

Minutes - Goshen Plan Commission
Tuesday, May 17, 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, James Wellington, John King, Tom Holtzinger, and Aracelia Manriquez. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Mary Cripe
- II.** Approval of minutes of 4/19/16 – Holtzinger/Wellington 8-0
- III.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Holtzinger/King 8-0
- IV.** Postponements/Withdrawals: None
- V. PUD Minor Change** (not a public hearing) *postponed from the April 19, 2016 meeting*
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).

Staff Report:

Ms. Yoder explained this PUD was established in 1986 and amended in 1993 to add additional land, all while under the jurisdiction of Elkhart County. It was annexed into the City in 1996. She explained why Staff considers this a minor change. She noted the existing sign is 30 feet in height and 168 sf in area. The proposed freestanding sign would be 30 feet in height and 127 sf in area. There would be 68.5 sf of electronic sign area which includes the electronic message center and the pricing panels, for a total of 54 percent of the sign area. Based upon the Goshen Zoning Ordinance, this location is allowed a sign 20 feet in height and an area of 60 sf, with no more than 50 percent of the sign area as electronic message center. There is an exception in the ordinance which allows signs with electronic gas pricing panels to be greater than 50 percent for conforming signs, but not for non-conforming signs. An electronic message center may not be added to a non-conforming sign and per the zoning ordinance, canopy wall signs cannot extend above the canopy. She pointed out that since the original approvals were granted under the jurisdiction of the county we don't have all of the details, but we have a copy of the ordinance from 1993. That ordinance approved one pylon development sign, not to exceed the size and configuration of the existing sign, but does not include the size and configuration. She noted there have also been changes to that sign since 1993. Because of this, Staff is unable to determine the approved height and area. Because it's not clear what the permitted height and area is, it is Staff's recommendation that the signs meet the zoning ordinance requirements. This is part of an overall PUD and all other signs in the PUD are only allowed to be small monument signs. The area and the style of signs were controlled by the PUD, with the exception of the freestanding sign at the gas station. She stated she feels the existing sign is out of scale with the neighborhood and PUD intention and recommends that the proposed signs be required to meet the zoning ordinance.

Ms Cripe joined the meeting at 4:05 pm.

Petitioner Presentation:

Garry Potts, 58171 Dragonfly Court, Osceola, IN spoke on behalf of the petitioner. He stated Phillips 66 is updating their corporate brand across the country with new features being added to improve aesthetics and increase the overall value of its locations. Phillips 66 feels these upgrades will allow better brand identification and safer way finding for motorists searching for their brand. Studies have determined the appropriate size for signs, based upon speed and traffic flow for each location. It's felt that an electronic pricing sign is a must for this location. He pointed out the proposed sign is a 25 percent reduction in the overall square footage and feels a further reduction will deem the sign ineffective and place the general public at risk. He asked that this variance be granted.

Mr. Holtzinger pointed out that the proposed canopy sign has a black background with red which means the sign will be noticeable. He questioned if the existing sign face could be exchanged and alleviate the need for the sign to extend above the canopy.

Mr. Potts stated the new canopy signs are 60" by 60" and the current signs are 45" by 45".

Mr. Holtzinger pointed out that this property is located on a corner lot, at an intersection with a traffic signal and feels there will be higher visibility because people are required to slow down and stop at the light. He also noted that all of the other corners are non-commercial and feels a smaller sign would be easily seen.

Mr. Potts voiced concerns that the canopy and trees would likely block the pricing panel if the sign is lowered, preventing it from being seen from all directions.

Mr. Wellington asked if this is the best location for the sign.

Mr. Potts stated the poles are remaining with only the cabinets being replaced.

Mr. Wellington asked if there is a reason the poles cannot be moved.

Mr. Potts stated the cost to move the poles would be substantial.

Mr. Wellington asked if there are gas stations in town that meet the ordinance requirements.

Ms. Yoder responded yes and gave several examples.

Mr. Potts stated they presented a similar case to the last BZA meeting and agreed to lower the height from 34 feet to 25 feet and kept the existing area at 134 square feet.

Ms. Yoder responded that the case before the BZA was not part of a PUD and that there are multiple uses at that site so it is not comparable to today's case.

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Holtzinger, to consider the request a minor change and to grant an amended approval for 16-01MI, based upon Staff Analysis and Recommendations as follows and with the following conditions:

1. The proposed changes meet the minor change guidelines, Section 4250.9 of the Goshen Zoning Ordinance.
2. The new freestanding sign shall not exceed 60 square feet in area and 20' in overall height, with 8' of clearance provided under the sign.
3. Electronic gas pricing panels are permitted at more than 50% of the total sign area provided the overall sign area does not exceed the maximum allowed.
4. With the exception of the gas pricing panels, no electronic message center sign panel is permitted on the freestanding sign.
5. Canopy (wall) signs shall meet the Zoning Ordinance requirements, and may not extend above the canopy roof line.

The motion passed unanimously by a vote of 9-0.

VI. PUD Final Site Plan (not a public hearing)

Market Centre PUD – MC Sports requests PUD site plan approval for two tent sales in 2016 in Market Centre PUD parking lot. The sales are proposed for May 23-31 and 7-10 days in September. Ordinance 4855, adopted March 15, 2016, allows outside/display sales only as part of an approved PUD site plan. Market Centre is generally located at 4024 Elkhart Road and is zoned Commercial B-3 PUD (Planned Unit Development).

Staff Report:

Ms. Yoder explained that as part of the recent Plan Commission decision regarding outlot development, the ordinance requires that any outside sale and display must be part of an approved PUD site plan. Today's case is for two tent sales for MC Sports. The first sale is in May and a second sale will be for seven to ten days in September of this year. These sales have been held in the parking lot in front of their store since at least 2011. Staff recommends that this only be approved for 2016 because there are plans under review now for the Wal-Mart reconstruction and outlot construction. She feels it would be best to review again after this year, once development is underway.

Petitioner Presentation:

Korie Anglemyer, 4024-25 Elkhart Road, Goshen spoke on behalf of the petitioner. She stated they have held this event twice each year for the past several years and approximately 16 to 18 parking spaces are used for the tent.

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant PUD Final Site Plan Approval for two tents sales for MC Sports in 2016 in the Market Centre PUD parking lot, based upon the Staff Analysis and with the four conditions listed in the Staff Report. The motion passed unanimously by a vote of 9-0.

VII. Zoning Ordinance & Subdivision ordinance Text Amendments (public hearing)

16-020A – City of Goshen Plan Commission requests text amendments to the Goshen Zoning Ordinance and Goshen Subdivision Control Ordinance for changes to streamline development review. The proposed changes would authorize the Zoning Administrator to approve PUD (Planned Unit Development) final site plans and minor changes, B-4 (Planned Shopping Center) site plans and minor changes, and secondary subdivisions without a public meeting.

Staff Report:

Ms. Yoder gave a summary of the proposed changes, noting these proposed changes would allow the Planning Staff to approve PUD final site plans, PUD minor changes, B-4 site plans and minor changes, and secondary subdivisions. She pointed out that all of these items are currently reviewed by the Plan Commission and are non-public hearing items. She explained state statute allows the Plan Commission and Council to authorize Planning Staff to review these items. There are provisions in certain situations for the Plan Commission to review these items and she gave detailed information on when this can happen.

She explained PUD minor changes is one area with significant changes. She went on to say the law requires that if staff reviews minor changes the ordinance must be very specific on what minor changes are and how they are reviewed. She pointed out that detailed information is included in the packets outlining how this is determined.

She noted that other changes authorize staff to review and to change technicalities, such as authorizing Staff to sign the subdivision plat.

She explained if the changes are adopted, the Plan Commission Rules of Procedure need to be updated, and because the Mayor has asked that these amendments go before the City Council at tonight's meeting she suggested that if the Plan Commission gives this a favorable recommendation, the changes to the Rules of Procedure be contingent on Council's approval of the ordinance. That will allow them to be adopted immediately and not wait another month to make changes. She explained the two changes to the Rules of Procedure.

Audience Comments:

Mayor Jeremy Stutsman, 202 S 5th Street, spoke in support of this petition. He stated he's been looking at ways we can speed up our process and move these projects along. He feels this will cut out between 30 to 60 days time for some projects and feels this is very advantageous. He asked that the Plan Commission approve these changes.

Dave Daugherty, Goshen Chamber of Commerce, also spoke in support of the petition. He stated they have been working with the mayor on ways to improve the process and feels this is a move in the right direction. He asked for Plan Commission support.

Greg Hoogenboom, 1738 W Lincoln Avenue, also spoke in support of this petition. He asked that the Plan Commission support this request.

Richard Miller, 212 Carter Road, also spoke to the petition. He stated multiple departments are involved in reviews and he hopes that approvals can be streamlined with other departments as well. He asked for support of this request.

Ms. Yoder stated if there is something she is uncomfortable approving, she will bring it to the Plan Commission for review. She pointed out the petitioner can also ask for Plan Commission review if they have concerns about Staff's decision.

Mr. McKee stated this will not be a cure-all and any kinks can be addressed as they surface. He feels this is a step in the right direction.

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 16-02 OA, Zoning Ordinance and Subdivision Ordinance text amendments, and if adopted by Council, the Plan Commission shall adopt the changes to the Plan Commission's Rules of Procedure. The motion passed unanimously by a vote of 9-0.

VIII. *Audience Items – None*

IX. *Staff/Board Items –*

Permission for Staff to Prepare a Zoning Ordinance Text Amendment for Signs

Ms. Yoder explained the Supreme Court issued a decision last year that says signs cannot be regulated based upon content, so Staff has been working on changing definitions and sign regulations and she would like authorization to bring these changes before the Plan Commission in the next couple months.

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant permission for Staff to prepare a Zoning Ordinance Text Amendment for Signs. The motion passed unanimously by a vote of 9-0.

XI. *Adjournment* – 4:45 pm Wellington/King

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Connie Garber, President

Tom Holtzinger, Secretary