

Minutes - Goshen Plan Commission
Tuesday, July 21, 2020 - 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present via electronic communication: Jim Wellington, Richard Worsham, Josh Corwin, Aracelia Manriquez, Betsy Poling, and Tom Holtzinger. Member Jim McKee was physically present, along with City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Rolando Ortiz

Remote Meeting Statement

Ms. Yoder read the following emergency meeting notice: We begin this meeting during a declared public health emergency covering all of the State of Indiana

Board member (s)

- Richard Worsham
- Josh Corwin
- Aracelia Manriquez
- Betsy Poling
- Rolando Ortiz (if he joins)
- Jim Wellington, and
- Tom Holtzinger

are participating in this meeting by electronic communication pursuant to Governor Holcomb's Executive Orders 20-04, 20-09, and 20-34, as well as guidance from Indiana Public Access Counsellor Luke Britt.

Board member Jim McKee is physically present in City Council Chambers as we begin this meeting.

Ms. Yoder reminded Commission members that because some members are participating via electronic communication, all votes must be roll call votes, including those for approval of the minutes, and filing ordinances and reports into record.

II. Approval of minutes of 6/16/20 – A motion was made and seconded, Wellington/Holtzinger, to approve the minutes as presented with the following outcome: Wellington, yes; Worsham, yes; Holtzinger, yes; McKee, yes; Corwin, yes; Poling, yes; Manriquez, yes. The motion passed unanimously by a vote of 7-0.

III. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: A motion was made and seconded, Holtzinger/Wellington, to accept the Filing of the Zoning and Subdivision Ordinances and Official Staff Reports into record with the following outcome: Wellington, yes; Worsham, yes; Holtzinger, yes; McKee, yes; Corwin, yes; Poling, yes; Manriquez, yes. The motion passed unanimously by a vote of 7-0.

IV. Postponements/Withdrawals
None.

V. Major Subdivision, Primary Approval (public hearing)

20-02SUB –City of Goshen, Arturo Marin, Aracelia Manriquez, and Abonmarche Consultants, Inc., request primary approval of a three-lot major subdivision, Lincoln Avenue Subdivision, generally located on the south side of Lincoln Avenue, extending east from Rock Run Creek to property across from Steury Avenue, approximately 7.414 acres, with common addresses of 622, 624, 700, 702, 704, 708, 710, 712, 714, 716, 718, 800, 828, 922 ½ and 922 E Lincoln Avenue, along with alley right of way between 704 and 708 E Lincoln, and zoned Residential R-1, Industrial M-1 and Industrial M-2.

Ms. Yoder noted for the record that Ms. Manriquez is a petitioner for this item and will recuse herself from hearing this petition.

Ms. Manriquez left the meeting at 4:06 p.m.

Staff Report

Ms. Yoder explained that Engineering comments were received after packets had been completed and those comments have been provided to Abonmarche. She reminded Commission members that the Plan Commission has exclusive control over primary and secondary approval of subdivisions and explained primary applications can be approved, approved with conditions, or disapproved. She explained the three lots making up the Lincoln Avenue Subdivision, noting the subdivision will combine a number of existing tax parcels with Residential R-1 and Industrial M-1 zoning to the west, along with Industrial M-1 and M-2 to the east. She explained that rezoning is not included as part of this subdivision process and will be required prior to the development of Lot 3. She noted that as proposed, the lots meet the existing requirements of the Zoning Ordinance for minimum lot frontage and lot size. The existing parking and access in front of the grocery store on Lot 1 must be removed and the area planted with grass. She noted that Lincoln Avenue will be reconstructed with curbing and the only access for Lot 1 will be from the new parking lot directly across from Steury Avenue. She pointed out that a portion of the proposed subdivision is located within the Special Flood Hazard Area, including Floodway, and the subdivision was forwarded to Indiana DNR for review. One item needing further review appears on GIS as an alley right-of-way between 704 and 708 E Lincoln, but preliminary research appears this is a driveway and a possible easement, not right-of-way. The driveway/easement will need to be released prior to secondary approval.

Dedication of right-of-way, a minimum 40' from the centerline south, is required along Lincoln Avenue. A sidewalk is also required along the south side of Lincoln Avenue from Rock Run Creek to the new driveway access on Lot 1.

The overall subdivision drainage plan is part of an area drainage plan which has been implemented with detention constructed on Lot 2. Lots 1 and 3 are allowed stormwater drainage access to the existing detention basin on Lot 2, subject to review and approval by Goshen Engineering.

The requirements for primary approval are met and Staff recommends the Plan Commission grant primary approval with conditions.

Mr. Ortiz joined the meeting at 4:10 p.m.

Petitioner Presentation

Becky Hutsell, Goshen Redevelopment, spoke on behalf of the petitioner. She stated they have spent approximately 10 years acquiring the parcels and getting them ready for future development. She noted a primary subdivision was done a few years ago, and now that they have since acquired additional property, they request that the additional properties be included in this development. She stated there are no immediate plans for Lot 3, but want to be prepared when the right project is found. She asked that the Plan Commission grant primary approval of the subdivision.

Audience Comments

Matt Schrock, 1210 E Lincoln Avenue, spoke to the petition. He asked for clarification on lot lines between Lots 2 and 3.

Ms. Yoder replied the line is west of the detention basin.

Mr. Schrock asked if this has anything to do with the homeless shelter.

Ms. Yoder stated the subdivision has nothing to do with the future development, except that it creates lots for development. She also pointed out that if the subdivision meets the requirements, the subdivision is granted, and explained that a rezoning would come back to the Plan Commission and Council for a decision.

Brian Garber, 921 E Lincoln Avenue, also spoke to the petition. He stated he is fine with this request and has no concerns.

Close Public Hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant primary approval for 20-02SUB, based upon the Staff Analysis and with the conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Wellington, yes; Worsham, yes; Holtzinger, yes; Ortiz, yes; McKee, yes; Corwin, yes; Poling, yes. The motion passed unanimously by a vote of 7-0.

Ms. Manriquez rejoined the meeting at 4:35 pm.

VI. Rezoning (public hearing)

20-04R –The Arnovitz Family Ltd and Abonmarche Consultants request a rezoning from Commercial B-1 District to Commercial B-2 District for subject property generally located at 410 W Pike Street. The rezoning is requested to address the existing non-conformity in order to facilitate future use.

Staff Report

Ms. Yoder explained this location is the former Monteith Tire and Service Center at the corner of W Pike and New Street. She explained that prior to the redevelopment of Pike Street, the property had direct access to Pike Street, but INDOT's redevelopment removed that access and, as a non-conforming use, the site faces challenges in meeting requirements for a new commercial use. She explained that the property has been zoned B-1 since Goshen's first Zoning Ordinance went into effect in 1961, and the tire store was a permitted use when it was approved in 1965. She went on to say the tire store use can continue as a lawful non-conforming use, but new commercial uses must meet the B-1 District requirements, which allows very limited commercial use, noting that any commercial use not allowed in the B-1 District would require a use variance from the BZA.

Ms. Yoder explained this neighborhood currently contains mixed use and with existing B-2 zoning adjacent, the request for B-2 zoning is reasonable. She explained that while the B-2 allows a wide range of uses, the most intense uses are not permitted. She also pointed out this site has limited onsite parking and the B-2 district does not have parking requirements for commercial uses. She went on to say a site plan submitted with the rezoning shows the existing development has many non-conforming setbacks. Rezoning to B-2 decreases the non-conformity with only the setback on the west side continuing as non-conforming. Staff recommends a favorable recommendation to the Council.

Mr. Worsham asked why this property would not meet the parking requirements for B-3 zoning.

Ms. Yoder replied that every use has specific parking requirements and while she did not look into this extensively, it appears that most B-3 uses would require more parking than what's available at this location. She noted that even though it appears there is ample parking, spaces have to be dimensioned properly and there have to be driving aisles. She also reminded members that access will not be available from Pike Street.

Mr. Holtzinger asked if this property will be accessed from Pleasant Street or New Street.

Ms. Yoder responded that access is existing from both the south and east side of the property.

Petitioner Presentation

Crystal Welsh, 1009 S 9th Street, spoke on behalf of the petitioner. She stated the Pike Street reconstruction caused issues with the access for this property, and feels the zoning change to B-2 will remove a lot of the non-conforming elements and allow the owners to reuse or sell this property. She asked that the Commission forward a favorable recommendation to the Council.

Mr. Holtzinger asked if the intention is to use the existing building or if other options are being considered.

Matt Arnovitz, 753 Ashton Circle, Kettering, OH, also spoke to the petition. He stated it would be great if they could find someone to use the existing building, but they were unsure what is permitted. They're trying to clarify what can be done with the property, whether it be for lease or for sale.

Audience Comments

There was no one to speak to the petition.

Close Public Hearing

Staff Discussion:

Mr. Worsham asked if the building can be used for automotive if the zoning is changed to B-2.

Ms. Yoder responded automotive uses would not be permitted.

Action:

A motion was made and seconded, Wellington/Manriquez, to forward a favorable recommendation to Council for 20-04R, based upon the Staff Analysis. A roll call vote was requested with the following outcome: Wellington, yes; Worsham, yes; Holtzinger, yes; Ortiz, yes; McKee, yes; Corwin, yes; Poling, yes; Manriquez, yes. The motion passed unanimously by a vote of 8-0.

VII. Major Subdivision, Primary Approval (public hearing)

20-03SUB –Green Apple, LLC, and Abonmarche Consultants, request primary approval of a two-lot major industrial subdivision, Replat of Lot #1 of Eisendorff Field, generally located at 1811 and 1853 Eisenhower Drive South, zoned Industrial M-1. The subdivision is requested to divide an existing developed lot into two lots.

Staff Report

Ms. Yoder explained Eisendorff Field is the original two-lot industrial subdivision and today's request is to divide the existing Lot 1 into two lots. She explained that Lot 1 contains two buildings, which is permitted in the M-1 district, and the proposed subdivision would allow each building to be on its own lot. An existing driveway is currently shared between the two buildings and would continue to be shared between Lots 1A and 2A, requiring a shared access agreement. An application to the Board of Zoning Appeals (BZA) is also required for the zero foot parking/driving aisle setback for the shared access because this is a Zoning Ordinance standard that the Plan Commission cannot waive. She went on to explain there is time between primary and secondary approval for them to file with the BZA. She explained there are conditions of approval and listed them for Commission members. Staff recommends primary approval be granted with conditions.

Petitioner Presentation

Crystal Welsh, 1009 S 9th Street, spoke on behalf of the petitioner. She stated the intention is to divide Lot 1 into two separate parcels, allowing each building to be on its own lot. She stated they have submitted for Tech Review and will submit for the August BZA. Those two conditions will be met and they are currently working on getting the easements in place. She said they're comfortable they'll meet all of the conditions prior to secondary approval and asked that the Plan Commission approve the primary plat.

Audience Comments

There was no one to speak to the petition.

Close Public Hearing

Staff Discussion:

Mr. Holtzinger asked if dividing this will allow each building to be sold separately.

Ms. Yoder responded yes, because each building will be on its own lot.

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant primary approval for 20-03SUB, based upon the Staff Analysis and with the conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Wellington, yes; Worsham, yes; Holtzinger, yes; Ortiz, yes; McKee, yes; Corwin, yes; Poling, yes; Manriquez, yes. The motion passed unanimously by a vote of 8-0.

VIII. Audience Items

None

IX. Staff/Board Items

Ms. Yoder advised Commission members that because of the public health emergency, it's been difficult for Joe McCorkel to participate in meetings and he has decided to resign. She went on to say it's anticipated that a replacement will be in place for the August meeting.

X. Adjournment – 4:35 pm Wellington/Holtzinger

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Jim McKee

Jim McKee, President

/s/ Tom Holtzinger

Tom Holtzinger, Secretary