

Minutes - Goshen Plan Commission
Tuesday, June 20, 2017 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** The meeting was called to order with the following members present: Rolando Ortiz, Jim McKee, Joe McCorkel, Leslie Biek, Aracelia Manriquez, John King, James Wellington, Connie Garber, and Tom Holtzinger. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus.
- II.** Approval of minutes of 4/18/17 – Holtzinger/Wellington 9-0
- III.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Holtzinger/King 9-0
- IV.** Postponements/Withdrawals: None
- V. Rezoning** (public hearing)
17-03R – Sterling Development, LLC, Yoder, Ainlay, Ulmer & Buckingham, LLP, and James Lindhorn request a rezoning from Residential R-2 District to Commercial B-3 District of approximately 2.06 acres generally located at 2908 W Wilden Avenue, to expand the existing self-storage (mini warehousing) located at 2704 W Wilden Avenue.

Staff Report:

Ms. Yoder explained this property consists of approximately 2.06 acres and currently contains a single family dwelling. If the rezoning is approved, the applicant intends to expand the self-storage currently located adjacent to the subject property. The conceptual site plan submitted for the rezoning shows that the B-3 developmental requirements can be met and a final detailed plan will be submitted for review if the rezoning is approved. She pointed out that access is proposed from West Wilden Avenue and will require review and approval from Goshen Engineering. Access will not be permitted from Kunderd Road. Staff recommends the Commission forward a favorable recommendation to Council.

Petitioner Presentation:

Gordon Lord, 130 N Main Street, Goshen, spoke on behalf of the petitioners. He stated the family would like to sell this property to the Sterling Development Group who owns the storage facility immediately south. He explained Sterling would like to expand and incorporate this into their current site. He explained the site is bordered by the railroad on the west, Wilden Avenue to the east, and their own facility to the south. He explained that the submitted site plan shows the site will only be accessed by an entrance on Wilden Avenue. Everyone would enter the site from the new section, exiting through the current facility which contains approximately 300 units. He pointed out that once storage facilities are up and running, the traffic volume is quite modest. He also explained that a study indicates that in a 100 unit facility, the average vehicles to the site is no more than a total of six visitors per week. Based upon that average, when completed, this 600 unit facility would see approximately 36 vehicles per week. He noted the sellers have had this property appraised as commercial property and intend to sell it as such. He pointed out the commercial uses nearby and feels this use will be compatible. He noted his client understands he will need to submit a final site plan, meeting the zoning requirements.

Ms. Yoder noted for the record that immediately prior to the meeting she received a petition (*Exhibit 17-03R #1*) containing approximately 23 signatures of persons opposed to the rezoning. She read the petition to Commission members.

Audience Comments

Natalie Wagner, 2914 W Wilden Avenue, spoke in opposition to the petition. She stated the petition was from her and it lists some of her concerns regarding this proposal. She noted her main concerns are the effect on property values and crime surrounding storage units. She noted the area has already experienced problems and she is concerned for her family's and neighborhood's safety.

Tim Wagner, 2914 W Wilden Avenue, also spoke in opposition to the petition. He stated storage units are often used to store household items when a house has been foreclosed on and the owners are notified that their items are being stored. In order to get their items back, they are required to pay the storage fee. He stated that sometimes people try to reclaim their belongings illegally.

Mr. Wellington asked how long he has lived here and if the storage facility predates him.

Mr. Wagner stated he has been there 12 years and that the facility was there before him. He voiced concerns that if more units are added, it will decrease the value of his property. He also pointed out there is commercial property for sale nearby that could be used for this purpose.

Rod Pletcher, 1115 Kunderd Rd, spoke to the petition. He stated he is also concerned about property values.

Petitioner Rebuttal:

Clint Patterson, Sterling Development Group, 3900 Edison Lakes Parkway, Mishawaka, also spoke to the petition. He stated they have no interest in using Kunderd Road, pointing out that Wilden Avenue is the main road and that is what they will use.

Mr. Lord stated there will be landscaping for this project and lighting will be directed away from the neighboring houses. The site will have fences and security cameras and they intend to keep people out that do not belong there.

Mr. Patterson said his company has acquired the adjacent self-storage property and the plan is to add more units, which would have more of a retail office appearance. He presented a photo (*Exhibit 17-03R #2*) which he stated is their single level prototype, although he explained this is not site specific. He noted it gives a retail office look and disagreed that this would have a negative effect on property values. He also advised that the lot will be secured.

Ms. Garber asked if there is a plan in place to update the existing buildings.

Mr. Patterson stated at this time they are working on the expansion and he is not aware of any updates to the current facility.

Mr. King asked about setbacks along Kunderd and what type of lighting is proposed.

Mr. Patterson stated the setback along Kunderd is 25 feet and will contain landscaping and a fence. The proposed lighting will have zero offsite illumination.

Mr. Wellington questioned what type of security would be present.

Mr. Patterson stated the buildings will be fenced with a keypad entry system and cameras will be present. He also pointed out the site will be staffed at least six days per week.

Ms. Biek asked if Mr. Patterson has any information on break-ins at the site.

Mr. Patterson stated he is not aware of any at this location.

Mr. Lord reminded Commission members that this would be B-3 zoning and the B-3 does not permit outside storage.

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 17-03R, based upon Staff Analysis. The motion passed unanimously by a vote of 9-0.

VI. Rezoning (public hearing)

17-04R – Lionshead Development, LLC, and Jones Petrie Rafinski request a rezoning from Residential R-2 District to Industrial M-1 District of Lots 6 through 25 in Letta/Lettie Mercer's Addition, generally located on the east side of Olive Street, north of East Lincoln Avenue, from 112 Olive Street through 320 Olive Street, to add land to the existing Lionshead property at 305 Steury Avenue.

Staff Report:

Ms. Yoder explained this request is for 12 tax parcels containing 20 platted subdivision lots, with a total area of approximately 2.36 acres. She explained the previous zoning history, noting a large area of M-1 zoning was established in 1972. The current request would expand the M-1 area along the east side of Olive Street from 112 Olive Street, north through 320 Olive Street. All of the property to be rezoned is owned by Lionshead Development and the intent is to add this land to the existing industrial development. She noted that a portion of the land to be rezoned is already being used for retention and was part of a variance granted in 2012 as part of an alternative landscaping plan. She noted that 112 Olive Street is currently occupied as a single family residence, through an agreement with Lionshead and the previous owner. This rezoning will impact the adjacent industrial development which will be evaluated, based upon this single family land use. This will require increased setbacks for building, parking, outside storage, side and rear yards, and will also require bufferyard landscaping. The alternate landscape plan approved by the Board of Zoning Appeals in 2012 is still in effect, but this approval will move some of the landscape area closer to Olive Street and is shown on the site plan which was submitted for review. Provided all required setbacks and bufferyard landscaping requirements are met, the proposed rezoning will be consistent with the existing zoning and land use in the area, and will allow limited expansion of the existing Lionshead Development. Staff recommends a favorable recommendation be forwarded to the City Council.

Petitioner Presentation:

Kenneth Jones, Jr., Jones Petrie Rafinski, 200 Nibco Parkway, Suite 200, Elkhart, spoke on behalf of the petitioner. He stated Lionshead's intention for this strip of land will primarily be used for retention and landscaping. He provided a copy of the preliminary landscape plan (*Exhibit 17-04R #1*) to Commission members and gave a brief overview. He stated they are familiar with the Staff Report and is here to answer any questions.

Mr. Wellington asked if the pond will become larger.

Ms. Yoder explained there will be a new building addition where the current retention pond is located and the retention pond will be moved to the west.

Mr. Jones pointed out the site is complicated and overall it should perform better when this has been completed.

Mr. McKee asked if they anticipate having more retention area than what is there currently.

Mr. Jones responded that yes, it will have more volume. He explained the site detention capability is increasing.

Mr. King asked what the setbacks are.

Ms. Yoder responded there is no setback for the landscaping, but the setback for the building and outside storage is 100' and the parking/driving aisles setback is 60' adjacent to residential land use/zoning. The site plan shows they exceed the required setback. She pointed out the landscape plan shows landscaping immediately adjacent to the street, but on their property.

Audience Comments:

Shawn Haley, 221 Olive Street, spoke in opposition to the petition. He stated the retention pond has become a mosquito pit and looks terrible. He stated the view out of his front door is of the back of a building and a lot of trailers. He noted he lived across the street before the retention pond was put in and there was a wooded area where the retention pond is now. He stated water is a problem in the area, but by early evening mosquitos come out and residents nearby cannot enjoy being outside. He stated when the homes were demolished where the retention pond is now, people in the neighborhood began fixing up their homes to make the area nicer and they hoped new houses would be built to replace the ones that had been removed.

Mr. Holtzinger questioned if water stands in the retention pond each day.

Mr. Haley stated the ground in this area is clay and where water collects it stays for a long time.

Jason Stroud, 223 Olive Street, also spoke in opposition to the petition. He agreed with Mr. Haley's comments regarding mosquitos brought on by the water in the retention pond. He stated they have fixed up their house and he is concerned that this proposal will negatively affect their property value.

Juan Montalvo, 315 Olive Street, also spoke in opposition to the petition. He stated he agrees with the information his neighbors have presented regarding the mosquito problem in the neighborhood.

Petitioner Rebuttal:

Mr. Jones stated he respects the concerns that have been raised here. He explained that Lionshead wants to be a good neighbor and it's his assumption the mosquito problem goes past their site because there are other retention ponds and standing water in the area. He stated he feels the potential exists for a cooperative review of the topic between his client (Lionshead), the City and any interested party in the area. He pointed out the mosquito issue seems to be the main concern here today and promises to communicate this to the Lionshead ownership.

Mr. McKee asked if they have considered having any neighborhood meetings.

Mr. Jones stated he is unaware of what happened before his firm began working on this project, but this will be suggested to his client.

Mr. McKee stated he would feel more comfortable making a decision here today if that is addressed.

Mr. Jones stated he does not know what his client will do, but he will take these concerns to them.

Ms. Biek asked if they anticipate that drainage will still be a problem with the new retention pond or is he willing to say it will be dry.

Mr. Jones stated because of the clay, standing water can sometimes be hard to get rid of, but he will forward this concern and also suggest they talk with the local health department because they sometimes get involved.

Audience Comments:

Jason Stroud, 223 Olive Street, stated that although they are concerned about mosquitoes, they are also concerned about their property values.

Mr. Wellington asked if he feels this will be worse when the landscaping is moved to that area.

Mr. Stroud stated yes because no one wants to live across from a factory with the noise and lighting.

Mr. Wellington questioned what the noise and lighting situation is.

Amber Stroud, 223 Olive Street, addressed Mr. Wellington's question regarding the noise and lighting. She stated the noise starts every morning, Monday through Friday, between 3:00 am and 4:00 am. She stated that currently the only landscaping is a fence and pine trees. She also complained that the security lights on the back of the building are on all night and shine into her home.

Petitioner Rebuttal:

Mr. Jones stated when there are issues concerning noise or lighting spilling off of the property, he would encourage people to contact the City and see if it is a code violation. He pointed out that one of the reviews they will be doing is for site lighting. He also noted that sometimes it is a matter of getting the concerns to the right people so they can be addressed. He stated he took note of the addresses of those that spoke to lighting and noise concerns and will forward the information to his client so they can coordinate with property owners and address their concerns.

Mr. Wellington asked what the new building will be used for.

Mr. Jones stated it is additional warehouse space.

Close public hearing

Staff Discussion:

Mr. McKee stated he is not willing to say yes to this request until the petitioners have had some conversation with the neighbors. He acknowledged there are water issues in that area.

Mr. Wellington asked if this will still be presented to the City Council if a favorable recommendation is not made.

Ms. Yoder responded yes, unless it is tabled.

Mr. Wellington asked Council President, Mr. McKee what he would like to see.

Mr. McKee stated he would like to see them work this out and it would be ok with him if this item is tabled.

Attorney Kolbus stated the Commission would need to state specific reasons if they wish to table this request.

Ms. Yoder noted that most of the complaints will not change based upon the new project, pointing out they will meet the setback and landscape requirements. She agreed that there needs to be better communication between the parties.

Mr. Wellington noted that noise can be addressed by the noise ordinance and lighting can also be addressed.

Commission members discussed the best option moving forward and Ms. Yoder pointed out the four choices available to the Commission. They include forwarding to Council a favorable recommendation, an unfavorable recommendation, or no recommendation, or tabling the request. She stated she is unsure what would be gained by tabling the request.

Attorney Kolbus explained to Mr. McKee that as Council President, he can represent to the petitioner that he would like specific items addressed at the Council meeting. He went on to say he feels the issues would be better addressed at the Council meeting.

Ms. Yoder agreed, noting that the Plan Commission makes a recommendation to Council and the Council is the decision maker.

Action:

A motion was made and seconded, Wellington/Holtzinger, to forward no recommendation to the Goshen Common Council for 17-04R. The motion passed unanimously by a vote of 9-0.

VII. Major Industrial Subdivision, Primary Approval (public hearing)

17-06SUB – Supreme Corporation and Cardinal Point Surveying request primary approval of a four lot major industrial subdivision, Horn Southeast Subdivision, generally located on the north side of East Kercher Road, west of Horn Ditch, east of and including Supreme Court, containing ± 34.81 acres, parts of the Southeast Quarter and Southwest Quarter of Section 24, Township 36 North, Range 6 East, Elkhart Township, and zoned Industrial M-1 District.

Staff Report:

Ms. Yoder explained this request is for primary approval of a four-lot major industrial subdivision which is a bit unusual because it is an already developed area which contains multiple buildings on multiple tax parcels, all under one ownership. The owner intends to retain ownership of Lot 1, which contains the Supreme corporate office, and may decide to sell or lease the remaining lots. She noted there are a number of items that need to be addressed for the primary subdivision and these items are required to be conditions of primary approval. She gave a brief overview of each item. She explained that as proposed, the lots meet the M-1 requirement for minimum lot area and all of the lots, with the exception of Lot 2, meet the requirement for minimum frontage. She explained Lot 2 is proposed with no street frontage and has no direct access to a public street. She stated the intention is for additional right-of-way to be dedicated for Supreme Court which includes a cul-de-sac to be constructed at the north end of Supreme Court. Access for Lot 2 is proposed from an easement from the cul-de-sac. Lots 1 and 4 have frontage on Kercher Road and the proposal is to use an existing entrance for shared access. An access easement is shown on the plat. She explained all of those items will require approval from the Board of Zoning Appeals (BZA) because the Plan Commission cannot waive Zoning Ordinance requirements. Those variances will be heard at next week's BZA meeting and will have to be approved before secondary approval can be granted. She asked that the Commission grant primary approval with the conditions listed in the Staff Report, with the exception of item 12 which is the dedication of land owned by Elkhart County and is already in place.

Petitioner Presentation:

Phil Barker, 1002 Zollinger Rd, spoke on behalf of the petitioner. He stated he is familiar with the Staff recommendation, and they are agreeable with Staff recommendation and will meet the requirements. He is here to answer any questions.

Audience Comments:

Mike Stump, Forest River, spoke in support of the petition. He stated Forest River intends to purchase two of the buildings and will relocate a company here that they have recently purchased. He noted the buildings are currently empty and have been for quite some time. He feels this will be beneficial for Goshen.

Close public hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant primary approval for 17-06SUB, based upon Staff Analysis with conditions listed in the Staff Report. The motion passed unanimously by a vote of 9-0.

VIII. *Audience Items*

None

IX. *Staff/Board Items*

None

X. *Adjournment – 5:25 pm* McKee/Wellington

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Connie Garber, President

Tom Holtzinger, Secretary