



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, NOVEMBER 6, 2025
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, November 10, 2025:**

Council Chambers
3rd Floor City Hall
215 S. Dr. Martin Luther King Jr. 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/111025CC>

- 4:00 P.M.** **HEALTH & PUBLIC SAFETY** **CHAIRPERSON, TOMAS MORGAN**
1. [Bill No. 25-48](#) - Resolution on Behalf of the South Bend Common Council Consenting to the Renewal or Continuance of a Declaration of a Local Disaster Emergency Until Any Order or Proclamation Lawfully Terminates the Local Disaster Emergency or the Passage of a Resolution by the Common Council Revoking This Consent
- 4:20 P.M.** **PERSONNEL & FINANCE** **CHAIRPERSON, NIEZGODSKI**
1. [Bill No. 25-44](#) - Resolution Calling for Relief from the Devastating Impact of Senate Enrolled Act 1 on the City of South Bend and Other Local Governmental Entities Within the State of Indiana
 2. [Bill No. 25-47](#) - Resolution Acknowledging the Impact of the Federal Government Shutdown on SNAP Recipients and Calling for a Public Hearing to Consider Emergency Measures to Support Residents Experiencing Food Insecurity
- 4:45 P.M.** **COMMUNITY INVESTMENT** **CHAIRPERSON, WARNER**
1. [Bill No. 25-46](#) - Confirming Resolution - Real Property Tax Abatement for Michigan Motorsports LLC at 3315 William Richardson Court

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

300 City Hall | 215 S. Martin Luther King, Jr. Blvd. | South Bend, Indiana 46601 | p. 574.235.9221 | f. 574.235.9173 | www.southbend.in.gov



4:50 P.M.

ZONING & ANNEXATION

CHAIRPERSON, DR. DAVIS

1. [Bill No. 45-25](#) - Annexation of Properties located at the Southeast Corner of Willis Avenue and Dunn Road
2. [Bill No. 25-40](#) - Adopting a Written Fiscal Plan and Establishing a Policy for the Provision of Services to the Willis Dunn Annexation Area in Clay Township
3. [Bill No. 70-25](#) - Special Exception at 1417 West Indiana Avenue
4. [Bill No. 71-25](#) - Special Exception at 1409 West Indiana Avenue
5. [Bill No. 72-25](#) - Special Exception at 1101 Elliott Street

Council President Canneth Lee has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Zoning & Annexation 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, November 10, 2025

7:00 P.M.

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 3rd floor of the South Bend City Hall, 215 S. Dr.

Martin Luther King Jr. 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/SBCC111025>

1. **INVOCATION**

PASTOR JIM CLARK | GRACE UNITED METHODIST CHURCH

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

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

OCTOBER 27, 2025

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

45-25 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN CLAY TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 4, FOR 54528, 54550, 54570, 54606, 54610, 54638, 54650 WILLIS AVENUE, SOUTH BEND, INDIANA **(PUBLIC HEARING ONLY)**

[70-25](#) 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 1417 WEST INDIANA AVENUE COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[71-25](#) 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 1409 WEST INDIANA AVENUE COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[72-25](#) 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 1101 ELLIOTT STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

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

TIME: _____

[70-25](#) 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 1417 WEST INDIANA AVENUE COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[71-25](#) 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 1409 WEST INDIANA AVENUE COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[72-25](#) 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 1101 ELLIOTT STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

9. **RESOLUTIONS**

[25-40](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN CLAY TOWNSHIP (WILLIS DUNN ANNEXATION AREA)

25-44 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CALLING FOR RELIEF FROM THE DEVASTATING IMPACT OF SENATE ENROLLED ACT 1 ON THE CITY OF SOUTH BEND AND OTHER LOCAL GOVERNMENTAL ENTITIES WITHIN THE STATE OF INDIANA

25-46 A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3315 WILLIAM RICHARDSON COURT, SOUTH BEND, INDIANA 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SEVEN-YEAR (7) REAL PROPERTY TAX ABATEMENT FOR MICHIGAN MOTORSPORTS LLC

25-47 A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ACKNOWLEDGING THE IMPACT OF THE FEDERAL GOVERNMENT SHUTDOWN ON SNAP RECIPIENTS AND CALLING FOR A PUBLIC HEARING TO CONSIDER EMERGENCY MEASURES TO SUPPORT RESIDENTS EXPERIENCING FOOD INSECURITY

25-48 A RESOLUTION ON BEHALF OF THE SOUTH BEND COMMON COUNCIL CONSENTING TO THE RENEWAL OR CONTINUANCE OF A DECLARATION OF A LOCAL DISASTER EMERGENCY UNTIL ANY ORDER OR PROCLAMATION LAWFULLY TERMINATES THE LOCAL DISASTER EMERGENCY OR THE PASSAGE OF A RESOLUTION BY THE COMMON COUNCIL REVOKING THIS CONSENT

10. **BILLS ON FIRST READING**

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

APPROVAL OF 2026 COMMON COUNCIL MEETING DATES

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



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 23 2025
Bianca Tirado
City Clerk, South Bend, IN

July 23, 2025

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

RE: 54528, 54550, 54570, 54606, 54610, 54638, 54650 WILLIS AVENUE PC#0264-25

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Annexation and Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your July 28, 2025, Council meeting and set it for second reading on September 22, 2025 and third reading on October 13, 2025 Council meetings. The petition is tentatively scheduled for public hearing at the August 18, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

The Petitioners are requesting to annex and rezone the property including rights-of-way of Willis Avenue & Dunn Road to develop a residential project of approximately five (5) multi-story buildings having a maximum height of five (5) stories. Access to the site would be from Dunn Road and Willis Avenue and the proposed buildings would face both public streets. The project will have a streetscape with trees and landscaped buildings along with public sidewalks and interior pedestrian walks and landscaped grounds. A common area on the fifth floor of each building would take advantage of views towards the Notre Dame Campus.

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

Sincerely,

Tim Staub
Zoning Specialist

CC: Bob Palmer

JUL 23 2025

BILL NO. 45-25

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN CLAY TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 4, FOR 54528, 54550, 54570, 54606, 54610, 54638, 54650 WILLIS AVENUE, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The Petitioner desires to annex and rezone seven properties at the southeast corner of Willis Avenue and Dunn Road from R Single Family District in unincorporated St. Joseph County to U3 Urban Neighborhood 3 District in South Bend.

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

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

A PART OF THE SOUTHEAST AND NORTHEAST QUARTERS OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 40 IN THE PLAT OF "VANESS PLAT" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE WEST (ALL BEARINGS ASSUMED) ALONG THE SOUTH LINE OF SAID LOT AND ITS' WESTERLY EXTENSION (CROSSING WILLIS AVENUE 60 FT. R/W), A DISTANCE OF 260 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF SAID WILLIS AVENUE; THENCE NORTH ALONG SAID WEST LINE AND ITS' NORTHEASTERLY EXTENSION (CROSSING DUNN ROAD 40 FT. R/W), A DISTANCE OF 830.30 FEET MORE OR LESS TO A POINT WHICH IS THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF DUNN ROAD WITH THE WEST RIGHT-OF-WAY LINE OF WILLIS AVENUE; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DUNN ROAD (CROSSING WILLIS AVENUE 40 FT. R/W), A DISTANCE OF 250 FEET MORE OR LESS TO A DIRECTLY NORTH OF THE NORTHEAST CORNER OF LOT # 35 IN SAID "VANESS PLAT" SAID POINT ALSO BEING ON THE PRESENT CITY OF SOUTH BEND CORPORATE LIMIT LINE; THENCE SOUTH ALONG SAID CORPORATE LINE (CROSSING DUNN ROAD 40 FT. R/W), A DISTANCE OF 40 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE CONTINUING SOUTH ALONG SAID CORPORATE LIMIT LINE AND THE EAST LINE OF SAID "VANESS PLAT", A DISTANCE OF 778.80 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 4.90 ACRES MORE OR LESS.

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

SECTION III. Ordinance No. 10689-19, as amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as U3 Urban Neighborhood 3 District.

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

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
**Petition for Annexation and Rezoning
or Combined Public Hearing**

Filed in Clerk's Office

JUL 23 2025

Bianca Tirado
City Clerk, South Bend, IN

Property Information

Tax Key Number: 02-1106-5375, 02-1106-5368, 02-1106-5368.01, 02-1106-5364, 02-1106-5359, 02-1106-5354, 02-1106-5346

Property Address: 54650, 54638, 54610, 54606, 54570, 54550, 54528 Willis Avenue, South Bend, IN 46637

Property Owner: Trematerra Family Land Holdings Inc., 6231 Pga Blvd., Suite 109227, Palm Beach, FL. 33418-4033

Legal Description of Annexation Area: (include any adjacent rights of way not already in the City)

A PART OF THE SOUTHEAST AND NORTHEAST QUARTERS OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 40 IN THE PLAT OF "VANESS PLAT" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE WEST (ALL BEARINGS ASSUMED) ALONG THE SOUTH LINE OF SAID LOT AND ITS' WESTERLY EXTENSION (CROSSING WILLIS AVENUE 60 FT. BAY A DISTANCE OF 600 FEET MORE OR LESS TO THE WEST RIGHT OF WAY LINE OF SAID

Project Summary

The Petitioners are requesting to annex and rezone the property including rights of Willis Ave. & Dunn Road to development residential development in approximately Five (5) multi-story buildings having a maximum height of Five (5) stories. Access to the site would be from Dunn Road and Willis Avenue and the proposed buildings would face both public streets. The project will have a streetscape with trees and landscaped buildings along with public sidewalks and interior pedestrian

Rezoning

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

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

Current Zoning District (County): R Single Family District

Select One

Additional Districts, if applicable

Proposed Zoning District (City): U3 Urban Neighborhood 3

Select One

Additional Districts, if applicable

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

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

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

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

Annexation Application Checklist

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

Contact Information

Name: Danch, Harner & Associates, Inc. Attn: Michael Danch/Matthew Kirkwood

Address: 1643 Commerce Drive, South Bend, IN 46628

Phone Number: 574-234-4003

Email: mdanch@danchharner.com, mjkirkwood@danchharner.com

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

Property Owner: Trematerra Family Land Holdings Inc.

Property Owner Address: 6231 Pga Blvd., Suite 104-227, Palm Beach Gardens, FL 33418-4033

Property Owner: _____

Property Owner Address: _____

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

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

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

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: 02-1106-5375, 02-1106-5368, 02-1106-5368.01, 02-1106-5364, 02-1106-5359, 02
Address: 1643 Commerce Drive, South Bend, IN 46628
Owner: Trematerra Family Land Holdings Inc., 6231 Pga Blvd., Suite 109227, Palm Bea
Zoning: U3 Urban Neighborhood 3

Project Summary:

he Petitioners are requesting to annex and rezone the property including rights of Willis Ave. & Dunn Road to development residential development in approximately Five (5) multi-story buildings having a maximum height of Five (5) stories. Access to the site would be from Dunn Road and Willis Avenue

Requested Action

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

Use requested: _____

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

Variance(s) requested:

- A. From the 4 story Maximum Building Height to 5 stories;
- B. From the 120' Maximum Building Width to 282'

Required Documents

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

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 proposed variances will not be injurious to the health, safety or general welfare of the community. The proposed development will have the appearance and character of separate buildings, consistent with the maximum building widths included in the Ordinance. The proposed rooftop feature is designed to have minimal visibility from the surrounding properties.

(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 adjacent properties should not be impacted by the variance. The portion of the building which connects the two sides is located about 30' from the front property line and even further from the public sidewalk and street. The ground floor will remain a transparent lobby, creating the look and feel of separate, pedestrian scaled buildings. The rooftop feature is setback from the upper parapet and is designed to limit visibility from surrounding

+

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

Strict application of the Ordinance does not allow for creative design approach demonstrated on the site. The building is designed to have the appearance and pedestrian character of separate buildings but has a hallway connector from the upper floors to allow for efficient design and circulation. The Ordinance, itself, poses a practical difficulty in that it does not allow for higher density buildings in areas outside of the DT Downtown District. This area

+

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

The building has been designed to meet the intent of the ordinance. The building connection is a hallway on the upper floors of the building and a glazed and transparent lobby at the ground floor. The separation between the functional portion of the building exceeds what would be permitted if these were buildings on separate parcels, which allows light and air into the interior units and reduces the impact a traditional building of this length would create. The rooftop feature

+

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

The height limitations established by the Ordinance do not recognize the potential for higher density and taller buildings outside the downtown district, even when designed to minimize impact and visibility to surrounding properties.

Contact Information

Property owner(s) of the petition site:

Name: Trematerra Family Land Holdings Inc.,

Address: 6231 PGA Blvd, Suite 104-227
Palm Beach Gardens, FL, 33418

Name:

Address:

Name:

Address:

Contact Person:

Name: Danch, Harner & Associates, Inc. Attn: Michael Danch/Matthew Kirkwood

Address: 1643 Commerce Drive
South Bend, IN 46628

Phone Number: 574-234-4003.

E-mail: mdanch@danchharner.com, mjkirkwood@danchharner.com

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

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

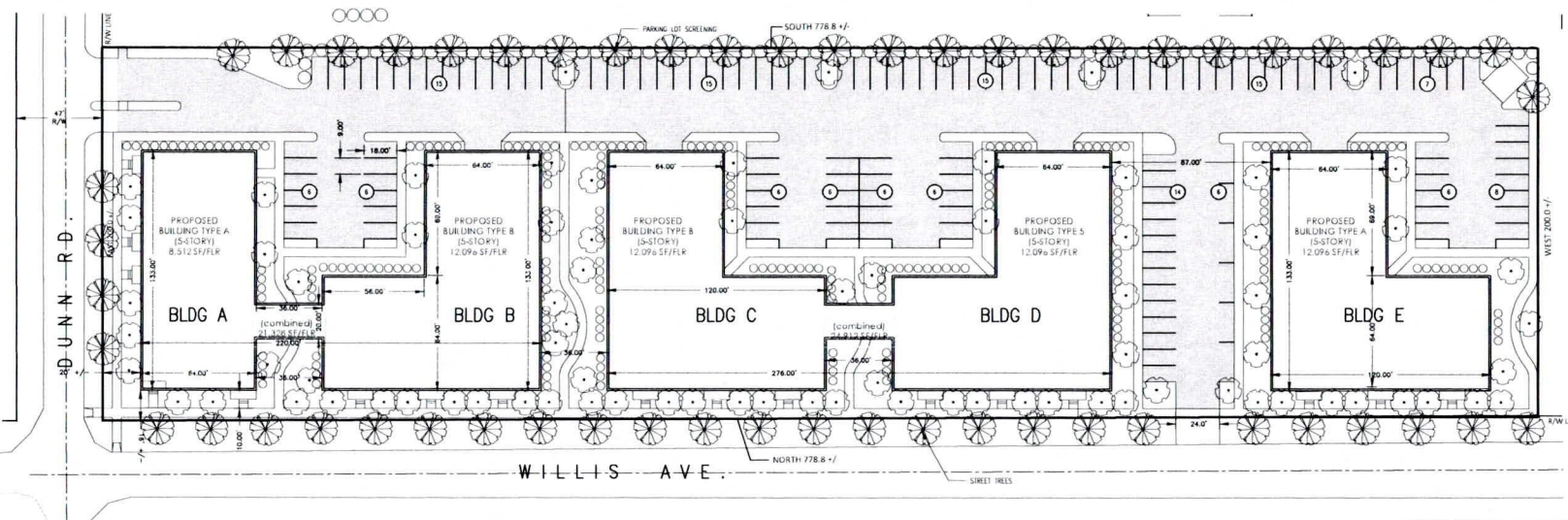
Property Owner (s) Signatures:

PRELIMINARY SITE PLAN

A PART OF THE SOUTHEAST QUARTER, SECTION 31, TOWNSHIP 38 N, RANGE 3 E,
CLAY TOWNSHIP, ST JOSEPH COUNTY, INDIANA.



SITE LOCATION MAP



LEGAL DESCRIPTION, ABSTRACT AND RESOLUTION

A PART OF THE SOUTHEAST AND NORTH-EAST QUARTERS OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST JOSEPH COUNTY, INDIANA, WHICH IS DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF LOT # 40 IN THE PLAT OF "VANCE PLAT" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST JOSEPH COUNTY INDIANA RECORDER'S OFFICE, THENCE WEST ALONG THE SOUTHWEST CORNER OF SAID LOT # 40 TO THE WEST LINE OF SAID LOT # 40, THENCE WEST ALONG THE SOUTH LINE OF SAID LOT # 40 TO ITS WESTERLY EXTENSION (CROSSING WILCOX AVENUE 60 FT ROW), A DISTANCE OF 260 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF SAID WILCOX AVENUE, THENCE NORTH ALONG SAID WEST LINE AND ITS NORTHWESTERLY EXTENSION (CROSSING DUNN ROAD 40 FT ROW), A DISTANCE OF 430.00 FEET MORE OR LESS TO A POINT WHICH IS THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF DUNN ROAD WITH THE WEST RIGHT-OF-WAY LINE OF WILCOX AVENUE, THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WILCOX AVENUE (CROSSING WILCOX AVENUE 40 FT ROW), A DISTANCE OF 250 FEET MORE OR LESS TO A POINT NORTH OF THE NORTHEAST CORNER OF LOT # 35 IN SAID "VANCE PLAT" SAID POINT ALSO BEING ON THE PRESENT CITY OF SOUTH BEND COMPANY'S LIMIT LINE, THENCE SOUTH ALONG SAID COMPANY'S LINE (CROSSING DUNN ROAD 40 FT ROW), A DISTANCE OF 40 FEET TO THE NORTHEAST CORNER OF SAID LOT, THENCE CONTINUING SOUTH ALONG SAID COMPANY'S LIMIT LINE AND THE EAST LINE OF SAID "VANCE PLAT" A DISTANCE OF 778.80 FEET MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 4.59 ACRES MORE OR LESS.

GENERAL SURVEY DISCLOSURE NOTES

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NON-EXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONITORING OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF HAZARDOUS OR ENVIRONMENTALLY SENSITIVE MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS, ON EXTENSION OF THIS PROJECT OR FOR ANY USE OR ANY OTHER PROJECT. ANY REUSE, REPRODUCED, REPRINT, REVISION, OR ADAPTATION BY ANY OTHER PERSON, FIRM OR CORPORATION, WITHOUT THE WRITTEN VERIFICATION AND ADAPTATION BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION ANY BEGIN.

LEGEND SETBACKS

1. FRONT 5' (MIN) TO 15' (MAX)
2. REAR 5' (MIN) TO 15' (MAX)
3. SIDE 5' (MIN) TO 15' (MAX)

REQUESTED VARIANCE

1. Request for 2 stories.
2. Request for 2 stories.
3. Request for 2 stories.

ABSTRACTED SITE DATA

1. ALLEGEAGE (1.500) = 1.500 ACRES (1.500 ACRES) = 64,800 SQ. FT. (1.500 ACRES)

2. PROPOSED LAND COVER AREAS

	AREA	PERCENT	ACRES
1. BUILDING(S)	1.500	100.00%	1.500
2. PARKING AND DRIVEWAYS	1.500	100.00%	1.500
3. MEADOWS AND OPEN SPACE	1.500	100.00%	1.500
4. TOTAL	1.500	100.00%	1.500

3. PROPOSED FARM USE AND FUTURE AREA

	AREA	PERCENT	ACRES
1. FARM USE	1.500	100.00%	1.500
2. FUTURE AREA	1.500	100.00%	1.500
3. TOTAL	1.500	100.00%	1.500

4. BUILDING FOOTPRINT AREA

	AREA	PERCENT	ACRES
1. BUILDING FOOTPRINT	1.500	100.00%	1.500
2. TOTAL	1.500	100.00%	1.500

5. BUILDING VOLUME (CUBIC FEET) BY BUILDING TYPE

	VOLUME	PERCENT	CUBIC FEET
1. BUILDING VOLUME	1.500	100.00%	1.500
2. TOTAL	1.500	100.00%	1.500

6. LAND USE AND ZONING

	AREA	PERCENT	ACRES
1. LAND USE	1.500	100.00%	1.500
2. ZONING	1.500	100.00%	1.500
3. TOTAL	1.500	100.00%	1.500

7. SURFACE DRAINAGE TO BE SHOWN AS REQUESTED BY THE CLIENT (S) SURVEYOR ENGINEERING (S) PLANNING

8. BUILDING SHOWN ANY TWO (2) STORIES

9. LAND USE AND ZONING

10. LAND USE AND ZONING

11. LAND USE AND ZONING

12. LAND USE AND ZONING

13. LAND USE AND ZONING

14. LAND USE AND ZONING

15. LAND USE AND ZONING

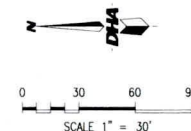
16. LAND USE AND ZONING

17. LAND USE AND ZONING

18. LAND USE AND ZONING

19. LAND USE AND ZONING

20. LAND USE AND ZONING



DATE	DRAWN BY	REVISIONS
7/15/25	MJK	
SCALE	CHECKED BY	DATE
1" = 30'	MJD	
FILE #	PROJ. MANAGER	
250170.3	MJK	

Danck, Harnett & Associates, Inc.
Land Surveyors & Professional Engineers
Landscape Architects & Land Planners
1843 Commerce Drive • South Bend, IN 46708
(317) 333-1111 • Fax: (317) 333-1112

SHEET
C1.1



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, August 20, 2025

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

AUG 20 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#45-25 - A proposed ordinance of TREMATERRA FAMILY LAND HOLDINGS INC to zone from R Single Family District (County) to U3 Urban Neighborhood 3, property located at 54528 WILLIS AVE and 54638 WILLIS AVE and 54606 WILLIS AVE and 54570 WILLIS AVE and 54550 WILLIS AVE and 54528 WILLIS AVE and 54610 WILLIS AVE and 54650 WILLIS AVE, City of South Bend - PC# 0264-25

Dear Council Members:

I hereby Certify that the above referenced ordinance of TREMATERRA FAMILY LAND HOLDINGS INC was legally advertised on August 8, 2025 and that the South Bend Plan Commission at its public hearing on August 18, 2025 took the following action:

Upon a motion by Scott Ford, being seconded by Tyler Gillean and unanimously carried, a proposed ordinance of TREMATERRA FAMILY LAND HOLDINGS INC to zone from R Single Family District (County) to U3 Urban Neighborhood 3, property located at 54528 WILLIS AVE and 54638 WILLIS AVE and 54606 WILLIS AVE and 54570 WILLIS AVE and 54550 WILLIS AVE and 54528 WILLIS AVE and 54610 WILLIS AVE and 54650 WILLIS AVE, City of South Bend is TABLED.

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,

Timothy P. Staub
Zoning Specialist

Attachment

CC: TREMATERRA FAMILY LAND HOLDINGS INC
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Francisco Fotia
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, September 17, 2025

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

SEP 17 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#45-25 - A proposed ordinance of TREMATERRA FAMILY LAND HOLDINGS INC to zone from R Single Family District (County) to U3 Urban Neighborhood 3, property located at 54528 WILLIS AVE and 54638 WILLIS AVE and 54606 WILLIS AVE and 54570 WILLIS AVE and 54550 WILLIS AVE and 54610 WILLIS AVE and 54650 WILLIS AVE, City of South Bend - PC# 0268-25

Dear Council Members:

I hereby Certify that the above referenced ordinance of TREMATERRA FAMILY LAND HOLDINGS INC was legally advertised on August 8, 2025 and that the South Bend Plan Commission at its public hearing on September 15, 2025 took the following action:

Upon a motion by Scott Ford, being seconded by Tyler Gillean and unanimously carried, a proposed ordinance of TREMATERRA FAMILY LAND HOLDINGS INC to zone from R Single Family District (County) to U3 Urban Neighborhood 3, property located at 54528 WILLIS AVE and 54638 WILLIS AVE and 54606 WILLIS AVE and 54570 WILLIS AVE and 54550 WILLIS AVE and 54610 WILLIS AVE and 54650 WILLIS AVE, City of South Bend is TABLED.

Minutes of the public hearing are available in our office and will be posted on our website once approved.

Sincerely,

Timothy P Staub
Zoning Specialist

Attachment

CC: TREMATERRA FAMILY LAND HOLDINGS INC
Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Francisco Fotia
Commission President



City of South Bend PLAN COMMISSION

City Hall
215 S. Dr. Martin Luther King, Jr. Blvd.
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

Filed in Clerk's Office

Oct 21, 2025

Tuesday, October 21, 2025

South Bend Common Council
215 S. Dr. Martin Luther King, Jr. Blvd.
South Bend, IN 46601

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill#45-25 - A proposed ordinance of TREMATERRA FAMILY LAND HOLDINGS INC to zone from R Single Family District (County) to U3 Urban Neighborhood 3, property located at 54528 WILLIS AVE and 54638 WILLIS AVE and 54606 WILLIS AVE and 54570 WILLIS AVE and 54550 WILLIS AVE and 54528 WILLIS AVE and 54610 WILLIS AVE and 54650 WILLIS AVE, City of South Bend - PC# 0277-25

Dear Council Members:

I hereby Certify that the above referenced ordinance of TREMATERRA FAMILY LAND HOLDINGS INC was legally advertised on August 8, 2025 and that the South Bend Plan Commission at its public hearing on October 20, 2025 took the following action:

Upon a motion by John Martinez, being seconded by Scott Ford and unanimously carried, a proposed ordinance of TREMATERRA FAMILY LAND HOLDINGS INC to zone from R Single Family District (County) to U3 Urban Neighborhood 3, property located at 54528 WILLIS AVE and 54638 WILLIS AVE and 54606 WILLIS AVE and 54570 WILLIS AVE and 54550 WILLIS AVE and 54528 WILLIS AVE and 54610 WILLIS AVE and 54650 WILLIS AVE, City of South Bend, is sent to the Common Council with a **FAVORABLE recommendation**.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Killen".

Brian Killen
Zoning Administrator

Attachment
CC: Bob Palmer

Tim Corcoran
Planning Director

Brian Killen
Zoning Administrator

Francisco Fotia
Commission President

Oct 16, 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

October 15, 2025

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

RE: Special Exception at 1417 W. Indiana Avenue

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 **October 27, 2025**, Council meeting and set it for public hearing at your **November 10, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the November 3, 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 the use of a duplex.

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

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

Sincerely,



Brian Killen
Zoning Administrator

CC: Bob Palmer

Oct 16, 2025

BILL NO. 70-25

Bianca Tirado
City Clerk, South Bend, IN

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 1417 W. INDIANA AVENUE
COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow a two-unit dwelling

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:

1417 W. Indiana Avenue

In order to permit a two-unit dwelling.

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

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

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

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

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

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

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-08-14-303-006.000-026

Address: 1417 W Indiana Ave

Owner: KT Solutions LLC

Zoning: U1 Urban Neighborhood 1



Project Summary:

I would like to build a Preapproved Stacked Duplex option C on the vacant lot.

Requested Action

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

Use requested: exception to build a pre-approved stacked duplex

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

Variance(s) requested:

Required Documents

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

☐ Site Plan drawn to scale

☐ Filing Fee

Criteria for Decision Making

Special Exception - *if applicable*

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

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:
the location is under utilized and will be used in accordance to local laws.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:
it will be new and will stay within property lines.

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

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:
the duplex is approved for U1 with exceptions.

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: KT Solutions LLC

Address: 4660 Monroe St
Fort Wayne IN 46806

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Kemlair Touloute

Address: 2630 Pittsburg St
Fort Wayne IN 46803

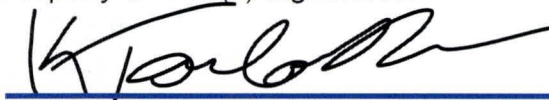
Phone Number: 2604317199

E-mail: KTSconsults@gmail.com

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

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

Property Owner (s) Signatures:



City of South Bend

BOARD OF ZONING APPEALS

City Hall
215 S. Dr. Martin Luther King Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627

November 5, 2025

Filed in Clerk's Office

Nov 5, 2025

Common Council of South Bend
215 S. Dr. Martin Luther King Jr. Blvd. 3rd Floor
South Bend, IN 46601

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill 70-25: The petition of PARKER ROBERT L & KT SOLUTIONS LLC seeking a Special Exception for Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3)) in the U1 Urban Neighborhood 1 for property located at 1417 W INDIANA AVE

Dear Council Members:

I hereby Certify that the above referenced petition of PARKER ROBERT L & KT SOLUTIONS LLC was legally advertised on October 24, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on November 3, 2025 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by PARKER ROBERT L & KT SOLUTIONS LLC seeking a Special Exception for Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3)) for property located at 1417 W INDIANA AVE, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

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

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

Sincerely,



Brian Killen
Zoning Administrator

Attachment

CC:
Building Department
Bob Palmer

Property Information

Location: 1417 W INDIANA AVE
Owner: PARKER ROBERT L & KT SOLUTIONS LLC

Project Summary

The petitioner seeks to build a new two unit dwelling.

Requested Action

Special Exception: Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3))

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;

Approval of this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex. A two-unit dwelling will provide more neighbors to the neighborhood which will increase safety and the general welfare of the community.

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

Building this duplex should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the duplex is consistent with the scale, character, and land use of the surrounding neighborhood, will bring new neighbors to the area, and will provide housing on a lot that is currently vacant, potentially increasing property values.

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

A two unit dwelling will complement the existing housing stock, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities. It is also consistent with project idea 11 from the 2022 Rum Village Neighborhood Plan, which is to fill vacant underutilized lots with low- to medium-density residential development.

Analysis & Recommendation

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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.

Oct 16, 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

October 15, 2025

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

RE: Special Exception at 1409 W. Indiana Avenue

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 **October 27, 2025**, Council meeting and set it for public hearing at your **November 10, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the November 3, 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 the use of a duplex.

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

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

Sincerely,



Brian Killen
Zoning Administrator

CC: Bob Palmer

Oct 16, 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 71-25

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 1409 W. INDIANA AVENUE
COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow a two-unit dwelling

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:

1409 W. Indiana Avenue

In order to permit a two-unit dwelling.

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

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

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

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

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

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

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-08-14-303-006.000-026

Address: 1409 W Indiana Ave

Owner: KT Solutions LLC

Zoning: U1 Urban Neighborhood 1



Project Summary:

I would like to build a Preapproved Stacked Duplex option C on the vacant lot.

Requested Action

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

Use requested: exception to build a pre-approved stacked duplex

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

Variance(s) requested:

Required Documents

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

Criteria for Decision Making

Special Exception - *if applicable*

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

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:
the location is under utilized and will be used in accordance to local laws.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:
it will be new and will stay within property lines.

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

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:
the duplex is approved for U1 with exceptions.

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: KT Solutions LLC

Address: 4660 Monroe St
Fort Wayne IN 46806

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Kemlair Touloute

Address: 2630 Pittsburg St
Fort Wayne IN 46803

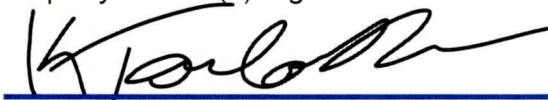
Phone Number: 2604317199

E-mail: KTSconsults@gmail.com

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

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

Property Owner (s) Signatures: .



City of South Bend

BOARD OF ZONING APPEALS

City Hall
215 S. Dr. Martin Luther King Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627

November 5, 2025

Common Council of South Bend
215 S. Dr. Martin Luther King Jr. Blvd. 3rd Floor
South Bend, IN 46601

Filed in Clerk's Office

Nov 5, 2025

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill 71-25: The petition of KT SOLUTIONS LLC seeking a Special Exception for Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3)) in the U1 Urban Neighborhood 1 for property located at 1409 W INDIANA AVE

Dear Council Members:

I hereby Certify that the above referenced petition of KT SOLUTIONS LLC was legally advertised on October 24, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on November 3, 2025 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by KT SOLUTIONS LLC seeking a Special Exception for Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3)) for property located at 1409 W INDIANA AVE, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

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

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

Sincerely,



Brian Killen
Zoning Administrator

Attachment

CC:
Building Department
Bob Palmer

Property Information

Location: 1409 W INDIANA AVE
Owner: KT SOLUTIONS LLC

Project Summary

The petitioner seeks to build a new two unit dwelling

Requested Action

Special Exception: Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3))

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;

Approval of this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building shall be a newly constructed duplex. A two-unit dwelling will provide more neighbors to the neighborhood which will increase safety and the general welfare of the community.

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

Building this duplex should not injure or adversely affect the uses or values of adjacent properties and the area around the building. As proposed, the duplex is consistent with the scale, character, and land use of the surrounding neighborhood, will bring new neighbors to the area, and will provide housing on a lot that is currently vacant, potentially raising property values.

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

A two unit dwelling will complement the existing housing stock, match the scale and character of the neighborhood, and provide infill housing on a vacant lot.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities. It is also consistent with project idea 11 from the 2022 Rum Village Neighborhood Plan, which is to fill vacant underutilized lots with low- to medium-density residential development.

Analysis & Recommendation

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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.

72-25

Filed in Clerk's Office

Oct 16, 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend

BOARD OF ZONING APPEALS

October 15, 2025

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

RE: Special Exception at 1101 Elliott Street

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 **October 27, 2025**, Council meeting and set it for public hearing at your **November 10, 2025**, Council meeting. The petition is tentatively scheduled for public hearing at the November 3, 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 the use of a duplex.

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

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

Sincerely,



Brian Killen
Zoning Administrator

CC: Bob Palmer

Oct 16, 2025

BILL NO. 72-25

Bianca Tirado
City Clerk, South Bend, IN

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 1101 ELLIOTT STREET
COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow a two-unit dwelling

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:

1101 Elliott Street

In order to permit a two-unit dwelling.

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

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

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

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

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

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

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

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-08-03-155-020.000-26
Address: 1101 Elliott St. South Bend, IN 46628
Owner: 1101 Elliott Street Trust, Ivan Lopez & Isabel Rivera
Zoning: Choose the current district St. Joseph County Trustees

Project Summary:

Special Exemption Permit

Requested Action

- ☒ Special Exception/ Use Variance - complete and attach Criteria for Decision Making
Use requested: Duplex or two units
- ☐ Variance(s) - List variances below, complete and attach Criteria for Decision Making
Variance(s) requested:

Required Documents

- ☒ Completed Application (including Criteria for Decision Making and Contact Information)
☒ Site Plan drawn to scale / building sketch
☒ 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:

It will be use as two units residential.

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

It should improve neighbors values as it provides more housing available for families.

(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:

Residential.

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

It doesn't add to existing structures.

Contact Information

Property owner(s) of the petition:

Name:

Address:

Address:

Name:

Address:

Contact Person:

Name:

Address:

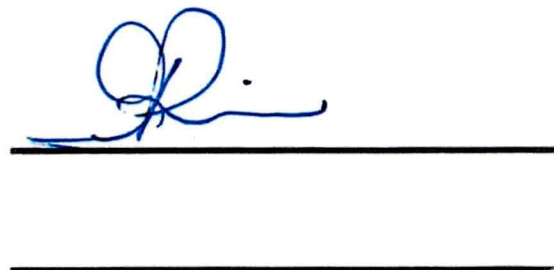
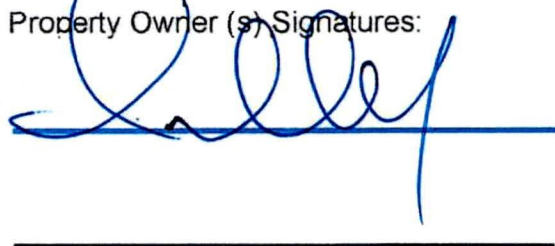
Phone Number:

E-mail:

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

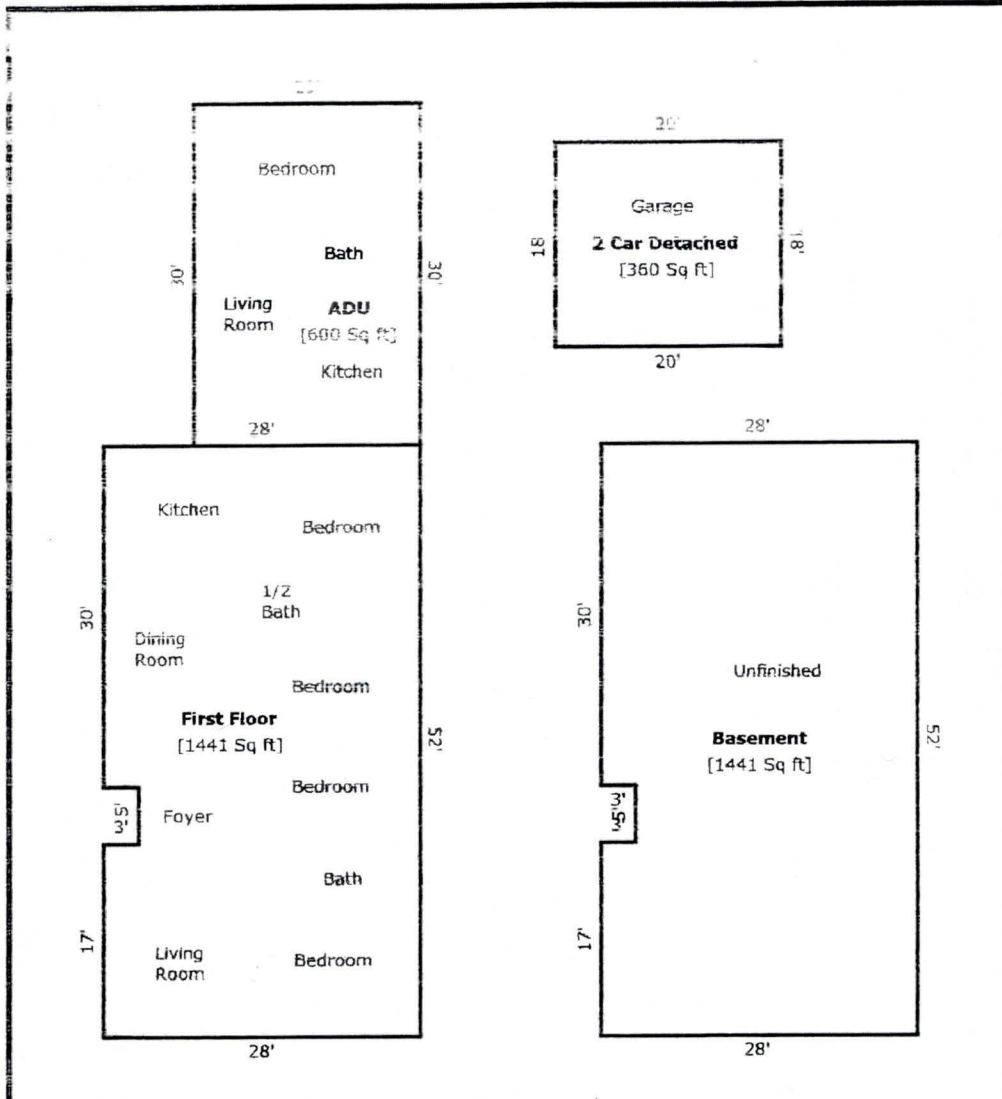
The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:



Building Sketch

1101 Elliott St	County	St. Joseph	State	IN	Zip Code	46628-1913
South Bend						



Area Calculations Summary		Calculation Details	
Living Area			
First Floor	1441 Sq ft	$52 \times 25 = 1300$	
		$30 \times 3 = 90$	
		$17 \times 3 = 51$	
Total Living Area (Rounded):	1441 Sq ft		
Non-living Area			
2 Car Detached	360 Sq ft	$18 \times 20 = 360$	
Basement	1441 Sq ft	$52 \times 25 = 1300$	
		$30 \times 3 = 90$	
		$17 \times 3 = 51$	
ADU	600 Sq ft	$30 \times 20 = 600$	

018-2062-2283

No SD Filed BN

Transfer 79308
Taxing Unit South Bend
Date 12/09/2024

2024-29187
RECORDED AS PRESENTED ON
12/09/2024 10:34 AM
MARY BETH WISNIEWSKI
ST. JOSEPH COUNTY
RECORDER
PGS: 3 FEES: 25.00

WARRANTY DEED
Under IC 32-17-1-2

This WARRANTY DEED, executed on this 3 day of December, 2024 by the Grantor, Ivan L. Lopez and Isabel M. Rivera Perez, husband and wife having an address of 1101 Elliott Street, South Bend, IN 46628 to the Grantee, Scott Royal Smith, Trustee of the 1101 Elliott Street, Trust, with a mailing address of 1309 Arbor Lake Blvd, Hermitage TN 37076.

WITNESSETH, that said Grantor, for the sum of \$0.00 (Zero Dollars and no one-hundredths) and other valuable consideration, Conveys, and Warrants the following parcel of land in St. Joseph County, Indiana - legally described as:

MH

Lot Numbered 318 as shown on the plat of Lincoln Manor Addition recorded December 4, 1923 in the Office of the Recorder of St. Joseph County, Indiana, in Plat Book 11, pages 108-109 and re-recorded February 25, 1930 in Plat Book 13, pages 80-81.

Commonly known as: 1101 Elliott Street, South Bend, IN 46628

Key No.: 018-2062-2283
Tax Parcel No: 71-08-03-155-020.000-026

Source of Title: St. Joseph County Recorder's Office, State of Indiana, Document Nos. 2022-23945 and 2022-23946, both Recorded on 08/16/2022

THIS CONVEYANCE made subject to any and all easements, agreements, and restrictions of record, and to legal highways.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs and assigns forever, and Grantor does hereby bind Grantor, Grantor's heirs, executors and administrators, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. This property is conveyed AS IS and subject to existing indebtedness.

DULY ENTERED FOR TAXATION
ST. JOSEPH CO. INDIANA
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

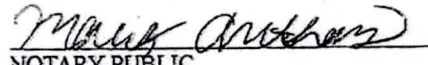
IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.


Ivan L. Lopez

STATE OF Georgia
COUNTY OF Richmond SS

BEFORE ME, the undersigned Notary Public, on this day personally appeared **Ivan L. Lopez** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the annexed deed and consideration therein expressed of his/her/their own free will and act.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 31st day of December, 2024.


NOTARY PUBLIC

Printed Name: Malik Anthony

County of Residence: Richmond

My Commission Expires: 07/27/2027



IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

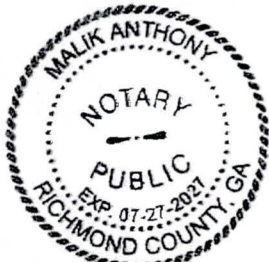

Isabel M. Rivera Perez

STATE OF Georgia

COUNTY OF Richmond

BEFORE ME, the undersigned Notary Public, on this day personally appeared Isabel M. Rivera Perez known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the annexed deed and consideration therein expressed of his/her/their own free will and act.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 2nd day of December, 2021




NOTARY PUBLIC

Printed Name: Malik Anthony

County of Residence: Richmond

My Commission Expires: 07/27/2021

Document Prepared By
& Mail recorded document to:
Scott Smith, Esq.
5900 Balcones Drive #21113

Mail tax bills to:
1101 Elliott Street, Trust
1309 Arbor Lake Blvd
Hermitage TN 37076

Austin, Texas 78731

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law. Scott Smith

The parties herein confirm and agree by their signatures above and/or acceptance of this document that the preparer of this document has not advised the parties on the propriety or suitability of the conveyance; has been engaged solely for the purpose of preparing this instrument; has prepared the instrument only from information given to preparer by the parties and/or their representatives; and that they agree to hold harmless, indemnify and defend the preparer from and against any and all losses, liabilities, claims, demands, actions, suits, proceedings, and costs of every nature arising therefrom. The parties herein further agree at any time, and from time to time, to cooperate, adjust, initial, execute, re-execute and re-deliver such further deeds and documents, correct any defect, error or omission and do any and all such further things as may be necessary to implement and carry out the intent of the parties in making this conveyance. Preparer shall not be liable for any consequences arising from modifications to this document not made or approved by the preparer.

City of South Bend
BOARD OF ZONING APPEALS

City Hall
215 S. Dr. Martin Luther King Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627

November 5, 2025

Filed in Clerk's Office

Nov 5, 2025

Common Council of South Bend
215 S. Dr. Martin Luther King Jr. Blvd. 3rd Floor
South Bend, IN 46601

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill 72-25: The petition of 1101 ELLIOTT STREET TRUST & SMITH SCOTT ROYAL AS TRUSTEE seeking a Special Exception for Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3)) in the U1 Urban Neighborhood 1 for property located at 1101 ELLIOTT ST

Dear Council Members:

I hereby Certify that the above referenced petition of 1101 ELLIOTT STREET TRUST & SMITH SCOTT ROYAL AS TRUSTEE was legally advertised on October 24, 2025 and that the South Bend Board of Zoning Appeals at its public hearing on November 3, 2025 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by 1101 ELLIOTT STREET TRUST & SMITH SCOTT ROYAL AS TRUSTEE seeking a Special Exception for Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3)) for property located at 1101 ELLIOTT 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,



Brian Killen
Zoning Administrator

Attachment

CC:
Building Department
Bob Palmer

Property Information

Location: 1101 ELLIOTT ST
Owner: 1101 ELLIOTT STREET TRUST & SMITH SCOTT ROYAL AS TRUSTEE and IVAN LOPEZ and ISABEL RIVERA (TRUSTEES)

Project Summary

The petitioner is seeking to convert a one unit dwelling into a two unit dwelling.

Requested Action

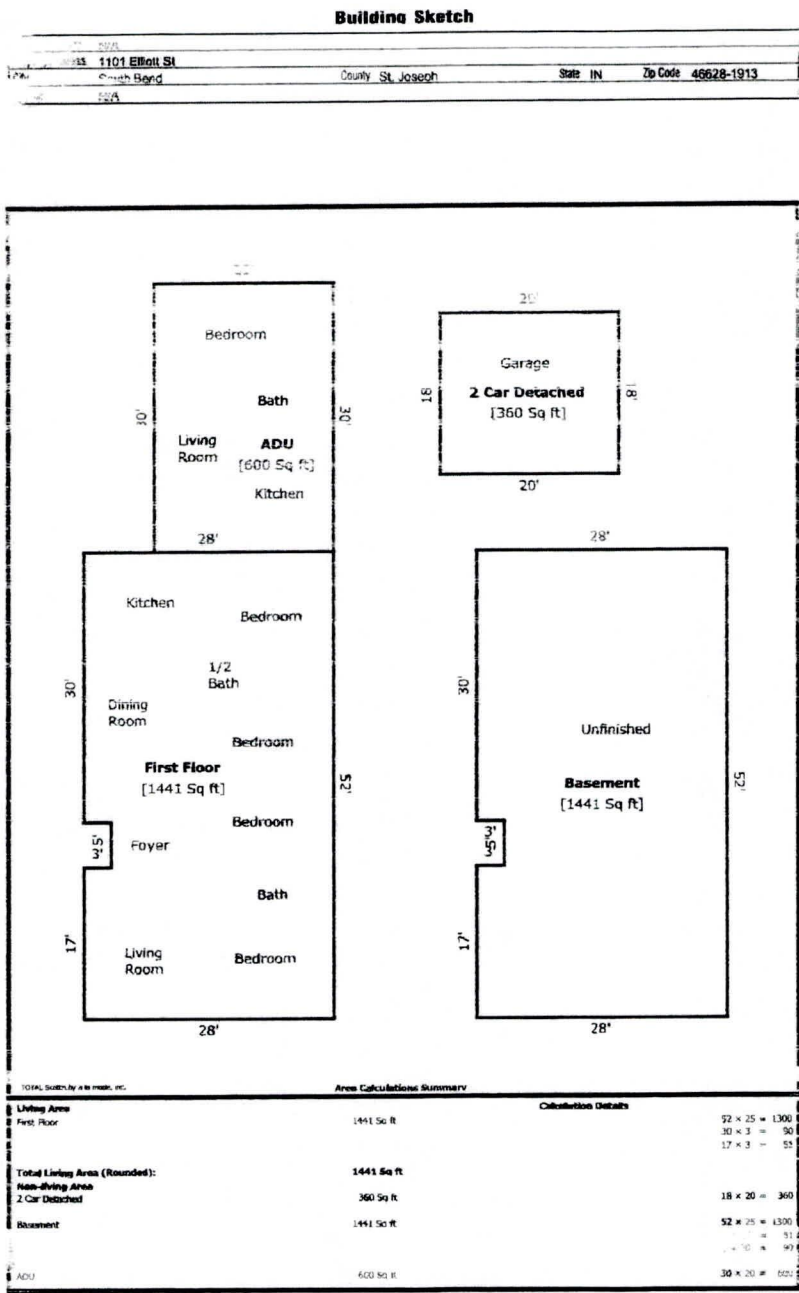
Special Exception: Dwelling, 2 Units in U1 Urban Neighborhood 1 (21-06.01(j)(3))

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



NOTE: GFT OF 1500' - TOTAL 1500' (rounded) and 1500' is made. (1500' - 1,500' = 1500')

Criteria for Decision Making: Special Exception

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

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

Approval of this Special Exception should not be injurious to the public health, safety, morals, and general welfare of the community. The building will not be significantly altered by this conversion, causing it to appear the same from the street as it currently does, and adding an additional unit will have very little impact on things like traffic and noise.

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

Allowing for this conversion should not injure or adversely affect the uses or values of adjacent properties and the area around the building. The house as it currently exists is consistent with the scale, character, and land use of the surrounding neighborhood, and will not be significantly altered by the conversion.

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

A two unit dwelling will fit with the low-density, residential character of the neighborhood.

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

The petition is consistent with Objective H1.1 from the city's comprehensive plan, which is to encourage residential developments that contain a mix of housing types, densities, price ranges, and amenities.

Analysis & Recommendation

Analysis: Converting this one unit dwelling into a two unit dwelling will add to the city's housing stock while still fitting within the low-density, residential neighborhood surrounding it. The conversion will also entail limited alterations to the building, causing the building to appear essentially the same as it currently does from the street.

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.

Oct 21, 2025

Bianca Tirado
City Clerk, South Bend, IN



CITY OF SOUTH BEND COMMUNITY INVESTMENT

October 22, 2025

Canneth Lee, President
South Bend Common Council
3rd Floor, City Hall

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

Dear President Lee:

I am attaching for filing the above resolution, which is a companion to Bill No. 45-25. That bill proposes to voluntarily annex contiguous territory in Clay Township to the City of South Bend. This resolution provides for the Common Council's adoption of the written plan and policy concerning the provision of services, both capital and non-capital, to the territory to be annexed.

This 4.9-acre annexation area contains seven parcels at the southwest corner of Willis Avenue and Dunn Road, plus adjacent right-of-way. All public improvements, if any, will be required to be done at the expense of the developer.

I request that the attached resolution be placed on the agenda of the October 27, 2025, Common Council meeting at which the companion bill is given Second Reading. I will be attending the meeting, as well as the Zoning & Annexation Committee hearing, as the presenter.

If you have any questions, please feel free to contact me at (574) 235-9451. Thank you.

Sincerely,

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

Timothy Staub
Zoning Specialist

Oct 21, 2025

BILL NO. 25-40
RESOLUTION NO. _____

Bianca Tirado
City Clerk, South Bend, IN

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

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

WHEREAS, the territory proposed to be annexed encompasses approximately 4.9 acres of vacant land, which property is at least 12.5% contiguous to the current City limits, i.e., 49.8% contiguous, generally located at the Southeast Corner of Willis Avenue and Dunn Road (54528 WILLIS AVE, 54550 WILLIS AVE, 54570 WILLIS AVE, 54606 WILLIS AVE, 54610 WILLIS AVE, 54638 WILLIS AVE, 54650 WILLIS AVE). It is anticipated that the annexation area will be used for residential development, primarily in the form of stacked flats; and

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

WHEREAS, the South Bend Common Council now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed; (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees

or other governmental entities whose jobs will be eliminated by the proposed annexation.

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

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

A PART OF THE SOUTHEAST AND NORTHEAST QUARTERS OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT # 40 IN THE PLAT OF "VANESS PLAT" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE WEST (ALL BEARINGS ASSUMED) ALONG THE SOUTH LINE OF SAID LOT AND ITS' WESTERLY EXTENSION (CROSSING WILLIS AVENUE 60 FT. R/W), A DISTANCE OF 260 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF SAID WILLIS AVENUE; THENCE NORTH ALONG SAID WEST LINE AND ITS' NORTHEASTERLY EXTENSION (CROSSING DUNN ROAD 40 FT. R/W), A DISTANCE OF 830.30 FEET MORE OR LESS TO A POINT WHICH IS THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF DUNN ROAD WITH THE WEST RIGHT-OF-WAY LINE OF WILLIS AVENUE; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DUNN ROAD (CROSSING WILLIS AVENUE 40 FT. R/W), A DISTANCE OF 250 FEET MORE OR LESS TO A DIRECTLY NORTH OF THE NORTHEAST CORNER OF LOT # 35 IN SAID "VANESS PLAT" SAID POINT ALSO BEING ON THE PRESENT CITY OF SOUTH BEND CORPORATE LIMIT LINE; THENCE SOUTH ALONG SAID CORPORATE LINE (CROSSING DUNN ROAD 40 FT. R/W), A DISTANCE OF 40 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE CONTINUING SOUTH ALONG SAID CORPORATE LIMIT LINE AND THE EAST LINE OF SAID "VANESS PLAT", A DISTANCE OF 778.80 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 4.90 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Section II. It shall be and hereby is now declared and established that it is the policy of the City of South Bend, to furnish to said territory services of a non-capital nature, such as police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a

capital improvement nature such as street and road construction, sidewalks, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. The South Bend Common Council, shall and does hereby now establish and adopt the Fiscal Plan, attached hereto and fully incorporated herein as Exhibit “A”, and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area with costs for extensions, any improvements in sewer or water capacity, and a City-approved drainage system to be paid for by the developer, all in compliance with state and local law; that no additional street lighting will be necessary and any future lighting especially of a decorative nature or with underground wiring will be at the developer/owner’s expense; that no new public streets will be required.

Section IV. Sidewalks should be provided along public streets as required and must comply with the Americans with Disabilities Act (ADA) under the PROWAG standards.

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

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

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

Exhibit "A"

Filed in Clerk's Office

Oct 21, 2025

Bianca Tirado
City Clerk, South Bend, IN

THE CITY OF SOUTH BEND

FISCAL PLAN

WILLIS DUNN (ROCKNE'S RESERVE) ANNEXATION AREA

Prepared by
City of South Bend
Department of Community Investment

September 11, 2025

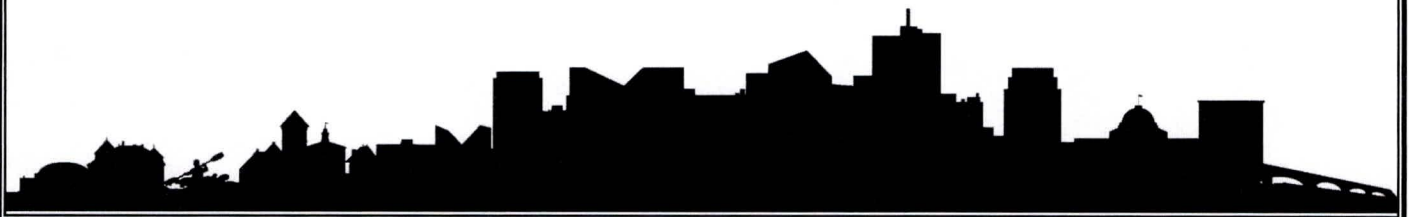


TABLE OF CONTENTS

SECTION I.	INTRODUCTION.....	3
SECTION II.	GENERAL DATA.....	3
	A. Location	
	B. Legal Description	
	C. Contiguity	
	D. Size of Annexation Area	
	E. Buildings & Land Use	
	F. Zoning & Subdivisions	
	G. Population	
	H. Tax Rate & Impact	
	I. Parcel Ownership & Assessments	
	J. Municipal Legislative District	
	K. Hiring Plan	
SECTION III.	MUNICIPAL SERVICES.....	6
	A. Public Works	
	B. Police Department	
	C. Fire Department & EMS	
	D. Neighborhood Services & Enforcement	
	E. Environmental Services	
	F. Administrative Services	
SECTION IV.	LAND USE ANALYSIS & DEVELOPMENT CRITERIA.....	10
SECTION V.	FISCAL IMPACT	11
	Fiscal Impact: TABLE 1	
	Legal Description	13
	Map: MAP 1	14

SECTION I. INTRODUCTION

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

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

SECTION II. GENERAL DATA

A. Location

The Annexation Area is located southeast of the intersection of Willis Avenue and Dunn Road (54528 Willis Avenue to 54650 Willis Avenue). See *Map 1*.

B. Legal Description

The Annexation Area is part the A PART OF THE SOUTHEAST AND NORTHEAST QUARTERS OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA. For a complete legal description, see Page 13.

C. Contiguity

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

<i>Contiguous</i>	1,075.81 feet	49.8%
<i>Non-Contiguous</i>	<u>1,083.09 feet</u>	<u>50.2%</u>
<i>Total</i>	2,631.4 feet	100.0%

D. Size of Annexation Area

The Annexation Area is approximately 4.9 acres.

E. Buildings & Land Use

The Annexation Area contains nine buildings totaling 18,954 square feet. The petitioner seeks to utilize the site for multifamily residential development of 148 units.

F. Zoning & Subdivisions

The seven properties in the Annexation Area are currently zoned R Residential District in St. Joseph County. With the annexation ordinance, the properties would be rezoned as U3 Urban Neighborhood 3 in the City. The Annexation Area falls within the Vaness Plat.

G. Population

Five people currently reside in the Annexation Area. After development, 200 residents are proposed to live in the Annexation Area.

H. Tax Rate & Impact

The tax rates used are those of 2024 payable 2025. The total tax rate for unincorporated Clay Township is 2.5281 per \$100 of taxable real estate. The total tax rate for South Bend Clay Township is 5.3384 per \$100 of taxable real estate.

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

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

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

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

I. Parcel Ownership & Assessments

<i>Parcel Identification Number</i>	<i>Address</i>	<i>Parcel Owner</i>	<i>Assessed Value (Total)</i>
002-1106-5375	54650 Willis Avenue	Trematerra Family Land Holdings Inc	\$194,200
002-1106-5368	54638 Willis Avenue	Trematerra Family Land Holdings Inc	\$900
002-1106-536801	54610 Willis Avenue	Trematerra Family Land Holdings Inc	\$57,100
002-1106-5364	54606 Willis Avenue	Trematerra Family Land Holdings Inc	\$139,200
002-1106-5359	54570 Willis Avenue	Trematerra Family Land Holdings Inc	\$201,400
002-1106-5354	54550 Willis Avenue	Trematerra Family Land Holdings Inc	\$200,800
002-1106-5346	54528 Willis Avenue	Trematerra Family Land Holdings Inc	\$221,100

Total Assessments

Land:	\$512,700
Improvements:	\$502,000
Total (Gross):	\$1,014,700
Total (Net):	\$1,014,700

Assessments are based on 2025 payable 2026 St. Joseph County property tax records.

J. Municipal Legislative District

The Annexation Area will be in the 4th District.

K. Hiring Plan

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

SECTION III. MUNICIPAL SERVICES

A. Public Works

Sewer – The nearest available public sewer is on Willis Avenue and Dunn Road. The sewer cannot be extended without approval from the Board of Public Works. Any extension of sewer is the sole expense of the developer.

Water - The nearest water line is located north of the edge of pavement in the Dunn Road right of way. The line is an 8" ductile iron main. There is a pressure regulating valve along this main. A Utility Verification Form and System Development Charges would be required to connect to the existing water main. The next nearest water line is located west across Willis Avenue in the right-of-way.

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

Development of the site requires development of a drainage plan. No public storm sewer is available to the site. Retention basins and low impact means to promote infiltration of surface water will be required. The developer will also be required to generate an erosion control plan and obtain a permit.

Streets – Upon annexation, 818 feet of Willis Avenue and 265 feet of Dunn Road will be added to the City. A City permit will be needed to add or change driveway access to the property. The developer may be required to build public sidewalk as part of the development process.

Street Lighting – There is no street lighting on Willis Avenue and Dunn Road. No additional street lighting is necessary for this annexation area. Should any additional street lighting be desired, it can be provided on wood poles with overhead wiring through an ongoing contract with Indiana Michigan Power.

Waivers of Annexation – No waiver of annexation is in effect for this area.

2024 Actual Budget Report for the Department:

Expenditures:	\$35,811,357
Miles of Roadway in City:	@502
Cost per Mile:	@\$71,337
New Mileage within Area:	@0.2 miles (1,032.14 feet)
Estimated Maintenance Cost for Annexation Area per year:	@\$9,987

B. Police Department

The Annexation Area would be added to the existing Beat 11. Police patrols and emergency responses will be part of the services the City will offer to this area. This proposed annexation would require officers to cover a relatively small additional area on this beat.

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

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

Police services and response time in this area may be slightly longer than that found in all other areas of the City. Police coverage to this area could begin immediately upon annexation.

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

2024 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$54,972,592
Number of Households in City (2022):	@41,488
Cost per Household:	@\$1,325
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$1,160
Proposed Number of Households in Area:	148
Proposed Number of Parcels in Area:	7
Cost for Annexation Area per year:	\$8,120 (7 parcels x \$1,160 / parcel)

C. Fire Department & EMS

Fire Response – The South Bend Fire Department provides a fully staffed, full-time fire department. The Annexation Area will be serviced primarily by Station #3, located at 1805 E. McKinley Avenue, approximately 2.0 miles away. Additional Fire Department units would respond from Fire Station #2 at 402 Charles Martin Sr. Drive, which is approximately 3.1 miles away.

Fire department response times are evaluated using NFPA 1710, which states the first unit should arrive within 4 minutes. After evaluating other emergency responses to nearby streets, it was found response times were anywhere from 3 – 5 minutes. Most of the time companies were right at the 4-minute mark for arrival to an emergency.

The South Bend Fire Department does not foresee any unusual fire protection problems related to this annexation. Considering the small area of annexation (4.9 acres), no improvements need to be considered at this time. The bigger concern would be to analyze the increase in buildings, apartments, condos, and housing in and around Notre Dame over time. The influx of housing is ultimately increasing the number of people living in the district and leading to an increase in emergency responses. The full effect may not be realized for several years. The district should be reevaluated continuously to be sure the needs of the residents are met. With the above information, it is reasonable to assume that current response time standards can be met with the annexation area.

Emergency Medical Response – The City will provide emergency medical response to the Annexation Area. This area will be serviced by Fire Station #3, located at 1805 E. McKinley Avenue (approximately 2.0 miles away).

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

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

2024 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$45,654,950
Number of Households in City (2022):	@41,488
Cost per Household:	@\$1,100
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$963
Proposed Number of Households in Area:	148
Proposed Number of Parcels in Area:	7
Cost for Annexation Area per year:	\$6,741 (7 parcels x \$963 / parcel)

D. Neighborhood Services & Enforcement

The Annexation Area will be added to Area 6. The Division of Neighborhood Services & Enforcement will be able to provide services to the Annexation Area with comparable response times. The Division will respond to calls for service upon the effective date of the annexation. Full and dedicated response will be in place within one year of the effective date of the annexation.

2024 Actual Budget Report for the Division:

Expenditures:	\$7,311,315
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$154
Proposed Number of Parcels in Area:	7
Cost for Annexation Area per year:	\$1,078 (7 parcels x \$154 / parcel)

E. Environmental Services

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

Solid Waste - Larger scale residential customers are generally not served by the Bureau of Solid Waste.

F. Administrative Services

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

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

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

SECTION IV. LAND USE ANALYSIS & DEVELOPMENT CRITERIA

This proposed annexation will bring seven properties into the City of South Bend. The petitioner proposes utilizing the Annexation Area for multifamily residential use using stacked flats building types. The Annexation Area is presently zoned R Single Family District in unincorporated St. Joseph County. Land zoned U3 Urban Neighborhood 3 in the City is located to the south and east. To the west, across Willis Avenue, are residential dwellings zoned PUD Planned Unit Development and R-2 Multi Family District in unincorporated St. Joseph County. To the north, across Dunn Road, are residential dwellings zoned R Single Family District in unincorporated St. Joseph County.

According to a preliminary site plan, the petitioner proposes to demolish the existing residential dwellings and construct 148 new units in stacked flats building types.

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

SECTION V. FISCAL IMPACT

- 1) Essential city services can be made available to the residents (and territory) of the Annexation Area in a timely and comparable fashion per the requirements of State law and this fiscal plan.
- 2) The City is financially able to support city services to the territory sought to be annexed.
- 3) Required improvements made by the petitioner and/or owner of the parcel(s) must be made in accordance with the standards of the City of South Bend.
- 4) Required improvements made by the City, if any, will be completed within the time frames provided by State law and this fiscal plan.
- 5) All figures are estimates. Final cost of capital expenditures, if any, will not be determined until bids are publicly solicited, contracts are awarded, and projects are closed out.
- 6) Property tax revenue and land assessment estimates are based on 2025 payable 2026 tax information, assessments of comparable developments, estimates of units built, estimates of unit values and land assessments, and tax abatements or adjustments, if any. Tax rates are subject to change every year, and property tax revenues may be subject to tax caps.
- 7) Department expenditures and revenues are derived from the City of South Bend Budget.
- 8) The estimated costs to provide services, noted in Section III, Municipal Services, is a City-wide average based on a particular budget year. In the case of the proposed development in the Annexation Area, some of these services may not be required or possibly requested for many years. Hence, the cost of providing services over the first five years should be evaluated with this in mind.

TABLE 1

Summary Table – Estimated Fiscal Impact

Expenditures	Capital (Est.)	Non-Capital Per Year (Est.)	Notes	5-Year Total
Street Construction	\$0			\$0
Sewer Extension	\$0		Connection at petitioner's expense	\$0
Water Extension	\$0		Connection at petitioner's expense	\$0
Street Lights	\$0			\$0
Street Maintenance	\$0	\$9,987		\$49,935
Police	\$0	\$8,120		\$40,600
Fire	\$0	\$6,741		\$33,705
Neighborhood Services	\$0	\$1,078		\$5,390
Approximate 5-Year Expenditures				\$129,630

Revenues	Notes	Total (Est.)	5-Year Total
Property Taxes (to City)	Year 1	\$12,222.77	\$4,975,282.86
	Year 2	\$12,222.77	
	Year 3	\$990,167.46	
	Year 4	\$1,980,334.93	
	Year 5	\$1,980,334.93	
MVH/LRSA	Estimated at revenue per mile of \$32,487	\$6,497	\$32,487
Approximate 5-Year Revenues			\$5,007,769.86

Revenue estimate based on \$512,700 net land value assessment after the homes are demolished, going to \$46,399,600 net assessment after half of the units are built by Year 3 and \$92,799,200 when complete in Year 4. They are capped tax rate of 2% of \$512,700 gross assessment in Year 1 and 2.. Using comparables, a capped 1.75% tax rate was estimated with the assumption that 25% of the units will qualify for the homestead exemption. This would apply to the net assessment of \$46,399,600 in Year 3 and \$92,799,200 in Years 4 and 5.

LEGAL DESCRIPTION

A PART OF THE SOUTHEAST AND NORTHEAST QUARTERS OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS FOLLOWS:

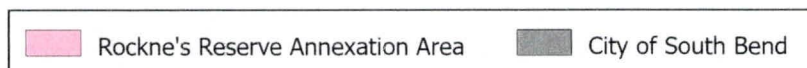
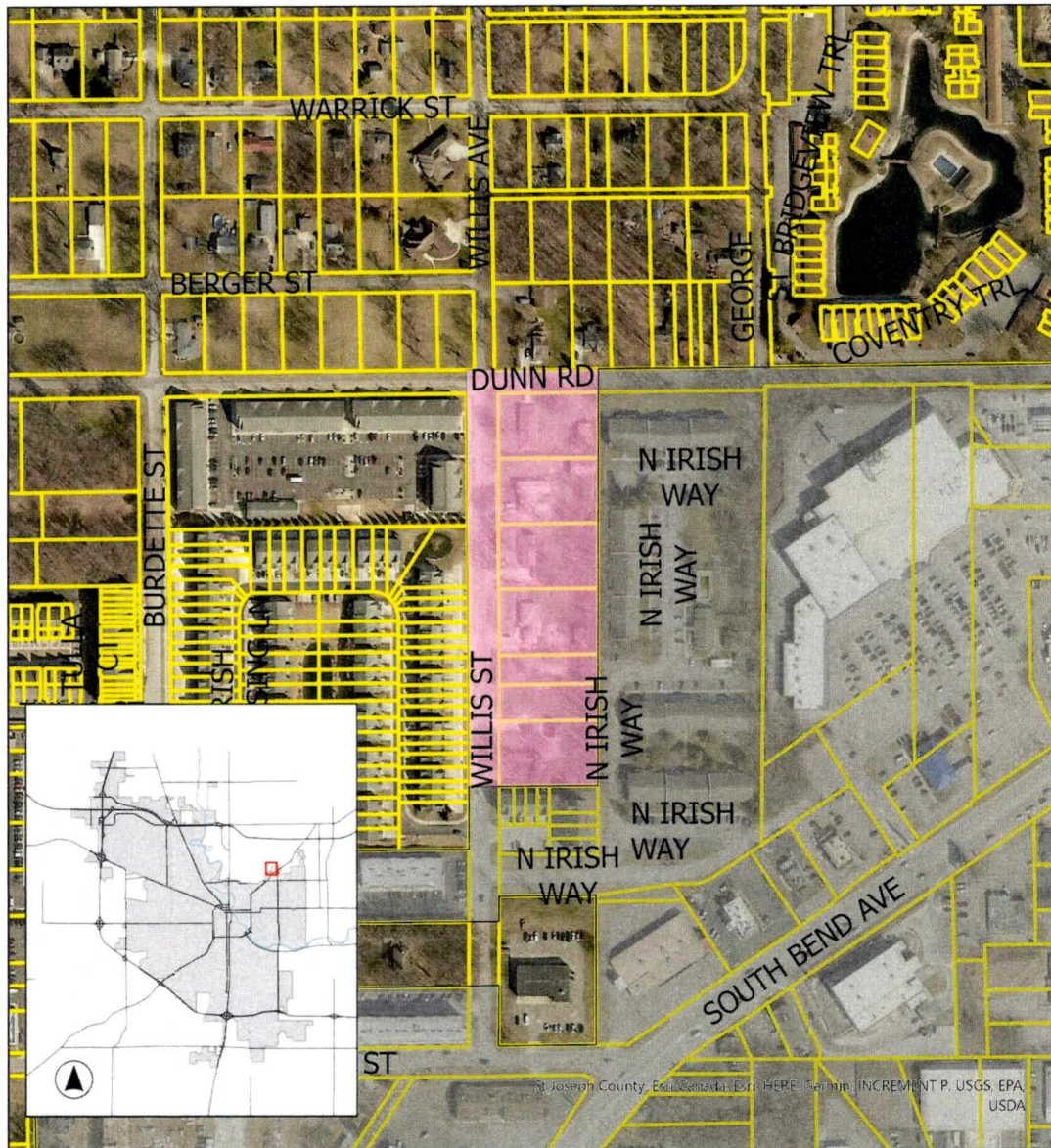
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CONTAINING 4.90 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

MAP 1

Rockne's Reserve Annexation Area





25-44

City of South Bend Common Council

300 City Hall • 215 S. Martin Luther King, Jr. Blvd.
South Bend, Indiana 46601

October 22, 2025

Canneth Lee
President

Rachel Tomas Morgan
Vice President

Troy Warner
Chairperson, Committee
of the Whole

Canneth Lee
First District

Ophelia Gooden-Rodgers
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Sherry Bolden-Simpson
Fifth District

Sheila Niezgodski
Sixth District

Dr. Oliver Davis
At Large

Rachel Tomas Morgan
At Large

Karen L. White
At Large

South Bend Common Council

227 W. Jefferson Blvd

South Bend, IN 46601

**Re A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF SOUTH BEND, INDIANA, CALLING FOR RELIEF FROM THE
DEVASTATING IMPACT OF SENATE ENROLLED ACT 1 ON THE
CITY OF SOUTH BEND AND OTHER LOCAL GOVERNMENTAL
ENTITIES WITHIN THE STATE OF INDIANA**

Dear Council Members:

We are seeing the devastation Senate Enrolled Act 1 is having on local government units as demonstrated by substantial cuts to the 2026 budget proposed to the Common Council. It is projects that such cuts are not just a one-time adjustment but will also be required in the future unless local governmental entities impose additional local income taxes on their residents.

This proposed resolution calls for relief from the devastating impact of Senate Enrolled Act 1 through a replacement state revenue stream which does not negatively impact South Bend's ability to continue to meet the needs and expectations of its residents now and into the future.

Please schedule this proposed resolution for Committee hearing on October 27, 2025, and place it on the full Council agenda later that night. We are asking that the resolution be assigned to the Zoning and Annexation Committee because it does not fit neatly within any other committee.

Thank you for your consideration.

Filed in Clerk's Office

Oct 22, 2025

Bianca Tirado
City Clerk, South Bend, IN

Sincerely yours,

Dr. Oliver Davis,

At-Large, South Bend Common Council

Sherry L. Bolden-Simpson

Sherry Bolden-Simpson,

Fifth District, South Bend Common Council



Oct 22, 2025

BILL NO. 25-44
RESOLUTION NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, CALLING FOR RELIEF FROM THE DEVASTATING IMPACT OF
SENATE ENROLLED ACT 1 ON THE CITY OF SOUTH BEND AND OTHER LOCAL
GOVERNMENTAL ENTITIES WITHIN THE STATE OF INDIANA**

WHEREAS, the Indiana legislature passed legislation in 2025, most notably Senate Enrolled Act 1 (SEA 1), which facially reduces residential property tax bills for homeowners and changes how tax liabilities are calculated; and

WHEREAS, homeowners deserve affordable property tax bills as well as adequate public safety and services; and

WHEREAS, the legislation does not provide replacement state funding for adequate public safety and city services which will soon be showing devastating negative impacts; and

WHEREAS, the legislation will also stifle economic development opportunities in South Bend, negatively impacting continued future growth; and

WHEREAS, the economic impact on municipal taxing units has been estimated to exceed \$2 Billion; and

WHEREAS, the legislation provides an option for additional local income taxes of a maximum of 1.2% for municipal services, plus a maximum of 1.2% for county services, plus an additional income tax up to 0.05% for a possible local income tax rate of 2.9%; and

WHEREAS, the ability to adopt a local income tax option provided in the legislation could be a helpful tool for municipal units who are given such authority, it is not adequate to replace the magnitude of the funding being eliminated, thereby making the local income tax option a necessity, rather than a true option; and

WHEREAS the local income tax option amounts to a mandated local income tax increase on both homeowners and those who do not own their own homes; and

WHEREAS, the negative impact of the legislation is currently being seen through the slashed budget proposals submitted for Common Council approval; and

WHEREAS, the legislation will likely impact public safety through the effects on contracts recently negotiated between the City and South Bend police officers and firefighters; and

WHEREAS, replacement state funding is needed to maintain the level of public safety and services that residents of South Bend expect and deserve.

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

SECTION I. The Common Council of the City of South Bend, Indiana calls for relief from the devastating impact of Senate Enrolled Act 1 on South Bend and other local governmental entities throughout the state.

SECTION II. More specifically, the Common Council calls for a replacement revenue stream implemented by the State of Indiana which does not negatively impact South Bend's ability to continue to meet the needs and expectations of its residents now and into the future.

SECTION III. This resolution shall become effective upon the date of passage.

Dated this 27th day of October 2025.

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

COMMUNITY INVESTMENT

November 4 , 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

Nov 4, 2025

Bianca Tirado
City Clerk, South Bend, IN

RE: **Confirming Resolution:** Warehouse Development Real Property Tax Abatement
Petition for **Michigan Motorsports LLC**

Dear Council Member Warner,

Please find the enclosed Confirming Resolution and Memorandum of Agreement for a warehouse development real property tax abatement for Michigan Motorsports, LLC, a Michigan Limited Liability Company. The petitioner plans to develop the property at 3315 William Richardson Court to move their entire operations from Niles, Michigan, to South Bend. The company will construct a 50,000 square foot office, warehouse, distribution center, and showroom.

The total investment in this project is \$4,550,000. The project meets the qualifications for a seven-year (7) warehouse development real property tax abatement.

A representative from Michigan Motorsports, LLC, will be available to meet with the Committee on Monday, November 10, 2025.

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 and Opportunity

Nov 4, 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 25-46
RESOLUTION NO. _____

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

3315 William Richardson Court, South Bend, Indiana 46628

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
SEVEN-YEAR (7) REAL PROPERTY TAX ABATEMENT FOR

4Boys4 Investments 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:

<i>Key Number:</i>	<i>71-03-21-232-021.000-009</i>
<i>Local Parcel Number:</i>	<i>025-1013-021202</i>
<i>Commonly Known As:</i>	<i>3315 William Richardson Court</i>
<i>Legal Description:</i>	<i>Midwest Embroidery Inc Minor Subdivision Lot 1</i> <i>Annexed From 04-1013-0212.02 92-93</i>

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

WHEREAS, 4Boys4 Investments LLC has entered into a purchase agreement with the South Bend Redevelopment Commission to acquire ownership of the area; and

WHEREAS, the petitioner—Michigan Motorsports LLC—and 4Boys4 Investments LLC are common entities; 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. 5150-25 on October 27, 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 warehouse development real property tax abatement only and shall expire on December 31, 2028.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of nine (9) years as shown by the schedule outlined below 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 - 90%
Year 3 - 80%
Year 4 - 70%
Year 5 - 60%
Year 6 - 50%
Year 7 - 50%

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 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

Nov 4, 2025

Bianca Tirado
City Clerk, South Bend, IN

MEMORANDUM OF AGREEMENT

(WAREHOUSE DEVELOPMENT REAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (the "Agreement") dated as of October 31, 2025, serves as confirmation of a commitment by **4Boys4 Investments LLC** (the "Applicant"), pending a November 10, 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 3315 William Richardson, South Bend, Indiana 46628, and has Key Number 71-03-21-232-021.000-009. 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 **seven-year (7) warehouse 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 Four Million Dollars (\$4,000,000.00) for the construction of new structures totaling approximately fifty thousand (50,000) square feet at property identified in Section 1 of this Agreement;

(b) creating at least thirteen (13) permanent full-time jobs with a total estimated annual payroll of at least Eight Hundred Thousand Dollars (\$1,301,976.00); 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 and overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (the "Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has at all times complied with the Commitments after the Commitment Date and during the duration of the abatement and for no other purpose. The

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

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

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

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

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

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

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

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

11. 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: Michigan Motorsports
255 Bell Road
Niles, Michigan 49120
Attn: Dan Baber

If to the City: City of South Bend, Indiana
215 S. Dr. Martin Luther King Jr. Boulevard
Suite 500
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.

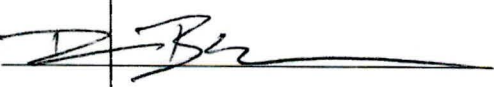

15. Valid and Binding Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each 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.

"Applicant"	"City"
4Boys4 Investments LLC	City of South Bend, Indiana
By:  Ardannie Baber Member, 4Boys4 Investments LLC	By: _____ Canneth Lee President, South Bend Common Council
Approved as to Legal Adequacy and Form this <u>3</u> day of <u>November</u> , 2025. Counsel, South Bend Common Council	By: _____ Troy Warner Chairperson, Community Investment Committee 
Counsel for Applicant	By: _____ Erik Glavich Department of Community Investment
	By: _____ James Mueller Mayor



25-47

City of South Bend Common Council

300 City Hall • 215 S. Martin Luther King, Jr. Blvd.
South Bend, Indiana 46601

Filed in Clerk's Office

Nov 4, 2025

Bianca Tirado
City Clerk, South Bend, IN

November 4, 2025

Canneth Lee
President

Rachel Tomas Morgan
Vice President

Troy Warner
Chairperson, Committee
of the Whole

Canneth Lee
First District

Ophelia Gooden-Rodgers
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Sherry Bolden-Simpson
Fifth District

Sheila Niezgodski
Sixth District

Dr. Oliver Davis
At Large

Rachel Tomas Morgan
At Large

Karen L. White
At Large

Chairperson Sheila Niezgodski

South Bend Common Council

215 S. Dr. Martin Luther King, Jr. Blvd., Suite 300

South Bend, IN 46601

**Re A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA, ACKNOWLEDGING
THE IMPACT OF THE FEDERAL GOVERNMENT SHUTDOWN ON
SNAP RECIPIENTS AND CALLING FOR A PUBLIC HEARING TO
CONSIDER EMERGENCY MEASURES TO SUPPORT RESIDENTS
EXPERIENCING FOOD INSECURITY**

Dear Chairperson Niezgodski:

This resolution calls upon the South Bend Common Council's Personnel and Finance Committee to convene an emergency public hearing with the Department of Administration and Finance to assess how city reserves—including General Fund and Rainy Day Fund resources—can be temporarily leveraged to support approximately 20,000 South Bend residents facing the imminent suspension of federal Supplemental Nutrition Assistance Program (SNAP) benefits due to the ongoing federal government shutdown. The resolution emphasizes the city's fiduciary duty to safeguard the well-being of its residents, especially vulnerable children, seniors, and working families, and urges local leadership to explore all feasible options to prevent a local food insecurity crisis.

Please schedule this proposed resolution for the Personnel and Finance Committee meeting on November 10, 2025, and place it on the full Council agenda for later that night.

Thank you for your consideration.

Sincerely yours,

Dr. Oliver Davis,
At-Large, South Bend Common Council

Sherry Bolden-Simpson
5th District, South Bend Common Council

Nov 4, 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 25-47

RESOLUTION NO. _____

A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ACKNOWLEDGING THE IMPACT OF THE FEDERAL GOVERNMENT SHUTDOWN ON SNAP RECIPIENTS AND CALLING FOR A PUBLIC HEARING TO CONSIDER EMERGENCY MEASURES TO SUPPORT RESIDENTS EXPERIENCING FOOD INSECURITY

WHEREAS, as of October 30, 2025, the United States Federal Government has remained in partial shutdown for 30 days, resulting in suspended or reduced funding for numerous essential programs that directly affect the residents of the City of South Bend; and

WHEREAS, the Supplemental Nutrition Assistance Program (SNAP), commonly known as the food stamp /EBT program, provides critical monthly food support to thousands of South Bend residents, including families with children, seniors, and persons with disabilities; and

WHEREAS, more than 20,000 South Bend residents—roughly one in five residents in the city—depend on SNAP benefits to meet their most basic sustenance and nutritional needs; and

WHEREAS, the current federal government shutdown has interrupted or imminently threatens to interrupt these benefits, placing thousands of households at risk of hunger, malnutrition, and related health and safety concerns; and

WHEREAS, the City of South Bend, as a home-rule municipality, maintains healthy general and rainy-day fund cash reserves that reflect years of strategic and prudent fiscal management, and the South Bend Common Council has a fiduciary responsibility to safeguard taxpayer dollars; and

WHEREAS, the Common Council of the City of South Bend recognizes that fiscal stewardship also entails the responsible and compassionate deployment of public resources in moments of emergency that threaten the welfare of the city's residents and neighborhoods; and

WHEREAS, it is both reasonable and necessary for the South Bend Common Council to hold an emergency public hearing to evaluate potential strategies—including, but not limited to, the temporary allocation of city reserve funds—to ensure that all residents, particularly children, seniors, and people with disabilities, have access to adequate food during the continuation of the federal shutdown; and

WHEREAS, the Common Council affirms its commitment to transparency, accountability, and the public trust by engaging residents, community organizations, and city departments in open discussion regarding the potential use of local resources to alleviate immediate hardship; and

WHEREAS, replacement state funding is needed to maintain the level of public safety and services that residents of South Bend expect and deserve.

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

Section I. The Council shall convene, through its Personnel and Finance Committee, a public hearing to receive testimony, review available fiscal data, and consider the feasibility of allocating a portion of city reserves to provide short-term food assistance or related relief to South Bend residents affected by the federal shutdown.

Section II. The City Clerk of the Common Council shall transmit this resolution to all Members of the South Bend Common Council, Mayor of the City of South Bend, and to the Department of Administration and Finance for prompt review and coordination.

Section III. This resolution shall become effective upon the date of passage.

Dated this 10th day of November 2025.

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



25-48

City of South Bend Common Council

300 City Hall • 215 S. Martin Luther King, Jr. Blvd.
South Bend, Indiana 46601

November 5, 2025

Carmeth Lee
President

Rachel Tomas Morgan
Vice President

Troy Warner
Chairperson, Committee
of the Whole

Carmeth Lee
First District

Ophelia Gooden-Rodgers
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Sherry Bolden-Simpson
Fifth District

Sheila Niezgodski
Sixth District

Dr. Oliver Davis
At Large

Rachel Tomas Morgan
At Large

Karen L. White
At Large

Chairperson Rachel Tomas Morgan

South Bend Common Council

215 S. Dr. Martin Luther King, Jr. Blvd.

Suite 300

South Bend, IN 46601

Filed in Clerk's Office

Nov 5, 2025

Bianca Tirado
City Clerk, South Bend, IN

Re A RESOLUTION ON BEHALF OF THE SOUTH BEND COMMON COUNCIL CONSENTING TO THE RENEWAL OR CONTINUANCE OF A DECLARATION OF A LOCAL DISASTER EMERGENCY UNTIL ANY ORDER OR PROCLAMATION LAWFULLY TERMINATES THE LOCAL DISASTER EMERGENCY OR THE PASSAGE OF A RESOLUTION BY THE COMMON COUNCIL REVOKING THIS CONSENT

Dear Chairperson Tomas Morgan:

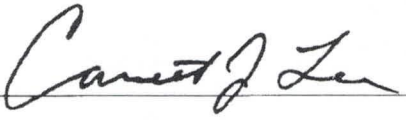
The health, safety and welfare of our residents are being jeopardized by the federal government's suspension of the SNAP program. The consequent hardship to many of our residents supports a declaration of a "local disaster emergency" under Indiana state statutes. Such a declaration may not be continued or renewed for more than seven days except by or with the consent of the Common Council. This creates a lapse if the Council consents only at its regular meetings held approximately every fourteen days.

This proposed resolution provides the Common Council's continuing consent to continue or renew the local disaster emergency until the next subsequent full Common Council meeting unless the local disaster emergency is earlier terminated.

Please schedule this proposed resolution for the Health and Public Safety Committee meeting on November 10, 2025, and place it on the full Council agenda for later that night. Chairperson Tomas Morgan has been informed, and agrees, that this resolution will be heard that committee.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, reading "Canneth Lee", is written over a horizontal line.

Canneth Lee, President
South Bend Common Council



Nov 5, 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 25-48

RESOLUTION NO. _____

**A RESOLUTION ON BEHALF OF THE SOUTH BEND COMMON COUNCIL
CONSENTING TO THE RENEWAL OR CONTINUANCE OF A DECLARATION OF A
LOCAL DISASTER EMERGENCY UNTIL ANY ORDER OR PROCLAMATION
LAWFULLY TERMINATES THE LOCAL DISASTER EMERGENCY OR THE
PASSAGE OF A RESOLUTION BY THE COMMON COUNCIL REVOKING THIS
CONSENT**

WHEREAS, due to the ongoing lapse in appropriations within the federal government, the U.S. Department of Agriculture has ceased funding for Supplemental Nutrition Assistance Program ("SNAP") benefits effective November 1, 2025, creating an abrupt and unprecedented disruption in food assistance; and

WHEREAS, it is estimated that approximately twenty thousand (20,000) South Bend residents rely on SNAP to meet their food needs, which is nearly one-fifth of the City's population, and this sudden lapse in benefits places a significant portion of South Bend's residents at imminent risk of food insecurity; and

WHEREAS, this interruption of benefits threatens the health, safety, and welfare of South Bend residents, particularly the most vulnerable, and will strain local organizations already operating at or near capacity; and

WHEREAS, the hardship created by this lapse in benefits will increase the demand for assistance from local government, charitable organizations, and community partners; and

WHEREAS, the resulting food access emergency is expected to generate sudden distress and suffering in the South Bend community; and

WHEREAS, while there has been pending litigation nationwide regarding the availability of federal funds to pay for SNAP benefits, the urgent needs of the community require immediate action to mitigate the distress and suffering generated by the food access emergency, rather than waiting for the outcome of litigation; and

WHEREAS, Indiana Code 10-14-3-29 states that a "local disaster emergency" may be declared only by the principal executive officer of a political subdivision; and,

WHEREAS, the same statute provides that a declaration of a "local disaster emergency" may not be continued or renewed for more than seven days except by or with the consent of the governing board of the political subdivision; and,

WHEREAS, any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the Clerk of the political subdivision; and,

WHEREAS, the effect of a declaration of “local disaster emergency”: (1) activates the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans; and, (2) authorizes the furnishing of aid and assistance under the plans; and,

WHEREAS, the regular meetings of the South Bend Common Council take place on the second and fourth Mondays of each month, therefore creating a period of fourteen (14) days between meetings; and,

WHEREAS, it is the intent and desire of the Common Council to ensure that there is no gap in the principal executive officer’s declaration of a “local disaster emergency;” and,

WHEREAS, the South Bend Common Council recognizes that a federal government shutdown and sudden lapse of SNAP Benefits have resulted in financial hardship and uncertainty for many residents of the City of South Bend to meet their basic needs; and,

WHEREAS, the Council acknowledges that the temporary loss of income and delay in federal assistance may impair residents’ ability to pay for essential services, including water, sewer, and other utilities; and,

WHEREAS, the Common Council finds that these circumstances constitute an emergency situation requiring immediate and temporary action to prevent undue hardship on affected residents.

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

SECTION I. The Common Council hereby consents to continue or renew the “local disaster emergency” until the next subsequent full Common Council meeting, whether regular meeting or special meeting due to the emergency that exists within the City of South Bend as a result of the ongoing federal government shutdown and its impact on residents’ financial stability and access to essential needs.

SECTION II. This consent is revoked upon any order or proclamation terminating the “local disaster emergency” or upon the full restoration of federal nutrition assistance services to South Bend residents.

SECTION III. The Common Council supports a 3-month suspension of utility shut-offs for affected residents to assist in meeting their basic needs and the use of appropriated civil city funds to assist food banks and other nonprofit agencies working to maintain food access during this emergency.

SECTION IV. This resolution shall become effective upon the date of passage.

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