



# OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

## ZONING AND ANNEXATION

JANUARY 9, 2023, 4:00 P.M.

Committee Members Present:

Committee Chair Lori Hamann, Committee Member Karen I. White, Committee Member Sheila Niezgodski, Citizen Member James Snagraz

Others Present:

Dawn Jones\*, Victoria Trujillo\*, Bob Palmer\*, Justin LePla\*, Chris Dressel\*, Jerry Shearer\*, Eli Wax\*, Jordan Giger\*, Bianca Tirado\*, Michael Divita\*, Rick Williams\*, Rachel Toma\*, Ellyn Stecker\*, Michael Patton\*, Davis\*, Katrina\*

Presenters:

Angela Smith, Zoning Administrator

Agenda:

Bill No. 71-22 — An Ordinance Approving a Petition of the Advisory Board of Zoning Appeals for Property located at 1502 Miami St. Councilmanic District No. 3 in the City of South Bend, Indiana

Bill No. 74-22 — An Ordinance Amending the Zoning Ordinance for Property Located 505 Ireland Rd., 4412 Fellows St., and Fellows St., Councilmanic District 5

Bill No. 79-22 — An Ordinance Approving a Special Exception for Property Located at 7468 and 7686 Vorden Parkway

Members marked with an asterisk (\*) are present digitally

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=361423>

Committee Chair Lori Hamann called to order the Zoning and Annexation Committee meeting at 4:12 p.m.

**Bill No. 71-22 — An Ordinance Approving a Petition of the Advisory Board of Zoning Appeals for Property located at 1502 Miami St. Councilmanic District No. 3 in the City of South Bend, Indiana**

Committee Member Niezgodski motioned to table Bill No. – 71-22 at the next Council Meeting on January 23, 2023, as requested by the petitioner, which was seconded by Committee Member White and carried.



**Bill No. 74-22 — An Ordinance Amending the Zoning Ordinance for Property Located 505 Ireland Rd., 4412 Fellows St., and Fellows St., Councilmanic Dist. 5**

Angela Smith, Zoning Administrator, with offices on the fourteenth floor of the County-City Building presented this petition. The property at the Fellows Street and Ireland Road intersection comprises three parcels with distinct addresses: the southern two zoned UF (Urban Flex) and the northern one zoned S1 (Suburban Neighborhood 1). It includes a single-story office building and a residence south of a retention pond. All parcels are under common ownership. The proposal seeks to rezone them under a common commercial classification to expand an existing business. Expansion into the neighborhood is limited by a city-owned retention pond to the north and a golf course to the east. The petitioner plans to replace the single-family house with a second office building, a proposal favorably recommended by the Plan Commission.

Mark Machina of 19110 Farmington Lane, South Bend, Indiana, the petitioner, addressed the council. He stated that he had jointly owned the office building since 2006 and the residential property since 2015, along with friends who intended to increase their investments on the south side by adding office buildings to meet the demand. The proposed new office building, designed to provide a view of the golf course, elicited no objections from the seven residents north of the site who were consulted, as it would mirror the architecture of the existing building. While there was one concern regarding traffic, the entrance would remain unchanged to prevent disrupting the residential neighborhood.

Angela Smith noted that there were two written commitments included in the recommendation from the Plan Commission. The first that all buildings should have a hipped or gabled roof, which is in accordance with the architecture of the existing building to retain residential character, and the second that there shall be no drive-through at this location to address traffic concerns and associated queuing.

Committee Chair Hamann inquired if the drive-through should remain with the property.

Angela Smith responded that the drive-through remains with the property until the petitioner seeks to remove or modify them.

Committee Chair Hamann asked if the house was occupied.

Mark Machina responded that the house had been unoccupied for several years.

Committee Chair Hamann requested questions from the Committee.

Committee Member Niezgodski requested the process of revising the written commitments.

Angela Smith responded that if the petition is approved, the zoning classification will not be changed until the written commitments are recorded and they will be identifiable with the deed. The process to modify the written commitments involves a public hearing process which will be held by the initial recommendation board, the Plan Commission, to determine if the written commitment should be modified.

Committee Chair Hamann raised concerns about damage caused by flying golf balls and asked if the golf course is required to install high-netted fencing.

Angela Smith responded that the parks department had informed the petitioner that they should expect potential damage as they were on a golf course. The golf course would not be required to install additional fencing unless they choose to do so.

Committee Chair Hamann raised a follow up question on whether the city would be responsible for damage from the golf course.

Angela Smith responded that she would assume that the city would not be responsible but was unable to confirm the same.

Mark Machina added that the original building was constructed in 2006 and no such incidents have been reported.

Committee Chair Hamann asked if the public wished to speak in favor for or against Bill No. 74-22.

Clerk Jones stated that there was a question posed by a member of the public in the comments section that requested an explanation of why the parcel required rezoning as commercial rather than extending the current urban flex zonation of the two southern parcels of the property.

Angela Smith responded that the challenge with zoning as urban flex requires that the building is at street level with a maximum setback as urban flex is designed for an urban location. The location under question is built in a suburban manner requiring a significant number of variances to meet the requirements for zonation as urban flex, which would be challenging for a new construction. The commercial classification was recommended as the current development style was consistent with the seas district rather than the urban flex district.

Committee Member White motioned to forward Bill No. 74-22 with the written commitments to the Committee of the Whole with favorable recommendation, which was seconded by Committee Member Niezgodski and carried.

**Bill No. 79-22 — An Ordinance Approving a Special Exception for Property Located at 7468 and 7686 Vorden Parkway**

Angela Smith, Zoning Administrator, with offices on the fourteenth (14) floor of the County-City Building presented this petition. The petition was a special exception for the vacant property located at the Vorden Parkway and Didam Boulevard intersection, near Tire Rack and General Stamping on the south side and is a true corner property. Although the property was zoned I, Industrial, it has been vacant since the inception of the industrial park. The petitioner intends to build a distribution and warehouse facility for chemical distribution and is seeking a special exception for heavy industrial as they may house chemicals of a hazardous nature at the proposed facility. The Board of Zoning Appeals provided a favorable recommendation as the surrounding area is an industrial park, and as such is suitable for heavy industrial zonation.



George Lepeniotis, Krieg DeVault LLP of 4101 Edison Lakes Parkway, Mishawaka, Indiana, representative of the petitioner, Coast Southwest, a family-owned chemical distribution company. Coast Southwest specializes in non-toxic plant-based derivatives for personal consumer care products. Headquartered in California with a second facility in Texas, the company plans to establish its Midwest headquarters in South Bend. With 10 to 15 years of industry experience, Coast Southwest is known for its responsible practices within its consumer organization. The proposed facilities will cover nearly 94,000 square feet of land, totaling over 210,000 square feet and anticipates employing up to 60 individuals, including 10 new hires. Coast Southwest will collaborate with Holiday Properties on property development. Although Coast Southwest is primarily involved in handling and distributing packaged goods and does not require heavy industrial zoning, the company may engage in a joint venture with a university to explore new processes and materials, potentially necessitating heavy industrial classification as a precaution for the future.

Angela Smith clarified that in contrast to zoning, a special exception is granted only to the specific type of heavy industrial presented.

Committee Chair Hamann requested questions from the Committee. There were no questions.

Committee Chair Hamann asked if the public wished to speak in favor of or against Bill No. 79-22. Clerk Jones advised that no one from the public wished to speak in favor of or against the bill.

Committee Member White motioned to forward Bill No. 79-22 to the Committee of the Whole with staff recommendation, which was seconded by Committee Member Niezgodski and carried via a vote by voice.

With no further business, Committee Chair Hamann adjourned the Zoning and Annexation Committee meeting at 4:33 p.m.

Respectfully Submitted,

Lori Hamann, Committee Chair

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