

Minutes - Goshen Plan Commission
Tuesday, December 17, 2019 - 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, Leslie Biek, James Wellington, Joe McCorkel, Aracelia Manriquez, Tom Holtzinger, Connie Garber, and Rolando Ortiz. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: John King

II. Approval of minutes of 11/19/19 – Holtzinger/McKee 8-0

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

IV. Postponements/Withdrawals

Ms. Yoder responded that there are no postponements or withdrawals, but she has been asked to hear the rezoning petition first and place the PUD major change and PUD preliminary site plan approval last on the agenda.

V. Rezoning (public hearing)

19-05R – Eash Holdings, LLC, Marbach, Brady & Weaver, and Subway request a rezoning from Commercial B-1 to Commercial B-2 for 301 W Pike Street (six tax parcels), and from Residential R-1 to Commercial B-2 for 307 N 2nd Street and 306 New Street, for development of a restaurant.

Staff Report

Ms. Yoder explained this property consists of eight tax parcels, six are vacant parcels zoned Commercial B-1 and two adjacent properties to the north of the vacant parcels are zoned Residential R-1. The parcels are under single ownership and will be developed as one zoning lot for a restaurant and parking. She noted the Commission is not reviewing the site plan, but a copy is included with the packet to show the proposed development. She gave background on the historic zoning for the properties noting the zoning was B-1 in 1961. She noted the two single-family houses on the property were rezoned to R-1 as part of a neighborhood rezoning. Because the current Zoning Ordinance does not allow restaurant use in the B-1 district, a rezoning or use variance is required for restaurant development. Adding the two residential properties to the north will allow for one access along North Second Street for room for parking and vehicle maneuvering. The B-2 zoning will match the zoning along the south side of Pike Street and allows development with minimal setback requirements. This will also match area commercial development. She went on to explain that several commitments are recommended as a condition of the rezoning, noting the Plan Commission and Council have the authority to require commitments as part of a rezoning. These commitments are to ensure any impact on the residential neighborhood is kept to a minimum. Staff recommends a favorable recommendation to the Goshen Common Council, with the commitments listed in the Staff Report.

Petitioner Presentation:

Chris Marbach, 3220 Southview Drive, Elkhart, spoke on behalf of the petitioner. He stated the current owner and the purchaser/developer of the property are here with him today. He stated a Subway restaurant was previously located on this property and they would like to bring another Subway back. He commented that the required commitments have been agreed upon by the seller and purchaser and they are willing to sign the agreement with a successful rezoning. He also asked for a favorable recommendation to Council.

Audience Comments:

Ray Jorgenson, 307 New Street, spoke in support of the petition. He stated they are fine with the zoning change and are happy with the 6' fence. He stated that Mr. Eash has been a wonderful landlord and he encourages everything he's doing. He mentioned he's glad to see access from Second Street instead of Pike Street, noting that New Street is a narrow, one-way street. He feels this will be a nice addition for the neighborhood.

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 19-05R, based upon the Staff Analysis and with the conditions and commitments listed in the Staff Report. The motion passed unanimously by a vote of 8-0.

VI. PUD Major Change & PUD Preliminary Site Plan Approval (public hearings)

19-05MA – Evergreen Real Estate Group and Carl & Rae, LLC, request a PUD major change and PUD preliminary site plan approval for a 120-unit assisted living facility, addressing density, on-site parking, loading, building height & length, and distance from adjacent child care center/group care home uses. The subject property is generally located at 282 Johnston Street, Lot G in North Meadow Estates Third Addition, and is zoned Residential R-3PUD (Planned Unit Development).

Staff Report:

Ms. Yoder explained the North Meadow Estates Residential PUD was established in May 1979. Seven lots, Lots A-G, have been established in two subdivision phases. This development is for Lot G, an interior lot containing approximately three acres and the only remaining undeveloped lot. The proposal is for a four-story, 120 unit assisted living facility, which is permitted as a conditional use in this zoning district. The requested major change will address one conditional use requirement and several R-3 district requirements. She described the list of R-3 requirements that cannot be met, explaining the deficient items are mainly because the assisted living use is less intense and expansive than a typical multi-family facility with smaller units, fewer occupants per unit, and a majority of occupants that do not drive. She pointed out the petitioner provided information which is included in the packets explaining how they determined the parking requirements. She explained the conditional use requirements do not replace the R-3 density requirements, so those standards are technically not met. She went on to explain the adjacent child care center is a small part of a large apartment complex and the adjacent Oaklawn property is large with significant open space and no direct connection to North Meadow Estates. She explained that neither of these properties should be impacted by this proposed use. She noted this is an appropriate location for an assisted living facility as North Meadow Estates is a mixed use development that contains single family, multi-family, and commercial uses within the development.

Preliminary site plan approval is also part of this request, to establish the preliminary assisted living site and landscape plans. Except as modified by the current request, all other requirements for this site have been met. She pointed out PUD final site plan approval can be reviewed by Staff on behalf of the Plan Commission.

Staff recommends a favorable recommendation be forwarded to the Common Council for the PUD major change and PUD preliminary site plan approval.

Petitioner Presentation:

Matt Carr, 201 N Illinois Street, Suite 1900, Indianapolis, IN, spoke on behalf of the petitioner. He stated he is legal counsel for the developer and introduced Jared Isenthal from Evergreen Real Estate Group. He explained the architect, Mike Jerabek, should be here shortly. He stated Jared Isenthal is available if anyone has any questions for him.

Ms. Garber asked why the decision was made to build this facility with four stories.

Mr. Carr stated that ideally they would like to build a three story facility on four to five acres, and the buildable lot here is much smaller. While this building will be four stories, it will have a flatter roof to minimize the height impact.

Audience Comments:

Darryl Riegsecker, 704 Reliance Road, spoke in support of the project. He stated he's the broker and an officer of

the corporation that owns the property. He noted that he's spoken with the apartment owners to the west and to the north and they agree this will be good for the neighborhood. He stated he feels this will be good for the north side of Goshen and asked that the Commission forward a favorable recommendation to the Council.

Close public hearing

Staff Discussion:

Ms. Biek asked how the parking was calculated for this facility.

Mr. Carr gave an overview of how the calculations are made, noting that for a facility such as this, 0.4 to 0.6 parking stalls per unit is typical. The average age per resident is typically 82 years old and there will be few residents that drive.

Ms. Yoder responded that in comparison, the Zoning Ordinance requires 1.5 spaces per unit. She pointed out parking for this use is typically for employees and visitors.

Action:

A motion was made and seconded, Wellington/Holtzinger, to pass a favorable recommendation to the Goshen Common Council for 19-05MA and PUD preliminary site plan approval, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 7-0 with one abstention (Garber).

VII. Audience Items

None

VIII. Staff/Board Items

IX. *Adjournment* – 4:24 pm Wellington/McKee 8-0

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Connie Garber, President

Tom Holtzinger, Secretary