

Minutes - Goshen Plan Commission
Tuesday, January 18, 2022 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Rolando Ortiz, Richard Worsham, Josh Corwin, Tom Holtzinger, Hesston Lauver, Doug Nisley, Caleb Morris, and James Wellington. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Aracelia Manriquez

II. 2022 Plan Commission Appointments

- *Richard Worsham - Annual Appointment by the Board of Public Works & Safety, Appointed 1/10/22*
- *Tom Holtzinger - Citizen Appointment by Mayor, Reappointed 1/1/22-12/31/25*
- *Hesston Lauver - Citizen Appointment by Mayor, Reappointed 1/1/22-12/31/25*
- *Plan Commission Citizen Member Appointment to the BZA (to replace Aracelia Manriquez)*
 - *Hesston Lauver & Caleb Morris are both willing to be appointed*

Action:

A motion was made and seconded, Holtzinger/Nisley, to nominate Hesston Lauver as the Plan Commission appointment to the Board of Zoning Appeals (BZA).

Ms. Yoder remarked that because we have two members that are willing to serve on the BZA, one can be appointed as the permanent replacement and the other can be an alternate. She and Attorney Kolbus confirmed that the alternate would be able to fill in for any absent BZA member.

The motion passed unanimously by a vote of 8-0.

Action:

A motion was made and seconded, Holtzinger/Wellington, to appoint Caleb Morris as an alternate to the BZA. The motion passed unanimously by a vote of 8-0.

III. Election of 2022 Officers

- *President*
- *Vice President*
- *Secretary*

Action:

A motion was made and seconded, Ortiz/Holtzinger, to appoint Doug Nisley as Plan Commission president.

A motion was made and seconded, Morris/Lauver, to appoint Richard Worsham as Plan Commission president.

A roll call vote was requested with the following outcome: Holtzinger (Nisley); Ortiz (Nisley); Corwin (Abstained); Lauver (Worsham); Wellington (Worsham); Morris (Worsham); Worsham (Worsham), Nisley (Nisley). The motions failed (Worsham 4 votes; Nisley 3 votes; 1 abstention) for lack of a majority.

Mr. Morris asked if anyone would like to change their vote. (*Staff note, there was no response.*)

Mr. Kolbus advised that the Plan Commission could elect a vice-president, who would run the meeting in the absence of a president, and vote for a new president at the next meeting.

Action:

A motion was made and seconded, Wellington/Morris, to appoint Doug Nisley as Plan Commission vice-president.

A motion was made and seconded, Nisley/Holtzinger, to appoint Rolando Ortiz as Plan Commission vice-president.

A roll call vote was requested with the following outcome: Holtzinger (Ortiz); Ortiz (Ortiz); Corwin (Abstained); Lauver (Ortiz); Wellington (Nisley); Morris (Ortiz); Worsham (Nisley), Nisley (Ortiz). Rolando Ortiz was elected as vice-president, by a vote of 5-2, with 1 abstention.

Action:

A motion was made and seconded, Wellington/Nisley, to appoint Tom Holtzinger as Plan Commission secretary. The motion passed unanimously by a vote of 8-0.

IV. Approval of minutes of 12/21/21 - Holtzinger/Lauver 8-0

V. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into the record: Holtzinger/Wellington 8-0

VI. Postponements/Withdrawals - None

VII. PUD Major Change (public hearing) & Secondary Subdivision (not a public hearing)

22-01MA & 22-01SUB – Pilgrim Partners, LLC, City of Goshen, and Abonmarche request a PUD major change for Plymouth Avenue Professional Park PUD to allow a 6’ vinyl privacy fence in lieu of landscaping screening along a portion of the east property line and to remove the requirement for a sidewalk along the east side of Lighthouse Lane, and secondary subdivision approval for Plymouth Avenue Professional Park Second Addition, to plat two commercial lots, dedicate the remainder of the right of way for Lighthouse Lane, establish new drainage easements, and remove the requirement for a sidewalk along the east side of Lighthouse Lane. The subject property is Plymouth Avenue Professional Park PUD, zoned Commercial B-3PUD (Planned Unit Development), and generally located south of Plymouth Avenue, east of Greene Road.

22-01MA Major Change - Staff Report

Ms. Yoder began by explaining that this petition includes two separate items. The PUD major change is a public hearing and the secondary subdivision is not a public hearing. She provided background information on the PUD, noting that uses are limited to offices and non-retail uses. She explained that the use in the PUD is not part of today’s petition, noting there are no proposed changes to the permitted uses.

The PUD major change, which is a recommendation to the Council, consists of a request for a 6’ vinyl privacy fence in lieu of landscaping screening along a portion of the east property line and to remove the requirement for a sidewalk along the east side of Lighthouse Lane. She noted that both of these are required by Ordinance 4371, and the sidewalk is also required as part of the subdivision approval, as well as being part of the annexation agreement. She went on to say this PUD was adopted before the City adopted landscape regulations as part of the Zoning Ordinance, and noted that Ordinance 4371 requires a minimum of 4 coniferous trees, planted every 30 feet of the length of the lot line for lots adjacent to residential zoning or land use. Trees are to be a minimum of 6’ in height at planting.

She pointed out the privacy fence is proposed because of the drainage plan, which includes not only this subdivision but The Crossing subdivision to the south and land farther south which is not located within the City. She pointed out those areas have had significant drainage issues and this plan will try to rectify some of that. The proposal along the east property line is a drainage easement and underground stormwater pipe, and because there is an underground pipe the trees would interfere. The privacy fence would, however, allow the easement and underground pipe to be part of the drainage plan. She referenced a letter in the packet from Goshen Engineering which further explained the drainage plan.

The sidewalk along both sides of Lighthouse Lane is important for the safety and connectivity for the property because Lighthouse Lane will be connected to The Crossing subdivision. She went on to say there are no sidewalks along Greene Road south of Plymouth Avenue so when extended Lighthouse Lane will connect with Plymouth Avenue and lead to three area schools. She pointed out sidewalks on both sides of the street provide the safest environment for pedestrians, noting that the PUD and subdivision regulations both require accommodation for pedestrian connections and the Comprehensive Plan places a high priority on sidewalks, safety, and connectivity.

Staff recommends a favorable recommendation to allow the 6’ vinyl privacy fence and an unfavorable recommendation for the removal of the sidewalk along the east side of Lighthouse Lane.

Petitioner Presentation

Crystal Welsh, 303 River Race Drive, spoke on behalf of the petitioner. She stated the need for this is based on the larger plan proposed by the City of Goshen. She referred to a site plan which was provided to Commission members at the

beginning of the meeting and noted how this will fit into the overall plan. She explained that the property owners have been working with the Engineering and Redevelopment Departments to come up with a parcel that can be developed and to relieve some of the drainage issues in this area, and it was determined that the best way to do this was to have a buried stormwater pipe that will run along the eastern property line. For this reason, a 6' vinyl privacy fence is requested in lieu of the trees. This fence will offer a buffer between the new buildings and the adjacent property owners.

Regarding the sidewalk along the eastern side of Lighthouse Lane, Ms. Welsh pointed out there is a sidewalk along the western side of Lighthouse Lane which provides connectivity. She stated the area where you would normally put a sidewalk will contain a drainage swale and is the reason the request is being made to not install the sidewalk.

Mr. Holtzinger asked if the sidewalk along the west side could be widened to compensate for additional pedestrians.

Dustin Sailor, Director of Public Works, also spoke to the petition. He stated that no modifications are proposed to the existing Lighthouse Lane. He stated this project will be to complete the original developer's roadway and in order to increase the width of the existing sidewalk, they would have to remove what's already there and replace the entire length.

Mr. Worsham asked if the goal is for no sidewalks along the east side of Lighthouse Lane.

Becky Hutsell, Director of Redevelopment, also spoke to the petition. She stated they will utilize the sidewalks on the west side of the road.

Mr. Lauver asked if the existing ditch in the area where the sidewalk would be located holds water from only these properties.

Ms. Hutsell stated water from the southwest corner of the subdivision, making its way northeast, is the major problem here. She pointed out there is a storm pipe running from the west side of Lighthouse Lane to the east side. They had proposed taking that east through the lot, but if that happened, the property owner would be unable to develop the lot. She stated several options were discussed that would include a sidewalk, but they were unable to find an option that would allow this.

Mr. Sailor explained how the existing roadway was constructed, noting that because there are no catch basins along the existing portion of the road, physical reconstruction of the roadway to add inlets and storm pipe would be required in order to install a sidewalk.

Mr. Morris asked if the sidewalk will connect south to the Crossing neighborhood.

Mr. Sailor acknowledged that it will. He explained the proposed plan for the new subdivision shows a crosswalk across from the retention pond on the east side, safely leading across the road.

Audience Comments

Ravon Hall, 1307 Park Meadows Drive, spoke to the petition. He had questions regarding the size, depth, and location of the underground pipe. He also questioned the beginning and ending location of the proposed fence and asked how close it will be to their property lines.

David Daugherty, 1101 Park Meadows Drive, also spoke to the petition. He stated property owners adjacent to this area are concerned that the large, mature trees on the property which help shield them from the commercial development behind them will be removed. He stated the lots along Park Meadows Drive are small and don't have much room for planting trees and they would hate to see the mature tree line taken out behind them. He also commented that the trees help filter the light spilling onto their properties from the commercial uses. He stated they are opposed to the removal of trees and the 6' fence proposed to take their place. He also pointed out the removal of these trees is in opposition to the City's 45% by 2045 tree canopy goal.

Mr. Holtzinger asked who owns the trees being discussed.

Mr. Daugherty stated it's possible some are on the property line and some are in the easement.

Forest Miller, 1137 Park Meadows Drive, also spoke to the petition and provided a handout to Plan Commission members. He discussed that the existing mature trees provide screening and act as a windbreak and filter for noise, noting that the proposed 6' fence is not practical. He also suggested that the proposed storm sewer be placed in the existing 25' easement on the east side of Lighthouse Lane.

Linda Miller, 1237 Park Meadows Drive, also spoke to the petition. She stated there is some sort of hole (not a retention pond) behind her house that has brush growing out of it and fills with water when it rains, which then brings mosquitoes. She questioned where the fence will be placed regarding this hole and if it could be filled in.

Michael Garber, 1131 Park Meadows Drive, also spoke to the petition. He stated that some residents have commented that they have evergreens, and some do not. He said that evergreens were planted along this area and some have simply died off over the years.

Petitioner Comments:

Crystal Welsh, Abonmarche, noted the following:

- Specifics on the size of the pipe (18" and a depth of approximately 5')
- The fence is intended where the development parcel starts. It will not be around the retention area, but will be the full length of the parcel intended to be developed.
- Regarding trees, she stated there was no survey indicating where the trees are located, but pointed out the City doesn't have the right to remove trees from private property. She stated it's her understanding the fence will be located 1' from the property line so any trees on the other side that are on private property will not be impacted by this project.
- Regarding the lighting, she explained this project will be required to go through the City's technical review process and the lighting should be addressed at that point.
- While some existing trees will be removed, it's her understanding that street trees will be required as this subdivision is developed.

Mr. Hall asked where the pipe will be located in relation to the property lines.

Mr. Sailor stated there is a 20' easement and the intent is to be in the middle of the easement, making the distance approximately 10' from the property line which allows room for equipment to access the site if necessary.

Mr. Sailor added there was previous discussion regarding a soil bank along the property line. He explained he was with the City at the time the Villas of Park Meadows was developed and there was a period of time when there were restrictions on building on these lots because the stormwater came across from the field to the south and impacted the lots. He explained the contractor built a soil mound to barrier that development from the drainage issue being discussed today. He also commented on a pipe discussed earlier today, explaining it was not done with City approval, noting it's in the backyards of these residents and goes from the south property retention basin to the north basin. He pointed out that is not on the proposed subdivision being discussed today.

Ms. Hutsell stated the reality is when the property owners choose to begin development they're going to clear the trees. She acknowledged there are mature trees, but pointed out the property owner has the right to clear their site for development. She also pointed out the fence will only extend to the south property line for Plymouth Avenue Professional Park and a large retention pond will be constructed where The Crossing development begins and no fence is planned for that area.

Close Public Hearing

Staff Discussion:

Mr. Wellington asked if the pipe could be moved to the west.

Ms. Yoder responded that this is a very narrow lot and they're trying to maximize the space permitted for commercial development.

Mr. Nisley stated he had visited the site several times recently and felt adding a sidewalk would be difficult and expensive because of the drainage and the swale. Regarding trees, he asked why there has been no determination regarding whose

property they're located on. If the trees are removed, he asked when required trees would have to be in place. Ms. Yoder replied trees are required at the time the property is developed. She commented she's not sure why they were planted originally.

Mr. Worsham asked if we have exhausted all options regarding putting the pipe beneath the sidewalk. Mr. Sailor stated in order to place the pipe under the sidewalk, the curb line would need to be rebuilt, stormwater pipe would need to be installed, and stormwater catch basins would need to be installed. That would also require that the existing roadway be rebuilt.

Ms. Yoder asked if the existing swale is on private property or in the public right-of-way. Mr. Sailor stated on the east side of Lighthouse Lane, it's located within the right-of-way. Ms. Yoder asked if the sidewalk could be placed on private property. Mr. Sailor stated yes, but it would be the developer's responsibility.

Action:

A motion was made and seconded, Wellington/Nisley, to table 22-01MA. The motion passed unanimously, 8-0.

22-01SUB, Secondary Subdivision - Staff Report

Ms. Yoder explained there are changes to be made, dependent on what happens with the PUD major change. This subdivision request is to plat two lots and dedicate the remaining right-of-way along Lighthouse Lane. She stated staff normally reviews these requests on behalf of the Plan Commission, but because the PUD major change was coming to the Plan Commission she included them both for review. She reminded Commission members subdivisions can be approved if they meet the requirement, but for secondary approval if requirements are not met the request is denied, pending corrections. She noted this is the appropriate action in this case. She pointed out there are a couple of technical corrections that need to be made, along with some steps that need to be gone through prior to secondary approval. Staff recommends denial of the request, pending corrections.

Action:

A motion was made and seconded, Wellington/Morris, to deny secondary approval for 22-01SUB, pending corrections. The motion passed unanimously by a vote of 8-0.

VIII. Rezoning (public hearing)

22-01R – City of Goshen Department of Redevelopment requests a rezoning from Commercial B-3 to Commercial B-2 (Central Business District), to align with surrounding B-2 zoning. The subject property is generally located at the northwest corner of Main Street and Jefferson Street, with common addresses of 233 S Main Street and 113 W Jefferson Street.

Staff Report

Ms. Yoder explained this request is a recommendation to the Council. The subject property is two tax parcels that were purchased by the City in August 2021 and are surrounded by B-2 Central Business District zoning. The property was rezoned to B-3 in 1984 and the zoning has not been changed. The B-3 zoning creates difficulties because the B-3 requirements cannot be met, so the City is asking to rezone the property to match area zoning. Staff recommends the Plan Commission pass a favorable recommendation to the Common Council.

Petitioner Presentation

There were no comments from the petitioner.

Audience Comments

Staff comment: There was no one present in the audience to offer comments on the proposed rezoning.

Close Public Hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Morris, to forward a favorable recommendation to the Common Council for 22-01R, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 8-0.

IX. Audience Items
None

X. Staff/Board Items
Ms. Yoder noted for the record that signed residency forms were received for Tom Holtzinger and Hesston Lauver.

XI. Adjournment – 5:18 pm

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Richard Worsham
Richard Worsham, President

/s/ Tom Holtzinger
Tom Holtzinger, Secretary