

Minutes - Goshen Plan Commission
Tuesday, August 20, 2019 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I. The meeting was called to order with the following members present: Aracelia Manriquez, John King, Rolando Ortiz, Jim McKee, Leslie Biek, James Wellington, and Joe McCorkel. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Connie Garber and Tom Holtzinger.
- II. Approval of minutes of 7/16/19 – Wellington/King 7-0
- III. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Wellington/Manriquez 7-0
- IV. Postponements/Withdrawals
None
- V. **Tabled Item** (from July 16, 2019 Plan Commission meeting)
Amendment to Subdivision Approval (public hearing)
02-7SUB – Advanced Management Group, LLC, requests an amendment to 02-7SUB, The Gardens Fourth subdivision approval, to remove the sidewalk requirement along the west side of Tulip Blvd south of Clinton Street, extending south to 2407 Tulip Blvd. The subject property is public right of way, zoned R-3PUD.

Staff Report

Ms. Yoder explained this request was tabled at last month's meeting in order for City Staff to meet onsite with the City Forester. She stated that she, Right-of-Way Engineer Leslie Biek, and City Forester Aaron Kingsley met onsite on July 23rd, noting that photos taken that day are included with today's Staff Report. She stated the City Forester's assessment is included in today's packet, but summarized that according to his report, seventy-percent of the trees are in fair condition or better and include a mix of species. His report went on to say the existing trees provide benefits such as cooling, energy reduction, and stormwater mitigation. His report also noted that a sidewalk on the west side of Tulip Blvd would require the removal of most of the trees or would result in severe damage to most of the root structures because of the significant grade change from the curb to the west. The City Forester's conclusion is that if the sidewalk is completed on the west side of Tulip Blvd, the benefits of retaining the trees outweigh the benefits of a sidewalk along the west side, concluding that the trees are an asset and should remain.

Ms. Yoder stated that based upon the site visit, a mid-block crossing is recommended located north of the curve and before the right-of-way narrows. A photo and aerial with the location marked are included in today's packet. She noted that per Leslie Biek, Right-of-Way Engineer, the proposed crossing location provides adequate sight distance in both directions and proper signage and striping will make this an acceptable solution for the neighborhood.

Based on information from the previous Staff Report and new information provided here today, Staff recommends approval of this request.

Petitioner Presentation:

Wes Culver, 422 Constitution Avenue, spoke on behalf of the petitioner. He agreed with Staff that a mid-block crossing would be appropriate and that many areas of the City currently have sidewalks on one side of the street only. He noted that safety issues were a concern at the prior meeting, but feels this mid-block crossing will provide a safer area in which to cross than crossing at the intersection.

He stated that a landscaper for the apartment complex next door was clearing brush from under the trees a few years ago and issues arose when children from the apartment complex began coming across and playing in the pond on The Gardens property. He noted the pond is private and the association was concerned about liability. He also voiced concern about people parking on Tulip Blvd and walking across to the apartment complex. He feels the more barrier there is between the two properties, the less traffic they'll have back and forth between the two properties. He also pointed out if the sidewalk is installed, the neighborhood association will be responsible for snow removal as there will not be any homes along there.

Mr. Culver stated the association president spoke here last month about keeping the trees, but no poll was taken within The Gardens and pointed out there are a number of people who live in The Gardens that want the trees to remain. He stated it would be unfair to say he represented the majority of the homeowners when he spoke.

Audience:

Michael Kauffman, 2503 Tulip Blvd, spoke to the petition. He stated he is the president of the homeowner's association and discussed a handout he provided with his recommendation for a proposed sidewalk indicated. He explained this would be a 4' sidewalk, beginning at the 2407 property and ending at Clinton Street. He noted there is a narrow section along here, which is 330' in length, with a 2' grassy section between the sidewalk and street. Photos supplied by Mr. Kauffman show one tree that is in the way of this suggested sidewalk location and two others that would likely need to be removed. He stated that they do not want to remove all of the trees, but questioned Aaron Kingsley's assessment that seventy percent of the trees are fair or better.

He stated he would like to see a few more trees planted in this area to prevent people from parking on Tulip Blvd and cutting across to the apartments. He also noted that he feels the mid-block crossing is very dangerous.

Linda Hartman, 2414 Tulip Blvd, also spoke to the petition. She stated she feels this is a dangerous area because there are numerous pedestrians, noting that cars speed through this area. She is not in favor of the mid-block crosswalk.

Close public hearing

Staff Discussion

Mr. King asked if there is a sidewalk on the east side of Tulip Blvd.

Mr. McKee verified that there is.

Mr. King asked if the sidewalk recommended by Staff will line up with the existing sidewalk.

Ms. Yoder responded that the sidewalk on the east side will be completed with the current infill development.

Mr. King asked if the sidewalk on the east side of the street goes to the intersection.

Ms. Yoder replied that the last two homes are currently under construction and the sidewalk will be installed as they are completed.

Ms. Biek explained that while she is typically opposed to mid-block crossings, she has looked at this and feels that because of the low volume of traffic, this is an acceptable solution if there is proper signage and striping. She also pointed out that in order to install an ADA compliant sidewalk along Tulip to Clinton Street, they would have to cut into the bank and encounter significant tree roots.

Mr. Wellington asked if there are other traffic control devices that can be used to deter speeding in this area.

Ms. Biek stated speed counts can be installed to see how fast traffic is moving. As a last resort they can look at installing a speed hump that would allow snow plows to still plow the snow.

Mr. McCorkel asked about the timing for the completion of the sidewalk.

Ms. Yoder responded that the house along the west side of Tulip is under construction and that homeowner will need to install a sidewalk along the length of their property. If approved today, the sidewalk would then continue on to where it crosses to the other side of Tulip. The sidewalks on the east side would also be installed as the homes under construction are completed.

Action:

A motion was made and seconded, Wellington/McCorkel, to grant approval for the amendment to 02-7SUB based upon the Staff Analysis and with conditions listed in the Staff Report. The motion passed unanimously by a vote of 7-0.

VI. Rezoning (public hearing)

19-03R – McCon Building Corporation, Yoder Ainlay Ulmer & Buckingham, Super Steer Realty, Inc., and Triangle Rubber Co., Inc., request a rezoning for a portion of 2024 Elkhart Road from Residential R-1 to Commercial B-3, and a rezoning for a portion of 1824 Elkhart Road from Residential R-1 to Industrial M-1. The rezoning for 2024 Elkhart Road (Super Steer Realty) is one of three tax parcels, to match the existing B-3 zoning, for restaurant development. The rezoning for 1824 Elkhart Road (Triangle Rubber) is east and adjacent to the 2024 Elkhart Road parcel, and is approximately half of an undeveloped tax parcel, to match the existing M-1 zoning.

Staff Report:

Ms. Yoder explained this rezoning request is for two adjacent properties under separate ownership. There are multiple parcels in each property, but only a portion of each property is to be rezoned. She stated that 2024 Elkhart Road contains three tax parcels, noting that the two tax parcels adjacent to Elkhart Road are zoned B-3, and the rear (south) parcel is zoned R-1. All three parcels are under one ownership and will be developed as one zoning lot to allow for restaurant development. Once rezoned, all three parcels will be zoned B-3.

Adjacent to 2024 Elkhart Road is an R-1 area which is part of 1824 Elkhart Road, which is a multi-parcel property. The R-1 area is part of one tax parcel with split zoning. She pointed out the zoning is M-1 on the east and R-1 on the west. She explained a rezoning in 1984 left the R-1 zoning as a buffer, but pointed out if the commercial property is rezoned to B-3, the R-1 zoning does not need to remain. She also pointed out the R-1 zoning is not needed as a buffer because the M-1 has buffer requirements adjacent to residential.

She noted that the two rezoning will not have a negative impact on any adjacent properties and Staff recommends a favorable recommendation to Council for both rezonings.

Petitioner Presentation:

Steve Olsen, 130 N Main Street, spoke on behalf of the petitioner. He stated that representatives are here today from McCon Corporation and Super Steer. He stated they agree with Staff’s recommendation, including rezoning a portion of the Triangle Rubber property. He noted that Triangle Rubber also agrees with this change.

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 19-03R, based upon the Staff Analysis. The motion passed unanimously by a vote of 7-0.

VI. Audience Items
None

VII. Staff/Board Items
None

VIII. *Adjournment* – 4:31 pm Wellington/Biek

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Connie Garber
Connie Garber, President

/s/ Tom Holtzinger
Tom Holtzinger, Secretary