

Minutes - Goshen Plan Commission  
Tuesday, July 19, 2016 - 4:00 pm  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

**I.** The meeting was called to order with the following members present: Connie Garber, Mary Cripe, Jim McKee, Joe McCorkel, Rolando Ortiz, James Wellington, John King, Tom Holtzinger, and Aracelia Manriquez. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus.

**II.** Approval of minutes of 5/17/16 – Holtzinger/Cripe 9-0

**III.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Holtzinger/Cripe 9-0

**IV.** Postponements/Withdrawals: None

**V. Rezoning** (public hearing)

**16-02R** – MA Investments, Waterford Development Corp, and Brads-Ko Engineering & Surveying, request the rezoning of an approximate 1.011-acre tract of land from Commercial B-4PUD and Residential R-3PUD to Industrial M-1PUD. The area to be rezoned will be added to Tract 2 of Waterford Commons Business Park PUD, to be used for on-site stormwater retention. The subject property is an approximate 80' x 550' area, part of two undeveloped parcels that are part of Waterford Commons PUD, generally located along the southern portion of the western edge of Tract 2 in Waterford Commons Business Park PUD (Planned Unit Development).

*Staff Report:*

Ms. Yoder explained all of today's cases are for the same PUD. This rezoning request is to add approximately one acre to Tract 2 of Waterford Commons Business Park, which will be used for onsite stormwater retention. The overall Waterford Commons PUD was established in 1989 and contains multiple land uses. The Waterford Commons Business Park PUD was established in January, 2014 and contains three tracts of industrial land. Tract 2 was annexed in 2008 and was zoned industrial in the county since 2003. The area to be rezoned currently has split zoning, including Commercial B-4 and Residential R-3 zoning districts. Additional land is needed because Tract 2 contains a large, 130 ft. utility easement with overhead NIPSCO lines. It is also within the City's wellhead protection area which has stricter requirements on how stormwater retention is designed. She recommended the Plan Commission forward a favorable recommendation to the City Council.

*Petitioner Presentation:*

Barry Pharis, 1009 S 9<sup>th</sup> Street, Goshen, spoke on behalf of the petitioner. He stated they contacted a consultant regarding the possibility of using bio-retention and other methods of collecting stormwater to keep it onsite. After evaluating, their report stated that Goshen's wellhead protection rules require that the water entering into the protected area be drinking water quality. He stated the only solution was to move the stormwater outside of the wellhead protection area. This additional one-plus acre will allow them to do this.

*Audience Comments:*

David Daugherty, Goshen Chamber of Commerce, spoke to the petition. He stated this is important to Goshen and the Chamber supports this project.

Mayor Jeremy Stutsman, Goshen, also spoke to the petition. He stated he agrees with Mr. Daugherty's remarks and that this project will be good for Goshen. He stated he is in support of this project.

*Close public hearing.*

*Staff Discussion:*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Wellington/Holtzinger, to forward a favorable recommendation to the Goshen Common Council for 16-02R, based upon the Staff Analysis. The motion passed unanimously by a vote of 9-0.

**VI. PUD Major Change (public hearing)**

**16-02MA** - MA Investments, Waterford Development Corp, and Brads-Ko Engineering & Surveying, request approval of a PUD major change for Waterford Commons Business Park PUD Tract 2 as follows:

1. Add the 80' x 550' rezoned area to Tract 2;
2. Permit outside display of merchandise;
3. Permit 4' sidewalks where 6' are required;
4. Permit maneuvering within the right of way within the cul-de-sac and blister;
5. Eliminate the exterior building wall façade requirement for stone, brick, glass, glass block, architectural finish tilt-up or precast concrete panels, or architectural composite metal panels without exposed fasteners up to a height of not less than 8 feet;
6. Permit loading docks facing a front yard with street access;
7. Permit the following uses:
  - a. Construction equipment, heavy duty, sales and service
  - b. Farm implement sales and service (including outside storage)

Waterford Commons Business Park PUD Tract 2 is generally located on the west side of Dierdorff Road, south of Kercher Road, and is zoned Industrial M-1PUD (Planned Unit Development).

*Staff Report:*

Ms. Yoder explained the pending rezoned area from the previous case will be added to Tract 2; noting this major change will also be a recommendation from the Plan Commission to the City Council. She explained to Commission members why this is considered a major change to the PUD and that all of the standards that are part of the request are specified in the Waterford Commons Business Park PUD, Ordinance 4768. She noted that exceptions for Tract 2 permit mobile, modular homes and recreational vehicle manufacturing, parking and storage of large vehicles, rental and leasing services with outside storage, and outside storage, pointing out the ordinance also contains a long list of prohibited uses for this PUD. She outlined the individual requests which are included in the Staff Report, noting she does not recommend approval of the request for reduced sidewalk width and does not recommend approval for the request to eliminate the exterior building wall façade requirements. Staff supports a favorable recommendation for an amended PUD Major Change.

*Petitioner Presentation:*

Barry Pharis, 1009 S 9<sup>th</sup> Street, Goshen, spoke on behalf of the petitioner. He stated they have also spoken to Goshen Engineering and are agreeable to installing a five foot sidewalk.

Regarding the request to eliminate the exterior façade requirements, he pointed out that Tracts 1 and 3 have been designed to be a different kind of M-1 zoning. No outside storage or mobile home manufacturing is permitted on these tracts, noting the tracts were designed to attract businesses that support our major industry. He noted that he was not aware Tract 2 had the same requirements, so they are asking for variations for this site. He suggested a compromise might be made to permit a portion or percentage of the building façade to meet the requirements.

Mr. Holtzinger asked how these requirements compare to surrounding buildings.

Mr. Pharis stated none of the other manufacturing sites around this property have these requirements.

Mr. Wellington questioned why Staff recommends these façade requirements and what kind of compromise they would consider.

Ms. Yoder responded the requirement is for aesthetics and that she does not want to manage a percentage of a requirement.

Mr. Pharis pointed out that although this will be adjacent to residential zoning, there is a berm with plantings and they will only see the rear of the buildings from that location. He stated he agrees with Ms. Yoder and does not want to manage a percentage of the requirement. He noted this site contains a front-load dock, and asked that the façade requirement be relaxed.

*Audience Comments:*

David Daugherty, Goshen Chamber of Commerce, spoke in support of the petition. He stated they have been involved with this project for quite some time. He noted their concern was the first parcel because it is a high quality development area and this parcel is not designed the same. These lots are much smaller and the scale is different. He doesn't feel the narrower sidewalk or relaxation of the façade requirements will be detrimental.

Greg Hoogenboom, 1738 W Lincoln Avenue, also spoke in support of the petition. He stated that 13 years ago six foot mounds were installed and trees planted in anticipation of future development. He stated the trees are now mature, provide good screening and will serve as a good buffer to the residential area. He also noted these lots are significantly smaller, which means they will contain smaller buildings. He is concerned that these façade requirements would cause a significant increase in the cost of the building.

Mr. Wellington pointed out Commission members are discussing a percentage or height when they don't know how it would look on the building.

Ms. Yoder noted that the developer has stated Tract 1 standards are more important and pointed out that Tract 2 already has exceptions from the rest of the PUD.

Mr. Wellington asked if they will have to return to the Plan Commission for additional approvals.

Ms. Yoder replied that there will be PUD Site Plan Review for Tract 2, but that can now be reviewed by Staff and likely won't come back to the Plan Commission. She stated this will be discussed later today because that is the last item on today's agenda.

Mr. Wellington stated no one wants this to look bad.

Ms. Yoder replied she feels the Commission should keep the requirements or remove it. She stated she does not want to review something with an approval that is vague and difficult to implement.

Rolene Taylor, 1901 Carina Circle, spoke to the petition. She stated when they purchased their lot in The Villas, there were certain standards they had to adhere to and questioned how the relaxed standards would affect their neighborhood. She questioned what type of businesses would be there and if there would be additional noise.

*Petitioner Rebuttal:*

Mr. Pharis stated this subdivision has always been zoned M-1 and was designed with mounds and trees put in place to separate the industrial use from the residential use. He noted at the current time, they do not anticipate any mobile home or RV manufacturing at this site because they generally want larger sites. The intent here is to attract businesses looking for buildings of 20,000 square feet or less. He pointed out these smaller businesses generally operate during the day when people are at work and not home. While they don't generally operate at night, there are no restrictions on the hours of operation. Buildings on these lots will also face away from residential homes.

Ms. Yoder pointed out that none of the setbacks have been relaxed adjacent to residential areas and that there is a provision in the PUD ordinance limiting the number of building façade openings that are allowed facing adjacent residential land use to 25%. All required landscaping will also be put in place.

Mr. Pharis stated that traffic will not impact the residents. He pointed out when all the new roads are built in the next few years traffic to this location will utilize Dierdorff, CR 38, and CR 40. He commented that noise from tractor trailers is generally from braking and because of the design of the complex, semi trucks will have to move slowly. He went on to say he cannot guarantee there will be no noise, but they have taken steps to protect the site.

*Close public hearing.*

*Staff Discussion:*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Wellington/Holtzinger, to forward a favorable recommendation to the Goshen Common Council, adopting Staff Analysis and recommendations, except adding #9 to eliminate the building façade requirement:

1. In addition to requirements established in Ordinance 4768, additional requirements are established by this Ordinance.
2. That the Goshen Plan Commission did after a public hearing determine the amendment to be a major change.
3. The addition of the 1.011-acre area to Tract 2 is consistent with the overall Waterford Commons Business Park PUD, and will be added to Tract 2 contingent on approval of the pending rezoning.
4. Outside display of merchandise will be permitted in Tract 2, when it is an integral part of an active primary use on site, meeting primary building setbacks.
5. In Tract 2, minimum sidewalk width shall be no less than 5' for the required sidewalks along each side of the street established by the PUD.
6. Maneuvering within the public right of way within the cul-de-sac and blister shall be permitted in Tract 2 for lots with shared access only, with the shared access permitted a 0' side setback in the area of the shared access, and with shared access easements required as part of the platted subdivision, based on final approval by Goshen Engineering.
7. In Tract 2, loading docks will be permitted facing a front yard with street access, provided there is no reduction in any required front or side yard setbacks.
8. In Tract 2, Construction equipment, heavy duty, sales and service, and Farm implement sales and service (including outside storage), shall be added as permitted uses, provided approval of the two uses does not include any associated reduction in the developmental requirements of the Waterford Commons Business Park PUD.
9. In Tract 2, eliminate the exterior building wall façade requirement for stone, brick, glass, glass block, architectural finish tilt-up or precast concrete panels, or architectural composite metal panels without exposed fasteners up to a height of not less than 8 feet.

The motion passed unanimously by a vote of 9-0.

## **VII. Major Industrial Subdivision, Primary Approval (public hearing)**

**16-01SUB** – MA Investments, Waterford Development Corp, and Brads-Ko Engineering & Surveying, request primary approval of a ten-lot major industrial subdivision for Tract 2 of Waterford Commons Business Park PUD, generally located on the west side of Dierdorff Road, south of Kercher Road, and zoned Industrial M-1PUD (Planned Unit Development).

*Staff Report:*

Ms. Yoder explained this is the same area being discussed today, with the pending rezoning to be added. There will be ten lots in the subdivision and at secondary approval the exact lot sizes and lot lines will be shown. She noted the primary subdivision plans correctly indicate the required setbacks and, as proposed, the lots meet the M-1 requirements for minimum lot area and frontage. Dedication of right-of-way is shown along with the required non-access easements for the frontage along Dierdorff. She noted there is no direct access permitted along Dierdorff. She listed the conditions that must be met prior to secondary approval and requirements that must be met before construction can begin. She recommended the Commission grant primary approval.

*Petitioner Presentation:*

Barry Pharis, 1009 S 9<sup>th</sup> Street, Goshen, spoke on behalf of the petitioner. He stated he has nothing to add, but is available to answer any questions.

*Audience Comments:*

David Daugherty, Goshen Chamber of Commerce, spoke in support of the petition. He stated the Chamber supports this project.

*Close public hearing.*

*Staff Discussion*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Wellington/Cripe, to approve 16-01SUB with the recommendations and conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 9-0.

**VIII. PUD Minor Change** (not a public hearing)

**16-03MI** – The Goshen Planning office requests a PUD minor change for Waterford Commons Business Park PUD (Planned Unit Development), Ordinance 4768, to allow Staff to review PUD final site plans and secondary subdivisions, as allowed per the recent text amendments to the Zoning and Subdivision Ordinances.

*Staff Report:*

Ms. Yoder explained when this PUD was established; there was no option allowing Staff review of the PUD final site plan or secondary subdivision, so the required review by Plan Commission was included in the PUD ordinance. The recent approval of Ordinance 4866 gives the option of Staff review for PUD final site plans and secondary subdivisions, but in order for Staff to review, a minor change needs to be approved by the Plan Commission. She recommended approval of the request.

*Staff Discussion*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Wellington/Holtzinger, to approve 16-03MI with the recommendations and conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 9-0.

**IX. Audience Items** – None

**X. Staff/Board Items** – None

**XI.** *Adjournment* – 4:58 pm Wellington/King

Respectfully Submitted:

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Lori Lipscomb, Recording Secretary

Approved By:

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Connie Garber, President

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Tom Holtzinger, Secretary