



Goshen Common Council

6:00 p.m. December 1, 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. In accordance with Mayor Stutsman's Executive Order 2020-16, this meeting will be held with virtual-only public access, including opportunity for questions/comments at the appointed times, via Zoom software. Note that free public Wifi is available at Goshen Public Library. For link, see <https://goshenindiana.org/calendar>

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 Hazany Palomino (Non-voting)	

Approval of Minutes – Nov. 17

Approval of Meeting Agenda

Privilege of the Floor

Elected Official Reports

- Public Records Perpetuation Fund (Scharf)

I. Ordinance 5069

Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 2604, 2606 and 2608 S Main Street, from Commercial B-1 District to Residential R-1 District

- Plan Commission Memo
- Staff Analysis and Recommendations (Yoder)
- Area Map
- Narrative Plan
- Site Plan



II. Ordinance 5070

Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 401 S 3rd Street, from Residential R-3 District to Commercial B-2 District

- Plan Commission Memo
- Staff Analysis and Recommendations (Yoder)
- Area Map

III. Ordinance 5071

Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 311 Oakland Avenue, from Commercial B-3 District to Residential R-2 District

- Plan Commission Memo
- Staff Analysis and Recommendations (Yoder)
- Area Map

IV. Ordinance 5072

Amend Ordinances 4768 and 4871, Known as the Waterford Commons Business Park PUD (Planned Unit Development)

- Plan Commission Memo
- Staff Analysis and Recommendations (Yoder)
- Area Map
- Site Plan

Adjournment



City Clerk-Treasurer
CITY OF GOSHEN

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

clerktreasurer@goshencity.com • www.goshenindiana.org

1 December 2020

To: Members of Goshen Common Council, Council President Weddell, Mayor Stutsman

From: Adam Scharf

Re: Public Records Perpetuation Fund

Ordinance 3930 was passed by the Goshen Common Council on 7 Dec. 1999. Section 4 of this ordinance established a Public Records Perpetuation Fund, the stated purpose of which is “the preservation of records and improvement of record keeping systems and equipment.” It directed that the revenues collected per the fee schedule be receipted into this fund. However, it appears that this fund was never created in the City’s accounting system. Consequently, twenty years’ worth of fees have not been set aside – or used – for the intended purpose, leaving the City of Goshen’s public records systems and equipment sorely in need of investment to bring them up to modern standards, to better secure against risk of damage or destruction, and to improve usability and accessibility by city staff and the general public.

In August the Common Council adopted Ordinance 5052: Accident Report Fee, which in effect was a second update to the Police Department’s portion of Ordinance 3930. Other fees in the ordinance, along with media types (e.g. 3 ½” computer disks, ZIP disks, audio cassette tapes), also need to be updated.

With this memorandum I would like to:

- 1) Provide notification of our department’s intent to establish the Public Records Perpetuation Fund in the City’s accounting system under the authority of Ordinance 3930.
- 2) In the new year, begin drafting an update to Ordinance 3930, primarily focused on:
 - a. Inflationary adjustments to the schedule of fees
 - b. Updates to media/technology types
- 3) Invite council members to tour some of the City’s current public records archives in order to better understand the circumstances and needs.
- 4) Advise Council that the Department of Finance & Records (Clerk-Treasurer’s Office), in cooperation with administration key staff members and Mayor Stutsman, is evaluating options for large-scale public records scanning and digitization.

ORDINANCE 3930

AN ORDINANCE GOVERNING THE ACCESS TO PUBLIC RECORDS OF THE CITY OF GOSHEN PURSUANT TO INDIANA CODE 5-14-3-1 ET SEQ., ESTABLISHING A FEE SCHEDULE PURSUANT TO INDIANA CODE 5-14-3-8, AND ESTABLISHING A PUBLIC RECORDS PERPETUATION FUND.

Whereas, the Indiana Access to Public Records Act was enacted to permit the public access to information regarding the affairs of the government and the official acts of those who represent them as public officials and employees.

Whereas, Indiana Code 5-14-3-8 requires the fiscal body to establish a fee schedule for the certification, copying, or facsimile machine transmission of public documents, provided that the fee does not exceed the actual cost of certifying, copying, or facsimile machine transmission of the document, and that the fee is uniform throughout the public agency and uniform to all purchasers.

Whereas, the establishment of a new fund is desired to deposit the fees received pursuant to this ordinance.

Now, therefore, be it ordained by the Common Council of the City of Goshen, Indiana, that:

Section 1. Incorporation of State Statutes

Indiana Code 5-14-3-1 et seq., as may be amended from time to time, is adopted and incorporated into this ordinance by reference.

Section 2. Request to Inspect or Copy Public Record

- A. Any person may inspect and copy the public records of the city during the regular business hours, unless such records are otherwise excepted from disclosure requirements as provided under Indiana Code 5-14-3-4.
- B. A request for inspection or copying must:
 - 1. Identify with reasonable particularity the record being requested; and
 - 2. Be in writing on or in a form provided by the city, unless such a requirement is otherwise waived by the department or office receiving the request.

- C. The city department or office which is in possession of a public record and has reasonable access to a machine capable of reproducing the record must provide at least one copy of the record to the person based on the fees set forth pursuant to Section 3. The compilation and copying of any such public documents will be provided within a reasonable period of time after the request is made, but may not unreasonably interfere with the operations of the city department or office. If the city department or office does not have reasonable access to a machine capable of reproducing the record, the person is only entitled to inspect and manually transcribe the record.

Section 3. Fees

- A. Pursuant to Indiana Code 5-14-3-8, a city department or office may not charge any fee under this ordinance to inspect a public record; or to search for, examine or review a record to determine whether the record may be disclosed.
- B. City departments and offices shall charge a uniform fee as set forth in the attached Fee Schedule for the certification, copying, or facsimile machine transmission of public records.
- C. Notwithstanding subsection A or B, a city department or office shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court.
- D. The city department or office in possession of a public record shall require payment of the fees in advance. If the exact fee cannot be determined at the time the request is made, an estimated fee shall be paid in advance and the balance due prior to delivery of the public documents. Any overpayment of fees will be refunded to the person making the request at the time of delivery.
- E. A city department head or office manager shall have the authority to waive any fee when the total fee is less than \$1.00.

Section 4. Establishment of Public Records Perpetuation Fund; Deposit of Fees

- A. A non-reverting Public Records Perpetuation Fund is established.
- B. All fees received from a person by a city department or office pursuant to this ordinance shall be deposited into the Public Records Perpetuation Fund, except for the following:
 - 1. Fees collected by Goshen City Court for the facsimile transmission of documents shall be deposited to the Clerk's Record Perpetuation Fund established pursuant to Indiana Code 33-19-6-1.5 and Ordinance 3680.

2. Fees collected by the Goshen Police Department for a copy of an accident report shall be deposited to the Local Law Enforcement Continuing Education Fund established pursuant to Indiana Code 5-2-8-2.
 3. Fees collected by the Goshen Utilities for copying and delivery of a public record shall be deposited into the Utility Miscellaneous Revenue Fund.
- C. The money in the Public Records Perpetuation Fund may be used without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

Section 5. Unauthorized Alteration of a Public Record; Penalty

- A. It shall be unlawful for any person having or obtaining access to a public record to alter the content of the public record from its original state without the prior written authorization from the city.
- B. Any person violating subsection A shall be subject to a fine not exceeding Two thousand five hundred Dollars (\$2,500.00) for each offense. A complaint for violation seeking the imposition of a fine may be filed with any court of competent jurisdiction in Elkhart County.

Section 6. Other Ordinances and Policies

- A. All other city policies or parts of policies inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.
- B. This ordinance specifically amends the facsimile transmission fees established under Ordinance 3680.
- C. This ordinance specifically repeals Board of Public Works and Safety Policy Number 700-2, adopted February 26, 1986.

Section 7. Severability

If any provision, clause, sentence or portion of this ordinance is held invalid by a court of law, such invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid portions.

Section 8. Effective Date

This ordinance shall be in full force and effect from and after its adoption and publication according to the laws of the State of Indiana.

This ordinance is duly passed by the Common Council of the City of Goshen, Indiana on December 7, 1999.

Allan Kauffman
Presiding Officer

Attest:

Nancy Hoke
Nancy Hoke, Clerk-Treasurer

This ordinance, having been passed by the Common Council, is presented by me to the Mayor for his approval on December 7, 1999.

Nancy Hoke
Nancy Hoke, Clerk-Treasurer

This ordinance, having been passed by the Common Council and presented to me is approved by me and duly adopted on December 7, 1999.

Allan Kauffman
Allan Kauffman, Mayor

ACCESS TO PUBLIC RECORDS FEE SCHEDULE

(Date of Adoption: December 1999)

STANDARD FEES FOR PUBLISHED OR SPECIFICALLY PRINTED PUBLIC RECORDS

City Code, including all supplements since last publication (through Supp. 24)	\$25.00
City Map, including street index - 26" x 38"	\$2.00
City Map, including street index - 46" x 52"	\$4.00
Design Standards and Construction Specifications	\$15.00
Subdivision Control Ordinance 3196, including all supplements since last publication	\$3.55
Zoning Ordinance 3011, including all supplements since last publication	\$10.30

Fee for providing any of the above published or specifically printed public records on an alternate form of electronic medium (i.e., 3½" computer disk, 3½" computer ZIP disk, recordable CD-ROM, or 5¼" computer data cartridge) shall be the fee as set forth above for the public record plus the fee established below for the type of electronic medium used.

COPYING FEES

The following fees are for copies of public records only. It is the policy of the city to not provide photocopies of any non-public document to the general public.

The city department or office in possession of a public record will make reasonable efforts to provide a copy of a public record to a person on the type of medium requested by the person, as long as the medium requested is compatible with the departments' or offices' data storage system. The city will supply all medium used.

Fee per page for photocopying a public record, unless a special fee has otherwise been established pursuant to this fee schedule:

- o 8½" x 11" (Standard Size) - one side 10¢
- o 8½" x 11" (Standard Size) - two sides 15¢
- o 8½" x 14" (Legal Size) - one side 10¢
- o 8½" x 14" (Legal Size) - two sides 15¢
- o 11" x 17 " (Ledger Size) - one side 15¢
- o 11" x 17 " (Ledger Size) - two sides 25¢

Fee per page for photocopying meeting agendas and related materials that are routinely produced in multiple copies for distribution to the public 3¢

Fee per page for copy of blue print from Engineering Department:

- o 18" x 24" \$1.00
- o 24" x 36" \$1.50

Fee per page for copy reproduced on plotter from Engineering Department:

- o 24" x 36" \$2.00
- o 34" x 44" \$3.00

Fee per copy of photograph \$3.00

Fee for copy of accident report from Police Department as provided by Indiana Code 9-29-11-1:

- o First two pages of accident report \$3.00
- o Each additional page of accident report 50¢

Fee per page for copy of other law enforcement record as provided by Indiana Code 5-14-3-5, including case reports and officer reports, but excluding investigatory records as provided by Indiana Code 5-14-3-4 See standard photocopying fees

Fee per page for preparing a transcript or copy of any court record as provided by Indiana Code 33-19-6-1 \$1.00

Fee per 3½" computer disk for duplicating electronically stored data \$2.65

Fee per 3½" computer ZIP disk for duplicating electronically stored data \$14.60

Fee per recordable CD-ROM for duplicating electronically stored data \$4.10

Fee per 5¼" computer data cartridge for duplicating electronically stored data \$15.65

Fee per audio cassette tape for duplicating any tape recording \$4.50

Fee per video cassette tape for duplicating any video recording \$4.50

FACSIMILE MACHINE TRANSMISSION FEES

The following fees are for the facsimile machine transmission of public records only. It is the policy of the city to not transmit by facsimile machine any non-public document for the general public.

Fee per page for facsimile machine transmission of a public document (including any cover sheet): 10¢

CERTIFICATION, NOTARIZATION OR ACKNOWLEDGMENT OF A DOCUMENT FEES

Fee for notarization or acknowledgment of the following documents:

- o Each document related to official public business No charge
- o Each document unrelated to official public business \$2.00

Fee for each certificate under seal attached in authentication of a copy of any public record, paper or transcript, excluding court records \$1.00

Fee for each certificate under seal attached in authentication of a copy of any court record, paper or transcript as provided by 33-19-6-2 \$1.00

OTHER FEES

Fee per hour for reprogramming a computer system to separate disclosable information from nondisclosable information \$15.00

DELIVERY FEES

Persons requesting copies of documents under this ordinance may obtain them in person at the proper city department or office. If requested, documents may be delivered to the requesting person by the US Postal Service or by another common carrier, subject to a fee which shall constitute the actual cost of the manner of delivery.



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

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MEMORANDUM

TO: Goshen Common Council
FROM: Rhonda L. Yoder, City Planner
DATE: December 1, 2020
RE: Ordinance 5069

The Goshen Plan Commission met on November 17, 2020, in regular session and considered a request for a rezoning from Commercial B-1 District to Residential R-1 District for a portion of the property generally located at 2604-2606-2608 S Main Street to match the existing R-1 zoning of the subject property and the adjacent property at 2614 S Main Street, all under the same ownership, to be combined into one property following the rezoning, with the following outcome:

Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 7-0.

The recommendation is based on 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-3: Encourage new and infill residential development that is consistent with existing neighborhood design, style and scale.
 - Neighborhoods & Housing, Goal N-3: Enhance neighborhood sense of place.
3. The R-1 District requirements will be met, with any deficiencies related to the proposed greenhouse and garden use to be addressed with an application to the Board of Zoning Appeals.

Prior to the Plan Commission meeting, one question was received from the property owner of the adjacent grain bins, asking if the rezoning will impact his property. The rezoning to R-1 will not impact the adjacent property with grain bins (zoned Commercial B-1, and non-conforming) as the land proposed to be rezoned is already residential land use.

At the Plan Commission meeting, no comments/questions were received.

Ordinance 5069

Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 2604, 2606 and 2608 S Main Street, from Commercial B-1 District to Residential R-1 District

WHEREAS Len & Marcia Morris and Bud Walterhouse submitted an application on the 21st day of October 2020 to rezone the real estate hereinafter described from Commercial B-1 District to Residential R-1 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 17th day of November 2020, and recommended the adoption of this Ordinance by a vote of 7-0.

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

Property generally located on the east side of S Main Street and the south side of Kercher Road, with common addresses of 2604, 2606 and 2608 S Main Street, and more particularly described as follows:

A part of the Northwest Quarter of Section 27, Township 36 North, Range 6 East, Elkhart Township, Elkhart County Indiana, and being more particularly described as follows:

Commencing at an iron pipe in the centerline of SR 15 marking the Southwest corner of said Quarter Section; thence South 89 degrees 59 minutes East along the South line of said Quarter Section 657.8 feet; thence North 0 degrees 36 minute West 1977.73 feet to the point of beginning of this description; thence South 89 degrees 59 minutes East, 40 feet; thence North 0 degrees 36 minutes West 696.34 feet; thence North 89 degrees 36 minutes West 277.7 feet; thence South 0 degrees 17 minutes East 186.75 feet; thence North 89 degrees 40 minutes West 26.23 feet; thence South 278.01 feet; thence North 89 degrees 36 minutes West, 94 feet; thence South 233.97 feet; thence East 118.6 feet; thence North 0 degrees 36 minutes West 191 feet; thence East 246 feet; thence South 0 degrees 36 minutes East 191 feet to the point of beginning.

EXCEPTING THEREFROM: A part of the Northwest Quarter of Section 27, Township 36 North, Range 6 East, situate in Elkhart Township, Elkhart County, State of Indiana and described as follows:

The East 6.666 meters (21.87 feet) of the following described parcel:

Commencing at the Northwest corner of Section 27, Township 36 North, Range 6 East, Elkhart Township, Elkhart County, Indiana; thence South 89 degrees 39 minutes East along the North line of said Section 27, a distance of 216.622 meters (710.07) feet to the West right-of-way line of C. C. C. & St. Louis Railroad; thence South 0 degrees 36 minutes East, a distance of 153.92 meters (505 feet) to the point of beginning; thence continuing South 0 degrees 36 minutes East, a distance of 58.217 meters (191 feet) along said railroad right-of-way; thence West 74.981 meters (246 feet); thence North 0 degrees 36 minutes West a distance of 58.217 meters (191 feet); thence East 74.981 meters (246 feet) to the point of beginning.

EXCEPTING that part deeded to the City of Goshen for roadway purposes, described as follows:

A part of the Northwest Quarter of Section 27, Township 36 North, Range 6 East, Elkhart County, Indiana being more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence North 89 degrees 44 minutes 33 seconds East along the South line of said Northwest Quarter, 657.80 feet to point "106" designated on said Plat; thence North 0 degrees 52 minutes 27 seconds West, 1977.73 feet to point "107" designated on said Plat; thence North 89 degrees 44 minutes 33 seconds East, 40 feet to point "108" designated on said Plat; thence North 0 degrees 52 minutes 27 seconds West, 651.34 feet to the point of beginning and point "100" designated on said Plat; thence North 89 degrees 52 minutes 27 seconds West 277.95 feet to the West line of the Grantors land and point "101" designated on said Plat; thence North 0 degrees 33 minutes 27 seconds West along the West line of the grantors

land, 45 feet to a point on the North line of said Northwest Quarter being point "102" designated on said Plat; thence South 89 degrees 52 minutes 27 seconds East 277.70 feet to a point on the Westerly right of way of Conrail Railroad being point" 103" designated on said Plat; thence South 0 degrees 52 minutes 27 seconds East along said Westerly right of way 45.01 feet to the point of beginning. Containing .029 Acres, more or less.

All of the above shall be rezoned from Commercial B-1 District to Residential R-1 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: 20-06R – Rezoning
2604-2606-2608 S Main Street, Commercial B-1 to Residential R-1
Date: November 17, 2020

ANALYSIS

Len & Marcia Morris and Bud Walterhouse request a rezoning from Commercial B-1 District to Residential R-1 District for a portion of the property generally located at 2604-2606-2608 S Main Street to match the existing R-1 zoning of the subject property and the adjacent property at 2614 S Main Street, all under the same ownership. Following the rezoning, all parcels will be combined into one property, with single unit residential as the primary use.

The subject property is three tax parcels that includes Commercial B-1 and Residential R-1 zoning, located on the south side of Kercher Road, west of the railroad, and east of 2612 & 2614 S Main Street and 102 E Kercher. The property includes a portion of the Winona Trail, with an easement in place for the trail.

The property was annexed in 1968, and the historic zoning of the subject property has been R-1 and B-1 since at least the 1972 zoning map. According to Building Department records, the property at one time had three separate residential dwellings along with several large accessory structures. Because of the multiple residential uses and B-1 zoning, the property is non-conforming.

The property was purchased in 2018 by the owners of 2614 S Main Street, who intend to combine the subject property with the 2614 S Main Street property, with a primary single unit residential use, along with personal garden space, including a future greenhouse. The property currently has two remaining residential structures, one of which will be demolished and one of which is proposed as a gardener's cottage, for taking care of garden produce and to provide restrooms. The gardener's cottage is not intended to be occupied as a dwelling. A shed and barn also remain on the subject property, both of which are used for personal and garden storage.

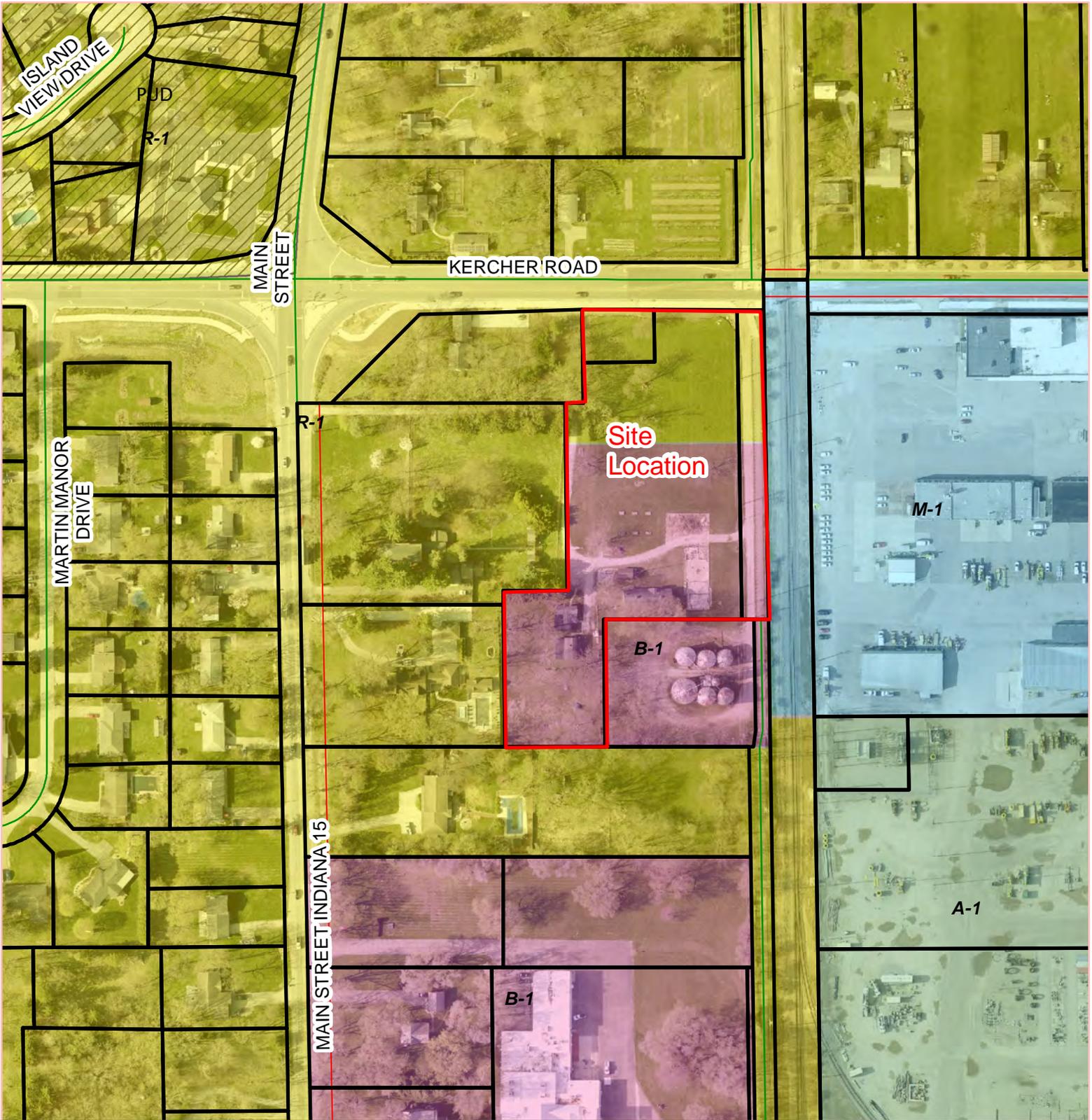
A rezoning from B-1 to R-1 District matches the existing and adjacent R-1 zoning and will facilitate the use of the property as single unit residential with a personal garden and private greenhouse. Any deficiencies related to the proposed greenhouse and garden use will be addressed with an application to the Board of Zoning Appeals.

The site layouts submitted with the rezoning are not part of the rezoning and are not being reviewed by the Plan Commission or Council, but show the existing and proposed development.

RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the rezoning from Commercial B-1 District to Residential R-1 District for a portion of the property generally located at 2604-2606-2608 S Main Street, based upon the following:

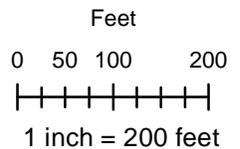
1. The rezoning is consistent with the existing zoning and land use in the area.
2. The rezoning is consistent with the Comprehensive Plan, including:
 - Land Use, Goal L-3: Encourage new and infill residential development that is consistent with existing neighborhood design, style and scale.
 - Neighborhoods & Housing, Goal N-3: Enhance neighborhood sense of place.
3. The R-1 District requirements will be met, with any deficiencies related to the proposed greenhouse and garden use to be addressed with an application to the Board of Zoning Appeals.



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

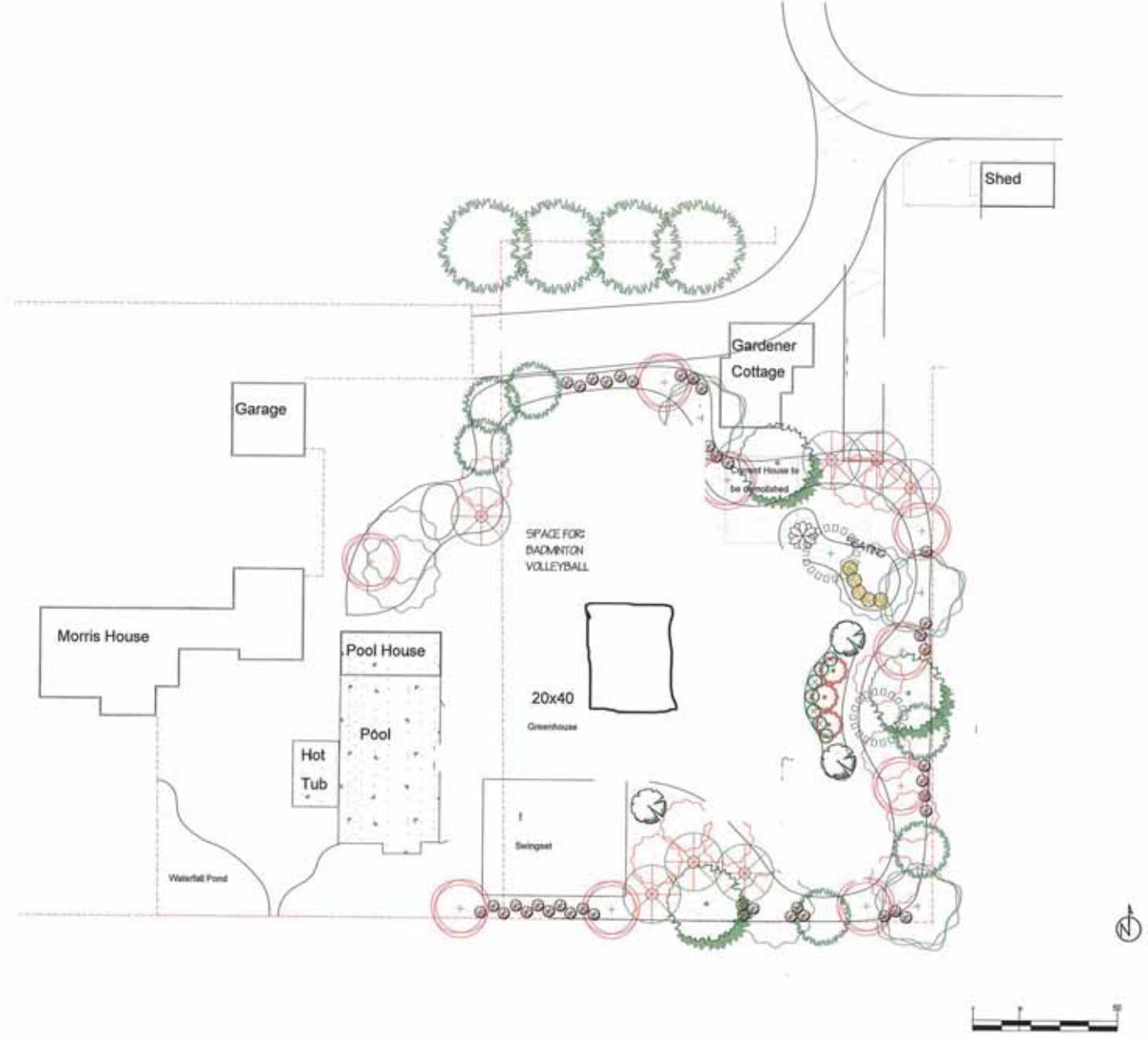
2604-2606-2608 S Main St

2019 Aerial
 Printed October 28, 2020



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

In 2018, Len & Marci Morris purchased the property at 2608 S Main St., adding to their property at 2614 S. Main St. Their desire has been to improve this property for their enjoyment and the benefit of the neighborhood. The overall plan is to use the property as a personal garden space. My wife, Cris, was hired by the Morrises in May, 2019 to oversee development of the property and to care for the landscape around their home. Unhealthy trees have been removed, fruit trees and raspberries have been planted, a sensory garden improved upon, and a large vegetable garden (supplemented by an herb garden) have served the Morris family well. There are many trees purchased to be planted this Autumn. There are two older houses on the property. One of the houses will be demolished. The other house, labeled the Gardener's Cottage, is used by Cris for taking care of garden produce and for restroom facilities. There is no intention of having anyone making the Garden Cottage their residence. There is a large historical barn, which is used by the Morrises for storing a tractor, lawn mower and patio furniture. There is also a small shed which is used for storing garden tools. We are hoping to add a 20 x 40 greenhouse from Arcadia Glass Houses to the property so that vegetables can be produced for the family year round. The proposed greenhouse will have a 32" brick base and glass side walls. Practical use combined with aesthetically pleasing structures are priority. We are also talking with NIPSCO about taking down unsafe electrical wires coming onto the property and burying the electric supply lines. We are going to remove old concrete which remains from previously demolished barns. A small portion of concrete will remain to store mulch and garden soil. In pursuing the development of the property we have worked with the adjoining neighbors, Harold and Leslie Buck, who recently purchased the house at 102 E Kercher, to clean up the area between the properties. Neighbors who walk on the Winona Trail have enjoyed seeing the changes which we are making, expressing interest in further developments. Indeed, it's our hope and purpose to serve the Morris family and the Goshen community well.



Revision #:	Scale:	Landscape Plan:	Landscape Design by:
date: 3/18/2020	1/16" = 1'	Morris	Countryscapes and Gardens



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

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MEMORANDUM

TO: Goshen Common Council
FROM: Rhonda L. Yoder, City Planner
DATE: December 1, 2020
RE: Ordinance 5070

The Goshen Plan Commission met on November 17, 2020, in regular session and considered a request for a rezoning from Residential R-3 District to Commercial B-2 District for subject property generally located at 401 S 3rd Street, to allow for use of the property as a professional office, with the following outcome:

Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 7-0.

The recommendation is based on 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.
3. The B-2 District requirements are able to be met.

Prior to the Plan Commission meeting and at the Plan Commission meeting, no comments or questions were received.

Ordinance 5070

Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 401 S 3rd Street, from Residential R-3 District to Commercial B-2 District

WHEREAS Trager Realty, LLC, and CRHH, LLC, submitted an application on the 26th day of October 2020 to rezone the real estate hereinafter described from Residential R-3 District to Commercial B-2 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 17th day of November 2020, and recommended the adoption of this Ordinance by a vote of 7-0.

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

Property generally located on the southwest corner of S 3rd Street and W Madison Street, with common addresses of 401 S 3rd Street and 204 W Madison Street, and more particularly described as follows:

Lot 97 in Barnes Second South Addition to the City of Goshen, Indiana; said Plat being recorded in Deed Record 15, page 489 in the Office of the Recorder of Elkhart County, Indiana.

LESS AND EXCEPTING:

The West fifteen feet (15') of the above described real estate.

All of the above shall be rezoned from Residential R-3 District to Commercial B-2 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: 20-07R – Rezoning
401 S 3rd Street, Residential R-3 to Commercial B-2
Date: November 17, 2020

ANALYSIS

Trager Realty, LLC, and CRHH, LLC, request a rezoning from Residential R-3 District to Commercial B-2 District for subject property generally located at 401 S 3rd Street, to allow for use of the property as a professional office.

The subject property is two tax parcels located on the west side of S 3rd Street, the south side of W Madison Street, and the east side of River Race Drive. The property had contained two residential dwellings, but the dwelling at 204 W Madison Street was demolished several months ago. The remaining residential dwelling at 401 S 3rd is proposed to be converted to a professional office use.

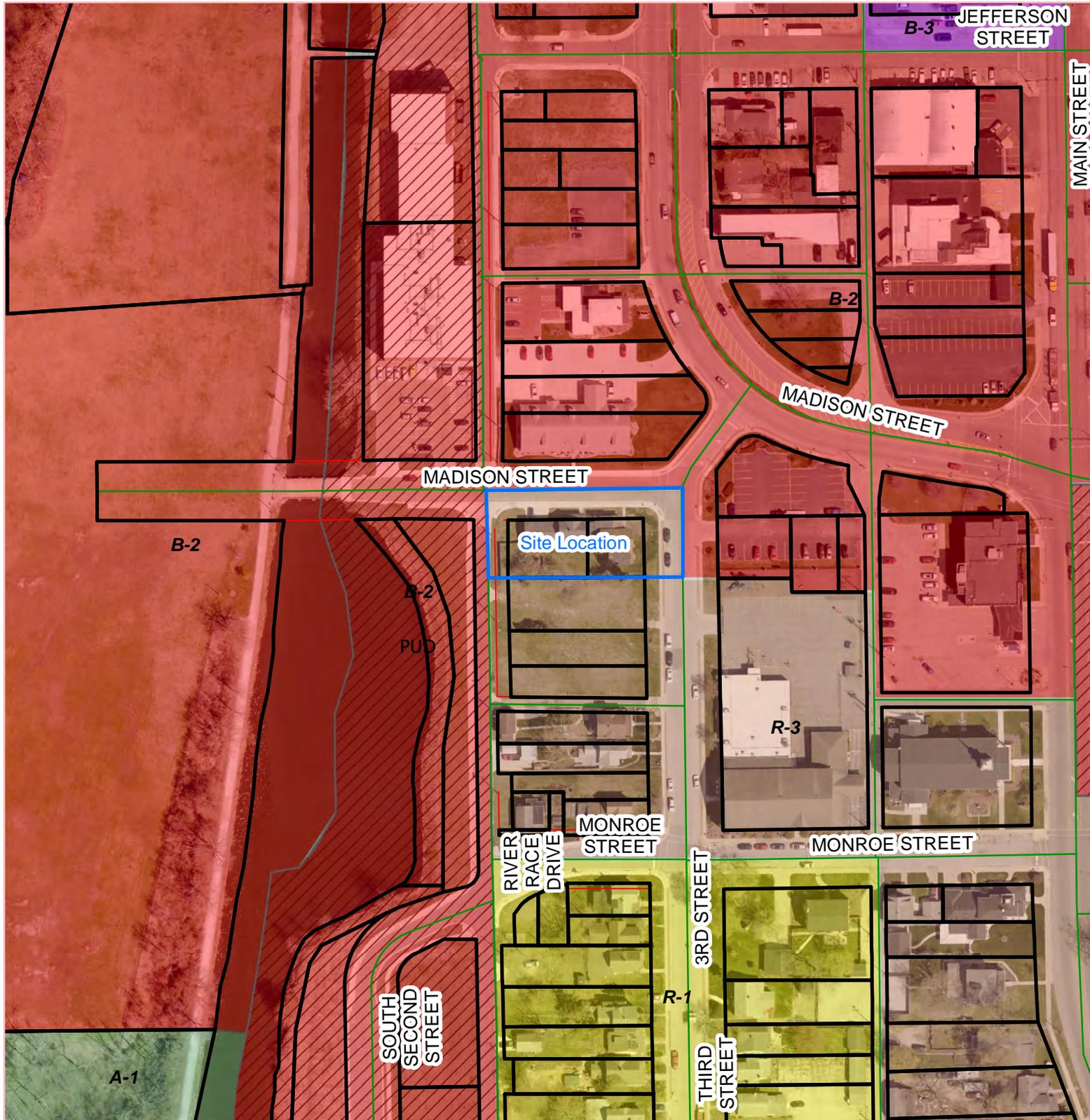
The historic zoning of the subject property has been residential since the City's first zoning map in 1961. In recent years, much of the area surrounding the subject property has been redeveloped and rezoned to Commercial B-2 (Central Business District), and the subject property is now surrounded on three sides by the B-2 District. The B-2 District permits a mix of residential and commercial uses.

A rezoning from R-3 to B-2 District matches the adjacent B-2 zoning on the east, north and west, and will facilitate the use of the property as a commercial use. The adjacent property to the south, zoned R-3, is currently vacant.

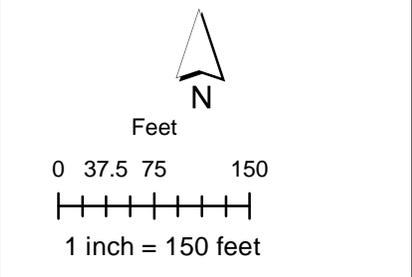
RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the rezoning from Residential R-3 District to Commercial B-2 District for subject property generally located at 401 S 3rd Street, 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.
3. The B-2 District requirements are able to be met.



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401 S 3rd St

2019 Aerial
Printed October 26, 2020

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



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
rhodayoder@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Common Council
FROM: Rhonda L. Yoder, City Planner
DATE: December 1, 2020
RE: Ordinance 5071

The Goshen Plan Commission met on November 17, 2020, in regular session and considered a request for a rezoning from Commercial B-3 District to Residential R-2 District for subject property generally located at 311 Oakland Avenue, to resolve split zoning for a single unit residential property, with the following outcome:

Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 7-0.

The recommendation is based on the following:

1. The rezoning is consistent with the existing zoning and land use in the area.
2. The rezoning resolves a long-term non-conformity for a residential property built prior to the City's first zoning ordinance.

Prior to the Plan Commission meeting, and at the Plan Commission meeting, no comments/questions were received.

Ordinance 5071

Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 311 Oakland Avenue, from Commercial B-3 District to Residential R-2 District

WHEREAS Caspers Coin & Jewelry Goshen Inc submitted an application on the 26th day of October 2020 to rezone the real estate hereinafter described from Commercial B-3 District to Residential R-2 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 17th day of November 2020, and recommended the adoption of this Ordinance by a vote of 7-0.

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

Property generally located on the west side of Oakland Avenue, north of Pike Street, with a common address of 311 Oakland Avenue, and more particularly described as follows:

LOT 28 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF HESS' RIVERSIDE ADDITION, AND THE SOUTH HALF OF VACATED ALLEY LYING NORTH OF AND ADJACENT TO SAID LOT, IN THE CITY OF GOSHEN, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN DEED RECORD 84, PAGE 421 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA

All of the above shall be rezoned from Commercial B-3 District to Residential R-2 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: 20-08R – Rezoning
311 Oakland Avenue, Commercial B-3 to Residential R-2
Date: November 17, 2020

ANALYSIS

Caspers Coin & Jewelry Goshen Inc requests a rezoning from Commercial B-3 District to Residential R-2 District for subject property generally located at 311 Oakland Avenue, to resolve split zoning for a single unit residential property.

The subject property is one of two tax parcels that together form a residential zoning lot, located on the west side Oakland Avenue, north of Pike Street. The two tax parcels are two separate subdivision lots, but are under one ownership, with a single family house located on the subject property and a shed and driveway located on the parcel adjacent north. The subject property is zoned Commercial B-3 and the parcel adjacent north is zoned Residential R-2.

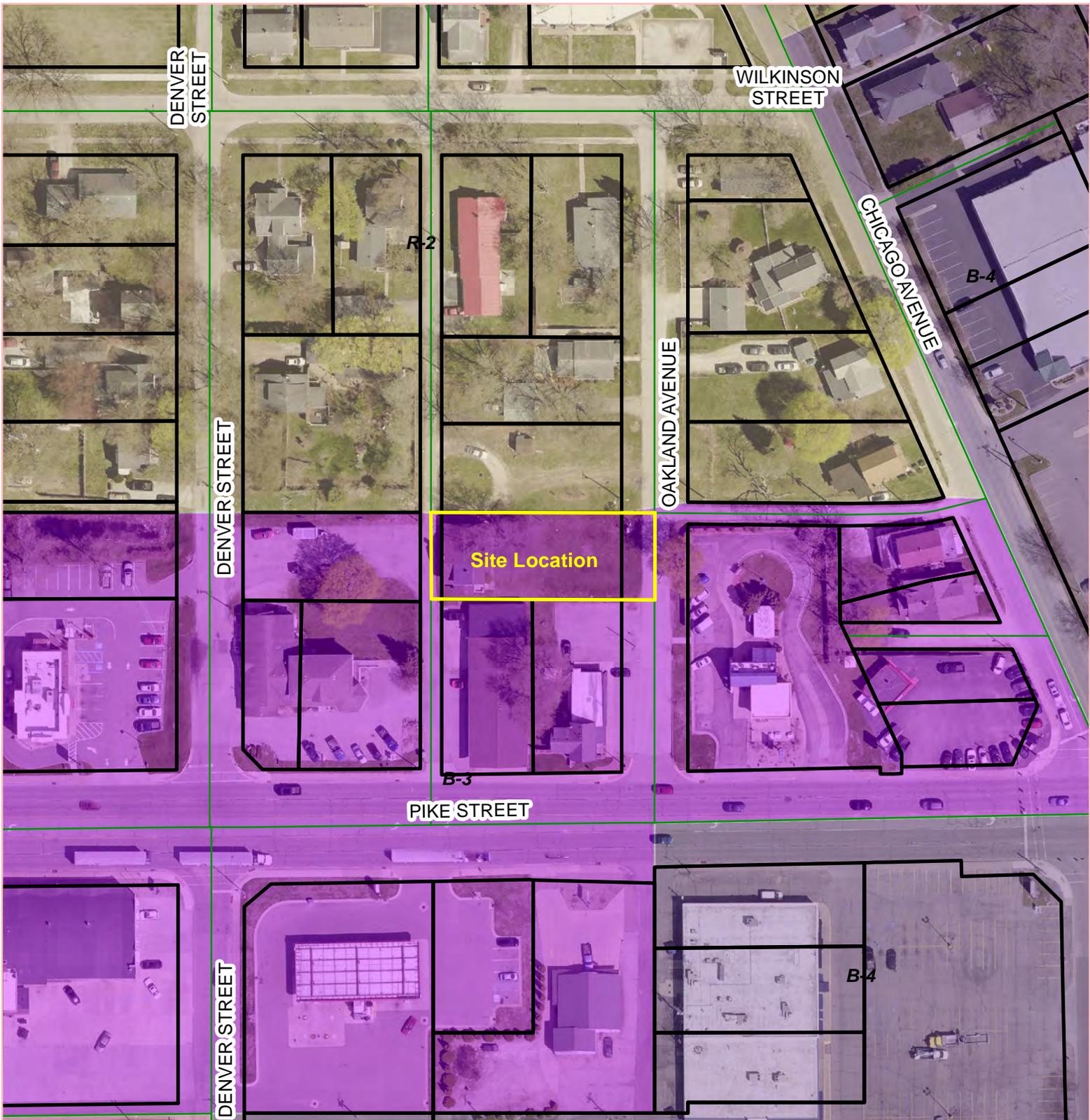
The historic zoning of the subject property has been commercial since the City's first zoning map in 1961, but it appears the use has always been residential. The Assessor's records indicate the house was built in 1927.

A rezoning from B-3 to R-2 District will resolve the split zoning and will resolve a long-term non-conformity for a residential property built prior to the City's first zoning ordinance.

RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the rezoning from Commercial B-3 District to Residential R-2 District for subject property generally located at 311 Oakland Avenue, based upon the following:

1. The rezoning is consistent with the existing zoning and land use in the area.
2. The rezoning resolves a long-term non-conformity for a residential property built prior to the City's first zoning ordinance.



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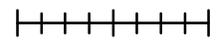
311 Oakland Ave

2019 Aerial
 Printed October 26, 2020



Feet

0 25 50 100



1 inch = 100 feet

The City of Goshen

Department of

Planning & Zoning

204 East Jefferson Street, Goshen, Indiana 46528
 Phone: 574-534-3600 Fax: 574-533-8626



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MEMORANDUM

TO: Goshen Common Council
FROM: Rhonda L. Yoder, City Planner
DATE: December 1, 2020
RE: Ordinance 5072

The Goshen Plan Commission met on November 17, 2020, in regular session and considered a request for a PUD major change for Lots 6 and 7 of Waterford Commons Business Park North, PUD Tract 2, to allow a 0' side parking/aisle setback for internal shared access and to allow combined parking to serve both lots, with the following outcome:

Sent to the Common Council with a favorable recommendation by a vote of 7-0.

Approval is based upon the following and includes the following conditions:

1. In addition to requirements established in Ordinances 4768 and 4871, additional requirements are established by this Ordinance.
2. That the Goshen Plan Commission did after a public hearing determine the amendment to be a major change.
3. The PUD major change allows a 0' side parking/aisle setback for internal shared access along the shared interior side property line of Lots 6 and 7 of Waterford Commons Business Park North, PUD Tract 2, and allows combined parking to serve both lots.

Two different people, one prior to the Plan Commission and one at the Plan Commission meeting, asked about potential impacts to or change to the residential requirements, and this project has no impact on the adjacent residential properties, and does not change any of the residential requirements, as the access changes are internal in between the two existing industrial buildings.

Ordinance 5072

Amend Ordinances 4768 and 4871, Known as the Waterford Commons Business Park PUD (Planned Unit Development)

Whereas Ardmore Court Enterprises No. 2, LLC, ViewRail Realty, LLC, and Abonmarche Consultants submitted an application on the 28th day of October 2020 to allow a major change to previously approved Planned Unit Development (Overlay) Ordinances and the Goshen City Plan Commission did after proper legal notice conduct a public hearing on said Petition as provided by the Law on the 17th day of November 2020 and recommended the adoption of this Ordinance by a vote of 7-0.

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

Ordinances 4768 and 4871 be amended as follows:

1. In addition to requirements established in Ordinances 4768 and 4871, additional requirements are established by this Ordinance.
2. That the Goshen Plan Commission did after a public hearing determine the amendment to be a major change.
3. The PUD major change allows a 0' side parking/aisle setback for internal shared access along the shared interior side property line of Lots 6 and 7 of Waterford Commons Business Park North, PUD Tract 2, and allows combined parking to serve both lots.

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 Yoder, Planning & Zoning Administrator
Subject: 20-04MA, PUD Major Change
Waterford Commons Business Park PUD
Date: November 17, 2020

ANALYSIS

Ardmore Court Enterprises No. 2, LLC, ViewRail Realty, LLC, and Abonmarche Consultants request a PUD major change for Lots 6 and 7 of Waterford Commons Business Park North, PUD Tract 2, to allow a 0' side parking/aisle setback for internal shared access and to allow combined parking to serve both lots. The subject property is generally located at 1725 (Lot 7) and 1755 (Lot 6) Ardmore Court, and is zoned Industrial M-1PUD (Planned Unit Development).

When a PUD is developed, it contains specific use and developmental requirements that are in addition to, or in place of, the underlying zoning district requirements. A PUD is always tied to a site plan, with a PUD preliminary site plan adopted when a PUD is established or modified, and a detailed PUD final site plan reviewed as development occurs. Changes to a PUD are defined by the Zoning Ordinance, and may be minor or major. Major changes include those that change use, character or intensity of the development, and those that increase traffic or utility issues, reduce parking, or encroach into required setbacks. Changing stated conditions of a PUD are also typically major changes. PUD major changes require review as a public hearing at Plan Commission, with final approval by Council. As a PUD develops, the original PUD conditions remain in place unless specifically changed, so major changes typically add to or modify the original requirements. A PUD is intended to provide unified development, streamline the review process, and provide flexibility based on specific site conditions.

The Waterford Commons Business Park PUD was established in January 2014 by Ordinance 4768, with a major change approved for Tract 2 by Ordinance 4871 in August 2016. Secondary approval of a ten-lot subdivision was granted by the Plan Commission in November 2016, and the plat recorded in December 2016. PUD final site plan approval was granted in December 2016 for Lot 6 and in October 2018 for Lot 7.

The current request is to allow internal cross access with a 0' side parking/aisle setback across the shared interior side property line, and to allow combined parking to serve both lots. Along each side of the shared interior side property line there is a 10' drainage easement, requiring a minimum 10' setback. Approval of the PUD major change will be contingent on review and approval by Goshen Engineering & Stormwater, related to the potential impacts to the drainage easement.

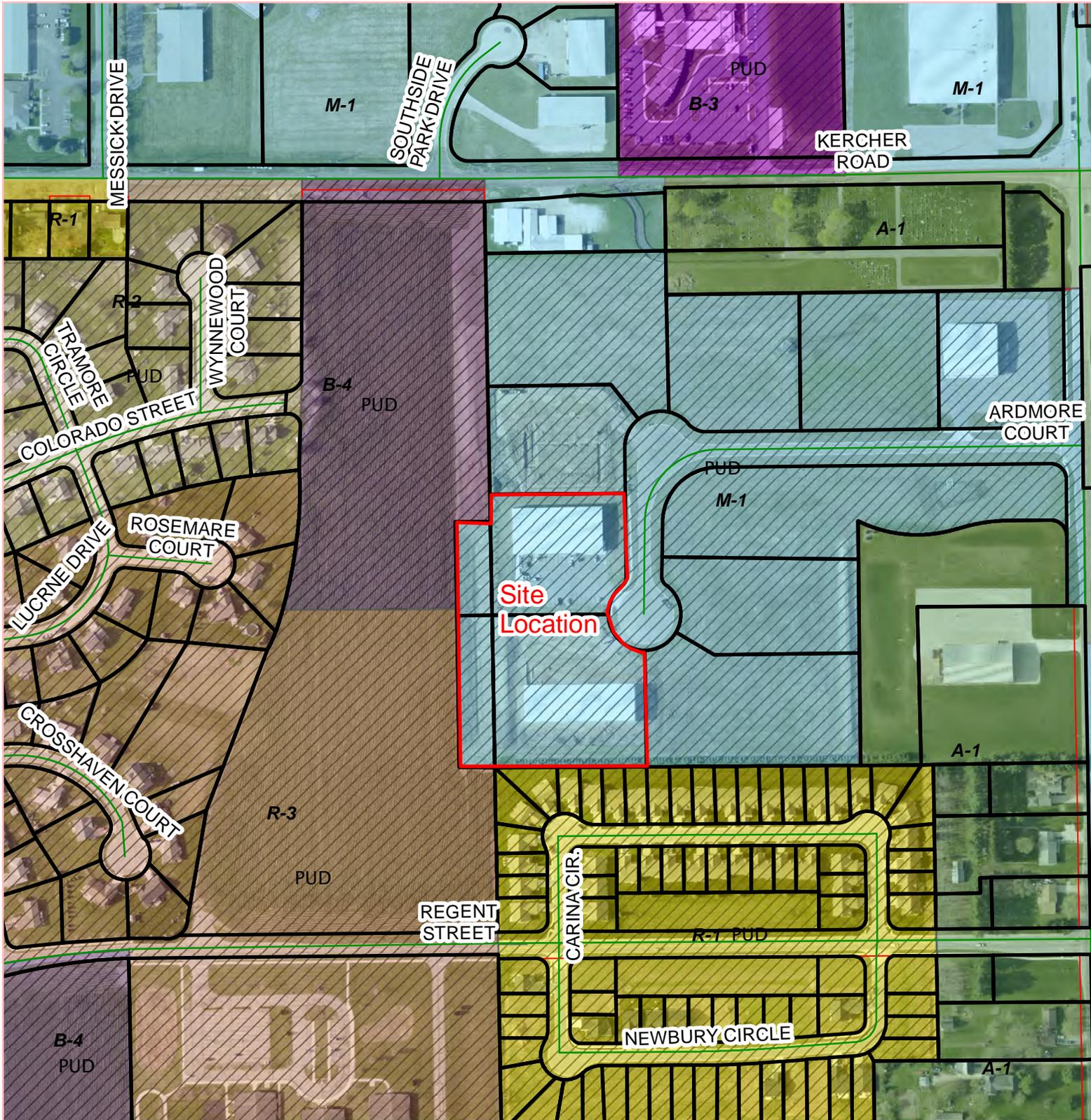
If the two lots were under the same ownership, they could function as one zoning lot, and the PUD major change would not be required. In this case, the owners wish to secure approval through the PUD major change and will also establish an access easement so there is no impact related to future ownership of the two properties.

PUD final site plan review will be submitted as part of the City's administrative site plan review process, Technical Review, and may be reviewed by Staff on behalf of the Plan Commission.

RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the PUD major change for Lots 6 and 7 of Waterford Commons Business Park North, PUD Tract 2, to allow a 0' side parking/aisle setback for internal shared access and to allow combined parking to serve both lots, based upon the following, and with the following conditions:

1. The proposed changes have no impact on the overall Waterford Commons Business Park PUD and would be allowed without review if the two properties were under one ownership.
2. Future impacts based on ownership will be addressed through approval of the PUD major change and by the establishment of an access easement.
3. A PUD final site plan shall be submitted and approved prior to a zoning clearance form/building permit being issued, and Staff, on behalf of the Plan Commission, may review and approve the PUD final site plan.
4. Site plan approval by Goshen City Engineering/Stormwater is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.

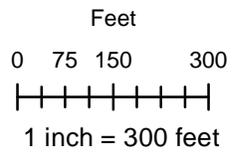


Site Location

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1725 & 1755 Ardmore Court

2019 Aerial
Printed October 29, 2020



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

PUD MAJOR CHANGE REQUEST

TO ALLOW FOR A 0' PARKING / DRIVING AISLE SETBACK (SHARED ACCESS) BETWEEN LOTS 6 AND 7 OF WATERFORD COMMONS BUSINESS PARK NORTH, PUD TRACT 2.

GENERAL NOTES

1. Current Zoning of Both Lots: "P.U.D." - Planned Unit Development
2. Land Use: Existing Manufacturing Facilities
3. Each building are currently serviced by City of Goshen sanitary sewer and water.
4. Setbacks shall conform to City of Goshen Zoning Ordinance unless the proper variances have been approved.
5. Site/Building drainage shall be managed onsite via common retention areas within the Waterford Commons Business Park.
6. Proposed parking areas shall be paved and privately owned.
7. All radii dimensions for curb are to edge of pavement unless otherwise noted.
8. All landscape and lighting shall be in accordance with the City of Goshen Zoning Ordinance unless the proper variances have been obtained.
9. There are no signs proposed at this time. Once a tenant is found, any signage would be submitted to the City of Goshen Planning Department for review/comment, and issuance of a permit.

TABULATED SITE DATA

LOT 6 = 2.20± Acres

Land Coverage	Area (Acres)	Percentage
Building	0.46	21%
Parking / Drives / Sidewalk	0.60	27%
Lawn / Open Space	1.14	52%
2.20± Acres		100%

LOT 7 = 3.15± Acres

Land Coverage	Area (Acres)	Percentage
Building	0.46	15%
Parking / Drives / Sidewalk	0.59	19%
Lawn / Open Space	2.10	66%
3.15± Acres		100%

PARKING CALCULATIONS

Number of Employees (Lot 6) = 8 Employees
 Number of Employees (Lot 7) = 5 Employees
 Required Parking: 1.5 Spaces per 2 Employees
 (8 Employees / 2) x 1.5 Space = 6 Spaces for Lot 6
 (5 Employees / 2) x 1.5 Space = 4 Spaces for Lot 7
 Provided Parking: Lot 6 = 27 Spaces
 Lot 7 = 9 Spaces

PAVEMENT RECOMMENDATIONS

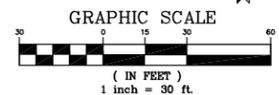
CONTRACTOR SHALL FOLLOW 2018 INDOT SPEC. FOR PAVEMENT MATERIALS AND INSTALLATION PROCEDURE. PAVEMENT SECTIONS HAVE BEEN PROVIDED BY THE GENERAL CONTRACTOR.

- (K) **HEAVY-DUTY PAVEMENT**
 1 1/2" HMA Surface (165 lbs/syd)
 5" HMA Base (550 lbs/syd)
 6" Compacted INDOT #53 Aggregate or Crushed Concrete
- (C) **RIGID (CONCRETE) PAVEMENT**
 8" Class "A" Reinforced Concrete with Fiber Reinforcement
 - Apply curing compound and one coat sealer/hardener
 - Light broom finish perpendicular to traffic direction
 - Joint layout by Others
 - Sawcut joints, 2" deep, install silicon joint sealant
 - If multiple pours, construction joints in accordance with ACI 330
 - Install 1/2" expansion joint with elastomeric filler adjacent to building
 - Install thickened edge on all edges (See Sheet C4.0)

KEYNOTE LEGEND

- (#) Number of Parking Spaces
- (♿) ADA International Symbol of Accessibility
- ▭ Recessed Concrete Loading Dock With Railing Per Code (Design By Others)
- (C) Rigid Concrete Pavement
- (F) Concrete Sidewalk, 4" thick
- (K) Heavy-Duty Pavement

WELLHEAD PROTECTION AREA
 A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN THE CITY OF GOSHEN WELLHEAD PROTECTION AREA AND PER INDIANA ADMINISTRATIVE CODE 327-13, NO INFILTRATION IS PERMITTED IN THIS AREA



NUMBER	RADIUS	ARC LENGTH	DELTA	TANGENT	CHORD LENGTH	CHORD DIRECTION
C8	24.00'	21.97'	52°26'42"	11.82'	21.21'	N25°35'01"E
C14	81.00'	127.44'	90°08'34"	81.20'	114.69'	S45°34'03"E
C15	81.00'	73.94'	52°18'07"	39.77'	71.40'	S25°39'18"W

ABONMARCHÉ
 Goshen, IN 46756
 Fort Wayne, IN 46825
 Indianapolis, IN 46204
 South Bend, IN 46601
 Portage/Kalamazoo, MI 49001
 Engineering, Architecture, Land Surveying

STAIR SUPPLIES
 1725 ARDMORE - SITE IMPROVEMENTS
 LOT 7
 WATERFORD COMMONS BUSINESS PARK NORTH, PUD TRACT 2
 1725 ARDMORE COURT, GOSHEN, IN 46526

PRELIMINARY SITE PLAN

SHEET TITLE:
 DRAWN BY: **BEW**
 DESIGNED BY: **BEW**
 PM REVIEW: **BEW**
 QA/QC REVIEW:
 DATE: **10-28-2020**
 SEAL:
 SIGNATURE:
 DATE:
 SCALE: HORIZ: 1" = 30'
 VERT:
 ACI JOB # **20-1345**
 SHEET NO. **C1.0**

C:\Users\jgibson\OneDrive\Documents\2020\10-28-2020\1725 Ardmoe - Site Improvements\1725 Ardmoe - Site Improvements.dwg, 10/28/2020 11:41:46 AM, jgibson, 2020/10/28/2020 11:41:46 AM