

Minutes - Goshen Plan Commission
Tuesday, March 21, 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, Aracelia Manriquez, James Wellington and Tom Holtzinger. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: John King

II. Approval of minutes of 1/17/17 – Holtzinger/Wellington 8-0

III. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Holtzinger/Wellington 8-0

IV. Postponements/Withdrawals: None

V. Major Commercial Subdivision, Primary Approval (public hearing) **Tabled from 1/17/17**
WITHDRAWN-Withdrawal accepted by Plan Commission Staff

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 Staff has accepted the withdrawal of 17-01SUB, as allowed by the Rules of Procedure. This case was tabled at the 1/17/17 meeting.

VI. Major Commercial Subdivision, Primary Approval (public hearing)

17-02SUB – The City of Goshen and Abonmarche request primary approval of a two lot major commercial subdivision. The subject property is currently one tax parcel, containing ± 1.381 acres, generally located at 315 W Washington Street, and zoned Commercial B-2 District.

Staff Report:

Ms. Yoder explained this is a major commercial subdivision, which will be approved in two phases, consisting of primary and secondary approval. The subject property is currently developed and includes the former NIPSCO building, now Goshen Brewing, along with a portion of a City owned parking lot and a new section of Washington Street which will be dedicated as part of the subdivision. The property is being subdivided to establish a lot for Goshen Brewing. The City has an agreement to transfer that property at a later date. A portion of the proposed subdivision is within the special flood hazard area, including the floodway, so as part of the primary subdivision plan it was reviewed by the Indiana DNR. No revisions were required and the proposed lots meet the B-2 requirements. Staff recommends that the Plan Commission grant primary approval with conditions.

Petitioner Presentation:

Becky Hershberger, Goshen Redevelopment Commission, spoke on behalf of the petitioner. She stated the lease with Goshen Brewing was executed in 2012, with an option to purchase. That purchase option is anticipated in 2021. Although this is early, Goshen Brewing has proposed plans to expand in the next year or so and this is a good time to establish proper lot lines, so they know what restrictions there are.

Mr. Wellington asked for clarification regarding the City's plan to retain a portion of the property.

Ms. Hershberger stated the City will keep the parking lot and dedicate the roadway that leads to the parking lot.

Mr. Wellington asked why the City is retaining ownership of the parking lot.

Ms. Hershberger stated it is a public parking lot and is utilized by Interra Credit Union and acts as a trailhead for the Millrace Trail.

Ms. Yoder added that this subdivision is only part of the parking lot so the City wants to retain the entire lot and the dedicated public street that leads into the lot.

Audience Comments:

There was no one to speak to the petition.

Close public hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant primary approval of a two lot major commercial subdivision for 17-02SUB, based upon Staff Analysis and with conditions listed in the Staff Report. The motion passed unanimously by a vote of 8-0.

VII. Text Amendment to the Goshen Zoning Ordinance (public hearing)

17-010A – A text amendment to the Goshen Zoning Ordinance, Ordinance 3011, to make routine corrections and edits, and to make updates to clarify solar energy system review, to review maximum accessory height in relation to the height of the primary building in certain districts, to allow outside display in the B-2 District, to address a discrepancy for outside storage adjacent to residential use/zoning in the M-1 District, to remove Board of Zoning Appeals (BZA) review of routine development in the regulatory floodplain, to allow parking of recreational vehicles, boats and boat trailers behind the front line of a residential dwelling, to address a discrepancy for parking calculations, to review residential detached accessory building area in relation to the building footprint of the residential dwelling, to update the conditional use for child care centers to allow in all zoning districts, to address a discrepancy in required child care center parking, to update the conditional use for parks, playgrounds, tot lots and golf courses to allow in all zoning districts, to clarify repair shop requirements, and to update BZA variance procedures based on state statute language.

Staff Report:

Ms. Yoder gave a brief overview, noting that a lot of these changes are routine edits and corrections. She outlined some of the more substantial changes with a few of the highlights noted below:

- Proposed changes to height regulations in all zoning districts except for the B-2 District, explaining that the goal is to streamline the approval process and reduce unnecessary items going to the BZA.
- Discussed allowing outside display/sale of merchandise in the B-2 Central Business District on sidewalks, if it has been approved by the Board of Works and meets setbacks.
- In the flood control district, it is proposed to remove BZA review for routine development because it is not required by model ordinance or by FEMA DNR regulations. Any variances from the flood district requirements would still require BZA approval.
- A provision to allow RV and boat parking behind the front wall of a residential home, in place of the requirement that it be located behind the rear wall of the home. Setback requirements would have to be met and improved surface would be required.
- A change to accessory uses would compare the total detached accessory building area to the total area of the primary building. It is also requested that swimming pools be eliminated from the calculation of detached accessory area.

- A proposal is also included to allow child care centers and parks/playgrounds in all zoning districts, noting that they would remain as conditional uses. A parking discrepancy would also be addressed for child care centers.

Audience Comments:

There was no one to speak to the petition.

Close public hearing

Staff Discussion:

Attorney Kolbus noted that a lot of this is what Staff refers to as “clean up” and that it’s something we try to do on an annual basis.

Ms. Garber pointed out several punctuation errors; Ms. Yoder replied they would be changed.

Ms. Yoder noted this is a recommendation to the Council.

Action:

A motion was made and seconded, Wellington/Holtzinger, to forward a favorable recommendation to the Goshen Common Council for 17-01OA, based upon Staff Analysis. The motion passed unanimously by a vote of 8-0.

VIII. Audience Items

None

IX. Staff/Board Items

17-01R, Rezoning and PUD Preliminary Site Plan Approval, favorable recommendation to Council

Ordinance 4896 was rejected by Council, 0-7, on March 7, 2017, per IC 36-7-4-607(e)(4) the proposal must be returned to the Plan Commission for consideration of the rejection.

Ms. Yoder explained this case was heard by the Plan Commission and a favorable recommendation was forwarded to the City Council. She explained it was rejected by the Council, by a vote of 0-7 on March 7, 2017. Indiana Code requirements state if the Council rejects the proposal, it must return to the Plan Commission for consideration of the rejection. She noted a memo from the Council president was included in the packets, explaining why the ordinance was rejected. She explained the Commission needs to decide if they will affirm the Council’s action.

Mr. McKee stated that there was a large public turnout for the meeting and they voiced concerns regarding traffic and access. The petitioner stated there was no reason for the Council to approve this if they had to meet the Plan Commission recommendation because they were not interested in proceeding with the restrictions imposed by the approval. He stated the Council felt this was not a good fit for the neighborhood.

Action:

A motion was made and seconded, Wellington/McKee, to acknowledge the decision of the Council. The motion passed unanimously by a vote of 8-0.

X. Adjournment – 4:32 pm

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Connie Garber, President

Tom Holtzinger, Secretary