

Minutes - Goshen Plan Commission  
Tuesday, October 20, 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, Tom Holtzinger, and Hesston Lauver. Member Jim McKee was physically present, along with City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Rolando Ortiz, Betsy Poling, Aracelia Manriquez

**II.** 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 members:

- Richard Worsham
- Josh Corwin
- Tom Holtzinger
- Hesston Lauver, and
- Jim Wellington

are participating in this meeting by electronic communication pursuant to Governor Holcomb's Executive Orders 20-04, 20-09, and 20-44, 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.

**III.** Approval of minutes of 9/15/20 – A motion was made and seconded, Holtzinger/Wellington, to approve the minutes as presented with the following outcome: Wellington, yes; Worsham, yes; Lauver, yes; McKee, yes; Corwin, yes; Holtzinger, yes. The motion passed unanimously by a vote of 6-0.

**IV.** 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; Lauver, yes; McKee, yes; Corwin, yes; Holtzinger, yes. The motion passed unanimously by a vote of 6-0.

**V.** Postponements/Withdrawals - None.

**VI. Rezoning (public hearing)**

**20-05R** – Greenwood Rental Properties, LLC, and Jones Petrie Rafinski request a rezoning from Agricultural A-1 District to Residential R-3 District for ±0.7 acres, to be developed with the adjacent parcel recently rezoned to R-3, for approximately 90 apartments in five buildings. The subject property is generally located at the northeast corner of Indiana Avenue and Plymouth Avenue, with a common address of 919 W Plymouth Avenue.

*Staff Report:*

Ms. Yoder provided information on this approximate 0.7 acre, undeveloped parcel, noting it is surrounded by a parcel that was recently rezoned from A-1 to R-3. She explained the area currently contains residential, institutional, and commercial uses and the requested rezoning is to allow development with the adjacent rezoned parcel, for approximately 90 apartments in 5 buildings. She noted the rezoning site plan shows all developmental requirements can be met, including setbacks, density, and parking. She also noted that dedication of right-of-way, 40' from the centerline east, is required along Indiana Avenue and an existing sidewalk along Indiana Avenue will be retained and relocated as necessary, with a new sidewalk shown along Plymouth Avenue.

Staff recommends a favorable recommendation be forwarded to the City Council.

Ms. Yoder noted for the record that one email supporting the rezoning request was received prior to packets being finalized and a copy was included in Commission members packets. She also stated that an email was sent to Commission members earlier today with concerns that were received by the Planning Office after packets had been distributed.

Mr. Wellington stated that today's email mentioned doubling the density and would like to discuss it.

Ms. Yoder responded that when the previous hearing was held to rezone the larger parcel, the petitioner didn't know that they would be able to purchase the parcel being discussed today. The plan that was developed was based entirely on the "L" shaped parcel. At that time 48 units were proposed but the density would have allowed 77 units, making that proposal well below the maximum that could be permitted. When the additional parcel is added, density would allow 90 units.

Mr. Worsham asked if there are any apartments in Goshen with similar density as what's being proposed here today.

Ms. Yoder responded she was unsure what the density is for the newer Park 33 apartments, but explained when determining density, a maximum of 20 units per acre and minimum 2,000 sf of lot area per unit is required. She used the Hawks Building as an example of a building that was allowed to exceed the maximum density, but pointed out it is one single building.

Mr. Wellington stated the widening of Indiana Avenue was mentioned and asked if all of the requirements will still be met.

Ms. Yoder stated the changes that were proposed previously will remain in place and are sufficient for the additional units proposed here today.

*Petitioner Presentation:*

Andrew Cunningham, 325 S Lafayette Blvd, South Bend, spoke on behalf of the petitioner. He stated at the time the original parcel was rezoned they did not own the corner lot, and the design allowed for future development of the corner lot including a driveway with an easement to the corner lot. A traffic study was also performed which led to widening Indiana Avenue. They have now been able to acquire the corner lot so this can all be part of one development. He noted the trail and bike path will be maintained along Indiana Avenue and a new sidewalk will be installed along Plymouth Avenue. This complex will have a total of 5 buildings, with 3 building types, for a total of 90 units and 141 parking spaces. There will be an aesthetically pleasing landscape plan with a focus on adequate screening on the north and east sides of the property and the driveway at the church across the street will be improved to align with the driveway at this complex.

Mr. Lauver commented that the email received today was concerned, in part, about fencing along the east side of the property and asked if that has been considered.

Mayra Garcia, 2124 Elkhart Road, spoke to this petition. She stated that fencing was discussed, but she feels the fence would not be as aesthetically pleasing as greenspace.

Mr. Holtzinger asked how dense the green barrier is.

Mr. Cunningham stated it will be made up of arborvitae to make a dense row, noting they will be planted to provide a solid hedgerow when mature.

*Audience Comments:*

Karl Summers, 850 Walden Lane, spoke to the petition. He stated he sent the email being discussed today and while he and his wife are not opposed to this property being used for housing, they felt the original 48 apartments on 3.9 acres of land was excessive and the new plan with 90 apartments seems more so. He stated their main concern is the density and effect on neighboring property values. He appreciates the green landscaping, but feels fencing would add additional security. He also noted traffic and runoff as concerns. He questioned if this would

have been approved if this had been the original request.

Mr. Wellington stated that he expressed concern in June that the corner lot was not included.

### *Close Public Hearing*

#### *Staff Discussion:*

Mr. Lauver stated he has concerns about the density and feels a fence might be necessary to prevent overflow onto neighboring properties.

Ms. Yoder stated a landscape plan was included during the rezoning of the previous parcel and one was not included again today. She pointed out the landscaping is quite extensive between the buildings, all along the north and east property lines, and includes street trees along both streets, and parking lot trees.

Mr. Cunningham shared a copy of the landscape plan, pointing out buffering along the north and east property lines and the street trees along Indiana and Plymouth Avenue. He indicated a common greenspace between two of the buildings and another common area at the Indiana and Plymouth intersection.

Mr. Worsham asked if the increased lot size was is the sole reason for the density to be increased so much.

Ms. Yoder responded that when the “L” shaped parcel was being developed, the design had to allow access to the corner parcel which was under separate ownership. Accommodations were made to allow future development on the corner parcel and this likely impacted how the apartments could be laid out. She also pointed out that 77 units would have been permitted for the original proposal.

Mr. Worsham asked if this new design has a higher density than what was previously approved.

Ms. Yoder replied that yes, the density is higher than before, but does not exceed the maximum.

Mr. Cunningham stated the higher density will help cover some of the off-site costs, such as widening Indiana Avenue and new sidewalks.

Ms. Garcia stated when they looked at the extra costs involved, they asked that the plan be redesigned and this is what they received. She stated they feel this is a good design and would like to move forward with it.

#### *Action:*

A motion was made and seconded, Wellington/Holtzinger, to forward a favorable recommendation to the Goshen Common Council for 20-05R. A roll call vote was requested with the following outcome: Wellington, yes; Worsham, yes; Lauver, yes; McKee, yes; Corwin, yes; Holtzinger, yes. The motion passed unanimously by a vote of 6-0.

**VII. Vacations and PUD Major Change (public hearings) & PUD Final Site Plan (not a public hearing) 20-01V & 20-03MA** - Goshen College and Abonmarche Consultants request the following for property generally located on the south side of College Avenue, east of the railroad extending east to S 12th Street, including the rights of way of 9th, 10th and 11th Streets, and 20 tax parcels, with common addresses of 1708 S 9th and 600 through 812 College Avenue, zoned Residential R-1S PUD:

- Vacation of the unimproved rights of way of 10th Street and 11th Street south of College Avenue;
- PUD major change to add the area to the Goshen College PUD as part of an entrance relocation project that will close the existing 9th Street entrance (to accommodate the proposed railroad Quiet Zone) and construct a new entrance to the Goshen College campus in the area of the 10th Street right of way; and
- PUD final site plan approval for the proposed entrance relocation project.

#### *Staff Report:*

Ms. Yoder gave an overview of the Goshen College PUD, noting the PUD site plan adopted in 1972 has not been formally updated and many of the changes since 1972 have been approved through the BZA. She noted that because this is a PUD, moving forward all changes will be submitted to the Plan Commission and Council.

The vacation is for unimproved right-of-way (R-O-W) and a PUD major change is for the entrance relocation.

She explained these changes are the result of the City's railroad quiet zone project which was identified as a neighborhood priority in the 2012 Ninth Street Industrial Corridor Plan. To install the needed improvements for the College Avenue Railroad Crossing, the existing campus entrance at 9<sup>th</sup> Street must be closed and a new entrance is proposed at 10<sup>th</sup> Street. This private entrance will not be a public street and the existing, unimproved R-O-W will be vacated, along with the 11<sup>th</sup> Street R-O-W. She noted this area has never been formally added to the PUD, so the PUD major change will add the area and approve the entrance relocation. The Plan Commission will also be asked to approve the final site plan for the entrance relocation project.

No existing utilities are located in the 10<sup>th</sup> Street R-O-W, but a public water main is located in the 11<sup>th</sup> Street R-O-W, requiring an easement be retained over the vacated area of 11<sup>th</sup> Street. She explained the Traffic Commission has reviewed and approved the vacation request.

Ms. Yoder noted the PUD major change is also a recommendation to the City Council. This adds the area to the Goshen College PUD and approves the entrance location.

Ms. Yoder explained the vacation, major change, and PUD final site plan will each require a separate motion, noting the vacation and major change are recommendations to Council. The PUD final site plan to approve the entrance relocation is an action by the Plan Commission and that approval is contingent on Council's approval of the PUD major change.

Staff recommends favorable recommendations be forwarded to the Council for the vacation of the 10<sup>th</sup> and 11<sup>th</sup> Street unimproved R-O-W, and for the PUD major change. Staff also recommends the Plan Commission grant approval for the PUD site plan.

*Petitioner Presentation:*

Crystal Welsh, 1009 S 9<sup>th</sup> Street, spoke on behalf of the petitioner. She explained that over time, property has been acquired by the college that hasn't been incorporated into the PUD and this will clean that up. It also allows the entrance on 9<sup>th</sup> Street to be moved to 10<sup>th</sup> Street. She noted that the 9<sup>th</sup> Street entrance will be closed, but not vacated because of the railroad. The R-O-W will be unimproved.

*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/Worsham, to forward a favorable recommendation to the Goshen Common Council for 20-01V, based upon the Staff Analysis and with the condition listed in the Staff Report. A roll call vote was requested with the following outcome: Wellington, yes; Worsham, yes; Lauver, yes; McKee, yes; Corwin, yes; Holtzinger, yes. The motion passed unanimously by a vote of 6-0.

*Action:*

A motion was made and seconded, Wellington/Holtzinger, to forward a favorable recommendation to the Goshen Common Council for 20-03MA, based upon the Staff Analysis and with the condition listed in the Staff Report. A roll call vote was requested with the following outcome: Wellington, yes; Worsham, yes; Lauver, yes; McKee, yes; Corwin, yes; Holtzinger, yes. The motion passed unanimously by a vote of 6-0.

*Action:*

A motion was made and seconded, Wellington/Holtzinger, to grant PUD final site plan approval based on 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; Lauver, yes; McKee, yes; Corwin, yes; Holtzinger, yes. The motion passed unanimously by a vote of 6-0.

**VIII.** Audience Items – None

**IX.** Staff/Board Items – None

**X.** Adjournment – 4:43 pm

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Jim McKee

Jim McKee, President

/s/ Tom Holtzinger

Tom Holtzinger, Secretary