



## **Goshen Common Council**

### **5:30pm June 2, 2020 Regular Meeting**

Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

*This meeting will be conducted under a declared public health emergency covering all of the State of Indiana. Due to social distancing guidelines there will be very limited spaced for public attendance. Members of the public are encouraged to submit questions or comments ahead of time to elected officials and/or the pertinent city offices.*

The meeting will be streamed live via Zoom at: <https://us02web.zoom.us/j/86229548985>

#### **Call to Order by Mayor Jeremy Stutsman**

#### **Pledge of Allegiance**

#### **Electronic Meeting Participation Statement and Roll Call:**

Megan Eichorn (District 4)	Julia King (At-Large)	Jim McKee (District 1)
Doug Nisley (District 2)	Gilberto Pérez, Jr. (District 5)	Matt Schrock (District 3)
Council President Brett Weddell (At-Large)	Youth Advisor Zoe Eichorn (Non-voting)	

#### **Approval of Meeting Agenda**

#### **Privilege of the Floor**

#### **Elected Official Reports**

#### **Special Presentation: Youth Advisor Zoe Eichorn**

- I. **Ordinance 5044:** An Ordinance to Amend Ordinance No. 3011, Known as the Zoning and Use Regulations Ordinance for the City of Goshen, Indiana, by Rezoning the Area of Real Estate Hereinafter Described from Commercial B-1 District and Residential R-2 District to Commercial B-3 District

#### *Adjournment*



Rhonda L. Yoder, AICP  
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN  
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185  
rhondayoder@goshencity.com • www.goshenindiana.org

## MEMORANDUM

TO: Goshen Common Council

FROM: Rhonda L. Yoder, City Planner

DATE: June 2, 2020

RE: Ordinance 5044

The Goshen Plan Commission met on May 19, 2020, in regular session and considered a request for a rezoning from Commercial B-1 and Residential R-2 to Commercial B-3 for ±2.551 acres generally located on the north side of E Lincoln Avenue near the intersection with Blackport Drive, part of a property with a common address of 2005 E Lincoln Avenue, with the rezoned area to be incorporated into the existing Commercial B-3 area of 1715 E Lincoln Avenue to allow expanded truck parking, with the following outcome:

*Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 6-0.*

*The recommendation is based upon the following:*

1. The rezoning is consistent with the existing zoning and land use in the area.
2. The rezoning is consistent with the Comprehensive Plan, including:
  - Land Use, Goal L-1: Prioritize the reuse and redevelopment of existing land and structures.
  - Land Use, Goal L-2: Promote commercial and industrial development that complements existing land uses.
3. The rezoning to B-3 will match the existing zoning adjacent to the west.
4. The B-3 and R-2 District requirements are able to be met.

At the Plan Commission meeting, one person (property owner to the north) spoke with a question about where the parking expansion would take place. The petitioner explained the rezoning site plan shows the parking expansion and retention on the southern/eastern portion of the property. The rezoning site plan was provided.

No other comments or questions were received by the Planning office.

Ordinance 5044

An Ordinance to Amend Ordinance No. 3011, Known as the Zoning and Use Regulations Ordinance for the City of Goshen, Indiana, by Rezoning the Area of Real Estate Hereinafter Described from Commercial B-1 District and Residential R-2 District to Commercial B-3 District

WHEREAS Star Truck Rentals, Inc., and Abonmarche Consultants submitted an application on the 27th day of April 2020 to rezone the real estate hereinafter described from Commercial B-1 District and Residential R-2 District to Commercial B-3 District, and the Goshen City Plan Commission did after proper legal notice conduct a hearing on said Petition as provided by the Law on the 19th day of May 2020, and recommended the adoption of this Ordinance by a vote of 6-0.

NOW, THEREFORE be it ordained by the Common Council of the City of Goshen, Indiana, that:

A part of the property generally located at 2005 E Lincoln Avenue, and more particularly described as follows:

A PART OF THE NORTHEAST QUARTER OF SECTION 10 AND THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE SOUTH 00 DEGREES 54 MINUTES 14 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 785.96 FEET TO AN IRON PIPE MARKING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00 DEGREES 54 MINUTES 14 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, ALSO BEING THE WEST LINE OF A PARCEL OF LAND CONVEYED TO CLARENCE AND LEONA M. YODER AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 94 017973 AND THE WEST LINE OF A PARCEL OF LAND CONVEYED TO EAST GOSHEN MENNONITE CHURCH, INC. AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN DEED RECORD 299, PAGE 229, A DISTANCE OF 537.80 FEET TO THE SOUTHWEST CORNER OF SAID EAST GOSHEN MENNONITE CHURCH, INC. PARCEL; THENCE NORTH 89 DEGREES 14 MINUTES 08 SECONDS EAST ALONG THE SOUTH LINE OF SAID EAST GOSHEN MENNONITE CHURCH, INC. PARCEL, A DISTANCE OF 83.49 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 246.69 FEET TO A POINT ON THE CENTERLINE OF EAST LINCOLN AVENUE (STATE ROAD NUMBER 4); THENCE SOUTH 73 DEGREES 54 MINUTES 16 SECONDS WEST ALONG THE CENTERLINE OF SAID EAST LINCOLN AVENUE (STATE ROAD NUMBER 4), A DISTANCE OF 82.39 FEET; THENCE SOUTH 75 DEGREES 16 MINUTES 58 SECONDS WEST ALONG THE CENTERLINE OF SAID EAST LINCOLN AVENUE (STATE ROAD NUMBER 4), A DISTANCE OF 113.35 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO STAR TRUCK RENTALS, INC. AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2014-15417; THENCE NORTH 00 DEGREES 53 MINUTES 21 SECONDS WEST ALONG THE EAST LINE OF SAID STAR TRUCK RENTALS, INC. PARCEL, A DISTANCE OF 834.69 FEET TO THE NORTHEAST CORNER OF SAID STAR TRUCK RENTALS, INC. PARCEL, ALSO BEING A POINT ON THE SOUTH LINE OF A PARCEL OF LAND CONVEYED TO CURTIS J. STOLTZFUS AND SARAH L. HASER AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2015-19412; THENCE NORTH 89 DEGREES 49 MINUTES 02 SECONDS EAST ALONG THE SOUTH LINE OF SAID STOLTZFUS AND HASER PARCEL, A DISTANCE OF 109.78 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 2.551 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND PUBLIC RIGHTS OF WAY OF RECORD.

All of the above shall be rezoned from Commercial B-1 District and Residential R-2 District to Commercial B-3 District, and the zone maps designated and referred to in Ordinance No. 3011 shall hereby be amended and ordered amended to reflect such classification and rezoning of said real estate.

PASSED by the Common Council of the City of Goshen on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Adam C. Scharf, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2020 at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Adam C. Scharf, Clerk-Treasurer

APPROVED AND ADOPTED by the Mayor of the City of Goshen on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor

**To:** Goshen City Plan Commission/Goshen Common Council  
**From:** Rhonda L. Yoder, Planning & Zoning Administrator  
**Subject:** 20-02R – Rezoning, Commercial B-1 and Residential R-2 to Commercial B-3  
2005 E Lincoln Avenue (part of)  
**Date:** May 19, 2020

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## **ANALYSIS**

Star Truck Rentals, Inc., and Abonmarche Consultants request a rezoning from Commercial B-1 and Residential R-2 to Commercial B-3 for ±2.551 acres generally located on the north side of E Lincoln Avenue near the intersection with Blackport Drive, part of a property with a common address of 2005 E Lincoln Avenue. The area to be rezoned will be incorporated into the existing Commercial B-3 area of 1715 E Lincoln Avenue to allow expanded truck parking.

The property at 2005 E Lincoln Avenue is currently three tax parcels, and includes B-1 and R-2 zoning. The west parcel has been part of the City since 1941, and the two east parcels were annexed into the City in December 2018. The property includes a single family house located on the east side of the property, along with a detached storage building on the west parcel.

The 2005 E Lincoln Avenue property was acquired by Star Truck Rentals, Inc., in late 2019, and the rezoning request is for a portion of the property on the west side, which after rezoning would become part of the existing B-3 property at 1715 E Lincoln Avenue. The additional site area would allow expanded truck parking and reconfigured stormwater retention. A preliminary site plan submitted with the rezoning shows the approximate area of the proposed improvements.

If the rezoning is approved, the remainder of the 2005 E Lincoln Avenue property will remain Residential R-2, containing the existing single family house. After the rezoning, the tax parcels would be reconfigured to create one tax parcel for 1715 E Lincoln Avenue that includes the rezoned area, and a separate tax parcel for the residential remainder of 2005 E Lincoln Avenue. Because the parcel reconfiguration will not create an additional building lot, no subdivision is required.

The site plan submitted with the rezoning is not part of the rezoning and is not being reviewed by the Plan Commission or Council, but demonstrates that B-3 requirements are able to be met for the area to be rezoned and that R-2 requirements are met for the residential remainder.

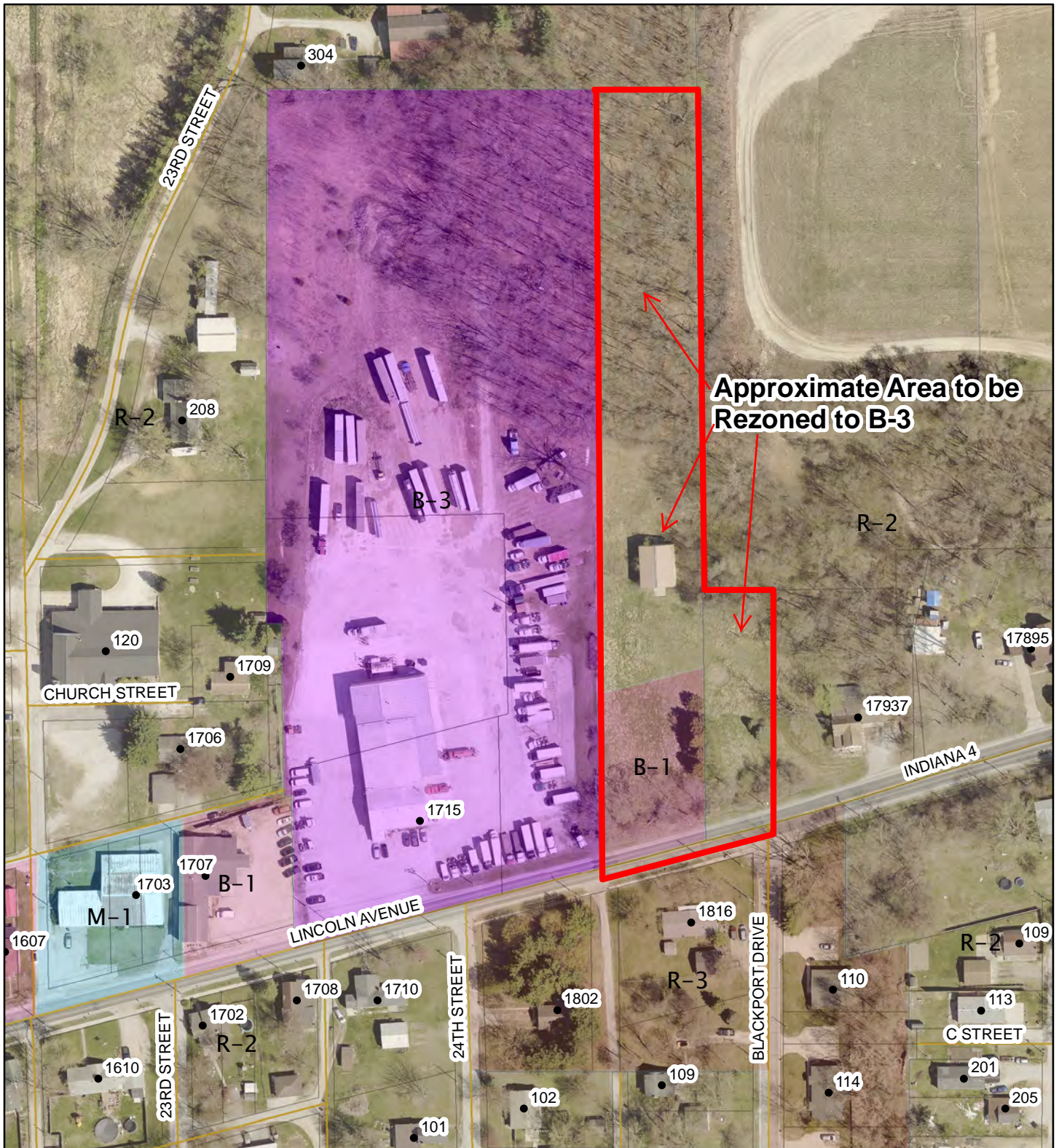
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## **RECOMMENDATIONS**

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the rezoning from Commercial B-1 and Residential R-2 to Commercial B-3 for ±2.551 acres generally located on the north side of E Lincoln Avenue near the intersection with Blackport Drive, part of a property with a common address of 2005 E Lincoln Avenue, based upon the following:

1. The rezoning is consistent with the existing zoning and land use in the area.
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  - Land Use, Goal L-1: Prioritize the reuse and redevelopment of existing land and structures.
  - Land Use, Goal L-2: Promote commercial and industrial development that complements existing land uses.
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4. The B-3 and R-2 District requirements are able to be met.

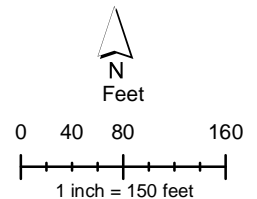




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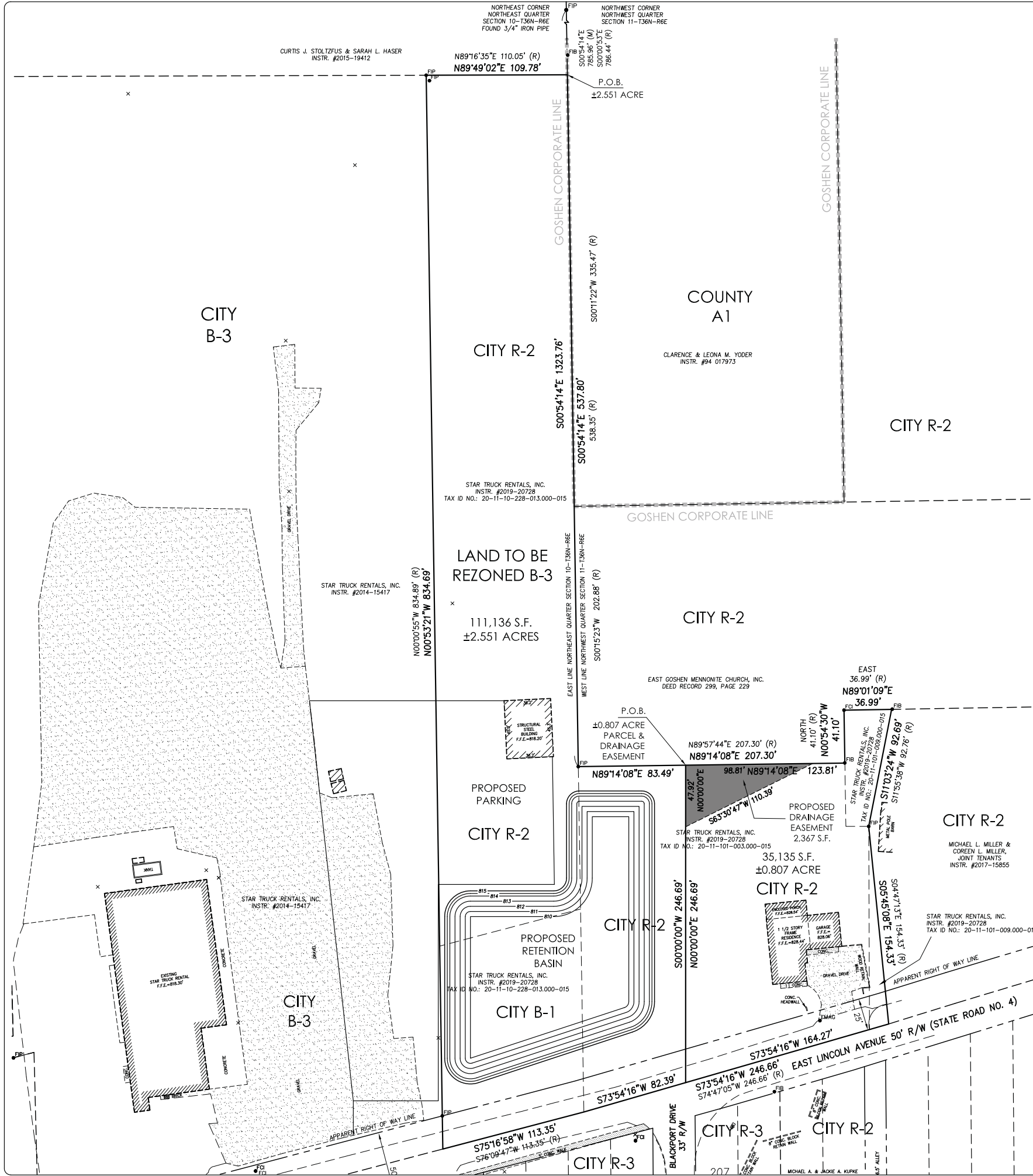
2005 E Lincoln Avenue

Zoning Map & 2019 Aerial  
Printed April 30, 2020



The City of Goshen  
Department of  
Planning & Zoning  
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-3600 Fax: 574-533-8626





**REZONING SKETCH**  
OWNERS: STAR TRUCK RENTALS, INC.  
A PART OF THE NORTHEAST QUARTER OF SECTION 10 AND THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, CITY OF GOSHEN, INDIANA

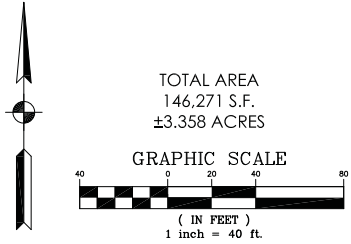
**LEGAL DESCRIPTION**  
STAR TRUCK RENTALS, INC.  
2.551 ACRE - LAND TO BE REZONED TO B-3

A PART OF THE NORTHEAST QUARTER OF SECTION 10 AND THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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- ZONING LEGEND**  
**CITY OF GOSHEN**  
R-2 : RESIDENTIAL DISTRICT (TWO FAMILY)  
R-3 : RESIDENTIAL DISTRICT (MULTI-FAMILY)  
B-1 : COMMERCIAL DISTRICT (NEIGHBORHOOD COMMERCIAL)  
B-3 : COMMERCIAL DISTRICT (GENERAL COMMERCIAL)

**ELKHART COUNTY**  
A-1 : AGRICULTURAL DISTRICT



1	REVISE BOUNDARY LINES AND LEGAL DESCRIPTION	DJ	04/23/20
NO.	REVISION DESCRIPTION:	BY:	DATE:

ABONMARCHÉ

1009 South Ninth Street  
Goshen, IN 46526  
P: 574.533.9911  
abonmarche.com

Cohen  
Hobart  
Bottle Creek  
Benita Harbor  
South Haven  
Valparaiso

Engineering - Architecture - Land Surveying

PROJECT:  
A PART OF THE NORTHEAST QUARTER OF SECTION 10 AND THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, CITY OF GOSHEN, INDIANA

REZONING SKETCH  
STAR TRUCK RENTALS, INC.

SHEET TITLE:  
DRAWN BY:  
DESIGNED BY:  
PM REVIEW:  
QA/QC REVIEW:  
DATE:  
SEAL:  

GREGORY C. SHICK  
REGISTERED  
No. 50484  
STATE OF  
INDIANA  
LAND SURVEYOR

SIGNATURE:  
DATE:  
04/15/2020

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.

SCALE:  
HORZ: 1"=40'  
VERT:  
ACI JOB #  
19-1631  
SHEET NO.