

Minutes - Goshen Plan Commission
Tuesday, February 19, 2019 - 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, Rolando Ortiz, Jim McKee, Leslie Biek, James Wellington, Joe McCorkel, Aracelia Manriquez and Tom Holtzinger. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: John King

II. 2019 Plan Commission Appointment
• *2019 Park Board appointment, in process*

Ms. Yoder noted for the record that when the Plan Commission agenda was prepared, the Park Board appointment was still in progress. She stated Jim Wellington was appointed to the Plan Commission at last night's Park Board meeting and his four year Plan Commission term will be concurrent with his Park Board term.

III. Approval of minutes of 1/15/19 – Holtzinger/Wellington 8-0

IV. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Holtzinger/Wellington 8-0

V. Postponements/Withdrawals
None

VI. Rezoning, PUD Major Change, & PUD Preliminary Site Plan (public hearings)
19-02MA – Carl & Rae, LLC, Zaremba Group, LLC, and AR Engineering, LLC, request a PUD major change to allow a 6' front parking/driving aisle setback along Johnston Street where 30' is required and a 5' rear (west) parking/driving aisle setback where 10' is required, and to approve a PUD preliminary site plan for a 9,100 square foot retail building. The subject property is generally located at the southwest corner of North Main Street and Johnston Street, Lot J in North Meadow Estates 4th subdivision, and is zoned Commercial B-3PUD, part of North Meadow Estates PUD.

Staff Report

Ms. Yoder explained this parcel is an undeveloped lot within the North Meadow Estates Commercial PUD, which was established in 1998. The 10-lot commercial subdivision was granted primary approval in December, 1997. This lot, Lot J was platted in January, 2000. This one acre parcel, located on the corner of N Main Street and Johnston Street has two street frontages and a 25' drainage and utility easement along the south property line. The proposal is for a 9,100 sf retail building and a PUD major change is necessary to allow a 6' front parking/driving aisle setback along Johnston Street where 30' is required and a 5' rear (west) parking/driving aisle setback where 10' is required. She explained the 6' setback along Johnston Street is not continuous and pointed out the setback along the east side of the proposed driveway is all below the required 30' setback.

Ms. Yoder noted that two variances have been granted for parking/driving aisle setbacks within the North Meadow Estates Commercial PUD, with both for a minimum of 20'. She pointed out the 6' setback requested today, where 30' is required, is inconsistent with the developmental standards of the PUD and the B-3 District. Staff's opinion is that if a reduction is granted, the parking/driving aisle setback along Johnston Street should be no less than 20'.

She explained the 5' parking/driving aisle setback requested along the rear (west) property line would have

much less impact, pointing out the west property line functions similar to a side yard in this case, and if it were a side yard the minimum setback would be 5' for the parking/driving aisle. The request for 5' along the rear is to keep the building out of the front setback along N Main Street.

PUD preliminary site plan approval for the 9,100 sf building and associated parking is also requested. She explained the requirements of the B-3 District and North Meadow Estates PUD are met, except as modified by the current request. She reminded Commission members the preliminary site plan is conceptual so the final site plan review, including detailed site plans and landscaping, will be submitted as part of Technical Review and can be reviewed by Staff on behalf of the Plan Commission.

This is a recommendation to the City Council and Staff recommends an unfavorable recommendation for the request as submitted, but a favorable recommendation for a modified PUD major change, to allow a 20' parking/driving aisle setback along Johnston Street, and to allow the 5' parking/driving aisle setback along the rear (west) property line.

Petitioner Presentation

David Swihart, 130 N Main St, spoke on behalf of the petitioner. He stated this lot has a number of constraints and the developer has been working with the City and made some concessions in order to develop this lot. He explained they are not trying to fit this onto a lot that is too small, there are just a number of restrictions on this lot, including the setbacks along both street frontages and the easement along the south side of the property. He also pointed out there are no access easements in place which only leaves one location for the entryway.

He stated they have been working with Staff regarding this development and as noted by Ms. Yoder, the 6' setback along Johnston Street is not for the entire frontage, but for one area. The remaining setback ranges from approximately 12' to over 20'. He also pointed out the area will be used solely as a driving aisle and will not be used for parking.

John Wojtila, 14600 Detroit Avenue, Lakewood, OH, also spoke to the petition. He provided an enlarged site plan, pointing out for Commission members where the site is located and indicating how the site would be configured. He pointed out the no access easements along N Main Street and a portion of Johnston Street, along with setback lines and the easement along the south property line.

Andrew Rossell, 4664 Campus Drive, Kalamazoo, MI, also spoke to the petition. He stated he is the civil engineer for this project and they have worked with Staff to find a way to develop this lot, noting the previous discussion regarding the setbacks along both street frontages and the 25' utility easement on the south side of the property. He explained the driveway is at the west end of the property where generally it would be at the front and available as a turnaround for truck traffic. With this site, the truck will need to pull in the front and back around to the west side. He noted the 25' utility easement along the south prevents the building from being moved farther back on the lot, requiring a variance for the setback along Johnston Street. A handout (*Exhibit 19-02MA 2/19/19*) was provided to Commission members which indicates in red, a 20' setback line and where the driving aisle would encroach into that 20'. He pointed to a corner on the northeast side and a small section toward the middle that trucks will use to swing out in order to make the rear turning movement. He commented that section is not intended for parking, but will be used strictly for maneuvering into and out of the parking spaces, as well as for delivery trucks. He went on to explain that delivery trucks are generally once per week, either before the store opens in the morning or close to, or after, the store closes in the evening. He explained they looked at numerous options regarding this site and after speaking to Staff, determined the best option was to meet the front building setback and ask for a variance for the rear parking setback.

Mr. McCorkel asked if there are parking provisions for Amish buggies.

Mr. Rossell stated there is nothing on the site plan, but there is a location along the rear where a hitching post can be added.

Mr. Wellington asked if they could purchase the lot to the west.

Mr. Rossell stated he has no information on that.

Mr. Wojtila stated the lot to the west is vacant, but he is not aware if they looked at it or not.

Mr. Wellington asked if they had any interest in the lot.

Mr. Wojtila stated he is not on the site acquisition team and does not know if anyone looked at this lot.

Mr. Holtzinger questioned the red setback line on the handout, asking if some of the parking spaces would be unusable.

Mr. Wojtila stated the pavement in that area would be used for maneuvering, not parking spaces. He also explained they can meet the City's requirements for number of parking spaces, but Dollar General has their own requirements and this is why additional spaces are provided.

Ms. Yoder addressed the area proposed for maneuvering, explaining we do not want truck maneuvering in the right-of-way and feels if the encroachment is kept to a minimum, in order to allow the safe maneuvering for trucks onsite, that is what we want to see. We would want to see the approval for that and not for a 6' setback for the entire length along Johnston Street. She explained if the Plan Commission approves, it should be for the minimum required to make the maneuvering work.

Mr. Swihart stated they are willing to work with the Planning Office and will agree moving forward that they will be consistent with what is shown here. They are also willing to stipulate they are not looking for a 6' setback all along Johnston Street and that there will be no parking in that area. In order to meet the driving aisle and maneuvering, they have to have this amount of space.

Mr. Wellington asked if the Commission is willing to grant as drawn here, how would it be worded?

Ms. Yoder responded it should be granted, consistent with the preliminary site plan. It should be no closer than 6' and with the minimum encroachment needed for truck maneuvering. That area should also be clearly designated as a no parking area. She suggested pavement markings so it is clear when you drive into the lot that it is a no parking area.

Mr. Wojtila stated they can stripe that area.

Mr. Wellington asked about the landscape area and if the proposed trees would impede vision clearance.

Ms. Yoder replied a detailed review of the landscape plan has not been done, and if trees are proposed in the vision clearance area they will have to be moved.

Audience Comments

Darryl Riegsecker, COO for Carl and Rae, LLC stated they welcome this project. They feel Dollar General will be a nice asset for this area. He also stated the City planted trees along N Main Street several years ago and isn't sure more trees will be required. He asked that the Plan Commission forward a favorable recommendation for this request.

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 19-02MA, and for the PUD preliminary site plan approval, to allow a driving aisle encroachment into the front yard setback along Johnston Street, consistent with the PUD preliminary site plan and with no less than a 6' setback, the minimum amount necessary to allow maneuvering of vehicles on

site, with no parking allowed in the front yard setback, and the encroachment area clearly marked as a no parking area, and to allow a 5' parking/driving aisle setback along the west (rear) property line. The motion passed unanimously by a vote of 8-0.

VII. Audience Items
None

VIII. Staff/Board Items
None

IX. *Adjournment* – 4:36 pm

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Connie Garber

Connie Garber, President

/s/ Tom Holtzinger

Tom Holtzinger, Secretary