

Minutes - Goshen Plan Commission  
Tuesday, January 17, 2017 - 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, Rolando Ortiz, Jim McKee, Joe McCorkel, Leslie Biek, John King and Tom Holtzinger. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Aracelia Manriquez, James Wellington

**II.** 2017 Plan Commission Appointments

- *Connie Garber – Annual appointment by the Board of Public Works & Safety*
- *John King – Citizen member re-appointed by the Mayor for a term of four years, 1/1/17 – 12/31/20*

**III.** Election of Officers for 2017

- *President*  
A motion was made and seconded, McKee/Holtzinger, to appoint Connie Garber as President. The motion passed unanimously by a vote of 7-0.
- *Vice President*  
A motion was made and seconded, Holtzinger/King, to appoint Jim McKee as Vice-President. The motion passed unanimously by a vote of 7-0.
- *Secretary*  
A motion was made and seconded, McKee/King, to appoint Tom Holtzinger as Secretary. The motion passed unanimously by a vote of 7-0.

**IV.** Approval of minutes of 12/20/16 – Holtzinger/King 7-0

**V.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Holtzinger/McKee 7-0

**VI.** Postponements/Withdrawals: None

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

**17-01MA** - HSR, Inc. d/b/a Buffalo Wild Wings Grill & Bar, Goshen Parkway 1, LLC, Goshen Parkway 2, LLC, and Warrick & Boyn, LLP, request a PUD major change to amend the Elkhart Road PUD, Ordinance 3574, to allow a multi-tenant freestanding sign, 100 square foot in area and 22' in height, to be located on Lot 18, and serving all current and future tenants located on Lot 18 and Lot 1. The subject property is generally located at 1829 and 1830 Rieth Blvd and zoned Commercial B-3PUD (Planned Unit Development) District.

*Staff Report:*

Ms. Yoder explained that today's request is for a multi-tenant freestanding sign, which would be located on Lot 18, which is the existing Buffalo Wild Wings location at 1829 Rieth Blvd. It would serve both 1829 Rieth Blvd, along with the multi-tenant building immediately south at 1830 Reith Blvd. Buffalo Wild Wings has frontage along US33, but the property immediately south only has frontage on the interior part of Rieth Blvd. The PUD allows a monument style freestanding sign on Lot 18, not to exceed 36 SF and a monument style freestanding sign for Lot 1, not to exceed 20 SF in area. She explained that the original intent of the PUD was for the large sign on the Lowe's property to be a multi-tenant sign serving the entire PUD, but the ordinance is not clear and there are no agreements in place for the use of the multi-tenant sign. Attempts to modify that sign were not successful. As a result, we are here today for a new multi-tenant sign on Lot 18.

She explained why this request is a major change to the PUD, requiring Plan Commission recommendation to City Council. She noted if this zoning was straight B-3 without the PUD, one freestanding sign of 90 SF in area and 22' in height would be permitted on Lot 18 and Lot 1 would be allowed to have a sign 50 SF in area and 15' in height. Today's approval should ensure that the sign serves both lots for all current and future tenants, pointing out the proposed multi-tenant sign would be reasonable and comparable to what would be permitted there with straight B-3 zoning. She went on to say that Lot 18 was designed to have a second building and while there is not currently a second building, this approval should take that into account. She also stated that if approved, Lot 1 would still be permitted to have the 20 SF freestanding sign permitted by the PUD.

Ms. Yoder explained after the Staff Report had been prepared, it was brought to her attention that the Redevelopment Commission plans a project, Northwest Bike Trail, which would run in front of the Buffalo Wild Wings property. It appears additional right-of-way would be required for that project, so this approval should require the sign location to be based upon the plans for the bike trail. She stated this sign location should be included as condition number eight and with that addition, she recommends a favorable recommendation be forwarded to the Goshen City Council.

*Petitioner Presentation:*

Jim Woodsmall, 121 W Franklin, Suite 400, Elkhart, spoke on behalf of the petitioner. He stated they tried to obtain space on the Lowe's sign without success and are agreeable to the additional condition which would require the sign to be placed five feet from the proposed bike trail. He asked for a favorable recommendation.

*Audience Comments:*

There was no one to speak to the petition.

*Close public hearing*

*Staff Discussion:*

Ms. Biek stated she spoke with the petitioner regarding the sign and is comfortable with their proposed location.

*Action:*

A motion was made and seconded, King/Holtzinger, to forward a favorable recommendation to the City Council for 17-01MA, based upon Staff Analysis and with the following conditions:

1. The proposed change is a major change per Section 4250.9 of the Goshen Zoning Ordinance.
2. The multi-tenant freestanding sign, 100 square feet in area and 22' in height, will serve two lots and is similar in area and height to a freestanding sign that would be permitted if the PUD were not in place.
3. The approval will allow one multi-tenant freestanding sign, 100 square feet in area and 22' in height, to be located on Lot 18, serving Lot 18 and Lot 1 (Phase IV). No other freestanding signs shall be permitted on Lot 18.
4. All current and future occupants/tenants of Lot 18 and Lot 1 (Phase IV) shall have access to the freestanding sign located on Lot 18.
5. An agreement shall be executed and recorded by the owners of Lot 18 and Lot 1 (Phase IV), benefitting all current and future occupants/tenants of Lot 18 and Lot 1 (Phase IV), and stipulating that the multi-tenant freestanding sign, 100 square feet in area and 22' in height, located on Lot 18 shall serve all current and future occupants/tenants of Lot 18 and Lot 1 (Phase IV).
6. The executed and recorded agreement shall be provided to the Planning office before a zoning clearance form is signed for the new multi-tenant freestanding sign on Lot 18.
7. Lot 1 (Phase IV) shall be permitted one monument freestanding sign following Ordinance 3574.

8. The sign shall be located based on the new right of way that is part of the plans for the Northwest Bike Trail.

The motion passed unanimously by a vote of 7-0.

**VIII. Rezoning and PUD Preliminary Site Plan Approval (public hearings)**

**17-01R** - Julia Ann Ramer, Elmer & Diane Stealy, MA Investments, Goshen 119 Partners, LLC, and AR Engineering, LLC, request a rezoning from Agricultural A-1 to Commercial B-3PUD (Planned Unit Development) and PUD preliminary site plan approval, for an approximate 4.617-acre tract of land (two tax parcels) to allow for commercial development. The subject property is generally located on the northeast corner of Plymouth Avenue and Indiana Avenue.

*Staff Report:*

Ms. Yoder explained this case and the next are for the same property. The first hearing is for rezoning and PUD preliminary site plan approval. The property is two tax parcels, with separate ownership, located at the northeast corner of Plymouth Avenue and Indiana Avenue. She explained area zoning is primarily Agricultural A-1, with some limited commercial zoning; land use is predominately residential. She explained the proposed rezoning includes a Planned Unit Development (PUD), which will restrict the use and facilitate any necessary variances needed for development. A wide range of uses is permitted in the Commercial B-3 zoning district, but this rezoning would prohibit several land uses. She noted the petitioner has listed some proposed uses they feel should be prohibited and Staff has suggested additional uses they feel should be prohibited. She summarized that generally office and retail uses would be permitted.

She stated there are a number of factors to consider regarding the developmental requirements. She noted that INDOT has jurisdiction over Plymouth Avenue and they have indicated that no access to Plymouth Avenue will be permitted. The City recommends a maximum of two access points located along Indiana Avenue, which they feel should be aligned with the two existing church driveways on the opposite side of Indiana Avenue. This will require the new site to be connected internally for traffic circulation, noting that the first lot to be developed should be designed to connect to future lots. She went on to explain that one thing that needs to be considered for the PUD is allowing access across lot lines within the site and allowing 0' parking setbacks where there is cross access. She noted that cross access easements should also be platted with the subdivision.

Ms. Yoder noted that the traffic impact on Indiana Avenue has not been determined and more traffic information should be required as part of the approval. That will help determine what improvements will be required along Indiana Avenue. She explained this will be required before final approval is granted for the first site plan and also prior to granting secondary subdivision approval. The PUD also requires accommodation for bicycle and pedestrian traffic and this will require that a sidewalk be installed along the north side of Plymouth Avenue. Bicycle parking should be required for each building.

Parking requirements will be similar to B-4 requirements and it is recommended that an overall parking formula be used to calculate required parking. Any drive-thru uses would be required to meet stacking requirements.

Ms. Yoder noted the B-3 District requires a 20' side setback for parking, building or driving aisles adjacent to residential zoning and although the adjacent zoning is Agricultural, the land use is residential and therefore the 20' setback should be required adjacent to residential zoning and land use.

Ms. Yoder recommended the PUD limit the location of wall signs to lessen the impact on adjacent residential land uses. The size, height and number of freestanding signs should also be managed. She recommended that wall signs not be permitted on walls adjacent to residential land use. She went on to say freestanding

signs should be limited to two monument signs, one on Plymouth and one on Indiana, and serving all uses within the PUD.

She noted that no landscape plan was included, but landscaping will be required following the Zoning Ordinance and gave a brief overview of the requirements.

Ms. Yoder explained the PUD preliminary site plan is a general, overall site plan, and each site will come back for final approval. She reminded Commission members that PUD final site plan approval can be reviewed by Staff or the Plan Commission.

Ms. Yoder stressed that this site should only proceed with a unified plan for development, noting it should all be rezoned and subdivided together. She recommended the Plan Commission forward a favorable recommendation to the Common Council, based on the rezoning with PUD restrictions. A brief description of the restrictions was discussed, along with conditions that should apply to the PUD.

*Petitioner Presentation:*

Andrew Rossell, AR Engineering, 4664 Campus Drive, Suite 106, Kalamazoo, MI, spoke on behalf of the petitioner. He stated the original intent was to submit a rezoning application for a one-lot subdivision, but after discussion with City staff, the City requested that the entire 4.6 acres be rezoned, including the corner parcel. He explained the corner parcel is under separate ownership from the "L" shaped parcel, so they are working with multiple owners. He noted that the preliminary plat will be submitted with Lot 1 only at this time and located on the north side of the development. After further discussion with Staff, it was determined an overall site plan would be required and that is what has been submitted for review today. There is presently no interest in Lots 2 or 3 and they are subject to change as the owners would like to keep their options open. He explained they would like to proceed with Lot 1, noting that items listed by Ms. Yoder would apply to all lots.

Mr. Rossell stated as part of their application both sides have agreed to prohibit some of the B-3 uses and would likely be open to prohibiting a few more. He asked for clarification and specifics from Staff regarding some of their additional recommended prohibited uses.

Access to the site was mentioned by the petitioner as a possible concern. He stated there are currently two separate owners, with the potential of more since the north lot will be sold off. He pointed out Lot 3, the small corner parcel, currently has one curb cut. In discussion with the City Engineer, they were told the City only wanted two drive cuts along Indiana Avenue, both located across the street from existing church drives. These drives have been shown on Lots 1 and 2, but because they do not know what will go in next door, they are hesitant to agree to cross access. They would also like to keep the existing curb cut on the southern parcel because these lots have different owners and they do not know how development will proceed.

Addressing the no access from Plymouth Avenue, Mr. Rossell stated he understands the request, but doesn't feel they can agree to this restriction. He pointed out this is a DOT road, they would like to opportunity to present a plan to them for approval. He stated they feel confident DOT would consider a right in/right out cut along Plymouth Avenue. He stated he understands this approval might not be granted by the DOT, but would like to have this as an option if DOT agrees.

Mr. Rossell stated their request regarding signs is to permit a separate monument style sign for each lot.

Addressing the request for a sidewalk to be installed along Plymouth Avenue, Mr. Rossell asked that this be deferred until those two lots have been developed.

Mr. McKee asked if monument signs would be placed along Plymouth Avenue.

Ms. Yoder responded this needs to be clarified because the Zoning Ordinance permits one freestanding sign per zoning lot and because one of the lots has two frontages, Commission members need to decide if they will allow one freestanding sign per zoning lot or if one sign will be allowed for each frontage.

Mr. McKee stated there appears to be a lot of uncertainty regarding Lots 2 and 3 and that makes a decision difficult.

*Audience Comments:*

Greg Hoogenboom, 1738 W Lincoln Avenue, Goshen, spoke in support of the petition. He stated they own the small corner parcel. He stated they have nothing in mind for the lot at this time, but feel they need the PUD in order to give them options.

David Daugherty, 1101 Park Meadows Drive, Goshen, also spoke in support of the petition. He stated he lives nearby and feels this commercial use would be beneficial to the area.

Terry Wiley, 1212 White Oak Drive, Goshen, spoke in opposition to the petition. She stated she also lives in the area and is not in favor of this request. She noted she works at Goshen Middle School and traffic in the area is already congested. She has major concerns regarding extra traffic.

*Close public hearing*

*Staff Discussion:*

Ms. Yoder responded to Mr. Rossell's request for clarification regarding additional prohibited uses. She explained that farm implement sales and service refers to large equipment. She noted lawn mower sales and service is classified differently. She also explained that a utility company installation would be a substation, not a utility office. Office uses would be permitted in this PUD.

Noting the audience comment regarding excessive traffic, Mr. Holtzinger asked if the existing streets are capable of handling additional vehicles.

Ms. Biek stated she feels the installation of an additional sidewalk will help because there is a pedestrian signal there that can be used without a school crossing guard, but noted that will need to be looked at. She went on to say she has concerns regarding the three access points on Indiana Avenue, feeling it will likely cause more congestion. She stated her preference is for the third curb cut to be eliminated and access contained within the site with a cross access agreement.

Ms. Yoder pointed out a traffic study should be required so a determination can be made regarding improvements along Indiana Avenue and this study should be the responsibility of the developer, not the City.

Mr. McKee stated traffic continues to grow in this area and it's anticipated that the county will install a traffic signal at the intersection of Indiana and CR 38 in the next couple years. He voiced concerns that this area might be congested with both vehicles and children from the neighboring school.

Mr. Ortiz commented that a left turn lane from Indiana Avenue would be critical and should be considered.

Ms. Yoder commented that Mr. Rossell does not want the no-access restriction and pointed out it might be possible for them to submit a preliminary plan to INDOT. This is not something that can be delayed as it should be part of the Subdivision.

Ms. Garber stated she is not in favor of access from Plymouth Avenue.

Mr. Rossell stated they understand the traffic concerns along Plymouth Avenue and the only access they would consider would be a right in/right out access.

*Action:*

A motion was made and seconded, King/Holtzinger, to forward a favorable recommendation to the Goshen Common Council for 17-01R and PUD preliminary site plan approval, based upon Staff Analysis, with the

requirement that a traffic study be provided to, and evaluated by Goshen Engineering, to determine whether improvements on Indiana Avenue are required as part of the development. The study and evaluation shall occur before final approval is granted for the first site plan and prior to the granting of secondary subdivision approval. The motion passed unanimously by a vote of 7-0.

**IX. Major Commercial Subdivision, Primary Approval (public hearing)**

**17-01SUB** - Julia Ann Ramer, Elmer & Diane Stealy, MA Investments, Goshen 119 Partners, LLC, and AR Engineering, LLC, request primary approval of a three-lot major commercial subdivision. The subject property is two tax parcels, generally located on the northeast corner of Plymouth Avenue and Indiana Avenue, containing ± 4.617 acres, currently zoned Agricultural A-1, with a pending rezoning application for Commercial B-3PUD (Planned Unit Development).

*Staff Report:*

Ms. Yoder explained this is the subdivision portion of the site discussed in the previous rezoning case. She reminded Commission members there are two steps of approval, primary and secondary. The primary subdivision is intended to show the overall plan; secondary subdivision has the individual lots to be recorded. She explained this is tied to the rezoning and the PUD, and is dependent on that approval. Any conditions of the PUD that might impact the subdivision would also have to be taken into account. She explained to Commission members that several deficiencies were observed when evaluating plans for the primary subdivision, noting additional information will be required before secondary subdivision approval is granted. She stated this also relates to access and the recommendation is for two access points only along Indiana Avenue. Cross access easements should also be included.

Staff recommends primary approval of the three lot subdivision with several conditions, including the addition to number 13 that cross access easements be platted with the subdivision. She also listed the conditions that must be met before construction can begin for each site.

*Petitioner Presentation:*

Andrew Rossell, AR Engineering, 4664 Campus Dr, Suite 106, Kalamazoo, MI, spoke on behalf of the petitioner. He stated it was first necessary to comment on the previous case as they cannot have this forwarded to the Council without the items that were discussed settled among all of the parties.

Ms. Yoder replied that can be discussed following the meeting and they can determine at what point they are ready to move forward to the Council.

Mr. Rossell stated they are fine with submitting the traffic data, but if the requirement for no access is recommended to the City Council, then all of their parties must agree to that and that is something they will all need to discuss. He pointed out these are major issues and there are several parties involved. He stated if the Commission's decision is to accept Staff's recommendation, he would like this request tabled. He stated the parties need additional time to review and address all of the concerns.

Ms. Yoder stated that because the PUD and these conditions are nearly the same, and because there has already been a favorable recommendation for the PUD, the subdivision should probably be tabled and the petitioners need to decide how they wish to move forward. They can make their own recommendation to the Council and we can come back to the subdivision when they're ready to proceed.

Attorney Kolbus stated it's unlikely the Plan Commission would send a recommendation to Council with one set of conditions and approve this with a different set. It would probably be wise to table the subdivision until everything has been worked out and then come back for this approval.

Mr. McKee stated if this is tabled, it might get the parties involved to sit down and come to a decision on how they wish to proceed.

Ms. Yoder noted that the no access easement along Plymouth Avenue could be conditional, based upon INDOT’s review. She explained that on an arterial street, the Subdivision Ordinance requires a no access easement, but if allowed by INDOT, the subdivision could be changed based upon INDOT’s review.

Mr. Rossell noted before it could move forward, all parties would need to come to an agreement regarding the cross access agreement as well.

Ms. Yoder noted if tabled she feels it should be advertised again as a public hearing with notices mailed so the public is aware of what is going on.

Mr. Rossell stated they have no problem with that recommendation.

*Action:*

A motion was made and seconded, Holtzinger/McKee, to table 17-01SUB and re-advertise, based upon the petitioner’s request. The motion passed unanimously by a vote of 7-0.

**X. Audience Items**  
None

**XI. Staff/Board Items**

- *Residency form for John King, Citizen Member Re-Appointment*

Ms. Yoder noted that a residency form (*Exhibit SB #1*) was received for John King and asked that it be entered into the record.

- *Permission to Amend the Zoning Ordinance for General Updates*

Ms. Yoder asked the Commission to allow the Planning office to prepare an amendment to the Zoning Ordinance for general updates and to make the review process smoother, with less need for variances.

*Action:*

A motion was made and seconded, Holtzinger/King, to grant permission to the Planning Office to prepare an amendment to the Zoning Ordinance for general updates. The motion passed unanimously by a vote of 7-0.

**XII. Adjournment – 5:23 pm McKee/Biek**

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