

Minutes - Goshen Plan Commission
Tuesday, September 20, 2016 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Mary Cripe, Connie Garber, James Wellington, Rolando Ortiz, Jim McKee, Joe McCorkel, and Tom Holtzinger. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: John King, Aracelia Manriquez

II. Approval of minutes of 8/16/16 – Holtzinger/Wellington 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)

16-03R – A neighborhood rezoning is requested for seven single family residential properties (containing ten subdivision lots) from Industrial M-1 to Residential R-1. The subject properties are generally located at 702, 704 and 706 E Jackson Street and 1006, 1008, 1009 and 1010 S 10th Street.

Staff Report:

Ms. Yoder explained it is not uncommon to have homes along 9th and 10th Streets zoned Industrial M-1, noting the zoning goes back to the first zoning maps. According to the Elkhart County Assessor records, the residential use predates the first zoning ordinance. The use is considered lawful, non-conforming, but still subject to the non-conforming requirements which basically permits day to day maintenance and cannot be rebuilt without BZA approval. She noted that within the past several years, lenders are unwilling to lend money on residential properties that cannot be rebuilt by right. This rezoning request came about because a homeowner asked about rezoning his property. After looking at the area, we discovered there were seven single family properties so it made sense to do a neighborhood rezoning from M-1 to R-1. Residential R-1 District is a more accurate representation of the existing land use and also matches existing zoning to the north and east.

Staff recommends the Plan Commission send a favorable recommendation to the Goshen Common Council.

Petitioner Presentation:

Ms. Yoder noted for the record that the original petitioner could not be here today, but that the Planning Office received signed petitions from five of the seven property owners.

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 16-03R, based upon the Staff Analysis. The motion passed unanimously by a vote of 7-0.

VI. PUD Major Change (public hearing)

16-03MA – Greencroft Goshen, Inc., and Brads-Ko Engineering and Surveying, Inc., request approval of a major change to the Greencroft PUD to combine two entrances on S. 15th Street between Mervin Street and Leroy Street, and reconstruct one entrance north of Leroy Street, along with associated configuration of the internal parking and traffic circulation. The subject property is a portion of the Greencroft PUD, generally located on the east side of S. 15th Street, in the 1800-2000 block, and zoned Residential R-3 PUD (Planned Unit Development).

Staff Report:

Ms. Yoder explained this request is to combine two entrances on the east side of South 15th Street into one entrance and to reconfigure some of the internal parking and traffic, based upon the new entrance. The plan has been reviewed by Goshen Engineering and Goshen Fire Department and has been given approval, pending several revisions. Parking in the project area is sufficient and Staff recommends the Plan Commission send a favorable recommendation to the Goshen Common Council. She also noted that consistent with new rules, the PUD Final Site Plan will be reviewed by Staff. That review will include landscaping, lighting and signs.

Petitioner Presentation:

Barry Pharis, 1009 S 9th Street, Goshen spoke on behalf of the petitioner. He stated they are eliminating two entrances and adding one between them. This revision will make internal traffic flow more smoothly and allow large trucks to maneuver safely and more efficiently. We have a favorable staff recommendation and ask that the Plan Commission forward a favorable recommendation to the Council.

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/Cripe, to forward a favorable recommendation to the Goshen Common Council for 16-03MA, based upon the Staff Analysis. The motion passed unanimously by a vote of 7-0.

VII. Comprehensive Plan Amendment (public hearing)

16-01CP – Amendment to Appendix C: Implementation, of the Comprehensive Plan & Community Vision 2025, to add specific priorities related to the completion of the redevelopment of the Hawks Building and infill development of single family homes in existing residential neighborhoods.

Staff Report:

Ms. Yoder explained that the amendment for the Comprehensive Plan follows the same process as plan adoption, noting that the Plan Commission approves the plan and Council approves the amendment by resolution. There are three proposed changes to Appendix C: Implementation, which in the Land Use section includes adding the Hawks Building as one of the brownfield sites (L-6.2) and adding encouraging arts related activities in the downtown and adjacent Millrace neighborhood (L.6). In the Neighborhoods & Housing section is an addition which states “Support the development of single family housing on infill lots in established neighborhoods (N-1; N-6.4; N-7.6)”. She explained the goals and objectives are already in the Comprehensive Plan, and the amendment is simply adding three specific priorities to the implementation

section, which is a three year plan of priorities that are specific projects related to the goals and objectives in the plan.

She noted for the record that a handout was distributed to Commission members showing the status of projects in the implementation section.

Staff recommends the Plan Commission approve and send a favorable recommendation to the Goshen Common Council.

Audience Comments:

Larry Gautsche, LaCasa, spoke to the petition. He stated LaCasa is applying for a grant to finish the north half of the Hawks Building and to address infill housing on some vacant City lots. He noted the State likes to see documented City support for these priorities which is why they requested the changes outlined by Ms. Yoder. He asked for support from Commission members.

Close public hearing.

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Holtzinger, to approve and certify the Comprehensive Plan amendment, and send to Goshen Common Council with a favorable recommendation. The motion passed unanimously by a vote of 7-0.

VIII. Zoning Ordinance Text Amendment (public hearing)

16-02OA – City of Goshen Plan Commission requests a text amendment to the Goshen Zoning Ordinance to make changes related to the regulation of signs, based on recent changes in the law, affecting the following Sections: 2110 Definitions of Words and Phrases; 4280 Historic Commercial District (Overlay District); 5100 Signs; 5200 Conditional Uses; 6210 Sign Permit; and Appendix E, Table of Permitted Uses.

Staff Report:

Ms. Yoder explained this Zoning Ordinance text amendment update is related to signs. She explained that in 2015, the Supreme Court of the United States made a decision regarding signs and noted a memo included with the Staff Report explains the Court's decision. She explained the Court's decision does not allow regulations to reference the content of signs, meaning that you cannot look at a sign's content in order to determine what type sign it is. She gave several examples of content related signs. This amendment addresses the changes required by the Supreme Court decision, noting we are not changing developmental requirements such as what is allowed by height and area, location, setbacks, etc. This amendment is to change what is required to bring our ordinance into compliance with the Supreme Court decision. She went on to say we have tried to put into the ordinance the type of signs that will meet the Supreme Court's decision. She explained that because of the numerous changes, some sections are being deleted and new sections are being inserted. Sections are also being re-ordered to make it more consistent.

Staff recommends the Plan Commission send a favorable recommendation to the Goshen Common Council.

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 16-02OA based upon the Staff Analysis. The motion passed unanimously by a vote of 7-0.

IX. *Audience Items – None*

X. *Staff/Board Items*

- *1375 Lincolnway East – Partial Release of Judgment*

Ms. Yoder explained this is the former Goshen Inn property at 1375 Lincolnway East, which the City acquired at tax sale. In order to clear the title for the property, the judgment referenced in the memo must be released by the Plan Commission and the Board of Zoning Appeals. The Plan Commission needs to authorize the Zoning Administrator to sign the Partial Release of Judgment.

Action:

A motion was made and seconded, Wellington/Holtzinger, to authorize the Zoning Administrator to sign the Partial Release of Judgment as requested. The motion passed unanimously by a vote of 7-0.

XI. *Adjournment –4:44 pm Wellington/Cripe*

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Connie Garber, President

Tom Holtzinger, Secretary