



# OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

## ZONING AND ANNEXATION

APRIL 10, 2023, 5:25 P.M.

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

Others Present: Dawn Jones, Victoria Trujillo, Bob Palmer, Justin LePla, Kenneth Hardy

Presenters: Angela Smith, Zoning Administrator  
Michael Davida, Principal Planner

Agenda: Bill No. 11-23 — Special Exception for Heavy Industrial Zone at 1330, 1306 High Street and 909 East Broadway Street

Bill No. 12-23 — Special Exception for Dual-Unit Dwelling at 439 Dundee Street

Bill No. 13-23 — Special Exception for Group Residence at 1602 Michigan Street

Bill No. 03-23 — Request for Annexation on the Southeast Corner of Nimitz Parkway and Olive Road

Bill No. 23-16 — Annexation Plan for the Southeast Corner of Nimitz Parkway and Olive Road

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=364118>

Committee Chair Lori Hamann called to order the Zoning and Annexation Committee meeting at 5:45 p.m.

### **Bill No. 11-23 — Special Exception for Heavy Industrial Zone at 1330, 1306 High Street and 909 East Broadway Street**

Angela Smith, Zoning Administrator, City of South Bend, with offices located on the fourteenth (14<sup>th</sup>) floor of the County-City building, presented the petition for a special exception for a heavy industrial zone at 1330, 1306 High Street, and 909 East Broadway Street, owned by Red Tail Properties LLC. The property has become a tow/salvage yard where cars are being delivered and stored until they are scrapped or repaired by the tenant. Six (6) neighbors and two (2) letters from property owners within three hundred (300) feet of this property have opposed the petition. The

Clare Ross responded that as of the program launch on April 3, 2023, fifty-three (53) women applied. Every bedroom is full.

Councilmember Rachel Tomas Morgan inquired whether the special exception would be extended to a new owner if the property is sold.

Clare Smith responded that the exception remains with the property.

Committee Chair Hamann inquired whether a condition on the exception could be added.

Angela Smith responded that a condition could allow one family per room, which would limit occupancy to two unrelated individuals per bedroom or one individual family.

Clare Ross advised that she is leasing the property for two (2) years, intending to purchase it. If she does not purchase it, the owner will find another buyer.

Committee Chair Hamann recommended that the condition be placed on the special exception.

Angela Smith advised that this can be done as a written commitment that will stay with the property. Any challenges to the commitment would have to be presented to the Zoning Board.

Committee Chair Hamann held the public hearing, and nobody spoke.

Council Member Sharon McBride congratulated Clare Ross on her program, commended her efforts in the community, thanked her for choosing the third district, and wished her success.

Committee Member Niezgodski inquired about an existing State mandate regarding group homes.

Angela Smith responded that there is a reasonable accommodations provision. If all participants qualify under the ADA guidelines established by housing, the Department of Justice has set up a program where they could apply for reasonable accommodations. The participants in this case do not qualify under the ADA so they could not apply for this program.

Council Member Tomas Morgan made a statement of support for the bill and agreed to the recommendation for the written commitment condition.

Committee Member Niezgodski motioned to send Bill *No. 13-23* to the Committee of the whole with a favorable recommendation pending the further written commitment of occupancy, seconded by Committee Member White and carried by a vote of four (4) ayes, with one (1) committee member absent.

Committee Chair Hamann – <i>Aye</i>	Council Member White – <i>Aye</i>
Committee Vice-Chair Davis – <i>Absent</i>	Council Member Niezgodski – <i>Aye</i>
Committee Member Snodgrass – <i>Aye</i>	

**Bill No. 03-23 — Request for Annexation on the Southeast Corner of Nimitz Parkway and Olive Road**

Michael Davida, Principal Planner, City of South Bend, with offices on the fourteenth (14<sup>th</sup>) floor of the Council-City building, presented a petition for annexation on the southeast corner of Nimitz

Parkway and Olive Road for an expanded parking area and landscaping for the adjoining Resurrection Lutheran Academy.

John Trator, Resurrection Lutheran Academy, 6840 Nimtz Parkway, South Bend, outlined plans for expanded parking in the area in order to connect the property that is part of the City and the property that is part of the County.

Committee Chair Hamann inquired about the responsibility for installing sidewalks.

Michael Davida responded that the property owner is responsible for installing sidewalks. Should they wish not to install sidewalks, a waiver can be sought from the City engineer.

Committee Chair Hamann held the public hearing, and nobody spoke.

Committee Member Niezgodski motioned to send Bill No. 03-23 to the Committee of the whole with a favorable recommendation, seconded by Committee Member White and carried by a vote of four (4) ayes, with one (1) committee member absent.

Committee Chair Hamann – <i>Aye</i>	Council Member White – <i>Aye</i>
Committee Vice-Chair Davis – <i>Absent</i>	Council Member Niezgodski – <i>Aye</i>
Committee Member Snodgrass – <i>Aye</i>	

**Bill No. 23-16 — Annexation Plan for the Southeast Corner of Nimtz Parkway and Olive Road**

Michael Davida presented the fiscal plan for the annexation area of Nimtz Parkway and Olive Road. No capital improvements are planned by the City as part of the annexation. Water and sewer are available on both Nimtz Parkway and Olive Road. Nimtz Parkway is within the City limits and a small part of Olive Road’s roadway would be added to the City. The Resurrection Lutheran Academy area will be added to Common Council’s first district, served by police beat twenty-two (22), fire station eleven (11), emergency medic eleven (11), and neighborhood services enforcement area five (5).

Committee Chair Hamann held the public hearing, and nobody spoke.

Committee Member Niezgodski motioned to send Bill No. 23-16 to the full Council with a favorable recommendation, seconded by Committee Member White and carried by a vote of five (5) ayes.

Committee Chair Hamann – <i>Aye</i>	Council Member White – <i>Aye</i>
Committee Vice-Chair Davis – <i>Aye</i>	Council Member Niezgodski – <i>Aye</i>
Committee Member Snodgrass – <i>Aye</i>	

With no further business, Committee Chair Hamann adjourned the Zoning and Annexation Committee meeting at 6:10 p.m.





Respectfully Submitted,

Lori Hamann, Committee Chair

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