

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

II. Approval of minutes of 2/16/16 - 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: Ms. Yoder stated that the petitioner for Item V, 16-01MI is unable to be here today due to illness and asked that this petition be postponed until the May meeting.

Action:

A motion was made and seconded McKee/Holtzinger to postpone 16-01MI to the May, 2016 meeting. The motion passed unanimously by a vote of 8-0.

V. PUD Minor Change (not a public hearing)

16-01MI – Larimer Convenience, LLC, and Professional Permits, request a PUD minor change to permit replacement of the existing freestanding sign, with a freestanding sign that contains electronic pricing panels and an electronic message center sign panel, and to permit two new canopy (wall) signs, extending above the roof line of the canopy. The subject property is generally located at 1010 W Plymouth Avenue and is zoned Commercial B-3 PUD (Planned Unit Development).

Postponed to the May 17, 2016 meeting at the request of the petitioner.

VI. Zoning Ordinance Text Amendment (public hearing)

16-010A – City of Goshen Plan Commission requests a text amendment to the Goshen Zoning Ordinance regarding wireless communications service as required by House Enrolled Act No. 1318, establishing IC 8-1-32.3, Permits for Wireless Service Providers, and to add data communication towers as a separate conditional use.

Staff Report:

Ms. Yoder explained the Indiana General Assembly adopted legislation in 2015 which established IC 8-1-32.3 and became effective on January 1, 2016. This legislation is specifically for wireless communications service which is a very specific definition of wireless service licensed by the FCC. As a result of this legislation, we need to make a number of changes to the Goshen Zoning Ordinance. She noted she and Attorney Kolbus have made changes and a copy of the law and a copy of the changes are both included in the packets.

Ms. Yoder went on to explain that our current Zoning Ordinance regulates all towers under Section 4260, which is a zoning overlay district. Because the law is specific to wireless communications service (WCS), she proposes we keep WCS as part of Section 4260 and create a separate conditional use for data communication towers. Data communication towers are used by banks, schools, businesses, government agencies, etc., and are used for data communication. They are not cell towers and are licensed separately. Provided they meet the requirements, data communication towers would be permitted as a conditional use. She went on to explain the main changes in the legislation, which includes that no zoning review is permitted

for antennas and facilities attached to existing buildings and structures. No zoning review is permitted for changes to existing, approved cell towers and compounds, unless the changes are defined as a substantial modification. Another change to the law is that no zoning fee is permitted unless we charge a similar fee for all projects, so that fee will no longer be charged. The law also limits the amount of information that may be required as part of the WCS application. The Zoning Ordinance is being updated to require only the amount of information allowed by law. She requested that the Plan Commission forward a favorable recommendation to the Goshen Common Council.

Audience:

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 Goshen Common Council for 16-01OA based upon the Staff Analysis. The motion passed unanimously by a vote of 8-0.

IX. *Audience Items – None*

X. *Staff/Board Items –*

- *Goshen Plan Commission Written Order Approving the Declaratory Resolution and Economic Development Plan for the Consolidated River Race/US 33 Economic Development Area*

Ms. Yoder explained the first Staff/Board Item is the Goshen Plan Commission Written Order Approving the Declaratory Resolution and Economic Development Plan for the Consolidated River Race/US 33 Economic Development Area. She explained the entire written order and declaratory resolution is included in the packets. She gave a brief summary and noted that this plan conforms to the City's Comprehensive Plan. She also noted that Community Development Director, Mark Brinson is here to answer any questions.

Mark Brinson, 204 E Jefferson Street, Goshen, stated these projects are on their wish list and the only limitation at this time is money. He estimated the projects total approximately \$17 million dollars. He stated these are projects that they have identified and prioritized and most are fairly straightforward projects such as road improvements, infrastructure, bike paths, demolitions, Brownfield cleanups, etc.

Action:

A motion was made and seconded, Wellington/ Holtzinger, to approve the Written Order as being consistent with the City's Comprehensive Plan. The motion passed unanimously by a vote of 8-0.

- *Amendments to the Zoning Ordinance and Subdivision Ordinance for Changes to Streamline the Plan Commission Review Process*

Mr. McKee explained that one of the things we heard during the last election cycle was that it is difficult to do business with Goshen. He explained there have been numerous meetings between Attorney Kolbus, Zoning Administrator Rhonda Yoder and Mayor Stutsman. The handout that everyone has is an overview of what came from those meetings. He went on to explain that the Zoning and Subdivision Ordinances would change in order to streamline the process with builders. He stated we would like to authorize the zoning administrator to make some approvals without a public meeting, pointing out the Plan Commission can still

require a project to come back for review before the Commission. He noted the Plan Commission can still approve items at a public meeting without a public hearing under certain conditions. He stated we would also like to approve a formal minor change procedure for approved final site plans. The recommended change is to help expedite the process and allow the builder to begin work sooner.

Attorney Kolbus gave examples of how this change could streamline the process but reiterated Mr. McKee's statement that some projects could still come back before the Plan Commission if the Commission has concerns about a project. He pointed out today's request is to authorize a public hearing at next month's Plan Commission meeting. Among these changes is establishing a formal procedure for addressing minor changes. Because of new laws and court cases, parameters will be set in place and will specify exactly who can authorize approvals.

Mr. McKee stated it's his understanding from the mayor that developers are in favor of this process.

Mayor Jeremy Stutsman, 202 S 5th Street, Goshen, spoke in support of this petition. He stated he has met with developers and this idea came out of meeting with them. He stated this is not about keeping this from the public, but trying to get through the process quicker for businesses. He mentioned several of the developers are excited about this new process. He asked for the Commission members' support.

Action:

A motion was made and seconded, McKee/Holtzinger, to authorize the staff to prepare amendments to the Zoning and Subdivision Ordinances to streamline the Plan Commission review process by allowing the zoning administrator to perform certain secondary reviews and minor changes along the lines discussed at today's meeting and to set those changes for public hearing at next month's Plan Commission meeting. The motion passed unanimously by a vote of 8-0.

XI. Adjournment – 4:25 pm McCorkel/Wellington

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Connie Garber, President

Tom Holtzinger, Secretary