

Minutes - Goshen Plan Commission
Tuesday, October 20, 2009, 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I. The meeting was called to order with the following members present: Kelly Huffman, Tom Holtzinger, Angela McKenna, John King, and Jim McKee. Also present were City Planner Joe Hauflaire and Assistant City Attorney Don Shuler.
- II. The minutes of 9/15/2009 were approved – Holtzinger/McKenna, 5-0
- III. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into Record – Holtzinger/McKenna, 5-0
- IV. Postponements/Withdrawals – None
- V. **Major Change to the PUD** (public hearing item)
09-01MA – Country Court Center I and Country Court Center II request a major change to the Ordinance 4043 to expand the permitted uses and building size for each lot (Lots 1, 2, 3, 4A, 5A, 6A, 7A and 8A) within the PUD. The subject property is generally located at 2700 W. Wilden Avenue and zoned Commercial B-3 PUD.

Ms. Huffman reminded the Commission that they will be making a recommendation to the Council on this matter.

Mr. Hauflaire noted the location of the subject property and that there is currently a mini-storage facility on one half of the PUD that is not part of this discussion. He advised that there are eight (8) lots included in the petition that were added to the existing PUD in 1987 and he provided the Commission with a copy of the PUD ordinance. He pointed out that Lots 1, 2, 3 & 4A are the smaller offices out from and that they limited the uses permitted in the original ordinance. He advised that the uses were also limited for lots 5A, 6A, 7A and 8A but that they were slightly broader. He advised that the request today is for the list of uses to be amended to be prescriptive as opposed to proscriptive. In doing so, they would only be eliminating six (6) uses from the general list and he pointed them out in the Staff Report. He also provided the members with a copy of the Permitted Uses section from the Zoning Ordinance.

Ms. Huffman noted that instead of a list of what can be there, they will instead have a list of what cannot be there.

Mr. Hauflaire highlighted the B-3 sections of the Zoning Ordinance showing how many different uses would be allowed with their request totaling approximately one hundred and seventy-five (175) even with the six (6) uses excluded. He recommended that they add an additional (7) uses to the exclusions and read them and explained his reasoning. Even with these included, he noted that there will only be thirteen (13) excluded uses and one hundred and sixty (160) still permitted. He advised that the additional seven (7) were included due to the location of the property and the residential uses in the area.

Petitioner Presentation

David Swihart, Yoder Ainley, 130 N. Main Street, spoke on behalf of the First State Bank of Middlebury as well as the various other landowners within the PUD. He provided a general outline of the petition beginning with its establishment in the early 1970's and detailed the changes made in the 1980's. He noted that the ordinance currently only allows specific uses and that the owners are having a difficult time marketing the lots because the list is so small. He advised that all property owners in the PUD are in agreement with this petition and that they will also be amending the restrictive covenants for the PUD so that they are consistent. He advised that their intent is to keep the development professional with offices and that they are asking to allow all uses except those listed in petition and by Planning Department. He pointed out that they are also asking that the building sizes currently permitted be amended for the three (3) undeveloped lots and that they are asking to allow up to 6,000 square feet instead of 5,000 square feet as well as the option to add on to the existing properties. He advised that the architectural style would be in the control of the City Planning Department and that the sign regulations would remain the same. He informed the Commission that George Marlow from First State Bank was also present to answer any additional questions.

Mr. Holtzinger asked if all of the other owners are in agreement with the plan. Mr. Swihart advised that they are and that they all signed the petition.

Mr. Holtzinger asked what types of problems they are having marketing the property.

George Marlow, First State Bank, 201 N. Main Street, stated that they have had two interested parties that have backed out after investigating and realizing that only thirteen (13) uses are permitted and that they are not marketable with the current zoning.

Mr. King asked if the increase in building size will make them easier to market. Mr. Marlow stated that they feel that they will.

Audience Comments

There was no one to speak to the petition.

The public hearing was closed.

Staff Report & Discussion

Ms. Huffman asked how many letters were sent and if there were any responses. Mr. Hauflaire advised that there were seventeen (17) sent and that they received no responses.

Action

A motion was made and seconded, King/Holtzinger, to pass along a favorable recommendation for 09-01MA with the 9 conditions listed in the Staff Report. The motion passed, 5-0

IX. Audience Items: None

X. Staff/Board Items: None

Ms. Huffman reported that she is now representing the Plan Commission on the Millrace Advisory Committee and that she will be reporting to the Commission on the progress that is made. She stated that she has attended one (1) meeting and that Jeff Rea, Mayor of Mishawaka, was the speaker at the meeting.

XII. Adjournment – 4:20 PM

Respectfully Submitted:

Becky Hershberger, Recording Secretary

Approved By:

Kelly Huffman, President

Tom Holtzinger, Secretary