

Minutes - Goshen Board of Zoning Appeals
Tuesday, November 23, 2021, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** The meeting was called to order with the following members present: Aracelia Manriquez, Lee Rohn, Tom Holtzinger, Michael Potuck, and Bethany Campbell. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.
- II.** Approval of Minutes from 10/26/21: Holtzinger/Potuck 5-0
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Rohn 5-0
- IV.** Postponements/Withdrawals - None
- V. Use Variance** – public hearing items
21-10UV – Eckco Transit, LLC, Javi Holdings, LLC, and Jones Petrie Rafinski request a use variance to allow a semi-truck terminal and repair facility where truck terminals and truck repair are permitted uses in the Industrial M-1 and M-2 Districts. The subject property is generally located at 1808-1810 Reliance Road and is zoned Commercial B-3 District.

Staff Report

Mr. Deegan discussed area zoning, noting this property is zoned Commercial B-3 and is located in an area with mixed uses and zoning, noting examples of zoning and uses in the surrounding areas, predominately B-3 zoning, with Residential R-1 zoning to the west.

Today's request is to allow a semi-truck terminal and semi-truck repair facility at this property where such uses are only permitted in the Industrial M-1 and M-2 Districts. He noted the same request appeared before the Board in September 2020, with the Board approving the request with conditions and commitments. He explained, since that time, the project has been going through the City's administrative review process, Technical Review. The variance expired as the Technical Review process has not yet been completed with a signed Zoning Clearance form. He explained the details of today's request are largely the same as the request in September 2020, now incorporating items that have been discussed in the Technical Review process. Mr. Deegan noted the existing building will be used for semi-repair which has 4 service bays on the south wall. The property owner will be expanding the driving aisle coming from Reliance Road, as well as adding close to an acre of new paving to the east side of the property for outside parking, for a combination of up to 18 semi-tractor and trailers. He notes the property owners have provided screening which includes a berm and large species trees, which were included in the approval in September 2020.

Staff recommends approval of the request with commitments, noting the subject property is in area of mixed uses, and the size of the property can appear to accommodate the use. Mr. Deegan reviewed, if approved, the following recommended conditions and commitments:

1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. The six (6) trees depicted on the landscape berm on "Eckco Transit LLC –Detailed Site Plan," dated November 2021, shall include three (3) shade trees and three (3) evergreen trees of large height at maturity; the proposed bed of landscaping approximately 70' long depicted in the center of said site plan shall include eleven (11) narrow-spread evergreen trees of medium to large height at maturity; the seven (7) proposed trees in the front yard shall be of large height at maturity and spaced according to Zoning Ordinance Requirements.

3. The number of semi-trucks and trailers parked or stored outside shall be limited to eighteen (18) semi-trucks or semi-trailers, including a combination of either, and ten (10) semi-trucks within the enclosed building.
4. Outdoor parking of semi-trucks and trailers shall be limited to the paved and screened area on the east side of the property.
5. Parking and storage of inoperable semi-tractors and trailers on the property, other than within the enclosed building, is prohibited.
6. Semi-truck repair shall be limited to within the four (4) bay doors on the south side of the building. The door and drive on the north side of the building shall not be used for auto repair, nor for ingress and egress to the property.
7. Semi-truck access to and from the property shall be restricted to the section of Reliance Road between the property and Elkhart Road/U.S. 33. Semi-truck access to and from County Road 17 shall not be by way of County Road 28.

Mr. Deegan noted the Planning Office has not been contacted by any members of the public regarding this request.

Petitioner Presentation:

Matt Schuster, Jones Petrie Rafinski, 300 Nibco Parkway, Ste. 250, Elkhart, spoke on behalf of the petitioner. He reviewed the history of the request and background, noting once the project got started again, Technical Review requirements were unable to be completed prior to the variance expiring. Mr. Schuster stated the existing building is approximately 12,000 sf with 4 services bays on the south side. It is proposed to utilize these 4 bays for truck service and repair, accommodating 2-3 vehicles at a time. He noted some of these might be total rebuilds which might take 5-6 months to complete. He states the owner commits to keeping all trucks being worked on inside the building and limiting the number to 10 semi-trucks within the building, as per Commitment #3.

Mr. Schuster states additional pavement is being proposed on the east side of the site to allow for semi-truck and trailer parking. A landscape berm, screening and fencing 6' in height are represented in the site plan. Mr. Schuster stated the proposed use of the site is a truck-repair facility, in which an anticipated 3-5 trucks are in and out each day. This could include a truck dropping off or picking up a trailer and a truck coming in for service. He explained there will be two employees, with normal working hours of 7:00 am - 5:00 pm. Mr. Schuster states the owner has no objections to the commitments within in the Staff report and recommendation of approval.

Mr. Holtzinger asked if trucks can be delivered to the facility outside of normal working hours.

Mr. Schuster said he did not know the answer to the question. He speculated trucks and trailers need to be delivered during working hours, but trucks can pick up trailers anytime.

Mr. Holtzinger noted this may be a concern for the nearby residents.

Mr. Rohn requested clarification only 3-5 trucks would be in and out each day.

Mr. Schuster affirmed this was correct, anticipate only 3-5 trucks in and out each day, though noting there could be times where a truck would leave outside the working hours.

Audience Comments:

Sam and Sue Perry, 1723 Reliance Road, spoke to the petition. They noted there are occasionally trucks that come after hours. They voiced concerns about semi-trucks backing up traffic when backing onto the site. They explained their concern that traffic build up would negatively impact the nearby fire station by hindering the ability of fire trucks and ambulances to exit as well as the homeowner's ability to pull out of their driveway.

Mr. Schuster replied to the concern by stating that part of the proposed plan includes widening the access drive to facilitate trucks entering the back portion of the property, and, once these improvements have been completed, the trucks will have room to maneuver on the property.

A suggestion was made to add a commitment of no backing onto or off of Reliance Road. There was brief discussion as to whether this would be a constructive addition given the proposed improvements should allow for space to do this on the property.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Holtzinger/Potuck, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 21-10UV with the 5 conditions and 7 commitments listed in the Staff Report, with the addition of Commitment #8 that the owners agree to not maneuver in the street or right-of way on Reliance Road. The motion passed unanimously by a vote of 5-0.

VI. Audience Items

None

VII. Staff Board Items

- 2022 Board of Zoning Appeals Calendar

Mr. Deegan advised Board members that the Plan Commission approved the 2022 Plan Commission/Board of Zoning Appeals calendar at their November meeting and a copy of the calendar is included in the packets.

- Form of Motion

Mr. Deegan explained the revised form of motion sheet included in the packets as a tool to help members formulate their motion, emphasizing instances in which the board may propose an alternative motion contrary to Staff recommendation. Mr. Deegan noted the statutory obligation to outline findings of fact that follow the criteria set forth by the State.

VIII. Adjournment: 4:22pm Potuck/Holtzinger

Respectfully Submitted:

/s/ Meaghan Bylsma

Meaghan Bylsma, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Lee Rohn

Lee Rohn, Secretary