

Minutes - Goshen Plan Commission  
Tuesday, November 17, 2015 - 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, Rolando Ortiz, Mary Cripe, and John King. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: James Wellington, Tom Holtzinger, Aracelia Manriquez

**II.** Approval of minutes of 10/20/15 – McKee/King 6-0

**III.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: McKee/King 6-0

**IV.** Postponements/Withdrawals: Ms Yoder explained that 15-03R & 15-05MA has been withdrawn at the request of the petitioner, and per the Plan Commission Rules of Procedure. The petitioner sent notices of the withdrawal to everyone that received the original notice of public hearing.

**V. Rezoning, PUD Major Changes & PUD Preliminary Site Plan Approval** (*public hearings-tabled from the October 20, 2015 Plan Commission meeting*)

**15-03R & 15-05MA** – MBJM Properties, LLC, requests the rezoning of 2602 W. Wilden Avenue from Residential R-2 to Commercial B-3PUD, along with a PUD major change to add the property at 2602 W. Wilden Avenue to the Country Court Center PUD. A PUD major change is also requested to allow automobile service as a permitted use within the Country Court Center PUD on Lots 5A, 6A and 2602 W Wilden Avenue. PUD preliminary site plan approval is also requested. The subject property is generally located at 2602 W. Wilden Avenue, zoned Residential R-2, and at 2700 W. Wilden Avenue, zoned Commercial B-3 PUD (Planned Unit Development).

**\*\*\*Withdrawn by the petitioner.\*\*\***

**VI. Major Residential Subdivision, Primary Approval** (public hearing) **& PUD Final Site Plan Approval** (not a public hearing)

**15-11SUB** – William J. Long and Brads-Ko Engineering & Surveying, Inc., request primary approval of a 7-lot major residential subdivision, Park West 8 PUD. The subject property is generally located on the north side of Park West Drive, east of N. Greene Road, containing ±2.064 acres, and zoned Residential R-1 PUD (Planned Unit Development). PUD final site approval is also requested.

*Staff Report:*

Ms. Yoder explained this request is for primary approval of a seven-lot major residential subdivision and PUD final site plan approval, for Phase VIII of Park West PUD. Because no overall primary subdivision approval was granted, primary and secondary approvals are required with each new section of the subdivision.

*Primary Subdivision approval:*

This is a seven lot major subdivision for detached single family homes. The PUD does not reduce any of the R-1 developmental or use requirements, so all R-1 requirements must be met. Because

lots 86-89 do not meet the minimum width requirement of 66' per lot, a reduced lot width at the front lot line will need to be part of the PUD final site plan approval. Lot 88 does not meet the required 25' rear yard setback so the final building layout for this lot will need to be adjusted to meet the requirement. She noted the preliminary plan also has incorrect curve data labels and they will need to be corrected on the final preliminary plan.

Citing potential confusion, she advised the proposed street name, Park West Lane, be changed because of its similarity to an existing street, Park West Drive.

She outlined conditions to be met before secondary approval can be granted, including the submittal of an overall subdivision drainage plan and construction drawings for required site/infrastructure improvements. She also explained what requirements must be met before an approved plat can be recorded.

*PUD Final Site Plan:*

The requirements for PUD final site plan approval include allowing reduced lot sizes for Lots 86-89 as outlined above, the assurance of sidewalks constructed to City specifications and built at the expense of the developer, and large streetside trees which meet the Zoning Ordinance requirements.

*Petitioner Presentation:*

Barry Pharis, 1009 S 9<sup>th</sup> Street, Goshen, spoke on behalf of the petitioner. He stated the four lots with inadequate frontage are in a cul-de-sac and exceed the required frontage at the setback line where the house will be built. He stated they are aware of the difficulty with Lot 88 and understand they will need a specific house for that lot. Regarding the change of street name, they have chosen Williams Court to replace Park West Lane. He stated they will provide all the requested changes. He explained what options they have once plans have been reviewed and approved, noting they will determine at a later date if they wish to post a surety.

Ms. Yoder responded she will research the proposed street name to see if it will be suitable.

*Audience Comments:*

Tony Camacho, 502 Parkwood Court, Goshen, spoke in opposition to the petition. He stated he is concerned about safety and traffic issues, explaining there is not sufficient lighting and traffic has become heavier in the area. He also commented the lots near the retention pond are too small.

Ms. Yoder responded the lots in question are not near the retention pond, noting the proposed lots are on the north side of the street.

*Petitioner Rebuttal:*

Mr. Pharis stated there is no recorded preliminary plan, although they have the original 1987 preliminary sketch plan prepared by another firm, and explained they have followed that plan to the best of their abilities.

Regarding traffic, he noted the original plan indicated a connector street to the McDonald's area; however, since that time a retention pond has been created which blocks that area. He stated they have looked at this and do not want to allow through traffic from US33 to Greene Road. He stated their intention is to have entrances on Greene Road and Clinton Street. This will be a residential area in the future, with additional traffic, but it will be internal traffic only.

He noted the original PUD does not address street lights and only required post lights for the houses. If Engineering requires they install a street light, they will do so, but he pointed out they are generally located at intersections only and not in the cul-de-sac. He said it's his belief the PUD requires that each home have a front yard light.

Mr. Camacho responded he doesn't feel that yard lights offer sufficient lighting.

Glen Carpenter, 409 Park West Drive, also spoke to this petition. He stated he is president of the Park West Association and they are in favor of this. He pointed out they looked into obtaining street lights several years ago, but it was determined there was not enough traffic to justify one.

Jim Simmons, 1812 Park West Drive, also spoke to this petition. He stated that Pringle Street does not go through and he doesn't want it to connect with US33.

### *Close Public Hearing*

#### *Discussion:*

Ms. Yoder noted that the preliminary layout Mr. Pharis referred to earlier is on file and the current application is consistent with the preliminary PUD site plan.

#### *Action:*

A motion was made and seconded, King/McKee, to grant primary approval for 15-11SUB based upon the conditions listed in the Staff Analysis, with the addition of condition 10 which states a revised preliminary site plan shall be submitted with corrected curve data before secondary approval proceeds. The motion passed unanimously by a vote of 6-0.

#### *Action:*

A motion was made and seconded, King/McKee, to grant PUD Final Site Plan approval for 15-11SUB, based on the five conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 6-0.

## **VII. Major Residential Subdivision, Secondary Approval (not a public hearing)**

**15-06SUB** – MA Investments and Brads-Ko Engineering & Surveying, Inc., request secondary subdivision approval for the Villas at Waterford Commons Second, a 37-lot major residential subdivision. The subject property is generally located on the south side of Regent Street, west of Dierdorff Road and is zoned Residential R-1 PUD (Planned Unit Development).

#### *Staff Report:*

Ms. Yoder explained PUD Final Site Plan approval was granted in September of this year. Primary approval for this phase was granted in March 2006 and is now ready for secondary approval. This is a residential subdivision and Plan Commission approval is requested, based upon the conditions listed in the Staff Analysis. She noted secondary approval can be granted and the plat signed, but the plat cannot be recorded until we have a surety bond. She also requested a motion authorizing Vice-President Jim McKee to sign the plat in the absence of Secretary Tom Holtzinger.

#### *Petitioner Presentation:*

Barry Pharis, 1009 S 9<sup>th</sup> St, Goshen, spoke to the petition. He stated this is a mirror image of the subdivision on the north side of Regent Street. All approvals are in place and bids are expected by

Friday, November 20. The bids will be reviewed and once they determine they have a buildable plan, their client will likely post a surety and construction can begin.

*Discussion:*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, King/McKee, to grant secondary approval for 15-06 SUB based upon the four conditions listed in the Staff Analysis and to authorize Vice-President Jim McKee to sign the plat. The motion passed unanimously by a vote of 6-0.

**IX.** *Audience Items – None*

**X.** *Staff/Board Items –*

- *15-04MI, PUD Minor Change & PUD Final Site Plan Approval*

The PUD minor change and PUD final site plan approval granted for Thirty-Three Convenience Center PUD on September 15, 2015, to allow a 120 square foot building addition with a side yard setback of 0.5' where 7' is allowed by the PUD has not been able to obtain the required maintenance easement, a minimum of 5' in width, required to be established on the adjacent property to the north, so a revised site plan has been submitted with a 2.13' side yard setback. The subject property is generally located at 1828 Lincolnway East and is zoned Commercial B-3 PUD (Planned Unit Development).

*Staff Report:*

Ms. Yoder explained this is not a public hearing although Barry Pharis is here and can answer questions if necessary. In September of this year, a small building addition was approved and one of the conditions was that a five (5) foot maintenance easement be obtained from the adjacent property owner so they could maintain the building wall. That has not happened, so a slightly smaller building addition (4.5' x 20') has been submitted with a 2.13' setback along the north property line. The Plan Commission will need to decide if this revised setback, without the accompanying maintenance easement, will provide adequate area to maintain the building wall from the subject property. If the Plan Commission approves the setback without the easement requirement, the conditions will be modified from the previous approval. All other conditions will remain the same, including the requirement that Goshen Engineering must grant site plan approval.

*Discussion:*

Mr. McKee asked if this is a solid brick wall.

Ms. Yoder responded that yes, it's her understanding this is a solid block wall with no openings.

*Petitioner Presentation:*

Barry Pharis, 1009 S 9th Street, spoke to this request. He stated several years ago the owners to the west and Larry Stewart signed an agreement which is still in effect. The owner to the west gave a verbal approval that he would sign the new paperwork, but it was discovered the owner and his wife are both on the deed and his wife is very ill. Because of this, his attorney said she cannot sign any documents. Even though the previous agreement was never recorded, it is a binding agreement between the two parties. The attorney asked if they could work with 4.5 feet, which Mr. Stewart feels will give them room to maintain the wall. They have a signed agreement, but they do not have it recorded. He stated there are some questions concerning whether or not the previous agreement

can be recorded now. They're asking to reduce this setback to allow Larry's employees and computer equipment out of the driving aisle. He noted they will work with Goshen Engineering to satisfy the other issues.

*Action:*

A motion was made and seconded, King/McKee, to grant the amended request for a PUD minor change and PUD final site plan approval for 15-04MI based upon the conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 6-0.

- *2016 Plan Commission Schedule*

Ms. Yoder explained the 2016 Plan Commission calendar is included and asked for a motion.

*Action:*

A motion was made and seconded, McKee/King, to approve the 2016 Plan Commission schedule as presented. The motion passed unanimously by a vote of 6-0.

**XI.** *Adjournment* – 4:46 pm King/McKee

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