025, at _____ o'clock _____.m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN**MEMORANDUM OF AGREEMENT****(MULTI FAMILY DEVELOPMENT REAL PROPERTY TAX ABATEMENT)**

This Memorandum of Agreement (Agreement) dated as of July 13, 2025, serves as confirmation of a commitment by **KCG Donald & Main, LP (c/o KCG Companies, LLC)** (the "Applicant"), pending a July 14, 2025, 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 2018-2020 S. Main Street, South Bend, Indiana 46614, and has Key Numbers 71-08-13-355-004.000-026 / 71-08-13-355-003.000-026 / 71-08-13-355-002.000-026. 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 **ten-year (10) multi-family 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 Fourteen Million Dollars (\$14,000,000.00) for the construction of a new structure, consisting of no fewer than fifty (50) residential housing units at property identified in Section 1 of this Agreement;

(b) creating at least two (2) permanent full-time jobs with a total estimated annual payroll of at least One Hundred Five Thousand Dollars (\$105,000.00); 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. The City will provide the Applicant written notice of any possible failure to comply with the terms of the Tax Abatement, the written notice would set forth, in reasonable detail, any and all steps necessary to cure the default. Applicant would have thirty (30) days to cure any defaulted terms. The parties may agree to an extension of the timeframe to cure the defaulted terms if Applicant is reasonably pursuing a cure.

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. Revoking of Tax Abatement. 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, the Applicant would no longer be entitled to receive the tax abatement deductions as of the date of the default..

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. 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: KCG Companies, LLC
9311 N. Meridian St. Suite 100
Indianapolis, Indiana 46260
Attn: Megan Schuetz

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

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. 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.

15. 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.

16. 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.

17. 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>KCG Donald & Main, LP (c/o KCG Companies, LLC)</p> <p>By:  <small>box SIGN 1JRK6J7Y-19Q7XXZQ</small></p> <p>Karla Burck Executive Vice President KCG Companies, LLC,</p> <p>Approved as to Legal Adequacy and Form this _____ day of _____, 2025.</p> <p>Counsel, South Bend Common Council</p> <p>_____ Counsel for Applicant</p> <p>_____ _____</p>	<p>"City"</p> <p>City of South Bend, Indiana</p> <p>By: _____</p> <p>Canneth Lee President, South Bend Common Council</p> <p>By: _____</p> <p>Troy Warner Chairperson, Community Investment Committee</p> <p>By: _____</p> <p>Erik Glavich Department of Community Investment</p> <p>By: _____</p> <p>James Mueller Mayor</p>
--	---

EXHIBIT A

Abatement Schedule

Subject to the adoption by the SBCC of a resolution confirming the adoption of Declaratory Resolution No. 5139-25, the property owner is qualified for and is granted a multi-family residential development real property tax abatement for a period of ten (10) 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 - 80%
Year 8 - 80%
Year 9 - 70%
Year 10 - 70%

42-25



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

Filed in Clerk's Office

JUL 07 2025

Bianca Tirado
City Clerk, South Bend, IN

June 25, 2025

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

RE: 740 N Brookfield St – PC#0259-25

Dear Committee Chair Davis:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your July 14th Council meeting, and set it for public hearing at your July 28 Council meeting. The petition is tentatively scheduled for public hearing at the July 21, 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 from I Industrial to U3 Urban Neighborhood 3 to permit residential use.

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

BILL NO. 42-25

JUL 07 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 740
N BROOKFIELD ST COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH
BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioner desires to rezone from I Industrial 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:

LOT 7 MOONS 2ND

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.

Canneth J. Lee, 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 _____, 2025, at _____ o'clock .m.

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

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
PLAN COMMISSION

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-2017-0514

Address: 740 N. BROOKFIELD ST.

Owner: VINA NUEVA SOUTH BEND CHURCH OF GOD

Legal Description:

Filed in Clerk's Office

JUL 07 2025

Bianca Tirado
City Clerk, South Bend, IN



Project Summary

INDUSTRIAL TO RESIDENTIAL
TO PERMIT TO LIVE IN THE HOUSE

Requested Action

Application includes (check all that apply)

☒ Rezoning

Current District: I Choose the current district

Additional Districts, if applicable

Proposed District Choose the proposed district U3 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: VIDA NUEVA SOUTH BEND CHURCH OF GOD

Address: 739 COLLEGE ST.
SOUTH BEND, IN. 46628-2364

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: RICARDO CARBATAL

Address: 18144 BURTON DR.
SOUTH BEND, IN. 46637


Phone Number: (574) 3403868

E-mail: rc-fixture-gap-tooling@outlook.com

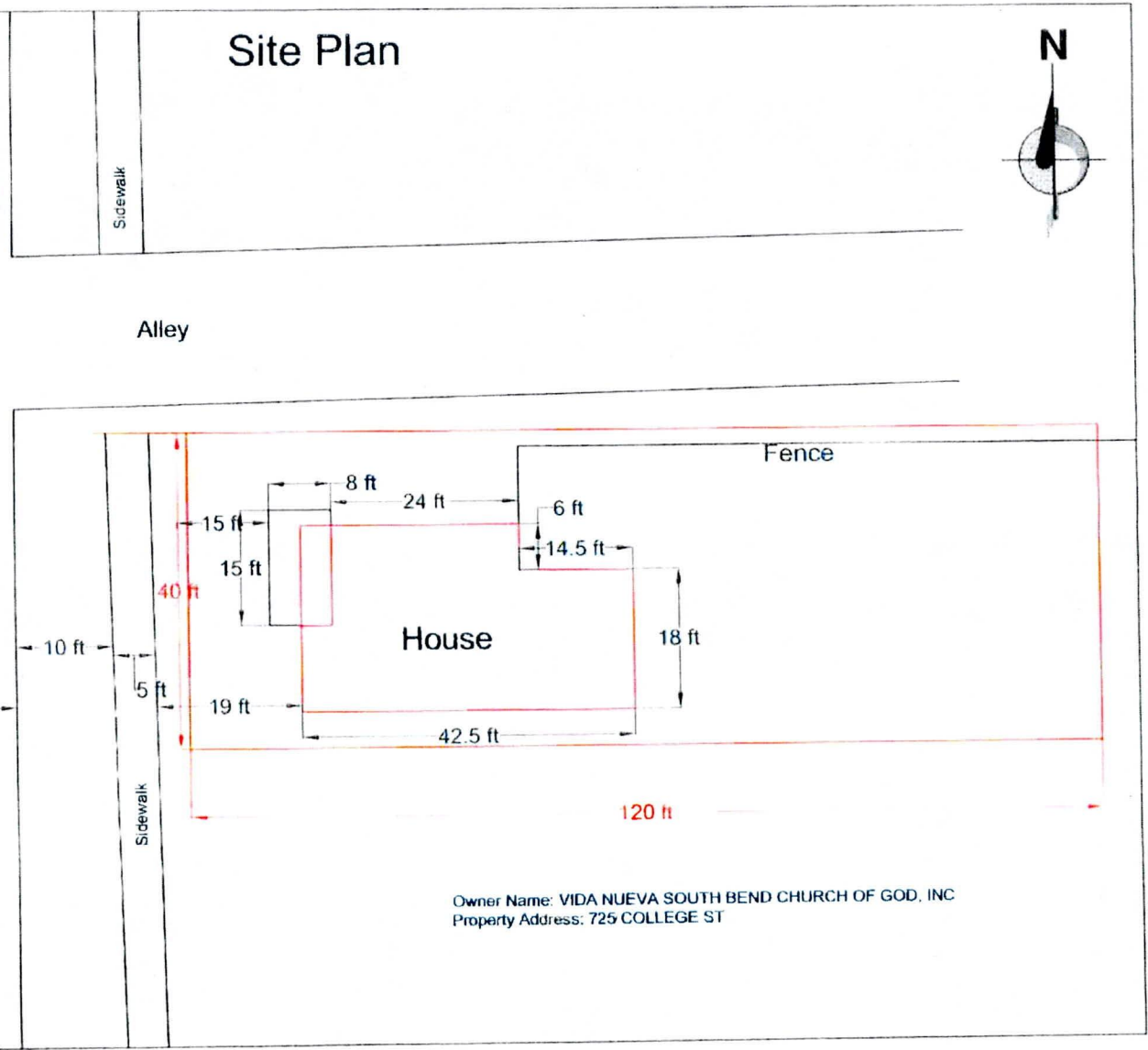
By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement 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:



Pastor Oscar Dominguez



A horizontal graphic scale bar with alternating black and white segments. It is marked with '0' at the left end, '20'' at the midpoint, and '40'' at the right end.

43-25

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



PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

CITY OF SOUTH BEND JAMES MUELLER, MAYOR

DEPARTMENT OF LAW

SANDRA KENNEDY
CORPORATION COUNSEL

JENNA K. THROW
CITY ATTORNEY

July 8, 2025

Filed in Clerk's Office

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN

Honorable Sheila Niezgodski
4th Floor, County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

Re: Submission of Ordinance Amending Section 2-210 of the South Bend Municipal Code

Dear Committee Chair Niezgodski:

Enclosed for your review is a proposed ordinance amending Section 2-210 of the South Bend Municipal Code, which addresses fees and processes for public records requests. The revised ordinance makes several key updates to this section, including moving the fees to a fee schedule, adopting fees for review and redaction of law enforcement recordings, prohibiting use of certain records for commercial purposes, and clarifying the handling of fees for record certification.

I respectfully request that this ordinance be placed on the Council agenda for first reading at your **July 14, 2025** meeting, and be scheduled for public hearing, second, and third reading at the **July 28, 2025** meeting. I will be presenting the Ordinance.

A full copy of the proposed ordinance is attached for your reference. Should you have any questions or require additional information, please do not hesitate to contact me at jthrow@southbendin.gov.

Sincerely,

Jenna Throw
City Attorney

JT/bm

DANIELLE WEISS
THOMAS E. PANOWICZ

MICHAEL SCHMIDT
ADAM E. TAYLOR

KYLIE CONNELL
JOHN DORBIN, JR.

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 43-25

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 2-210 OF THE MUNICIPAL CODE PERTAINING
TO FEES AND PROCESSES FOR PUBLIC RECORDS REQUESTS**

STATEMENT OF PURPOSE AND INTENT

Section 2-210 of the South Bend Municipal Code provides the regulations governing the fees for delivery of documents requested through the Access to Public Records Act, as well as fees for specific public safety services.

The proposed ordinance provides key updates to this Section, including a revision to shift the list of specific fees to a fee schedule from the Municipal Code, which will assist with the process for requesting future revisions from the Common Council.

The proposed ordinance also includes an update to include a provision, consistent with Indiana law, that no fee shall be charged for electronic transmission of records in most circumstances, unless specified by state law or court order.

The proposed ordinance clarifies the language regarding certification of records and clarifies the appropriate processing of fees for certification.

The proposed ordinance includes a provision permitted by Indiana Code 5-14-3-3(e) that prohibits the use of certain requests for information from an electronic data storage system for commercial purposes.

The proposed ordinance, together with the fee schedule, incorporates updates permitted by Indiana Code 5-14-3-8(g)(1) to permit charging for the direct costs of producing law enforcement recordings, which includes the significant time spent in reviewing and redacting law enforcement recordings consistent with the requirements of the Access to Public Records Act prior to delivery.

Review and redaction of law enforcement recordings represent a significant proportion of the time spent responding to public record requests, and adopting the charges permitted by Indiana law is expected to generate beneficial revenue for the purposes set forth in the proposed ordinance.

The proposed ordinance also incorporates guidelines set forth by Indiana Code 5-14-3-8(l) for the expenditures that may be funded with fees collected for the production of a law enforcement recording.

This ordinance amendment is necessary for the effective, efficient administration of the Access to Public Records Act process. This ordinance is in the best interest of the City and its residents.

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

SECTION I. Section 2-210 of the South Bend Municipal Code shall be amended as follows:

Sec. 2-210. Generally.

- (a) The Common Council shall adopt by Ordinance a fee schedule establishing reasonable fees for delivery of documents delivered as public records under I.C. 5-14-3-2 and providing of specified public safety services, to be paid by the requesting party not later than the time of delivery of each of the services or records described. The fee schedule may be accessed on the City's website or upon in person request.
- (b) No fee shall be charged for inspection of the public records indicated above where a copy is not provided or for electronic copies of records provided by electronic mail, except where a certification, copying, or search fee is specified by statute or by court order.
- (c) The City shall require payment by the purchaser in advance of the City's production of the record.
- (d) The additional charge for certification shall be deposited into the same fund as the fees collected for the copies of records.
- (e) A person who receives information from an electronic data storage system as described in Indiana Code 5-14-3-3(d) may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of the information for the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses such information contrary to this subsection may be prohibited by the City from obtaining further records under Indiana Code 5-14-3-3(d).
- (f) Any fees collected pursuant to this section by the South Bend Police Department, other than for law enforcement recordings, shall be deposited into the law enforcement continuing education fund for training supplies and equipment with all interest earned on the monies deposited in said fund be retained therein.
- (g) Any fees collected for law enforcement recordings by the South Bend Police Department shall be deposited into the law enforcement continuing education fund and used for one (1) or more of the following purposes:
 - (1) To purchase cameras and other equipment for use in connection with the South Bend Police Department's law enforcement recording program;
 - (2) For training concerning law enforcement recording; or
 - (3) To defray the expenses of storing, producing, and copying law enforcement recordings.

Money from a fee described in this subsection, together with all interest earned on the monies deposited in said fund is to be retained therein and does not revert to the general fund at the end of the fiscal year.

-
- (h) Any fee collected pursuant to this section by the South Bend Fire Department shall be deposited into the E.M.S. Capital Fund for capital purchases and leases of E.M.S. equipment, firefighting equipment, and fire station repairs as further addressed in Section 9-17 of the South Bend Municipal Code.

(Ord. No. 9092-00, § I; Ord. No. 9510-04, §§ I, II; Ord. No. 9568-05, § I; Ord. No. 9677-06, § I, 5-22-06; Ord. No. 9780-07, § I, 8-27-07; Ord. No. 9880-08, § I, 11-10-08)

SECTION II. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, declared to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

SECTION III. This Ordinance shall be effective January 1, 2026.

Canneth J. Lee, 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 _____, 2025, at ____ o'clock ____m.

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

Approved and signed by me on the ____ day of _____, 2025, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN**Fee Schedule**

The following reasonable fees are established, to be paid by the requesting party not later than the delivery time of each of these services or each of these documents described:

- (1) Each page of any document which is a public record under I.C. 5-14-3-2 which is not excepted from disclosure.
 - a. Noncolor photocopy 0.10
 - b. Color photocopy 0.25
 - (2) Motor vehicle accident reports 8.00
 - (3) Police summary report (a form of report which does not exist as a record prior to public request and is not explicitly mentioned in this section):
 - a. Victim 5.00
 - b. All others 8.00
 - (4) Police Department crime statistic compilation (a form of report which does exist as a public record prior to public request) 8.00
 - (5) Audio tapes or CDs, per item:
 - a. Those reproduced by the City of South Bend 10.00
 - b. Those requiring outside resources (plus outside costs) 2.00
 - (6) Photographs:
 - a. Those reproduced by the City of South Bend from its negatives (no larger than 8" x 10") by laser 1.00
 - b. Those reproduced by the City of South Bend using color sub-dye print method 5.00
 - c. Enlargement of Polaroid or reproductions requiring outside resources (plus outside cost) 2.00
 - (7) Fingerprinting an individual (per card) 10.00
 - (8) Fire Investigation reports 25.00
 - (9) Blueprints, per page 6.00
 - (10) Videotapes or DVD, per item:
 - a. Those reproduced by the City of South Bend 10.00
 - b. Those requiring outside resources (plus outside costs) 2.00
 - (11) Law enforcement recordings:
 - a. May be charged \$50.00 per hour, up to \$150.00 per recording, based on actual time spent to search, log, download, review, upload, edit/redact and process each video associated with the incident requested. (i.e., if the request includes two recordings, total cost may be up to \$300.00).
- Data discs, per disc 3.00
- (12) Maps, per square foot of paper 1.00
 - (13) EMS report 15.00
 - (14) Motor or recreational vehicle inspection and rebuilt salvage inspection:
 - a. Occurring at the Police station 5.00

-
- b. Vehicle inspection occurring away from the Police station 15.00
 - c. Rebuilt salvage inspection occurring away from the Police station 50.00
- (15) Limited criminal history reports
- a. Request from the subject for a copy of his/her limited criminal history 7.00
 - b. Copy of limited criminal history on another person 7.00

However such requests shall be provided free if mandated by I.C. 10-13-3.

- (16) Providing materials other than public records request 10.00

Unless described in other specific categories:

Per page (non-color) 0.25

Per page (color) 0.50

Per tape 15.00

For first photograph 15.00

For all others 5.00

- (17) Requested mailing of public records:

- a. Standard business size or smaller envelope 2.00
- b. Manila envelope 9" x 12" or larger 3.00
- c. Package 5.00

- (18) CPAT testing offered to other Fire Departments:

- a. Set up and break down costs 700.00
- b. Training session conducted by SBFD 350.00
- c. Testing conducted by SBFD (per applicant) 45.00

- (19) Processing fee for Police Department towing process fees 10.00

- (20) No trespass signs: 5.00

(21) If an individual wishes to have any records certified by the City Clerk or any employee of the City of South Bend, there shall be a five dollar (\$5.00) charge for the certification in addition to the charges, if any, set forth above.

JUL 08 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 2-210 OF THE MUNICIPAL CODE PERTAINING
TO FEES AND PROCESSES FOR PUBLIC RECORDS REQUESTS**

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Review and redaction of law enforcement recordings represent a significant proportion of the time spent responding to public record requests, and adopting the charges permitted by Indiana law is expected to generate beneficial revenue for the purposes set forth in the proposed ordinance.

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- (1) ~~Each page of any document which is a public record under I.C. 5-14-3-2 which is not excepted from disclosure.~~
- a. ~~Noncolor photo copy\$ 0.10~~
- b. ~~Color photo copy 0.25~~
- (2) ~~Motor vehicle accident reports8.00~~
- (3) ~~Police summary report (a form of report which does not exist as a record prior to public request and is not explicitly mentioned in this section):~~
- a. ~~Victim5.00~~
- b. ~~All others8.00~~
- (4) ~~Police Department crime statistic compilation (a form of report which does exist as a public record prior to public request)8.00~~
- (5) ~~Audio tapes or CDs, per item:~~
- a. ~~Those reproduced by the City of South Bend10.00~~
- b. ~~Those requiring outside resources (plus outside costs)2.00~~
- (6) ~~Photographs:~~
- a. ~~Those reproduced by the City of South Bend from its negatives (no larger than 8" x 10") by laser1.00~~
- b. ~~Those reproduced by the City of South Bend using color sub-dye print method5.00~~
- c. ~~Enlargement of Polaroid or reproductions requiring outside resources (plus outside cost)2.00~~
- (7) ~~Fingerprinting an individual (per card)15.00~~
- (8) ~~Arson reports25.00~~
- (9) ~~Blueprints, per page6.00~~
- (10) ~~Videotapes or DVD, per item:~~
- a. ~~Those reproduced by the City of South Bend10.00~~

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b.—Those requiring outside resources (plus outside costs)2.00

(11) Data discs, per disc3.00

(12) Maps, per square foot of paper1.00

(13) EMS report15.00

(14) Motor or recreational vehicle inspection and rebuilt salvage inspection:

a.—Occurring at the Police station5.00

b.—Vehicle inspection occurring away from the Police station30.00

c.—Rebuilt salvage inspection occurring away from the Police station50.00

(15) Limited criminal history reports

a.—Request to process limited criminal history3.00

b.—Request from the subject for a copy of his/her limited criminal history7.00

c.—Copy of limited criminal history on another person7.00

However such request shall be provided free if mandated by I.C. 10-13-3.

(16) Processing request for limited juvenile history5.00

(17) Providing materials other than public records request\$10.00

Unless falling into other specific categories:

Per page0.10

Per tape15.00

For first photograph15.00

For all others5.00

(18) Requested mailing of public records:

a.—Standard business size or smaller envelope2.00

b.—Manila envelope 9" x 12" or larger3.00

c.—Package5.00

(19) Handgun license application, subject to refund per I.C. 35-47-2-3:

a.—Yearly handgun license application10.00

b.—Lifetime handgun license application50.00

(20) CPAT testing offered to other Fire Departments:

a.—Set up and break down costs700.00

b.—Training session conducted by SBFID350.00

c.—Testing conducted by SBFID (per applicant)45.00

(21) Processing fee for Police Department tow10.00

(22) No trespass signs:

~~a. Each laminated 19" x 26" 10.00~~

~~b. Each laminated 14" x 22" 6.00~~

~~c. Each metal 18" x 24" 35.00~~

(b) No fee shall be charged for inspection of the public records indicated above where a copy is not provided or for electronic copies of records provided by electronic mail, except where a certification, copying, or search fee is specified by statute or by court order.

~~(c) Where documents in any one (1) request exceed ten (10) pages and for requests of items (2) through (125), inclusive, the City may shall require payment by the purchaser in advance of the City's production of the record.~~

~~(d) If an individual wishes to have any records certified by the City Clerk or any employee of the City of South Bend, there shall be a five dollar (\$5.00) charge for the certification in addition to the charges, if any, set forth in the above subsection (a). The additional charge for certification shall be deposited into the same fund as the fees collected for the copies of records.~~

~~(e) A person who receives information from an electronic data storage system as described in Indiana Code 5-14-3-3(d) may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of the information for the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses such information contrary to this subsection may be prohibited by the City from obtaining further records under Indiana Code 5-14-3-3(d).~~

~~(f) Any fees collected pursuant to this section by the South Bend Police Department, other than for law enforcement recordings, shall be deposited into the law enforcement continuing education fund for training supplies and equipment with all interest earned on the monies deposited in said fund be retained therein.~~

~~(g) Any fees collected for law enforcement recordings by the South Bend Police Department shall be deposited into the law enforcement continuing education fund and used for one (1) or more of the following purposes:~~

~~(1) To purchase cameras and other equipment for use in connection with the South Bend Police Department's law enforcement recording program;~~

~~(2) For training concerning law enforcement recording; or~~

~~(3) To defray the expenses of storing, producing, and copying law enforcement recordings.~~

~~Money from a fee described in this subsection, together with all interest earned on the monies deposited in said fund is to be retained therein and does not revert to the general fund at the end of the fiscal year.~~

~~(h) Any fee collected pursuant to this section by the South Bend Fire Department shall be deposited into the E.M.S. Capital Fund for capital purchases and leases of E.M.S. equipment, firefighting equipment, and fire station and fire station repairs as further addressed in Section 9-17 of the South Bend Municipal Code.~~

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(Ord. No. 9092-00, § I; Ord. No. 9510-04, §§ I, II; Ord. No. 9568-05, § I; Ord. No. 9677-06, § I, 5-22-06; Ord. No. 9780-07, § I, 8-27-07; Ord. No. 9880-08, § I, 11-10-08)

SECTION II. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, declared to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

SECTION III. This Ordinance shall be effective January 1, 2026.

Canneth Lee, 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 _____, 2025, at _____ o'clock ____m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____m.

City of South Bend

James Mueller, Mayor