

Minutes - Goshen Plan Commission  
Tuesday, February 16, 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, Aracelia Manriquez and John King. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus.
- II.** 2016 Plan Commission Appointments
- *Jim McKee - Annual appointment by the City Council*
  - *Connie Garber - Annual appointment by the Board of Public Works & Safety*
  - *Aracelia Manriquez – Citizen member appointed by the Mayor for a term of four years, 1/1/16-12/31/19*
- III.** Election of Officers for 2016
- *President*  
A motion was made and seconded, Wellington/McKee to appoint Connie Garber as President. The motion passed unanimously by a vote of 9-0.
  - *Vice President*  
A motion was made and seconded, Wellington/Holtzinger to appoint Jim McKee as Vice-President. The motion passed unanimously by a vote of 9-0.
  - *Secretary*  
A motion was made and seconded, McKee/Wellington to appoint Tom Holtzinger as Secretary. The motion passed unanimously by a vote of 9-0.
- IV.** Approval of minutes of 11/17/15 –Holtzinger/Wellington 9-0
- V.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Holtzinger/McKee 9-0
- VI.** Postponements/Withdrawals: None
- VII. Major Residential Subdivision, Secondary Approval** (not a public hearing)  
**15-11SUB** – William J. Long and Brads-Ko Engineering & Surveying, Inc., request secondary 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).

*Staff Report:*

Ms. Yoder explained that subdivision approval is approved in two phases, primary approval and secondary approval. Today's request is for secondary approval, which shows the lots to be recorded, indicating the exact lot size, lot lines, easements, etc. Secondary approval is to confirm that all conditions of primary approval have been met. She explained that the recommendations in the Staff Report follow the conditions of the primary approval and briefly explained the conditions listed in the Staff Report. She recommended the Plan Commission grant secondary approval.

*Petitioner Presentation:*

Barry Pharis, 1009 S 9<sup>th</sup> Street, Goshen, spoke on behalf of the petitioner. He stated his client has no problems with the conditions outlined in the Staff Report. He is available to answer any questions.

*Staff Discussion:*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Wellington/Cripe, to grant secondary approval for 15-11SUB based upon the Staff Analysis. The motion passed unanimously by a vote of 9-0.

**VIII. Major Residential Subdivision, Secondary Approval (Revised) (not a public hearing)**

**15-03SUB** - Millrace Neighborhood, LLC, City of Goshen Department of Redevelopment, and Brads-Ko Engineering & Surveying, Inc., request secondary approval (revised) of a 15-lot major residential subdivision, Co-Housing on the Goshen Millrace R-2 PUD. The subject property is Lot 2 of River Race Subdivision, generally located north of Douglas Street, south of Purl Street, between River Race Drive and the Millrace Canal, and zoned Residential R-2 PUD (Planned Unit Development).

*Staff Report:*

Ms. Yoder explained that Secondary Approval for this subdivision was granted by the Plan Commission on July 21, 2015, after the Board of Works (BOW) acceptance of the dedication of easements on July 20, 2015. The plat was not recorded at that time because the subdivision drainage had not been approved. During that time it was discovered that the curb stops for water along the west side of River Race Drive were located outside the ten foot (10') utility easement, so the easement needed to be widened to 12 feet to allow the curb stops to be located within the easement. She explained this is the only change on the plat. Everything else remains unchanged, including the conditions. She noted the revision can happen without a public hearing because the plat had not been recorded. The BOW accepted the subdivision drainage plan yesterday (February 15, 2016), so the plat can be recorded once the Plan Commission grants Secondary Approval.

*Petitioner Presentation:*

Barry Pharis, 1009 S 9<sup>th</sup> Street, Goshen, spoke on behalf of the petitioner. He stated his client has no problem with the conditions listed by Staff and is here to answer any questions.

*Staff Discussion:*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Wellington/King, to grant secondary approval for 15-03SUB based upon the Staff Analysis. The motion passed unanimously by a vote of 9-0.

**IX. PUD Major Change and PUD Preliminary Site Plan Approval (public hearings)**

**16-01MA** - HK New Plan ERP Property Holdings, LLC, requests a PUD major change to amend the Market Centre PUD to create four outlots for retail development, with a total of approximately 3.79 acres, and PUD preliminary site plan approval for Outlot B, for the construction of an approximate 10,400 square foot building. The subject property is generally located at 4024 Elkhart Road and is zoned Commercial B-3 PUD (Planned Unit Development).

*Staff Report:*

Ms. Yoder explained this request is for a PUD Major Change and PUD Preliminary Site Plan Approval, and will be a recommendation to the City Council. She gave background information on the Market Centre PUD and noted it was annexed into the City of Goshen in September, 1990. There have been several changes to

the PUD since annexation, including the addition of land. Today's request is for development of four (4) outlots for retail development. Each outlot would contain a single tenant or multi-tenant building along with parking, new landscaping, utilities, and provisions for site drainage. She noted no specific use information has been submitted and there are no use restrictions in the PUD, so the development will follow the B-3 uses. She explained why this is considered a major change, noting the outlots were not shown on the original approved PUD site plan. She explained the following items need to be looked at:

- Internal access and circulation:

She explained the proposed location is adjacent to two main internal driveways and near the signalized entrance from Elkhart Road. This is a high traffic area and one concern is that the access points along the internal drive must be carefully reviewed so an excessive number of potential conflict points are not created. She recommended the random collection boxes currently in the parking lot be relocated out of the lot to allow the parking lot to be used for parking. She also recommended that all outside storage, outside sales and display, along with outside events, be limited to only those that are part of an approved PUD site plan. She explained by limiting outdoor events, parking spaces would remain available for parking.

- Onsite parking:

She noted the PUD specifies B-3 parking, but it's impossible to calculate B-3 parking because it's based on display and sales area and the number of employees. She explained the B-4 (Planned Shopping Center) parking standards would be more appropriate and those standards require five (5) parking spaces for each 1,000 square feet of gross floor area. She stated she has done rough calculations and feels this is basically equivalent to the B-3 standards. She recommended the B-4 standards be used, with the exception that any drive-thru uses should be required to meet the B-3 requirement which is five (5) stacking spaces per each drive-thru service. She stated that based on estimated numbers, preliminary calculations indicate an excess of 435 parking spaces for current uses. These numbers do not include Lake City Bank, Burger King or Steak 'n Shake as they are basically self-contained with their own parking. If the proposed Wal-Mart store does not proceed and four outlots are developed, it's likely there will be a shortage of approximately 184 parking spaces, but we need more information in order to make the final calculations. She also recommended that bicycle parking be supplied for each outlot as bicycle traffic is expected to increase to the site because of a new trail connection to be constructed as part of the Wal-Mart project.

- Building design

There are no specific building design standards for the Market Centre PUD, but a conceptual design is included in the Staff Report.

- Landscaping

Parking lot landscaping will be required with the outlot development and each existing parking lot island adjacent to the perimeter of each outlot should have one tree per island installed as it is developed.

- Lighting

A lighting plan will be required with each PUD final site plan.

- Signs

No specific sign information has been submitted, so signs will follow the B-3 and Market Centre PUD requirements.

- Drainage and utilities

Each outlot will be required to connect to City sewer and water. There have been several meetings with the developer and they are aware of the requirements. Site plan approval by Goshen Engineering will also be a condition of approval.

The PUD preliminary site plan is a general approval for the four (4) outlots and specific for outlot B. Outlot B will also require a PUD Final Site Plan to come back to the Plan Commission as a non-public hearing item. Referring to the site plan, she noted one area of concern is along the east parcel line of Outlot B, which is near the first internal drive and offset from Burger King. She stated it might be safer if Outlot B can be designed without access to the north/south internal drive. She explained the deficiencies on the preliminary site plan, explaining what steps must be taken before the first PUD site plan proceeds.

She recommended the Plan Commission forward a favorable recommendation to the Goshen Common Council for the PUD Major Change and the PUD Preliminary Site Plan, with conditions.

*Petitioner Presentation:*

Tim Reber, 1815 South Meyers Road, Oakbrook Terrace, IL, spoke on behalf of the petitioner. He stated he would like to clarify the timing of the Wal-Mart project and the outlot development, noting the Outlot B project will not begin until the Wal-Mart project moves forward.

Mr. Holtzinger asked if this project will move forward if the Wal-Mart project is abandoned.

Mr. Reber stated if the Wal-Mart project does not move forward, the outlot development will not move forward either.

Ms. Garber stated her main concern with this project is traffic flow, noting the drive will become very busy.

Ms. Yoder replied this is a concern of hers as well and that she included a condition in her staff report that the access along the north/south internal driveway shall be removed for Outlot B.

Mr. Wellington asked the petitioner if he is agreeable to this condition.

Jack Ventimiglia, 42500 Farmington Road, Farmington, MI, also spoke on behalf of the petitioner. He stated they will meet this condition.

Mr. McKee stated he has two concerns. He questioned if Wal-Mart will actually build here as this has been discussed for several years. He stated he will be opposed to this project if Wal-Mart does not build their new store and would like some sort of assurance that this project will not move forward without Wal-Mart's cooperation. His second concern was the amount of standing water that has been a problem in the past and questioned if the drainage issue has been adequately addressed.

Mr. Reber stated they have been asked to look at the drainage ponds and make sure they have been maintained properly. He noted this development will also reduce the amount of impervious surface and will include the addition of more grass. He also stated this development does not make sense if Wal-Mart does not build.

Ms. Yoder asked if they would be agreeable to an additional condition of approval which would state the outlot development is contingent on Wal-Mart moving forward.

Mr. Ventimiglia stated his direction from corporate is that this project is contingent on Wal-Mart moving forward. He noted their agreement with Wal-Mart is that they would build these outparcels in separate phases as Wal-Mart's construction and opening happens. He pointed out it won't all happen at once, but at this time it is contingent upon Wal-Mart moving forward. He stated he can't say they won't want to build here if Wal-Mart doesn't happen, especially if tenant interest showed an outlot would be feasible. If that were the case, they would probably take a second look at this and find a way to meet the parking requirements. At this time though, everything is contingent on Wal-Mart proceeding with their project.

Ms. Yoder stated the Plan Commission should decide if they want to keep this at 100 percent parking. Her recommendation in the Staff Report is for the parking to be provided at no less than 90 percent of the minimum, so if you want it to be at 100 percent, the Plan Commission should make that change.

Mr. King noted the potential for increased traffic between the traffic light and the first stop are a concern.

*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 Goshen Common Council for the PUD Major Change and PUD Preliminary Site Plan Approval based upon Staff Analysis and including the conditions listed in the Staff Report.

The motion passed by a vote of 8-1. (McKee, no)

**X. Rezoning** (public hearing)

**16-01R** - Verizon Wireless, Insite, Inc., and Richard & Patricia Hochstetler request a rezoning from Industrial M-1 to Industrial M-1 WCF (Wireless Communication Facility), to expand an existing WCF Overlay District to allow for the addition of a new carrier on the existing cell tower, with associated expansion of the equipment facility/compound. The subject property is generally located at 416 N Main Street and zoned Industrial M-1 District.

*Staff Report:*

Ms. Yoder explained this rezoning request is for an expansion of an existing overlay district for a wireless communication facility cell tower. The cell tower area is leased space and not a parcel under separate ownership. It is served with utility and access easements. She explained that wireless communication facilities are regulated with an overlay and areas in this overlay district permit standalone towers and associated equipment. The intent with a standalone tower is that you have multiple carriers. This location currently has multiple carriers and the proposed expansion will provide space for an additional carrier. The proposed expansion will increase the size of the lease area from 2,480 square feet to 5,500 square feet. She noted that effective January 1, 2016, there was a change in Indiana state law which states once the actual area of the overlay district has been approved, anything within that area can proceed without planning and zoning approval unless it adds a certain amount of height, horizontally or vertically. She explained that if there are any concerns about any implications, they need to be addressed at the time the overlay district is established. She noted the landscape plan that has been submitted is insufficient and a final landscape plan will need to be submitted. As part of this approval, she also requested that streetside trees be required along the entire 416 N Main Street parcel. She pointed out Engineering review will be required for stormwater approval and if they cannot meet the requirements, she recommended a commitment be included that the rezoning should not be effective. She explained if this is approved, but they cannot meet the requirements, then the expansion will not take place.

*Petitioner Presentation:*

Bryan Donnelly, 660 Midwest Road, Oakbrook Terrace, IL, spoke on behalf of the petitioner. He stated the intent is to expand this area so Verizon Wireless can co-locate on the existing tower. He noted they are willing to comply with the landscape requirements and the access easement will remain unchanged. He went on to say they are working with a local engineering firm to design a stormwater plan that will meet the City's requirements. They anticipate having the plan by next week and intend to fully comply with all requirements.

*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/King, to forward a favorable recommendation to the Goshen Common Council for 16-01R with the six (6) conditions listed in the Staff Report. The motion passed unanimously by a vote of 9-0.

**XI.** *Audience Items – None*

**X.** *Staff/Board Items –*

- *Residency form for Aracelia Manriquez, Citizen Member Appointment*

Ms. Yoder noted that a residency form (*Exhibit S/B #1*) has been received from Ms. Manriquez and asked that it be formally entered into the record.

- *Permission to Amend the Zoning Ordinance for Wireless Communication Facilities*

Ms. Yoder noted for the record that there has been a change to Indiana law for wireless communication facilities and it will require that we update our ordinance. She stated that she and Attorney Kolbus are working on this and she needs permission from the Plan Commission to bring this amendment back to the Commission.

*Action:*

A motion was made and seconded, Wellington/Holtzinger to grant permission for Ms. Yoder to bring the new amendment to the Zoning Ordinance to the Plan Commission. The motion passed unanimously by a vote of 9-0.

- *BZA Request to Plan Commission for Zoning Ordinance Amendment Research*

Abby Wiles, Assistant City Planner, explained that the Board of Zoning Appeals (BZA) has requested that the Plan Commission look into home occupations and how they are regulated in the City of Goshen.

She explained that over the past several years, the BZA has received a number of requests for commercial uses within residential zoning districts. Most of these variance requests have been for home based businesses, specifically beauty salons. Of the five (5) recent requests, four (4) of these requests are for one chair salons with no outside employees and the fifth request was for two employees and multiple chairs. The fifth request, with two employees and multiple chairs was originally approved in Elkhart County and annexed into the City. Requests have also been received for a commercial greenhouse with no retail sales onsite, with produce to be sold at the Farmer's Market and a massage therapist office.

After receiving multiple requests for variances for home occupations, four of the five current BZA members attended an APA training session in South Bend. During the question and answer session, one of the BZA members asked the trainer for advice on how to handle home-based businesses. The trainer responded that she felt a lot of the zoning codes in Indiana communities were outdated. At a BZA meeting following the training session, the BZA staff discussed the training and made a motion requesting that the Plan Commission review home occupations as a permitted or special use. She explained how conditional use permits are currently reviewed and what criteria they must meet to be approved administratively.

She stated the BZA has asked that the Plan Commission review changes to the home occupations, noting there may be other changes the Plan Commission will be asked to look at as part of the Comprehensive Plan.

Ms. Yoder pointed out that traffic is a potential issue for home occupations, along with the stipulation in the zoning ordinance that does not allow equipment to be used that is not customarily found in a residential setting. These restrictions often make commercial uses difficult in residential zoning districts. She went on to say the home occupations were reviewed in 2012 and if the Plan Commission is interested in looking at home occupations once again, she recommended that it be included with other potential zoning revisions as part of the Comprehensive Plan implementation. She noted the Planning staff is currently conducting an internal review of the Comp Plan implementation section and suggested any changes to the home occupations be included with whatever recommendations are brought back to be studied by the Plan Commission as zoning ordinance amendments. It was explained an ad hoc committee would likely be appointed that would include Plan Commission and BZA members, Council members and interested citizens. That group would meet on a regular basis over a period of months to look at changes to the zoning ordinance and bring recommendations to the Plan Commission.

*Motion:*

A motion was made and seconded, Wellington/King to authorize the Planning Office to look into ordinance changes. The motion passed unanimously by a vote of 9-0.

**XI. Adjournment – 5:05 pm Wellington/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