

Minutes - Goshen Plan Commission
Tuesday, November 20, 2018 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

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

II. Approval of minutes of 10/16/18 – Wellington/Holtzinger 5-0

III. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Wellington/King 5-0

IV. Postponements/Withdrawals
None

V. Major Subdivision – Primary Approval (public hearing)

18-06SUB – The City of Goshen Department of Cemeteries and Jones Petrie Rafinski request primary approval of a major subdivision for a cemetery, Oakridge Cemetery Additions. The subject property is generally located at 435 N 1st Street and is zoned Residential R-1 and R-2 Districts.

Staff Report:

Ms. Yoder explained cemeteries are permitted as conditional uses in the R-1 and R-2 zoning districts. There are minimal developmental requirements which have all been met for the proposed subdivision. She explained that portions of Oakridge Cemetery are located in the regulatory floodplain, including the floodway, and the proposed subdivision has been forwarded to Indiana DNR for review. She explained no new burials are permitted within the floodway and DNR has indicated that if any existing graves currently located within the floodway are removed, DNR review would be required because of the excavation.

Goshen Engineering has also reviewed the proposed subdivision. Their review has identified a large public sanitary sewer main that runs along Rock Run Creek in the cemetery, which will require a sanitary sewer easement, established in consultation with their office. This is a major subdivision and will not be approved in one meeting, but secondary approval will be granted once the conditions are met.

Staff recommends granting primary approval based upon the recommendations listed in the Staff Analysis.

Petitioner Presentation:

Peter Schnaars, Jones, Petrie, Rafinski, 325 S Lafayette Blvd, South Bend, spoke on behalf of the petitioner. He stated they have been working on this property for several years. There are approximately 500 lots, some existing and some new. He stated they discovered the existence of the sewer in the past couple months and it will need to be located and an easement prepared before the final plat can be prepared.

Mr. Wellington asked who owns the property.

Mr. Schnaars stated it is owned by the City.

Ms. Yoder stated she doesn't know how the cemetery lot ownership is regulated, but lots are being platted because it is required by State statute.

Burt Matteson, Director of Cemeteries, stated an easement for burial is sold, but the City retains ownership of the land.

Mr. Wellington asked if they have landscaping plans.

Mr. Matteson stated they plant trees, but don't generally do anything else.

Mr. Wellington asked if this property currently has trees.

Mr. Matteson stated there are some trees on the property and that they have had an active tree planting campaign for the past 10 years, with over 200 trees planted in city cemeteries.

Audience Comments:

Fred Buttell, 825 W Wilden Avenue, spoke in support of the request. He stated he owns the property across the street and supports the request because it is quiet with no loud parties, no junk cars, and visitors generally don't stay long.

Close public hearing

Staff Discussion:

Mr. Wellington asked if there is a landscape ordinance for this property.

Ms. Yoder replied the landscape ordinance does not generally apply to cemeteries.

Mr. Wellington asked if they have any leeway to discuss landscaping.

Ms. Yoder responded no because landscaping is a zoning ordinance requirement, not a subdivision requirement. The Plan Commission for this subdivision approval is enforcing subdivision ordinance requirements, not zoning ordinance requirements.

Action:

A motion was made and seconded, King/Wellington, to grant primary approval for 18-06SUB with the conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 5-0.

VI. Minor Residential Subdivision (public hearing)

18-07SUB - Norman & Sylvia Pennington and Progressive Engineering & Surveying, Inc., request approval of a two lot minor residential subdivision, Replat of Lot 13 West Clinton Addition. The subject property is generally located at 1912 W Clinton Street, with frontage on Clinton Street and Lincoln Avenue, and is zoned Residential R-1 District.

Staff Report:

Ms. Yoder explained why this is a minor subdivision, noting that if all requirements are met, subdivision approval may occur in one phase. She explained this is for Lot 13 in West Clinton Addition, with frontage on both W Clinton and Lincoln Avenue. The lot is currently developed with a single-family dwelling and a large pole barn, with access from Clinton Street. This request is to divide Lot 13 into two lots, with the existing house located on Lot 13A. Lot 13B, with frontage on Lincoln Avenue, would contain the pole barn. According to the petitioner, a single-family home is planned for Lot 13B. Because Lot 13B is proposed with an existing accessory building and no primary use, the property would be non-conforming if transferred to a new owner without the construction of a new house. For this reason, the subdivision approval should require a recorded commitment allowing the transfer of Lot 13B to a new owner only as part of an approved zoning clearance form and building permit for a new single-family

house. Staff recommends a six-month timeframe be required for the construction of the house to begin after the zoning clearance form has been approved and signed.

She referred to a memo from Goshen Engineering provided to Commission members at the beginning of the meeting, noting the information was brought to her attention after the Staff Report had been prepared. She explained the required infrastructure is existing and based on Goshen Engineering's review, water and sewer to serve Lot 13B are located on the south side of Lincoln Avenue and will require connection by boring under Lincoln Avenue, at the expense of the property owner. Goshen Engineering review also determined that utility connection plans must be reviewed by their office before the plat can be approved and this will be added as a condition of approval. She explained there is a storm sewer in the middle of Lincoln Avenue so the utility connections will need to be engineered properly so the laterals connecting the water and sewer don't conflict with the storm sewer.

She pointed out some incorrect items on the plat, noting they will need to be corrected before final approval. She also noted the recorded commitment form should be provided to Staff before the plat is signed and recorded.

The site plan shows that all developmental requirements can be met for the new single family home and based upon review Staff recommends approval of the minor subdivision with the conditions listed in the Staff Report.

Petitioner Presentation:

Stephanie Floyd, Progressive Engineering, Inc., 58640 State Road 15, Goshen, spoke on behalf of the petitioner. She stated they have reviewed comments provided by the Planning Department and the requested changes have been submitted for review. Commenting on the required commitment form, she stated they have provided a letter to the Planning office noting the intent to build on the property within one year. She asked that the six month requirement in the commitment form be changed from six months to one year so the items required by Engineering can be submitted.

Ms. Yoder commented that it doesn't mean construction must begin within six months after the plat is approved. The six month timeframe begins once the zoning clearance form for the house has been signed. Ms. Floyd stated they are also in conversation with Engineering regarding the utility connection plans.

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 grant approval for 18-07SUB with the conditions and commitment listed in the Staff Analysis. The motion passed unanimously by a vote of 5-0.

VII. Text Amendment to the Goshen Zoning Ordinance (public hearing)

18-020A - The Goshen Plan Commission proposes a text amendment to the Goshen Zoning Ordinance, Ordinance 3011, to change home occupations from a conditional use to a permitted use.

Staff Report:

Ms. Yoder explained the proposal is to change home occupations from a conditional use to a permitted use, noting the packet contains the existing Zoning Ordinance requirements in black, with the proposed changes in red. She went on to say this would put all of the requirements for home occupations into an expanded definition and become a permitted use in all zoning districts, meaning if you meet the definition of a home occupation, it would be permitted and no conditional use permit would be required.

She explained these changes were recommended as a result of a study group which met between July and September of this year. She noted the group included representatives from the Plan Commission, BZA, City Council, Chamber of Commerce, neighborhood association leadership, and a realtor.

She explained this is a public hearing item with a recommendation to the City Council to amend the Zoning Ordinance.

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 grant a favorable recommendation to the Goshen Common Council for 18-02OA. The motion passed unanimously by a vote of 5-0.

VIII. Audience Items

None

IX. Staff/Board Items:

None

X. Adjournment – 4:29 pm Wellington/Holtzinger

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Connie Garber
Connie Garber, President

/s/ Tom Holtzinger
Tom Holtzinger, Secretary