



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

Zoning and Annexation April 25, 2022 3:45 P.M.

Committee Members Present: Lori Hamann, Henry Davis Jr., Karen White,
Sheila Niezgodski

Committee Members Absent: James Snodgrass (excused)

Other Council Present: Canneth Lee, Sharon L. McBride, Troy Warner, Eli Wax
Rachel Tomas Morgan

Other Council Absent:

Others Present: Dawn Jones

Presenters: Angela Smith

Agenda: Bill No. 09-22- Prairie Rezoning

Full audio dialogue of the meeting is available upon request from the City Clerk's Office.

Committee Chair Lori Hamann called to order the Community Relations Committee meeting at 3:45 p.m.

Clerk Jones responds with a roll call of four (4) present and one (1) excused absence.

Bill No. 09-22

Committee Chair Lori Hamann calls for presenter Angela Smith.

Angela Smith, Zoning Administrator for the city of South Bend, with offices located on the 14th floor of this building. This bill is a petition for 21413 Prairie Avenue. This is the northwest corner of Olive and Prairie. Petitioner is seeking to go from S1 suburban neighborhood one to C Commercial. The general area to the north and to the southwest is SB1 suburban neighborhood. To the east is neighborhood center. If you go south into the northeast, you have C Commercial Prairie. The sites are currently mostly vacant. There is one home remaining on the property. The site has been vacant for some time. The petitioners are proposing to install a gas station and convenience store at this corner. The site plan shows the convenience store being located to the northern part of the property with the proper buffering between them and the residential properties. In the Planning Commission meeting we have done things to level the playing field between gas stations and other commercial properties. In the past a gas station canopy has been one big



advertising sign for the gas stations. One of our development standards in our C Commercial requires that the canopy be neutral in color and the size of the sign be limited so that it blends more into the neighborhood. It is more appropriate. It is not overly advertising. We have made some efforts in our zoning ordinance to address some those issues in those uses. The site plan here is a fully code compliant site within the C Commercial for everything within that district. This comes to you from the South Bend Planning Commission with a favorable recommendation. This area along prairie Avenue is appropriately zoned for commercial use. The upcoming plan shows this area along with both sides of Prairie would be C Commercial along this stretch especially from Olive. As you go Southwest is a heavily traveled corridor and C Commercial or auto oriented uses as appropriate for the area.

Committee Chair Hamann states, are we seeing several commercial structures in this area?

Angela Smith states, this the third (3rd) petition you have had in this general area within the last three or four months. You had one that was southwest of here for C Commercial where we rezoned the front two hundred and fifty feet (250 ft.) to see commercial. The depth is this is about the same depth. We also had a petition to the northeast where it was aligned with the parcel lines. It was also C Commercial. We have seen a lot of spurred interest in this intersection and the immediate area.

Committee Member Sheila Niezgodski states, there were some questions from the neighbors in which I know that the developer met with them and went over several concerns that they had. We had a unanimous vote to pass. There has not been any other further correspondence from any of the neighbors that were notified about the zoning.

Angela Smith states, some of the concerns from the neighbors had to deal with Victoria Street, which is currently an unimproved, rural residential road. As part of this property development that would be required to be brought up to commercial standards at least for the depth of this property.

Committee Member Niezgodski states the petitioners may need to do a traffic study to satisfy engineering requirements. All those questions were brought up at their last meeting and we addressed them to all the people concerned.

Angela Smith states we did not have anybody come to the Planning Commission. I assume they were addressed in a satisfactory manner.

Council Member Karen White asks, as we look at our zoning ordinances, have there been any discussion regarding the number of convenience stores and filling stations that we allow in certain areas?

Angela Smith states, it becomes challenging. We were writing the 2020, the one we adopted in 2020, there was a lot of discussion about the fact that there seems to be one of those uses that seems to be populating quite fast. There are some communities that have spacing provisions that say they have to be no more than so many within a thousand feet (1,000 ft.) of each other. We shyed away from that and the fact that we did not want to go too far into getting in exclusionary zoning where we could get in trouble for saying they cannot go in certain areas. It is something



that we can continue to evaluate through. There are certain things where you can say there's spacing requirements between. What is more prominent is that there are some communities that say they cannot be located on the hard corner and that they must be interior to the block so that they do not have much of an impact on the corner. That is not the direction we have taken; it is one of those emerging trends. We took the first step in our opinion in toning down the canopies in terms of the brightness and the lightning and the colors to help it be more subdued which is another national trend that is going on as well. We did not take it as far as limiting the number.

Committee Chair Hamann, states, Councilwoman White has mentioned controlling the substances and things that are sold out of these convenience stores and how we need to be more intentional in our oversight of making sure that things are not being available from these stores that do have a negative impact on the neighborhoods and communities.

Angela Smith states, most of it is controlled by ATF in terms of tobacco sales or the single cigarettes. That becomes the problematic exercise. We have made a concentrated effort over the last few months to address the unruly signs that come with it. Most of the gas stations in South Bend might have ten (10) to fifteen (15) plus cigarette signs throughout the property which do not meet the zoning ordinances. We have been working with owners, we have been sending them zoning violation letters to get those under control and to not promote too much of something that has been seen as a negative. It just makes sure that they comply with what the regulations require for everybody else. We have been trying to make some efforts there. Most of these controls are far beyond zoning ordinance.

Committee Chair Hamann requests for the petitioner to speak.

Steve Ruby, March Consulting 315 W. Jefferson states, we represent Homeland Villages in this C store application for the rezoning from S1 to C. The applicant looks at this site as a potential investment/revenue site for them. The way it was zoned previously, they were not allowed with S1 zoning to develop here. That is the need that they have. That is what they want to develop into. They are asking for that rezoning currently.

John Piraccini, Coldwell Banker, commercial office here in South Bend North Ironwood. I reached out to Council Member Niezgodski because it was her district. We met Rum Village neighbors. We met with them and then once we got the petition filed then we had neighbors in the closer neighborhood have some concerns. We met with them, and we have answered all those questions. It was an old mobile home park, and it was bad. The Veldman Family owns it. They purchased and cleaned it up to the point where it is today. The city's requirements are stricter now and they have looked better. It is going to tend to push away from these marts that we all know we do not like with the appealing of the signs and t-shirts hanging out. Those requirements are helping. The last two I had done was 23 and Douglas and the one across from the casino. They are not under the newer ordinance with the columns. They are better built facilities; they run better. I want to make the point that we did reach out to the neighbors quite a bit and had a couple of meetings. We are trying to address the concerns of traffic. We have met with all the concerns of the cities; it is going to be a nice improvement. The south side has developed slow. The casino obviously is a



plus, but historically you do not see a ton of growth around the casino at first. We will keep spurring development out there.

Angela Smith states, the engineer will look at whether they need to do a full traffic impact study or just provide some additional information. They will have to work closely with engineering to make sure one of the streets brought up to the full standard and handle the turns. The access plan will have Olive be restricted. Usually, the traffic studies would restrict turning movements or signal upgrades. Prairie is a state right of way, so that further complicates things.

Committee Chair Hamann requests for questions or comments from the committee. Chair requests if there's anyone from the public that wishes to speak in favor of Bill *No. 09-22*.

Clerk Dawn Jones states, we have no one wishing to speak from the public.

Committee Chair Hamann entertains a motion to pass Bill *No. 09-22*.

Motion that Bill *No. 09-22* be sent to the Committee of the Whole with a favorable recommendation.

Seconded.

Committee Chair Hamann requests for Clerk Jones to pursue roll call.

Clerk Jones responds with four (4) ayes.

Committee Chair Hamann states, we will move forward with a positive recommendation of Bill *No. 09-22*.

Adjourned.

Respectfully Submitted,

Lori Hamann, Committee Chair