

Minutes - Goshen Plan Commission
Tuesday, May 15, 2018 - 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, Jim McKee, Joe McCorkel, Leslie Biek, James Wellington, Tom Holtzinger, and Aracelia Manriquez. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: John King, Rolando Ortiz

II. Approval of minutes of 4/17/18 – Wellington/Holtzinger 7-0

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

IV. Postponements/Withdrawals
None

V. Rezoning (public hearing)

18-04R – Synergy Leasing, LLC, and Abonmarche Consultants, Inc., request a rezoning from Agricultural A-1 District to Industrial M-1 District for an RV storage lot, for approximately 16.231 acres, generally located on the south side of Kercher Road, east of Dierdorff Road, a portion of the property with a common address of 2216 E Kercher Road.

Staff Report:

Ms. Yoder explained this property is part of the larger 2216 E Kercher property that contains five tax parcels. She explained that one parcel is already zoned M-1 and a portion of the property that provides access to the residential property at 2032 E Kercher is not included in the rezoning request and will remain Agricultural A-1. The M-1 district standards will apply and can be met in the area to be rezoned, including setbacks and landscaping. The final site plan will need some adjustments because the 100' setback for outside storage was not located properly. Staff recommends a favorable recommendation be sent to the Council for the rezoning.

Petitioner Presentation:

Brad Mosness, Abonmarche Consultants, 1009 S 9th Street, spoke on behalf of the petitioner. He noted that Synergy Leasing owns the RV storage lot directly east of this site and they need more storage. He pointed out one of their largest clients is Keystone RV and they are located next door, making this an ideal location. He stated they have worked with City staff to provide additional right-of-way for the widening of Kercher Road. He and Kyle Newcomer of Synergy Leasing are available to answer any questions.

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 forward a favorable recommendation to the City Council for 18-04R, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 7-0.

VI. Rezoning (public hearing item)

18-05R – Casey’s Marketing Company, Farnsworth Group, Inc., Elmer & Diane Stealy, and MA Investments request a rezoning from Agricultural A-1 District to Commercial B-3 District for the construction of a new convenience store with fuel station. The subject property is two tax parcels, approximately 4.616 acres, generally located on the northeast corner of Plymouth Avenue and Indiana Avenue.

Staff Report:

Ms. Yoder explained this is for two tax parcels, under separate ownership with approximately 404’ of frontage along Plymouth Avenue and approximately 489’ of frontage along Indiana Avenue. Land use in the immediate area is a mix of residential, institutional, and commercial. This proposal is for a Casey’s convenience store with fuel station and the entire property would be under one ownership. Fuel stations like the one proposed today are a conditional use in the Commercial B-3 zoning district, meaning they must meet specific developmental requirements, in addition to those in the underlying zoning district. She referred to a list of conditional use requirements included in the Plan Commission packet. She discussed developmental requirements for the site, noting that as proposed, the site plan will meet all of the setbacks and landscaping requirements. She explained two access points are proposed; one along Indiana Avenue which will align with the existing, south church access and the second access which would be a right in/right out access on Plymouth Avenue. She explained the applicant has been working with both the City and INDOT on these access points and additional right-of-way will be dedicated along both streets. The applicant will be responsible for the cost of these improvements. A southbound turn lane will be added along Indiana Avenue for the access with a deceleration lane from the south for the Indiana Avenue access. The Plymouth Avenue access will be designed per INDOT standards.

The applicant has completed a traffic impact analysis, which has been submitted to the City and INDOT for review. That study is the basis for the required improvements and the right-of-way dedication along Plymouth Avenue was based upon that traffic study.

An existing sidewalk will be relocated as needed and a new 10’ sidewalk will be added along Plymouth Avenue.

She reminded Commission members that this site was previously presented to Commission members and at that time, traffic was a big concern. In this case, the traffic impact study was done up front. She also noted the Goshen Middle School has challenges with their traffic and they are meeting with City representatives to address those issues.

She pointed out 14 notices were mailed to neighboring property owners which resulted in two phone calls. Those calls cited lighting, foot traffic, underground fuel tanks, and competition to the existing gas station. One email was received which cited environmental concerns, safety and traffic concerns, and lack of compatibility with the character of the community as their objection to the rezoning request. One letter of support was received. A copy of the email and letter were provided to Commission members, the petitioner, and media.

Staff recommends a favorable recommendation be forwarded to the City Council.

Petitioner Presentation:

Jared Lesser, 8770 Commerce Park Place, Indianapolis, IN, spoke on behalf of the petitioner. He introduced Alex Schilling of Casey’s and announced they would present a PowerPoint which would hopefully address some of the previous concerns or issues from the previous developer. The PowerPoint gave an example of what the building would look like and Jared explained that Casey’s maintains corporate ownership which allows them to control training, cleanliness, operations, etc., and results in a consistent facility. He provided company statistics including locations, number of employees, tax revenue, etc. He explained a typical store

has 20-25 employees, one manager and one or two assistant managers.

He explained this property contains 4.6 acres and the proposal is to develop the south end of the site. He understands there are concerns regarding traffic, landscaping, lighting, fuel tanks, and drainage. He stated a traffic impact analysis was submitted on February 6. During a February 27 predevelopment meeting, additional improvements were requested. The updated traffic impact analysis was resubmitted to both INDOT and the City and included all of the requested changes.

His presentation described the proposed changes to Indiana Avenue and Plymouth Avenue as outlined in Ms. Yoder's Staff Report. He explained they will work closely with INDOT to make sure the traffic signal is placed correctly once changes are made to the two streets. He noted a turn lane has been increased in size, the pedestrian traffic has been moved farther away from the travel lanes, and additional right-of-way will be dedicated to allow for curbs and drainage structures to allow the intersection to function properly.

He noted a major concern was keeping traffic from crossing over three lanes of traffic to turn into the facility. The proposal is to install a 6" curb median. He stated INDOT generally requires 75' in each direction from the approach, but in this case they required 75' east and striping the rest of the way to the intersection. He stated that because of the nearby middle school, they have elected to move this 240' and will restripe accordingly. He explained that additional right-of-way will also be dedicated along Indiana Avenue and more stacking will be available for the left turn lane.

He discussed the lighting plan, indicating that there should be no light pollution to the property to the east and should not be a distraction to drivers or pedestrians either.

The landscape plan was also discussed, indicating that the landscaping will meet all of the requirements.

Jared explained how the newer storage tanks are designed, pointing out that they are double-wall fiberglass with sensors in the bottom between the two layers. If any leak occurs in the first wall, the sensor will signal both the corporate office and the store, and all operations are immediately shut off. All fuel pumps will shut off and will remain closed until the problem has been remedied.

Regarding drainage for this site, he noted that there is plenty of room here and drainage will not be an issue. He explained that the proposed detention basin will be constructed to handle runoff from the Casey's site only and they have no plans to subdivide; however, if that were to happen, any new owner would be responsible for their own water management.

Mr. Holtzinger asked if this location will have a carwash.

Mr. Lesser stated he is not aware of any plans to include a carwash.

Alex Schelling, Indianapolis, IN, also spoke to the petition. He stated he is a representative of Casey's and although there are some Casey's locations with carwashes, they are acquisitions and the prospect of a carwash at this location is not likely.

Mr. Holtzinger asked about the 6" curb that was mentioned along Indiana Avenue, questioning if it was the same height as the existing island.

Mr. Lesser stated that yes, it is the same height, and is the INDOT standard. He stated they are willing to explore this, based upon the City's recommendation.

Ms. Biek noted that Elkhart had taller curbs installed for one of their projects which caused cars to scrape.

Mr. Lesser pointed out the 6" curb should get their attention without damaging their vehicle and felt it would be best to stick with the INDOT standards when possible.

Audience Comments:

Timothy and Beverly Moles, 815 W Plymouth Avenue, spoke in opposition to the petition. Ms. Moles stated they are the neighbors immediately east of the site. She asked for clarification on where the turning lane will begin, in relation to her home, what the lot coverage will be, and if there will be a sidewalk along Plymouth Avenue. Mr. Moles stated he's concerned about foot traffic crossing their property to get to Casey's. He also voiced concerns regarding additional traffic, kids in the area, and existing drainage issues. He is concerned that this construction will lead to more water on his property.

A.J. Lane, 1010 W Plymouth Avenue, also spoke in opposition to the petition. He stated he is a business owner and this is a unique piece of property. He commented that this is in the middle of a residential area and this proposal is not suited for this area because of traffic and safety issues. He stated that he has been speaking with the pastor of the church across the street and the pastor has allowed him to speak on his behalf. He went on to say the church does not want this here and that the pastor also works on the fire department. He stated the pastor told him there is at least one fender-bender every other week at this intersection and the pastor is concerned that there will be more accidents here. Mr. Lane stated traffic is backed up now and turn lanes will not help this. He pointed out that a new middle school will be going in at the other corner which will cause even more traffic.

Ms. Garber pointed out the new middle school will be a mile away.

Mr. Lane stated that will mean additional busses on the road. He went on to say he is not opposed to a business located there, but does not want a high volume business.

Mr. Holtzinger pointed out there is a gas station across the street and asked how it's ok for a gas station on one corner, but not another.

Mr. Lane pointed out the existing station was built over 30 years ago and he feels this intersection is built up enough. He stated this will be an extra thousand cars in and out every day.

Mary Martinez, 918 S Indiana Avenue, also spoke in opposition to the petition. She asked what the operating hours will be and has concerns about her property value. She also voiced concerns that the proposed landscaping would impact her ability to safely pull out of her driveway.

Gayle Lane, 19593 CR 146, New Paris, also spoke in opposition to the petition. She asked if alcohol and tobacco products will be sold at this location.

Petitioner Rebuttal:

Mr. Lesser stated they will abide by state law regarding the sale of alcohol, cigarettes, etc.

Mr. Wellington asked if they will or will not sell alcohol and tobacco.

Mr. Lesser responded that yes, they will have alcohol and tobacco sales. He pointed out that Casey's has mystery shoppers in place that are sent into stores, attempting to purchase alcohol and tobacco products illegally. He also pointed out the existing gas station across the street sells beer and cigarettes.

Regarding the safety concerns, he stated he feels they have been addressed by moving the multi-use path away from the faster driving lanes, the turning lanes into the school are 12' closer and the cars will be moving slower by the time they get to the entrance. The 6" curb median will also play a role by keeping cars from making U-turns and the Indiana driveway has been lined up with that of the church across the street to make it a safer area as well.

He stated he is unsure what the lot coverage is for the proposed Casey's, but stated it is less than half of the site.

Mr. Schelling stated initial hours of operation will likely be from 5:00 am to 11:00 pm. Hours will be adjusted based upon traffic and what is most beneficial, but it is unlikely this will ever be a 24-hour store.

Ms. Biek asked what the traffic impact study found regarding additional traffic.

Mr. Lesser stated the traffic impact study found an additional 50 to 70 trips would be generated, not thousands of additional cars as mentioned by the audience member. He pointed out that this also accounts for cars already on the road that will be using the gas station.

Ms. Yoder noted there were audience questions asking if a sidewalk would be installed along Plymouth Avenue and she responded that there will be a sidewalk. Another question concerned drainage, and she noted that the petitioner stated previously that drainage will be retained on Casey's property. Another question regarded the line of sight along Indiana Avenue and proposed landscaping to which Mr. Lesser stated the vision clearance area will be observed.

Ms. Yoder pointed out details for landscaping, drainage, signs, and lighting will be reviewed through the City's Technical Review Process if this request moves forward. While these concerns are valid, the details will be worked out during the City's review process.

Close public hearing

Staff Discussion:

Mr. Wellington stated he does not feel the community needs this and that traffic is already a concern. He stated he does not feel this is a good use of the land, especially since this use already exists across the street.

Mr. Holtzinger stated it's not for him to judge if this is a good economical spot and asked what's to preclude a gas station from being on the other corner.

Action:

A motion was made and seconded, Wellington/McCorkel, to forward an unfavorable recommendation to the Goshen Common Council for 18-05R. A roll call vote was requested with the following outcome: Biek, no; Wellington, yes; Manriquez, yes; McCorkel, yes; Holtzinger, no; McKee, no; Garber, yes. The motion failed to pass by a vote of 4-3.

Action:

A motion was made and seconded, Wellington/Holtzinger, to forward no recommendation to the Goshen Common Council for 18-05R. A roll call vote was requested with the following outcome: Biek, yes; Wellington, yes; Manriquez, yes; McCorkel, yes; Holtzinger, yes; McKee, yes; Garber, yes. The motion passed unanimously by a vote of 7-0.

VII. Partial Plat Vacation (public hearing item)

18-01V – Blue Diamond Development Communities, LLC, and Advanced Land Surveying of Northern Indiana, Inc., request a partial plat vacation to reduce a platted front yard building setback from 25' to 21' for lots 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A and 7B, to accommodate design and development of single-family attached homes, with an adequate size home and a uniform look. The subject property is generally located on the north side of Clover Creek Lane, west of Northstone Road, in Maplewood Estates subdivision and is zoned Residential R-3 District.

Staff Report:

Ms. Yoder explained this is for ten lots in the Replat of Maplewood Estates. She referred to the site plan which shows five structures, each having two single-family attached dwelling units, for a total of ten single-family attached units, each on their own lot. She pointed out that each lot is approximately 150 feet deep with a 65 foot nonexclusive utility easement along the rear. With a platted 25' front setback, that reduces the developable area to approximately 60' in depth. The lots are also 39' in width which is narrow, but exceeds the required 20' minimum. A partial plat vacation requires that all owners in the subdivision be notified and that the decision be recorded with the Records Office.

This request is to reduce the platted front building setback from 25' to 21' for these ten undeveloped lots. She noted that setbacks are measured from the furthest projection of the structure so the most significant impact will be a shorter driveway. The site plan also shows an encroachment into the 65' rear easement for 8'x10' concrete patios and 3'x4' egress window well for each lot. This encroachment will require approval from the easement holders which includes NIPSCO, AEP, and AT&T, noting that a letter has been received from NIPSCO. She explained for this encroachment a confirmation of commitment will be required for each transfer of property to ensure that all property owners are aware of the encroachment and what the requirements are concerning removal or damage to their property. A draft form is included in packets. She explained the letters of no objection must be received from all easement holders before any zoning clearance forms are signed and the confirmation of commitment form must be included with the closing documents for each property. Staff recommends approval of the requested partial plat vacation.

Petitioner Presentation:

Tonya Detweiler, 1630 Timberline Drive, Goshen, spoke on behalf of the petitioner. She explained she is the developer of Maplewood Estates, and she has spoken with AEP and received a letter from them stating the encroachment into the easement of 8' is not an issue. She stated she was told the 65' easement made it unlikely they would need to dig to within 8' of a house. She went on to say she supports being clear with homeowners that it would be at their expense if that ever happened.

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 approve 18-01V based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 7-0.

VIII. Rezoning (public hearing item)

18-06R – LaCasa, Inc., and 1st Source Bank request a rezoning from Residential R-3PUD and Residential R-2PUD District to Residential R-3 District, to remove the Planned Unit Development (PUD) known as The Oaks and create a single zoning district, for the construction of single-family attached and multi-family dwelling units. The subject property is approximately 6.33 acres, generally located on the south side of the 700 block of Middlebury Street, east of Olive Street and west of Steury Avenue.

Staff Report:

Ms. Yoder explained this rezoning is not a change to the land use, but will remove the Planned Unit Development (PUD) and create one zoning district. She noted the PUD was established in 2008 along with a primary subdivision, but no development has occurred and no plans have been submitted. The R-3 zoning will not change the land use for the site. She explained the original plan was for a mix of single-family attached dwellings, duplex, and 4-unit apartments. The new proposal is basically the same, but the configuration of the buildings has changed. Fourteen single-family attached units are now proposed, along with a total of 20 multifamily units (four, five-unit dwellings). She explained the single-family attached units will be nearest to Middlebury Street, with the multifamily units to the south.

She explained the PUD has very few conditions not already part of the Zoning and Subdivision Ordinances and the single R-3 District will simplify the review and management process. The site plan shows all developmental requirements can be met. She stated that 21 notices were mailed, with one person visiting the

Planning Office to get a copy of the site plan and one phone call voicing traffic concerns and non-profit ownership. Staff recommends a favorable recommendation be forwarded to the City Council.

Petitioner Presentation:

Brad Hunsberger, LaCasa, Inc., 202 N Cottage, spoke on behalf of the petitioner. He stated when they looked at this property and discussed with zoning staff, they felt the straight R-3 zoning would be appropriate and would make things simpler. He pointed out there is a housing crunch in this area and this development will provide 34 units of workforce housing.

Audience Comments:

Greg Lehman, 806 Middlebury Street, spoke to the petition. He stated he is not speaking for or against the petition, but has questions. He stated he has concerns that if the rezone is approved and LaCasa fails to obtain funding, the property could be resold and high density apartments could be built on the property. He asked if the R-2 could be retained in the front to ensure it would match the neighborhood and keep the R-3 zoning in the back. He also questioned if the R-3 zoning would set a precedent in the neighborhood. He noted the site plan indicates a six foot privacy fence along the west property line, but there doesn't appear to be one on his (east) side. He voiced his concern that tenants in the new apartments will be able to look over the top of a six foot fence into neighboring yards. He pointed out that eight foot fences are allowed in Goshen and asked if the fences could be required with a height of eight feet. He asked that they add an additional 165 feet of fencing to his side of the property since he's not aware of any fencing along the east side of the property.

Marsha Mast, 708 Middlebury Street, spoke in opposition to the petition. She stated she has privacy concerns and concerns that people will be walking through her property.

Jessica Garcia, 710 Middlebury Street, also spoke in opposition to the petition. She also voiced privacy concerns and stated she agrees with Mr. Lehman that if they already intend to install a six foot fence, that an eight foot fence should not be unreasonable. She also raised concerns that this might affect her property value.

Petitioner Rebuttal:

Mr. Hunsberger stated the bulk of the comments seem to be around privacy and security. He noted they proposed the 6' fence along the west property line to help with privacy concerns and an 8' fence would increase the cost significantly. He stated they could consider a portion, approximately 100-150 feet to be at 8', but in order to hold down cost, the remainder of the fence would have to be 6'. He noted part of the reason they proposed a fence is to keep the pedestrian traffic off of neighboring properties. He pointed out City sidewalks are required along Middlebury Street and that will also direct foot traffic away from neighboring properties. Regarding the property to the east, he noted they haven't considered it because it is wooded and there is an existing chain link fence and wetlands. He stated they can take a second look at it, but didn't feel it was as close as the neighboring properties to the west. He pointed out this will be a taxable property much like the Hawks Building.

Mr. McKee asked if these will be Section 8 properties.

Mr. Hunsberger stated Section 8 for the apartments is an opportunity for those with Section 8 vouchers.

Mr. Wellington asked about the fence along the east side of the property.

Mr. Hunsberger stated there is a chain link fence to the south of Mr. Lehman's property, but they could consider a fence along his property to where the chain link fence begins.

Ms. Yoder pointed out the adjacent land uses here are the same.

Close public hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/McKee, to forward a favorable recommendation to the Goshen Common Council for 18-06R, based upon the Staff Analysis and with the conditions listed in the Staff Report to include an eight foot fence along the east property line, traveling south until it meets with the existing chain-link fence.

Ms. Garber stated the motion asked for an 8’ fence, but she understood the petitioner to say a 6’ fence.

Mr. Wellington stated the petitioner was talking about the majority of the 1,000 feet, but he stated he was willing to install some eight foot fence so he assumed the petitioner would be ok with this part close to Middlebury Street.

Mr. Hunsberger stressed the proposal is for adjacent to similar uses and the proposed fence along the west was designed to move the foot traffic to Middlebury Street. He went on to say the addition of an 8’ fence along the east side of the property is an additional expense that seems unreasonable. He went on to say an 8’ fence along the west side also seems unreasonable as a 6’ fence will divert the foot traffic away from adjacent private property.

Mr. McKee pointed out that privacy was part of the issue here.

Mr. Hunsberger stated this will be different from what is there now, but that will always be the case.

Mr. Wellington stated he feels his motion was clear and this can be discussed at council.

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

IX. *Audience Items*
None

X. *Staff/Board Items*
• *Council Proposal to Amend Zoning Ordinance*

Ms. Yoder explained the City Council made a proposal at their April 17th meeting to amend the Zoning Ordinance for child care homes. She noted their proposal was included in the Plan Commission packet. She explained when a zoning ordinance amendment begins at council, it has to be passed by the council in its entirety and not by one council member. It is then forwarded to the Plan Commission, followed by a public hearing within 60 days of receiving the proposal. A recommendation is then forwarded back to the council. Today’s action is notice that the proposal has been received by the Plan Commission and no further action is required by the Commission members today.

XI. *Adjournment – 5:34 pm*

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Connie Garber, President

Tom Holtzinger, Secretary