

Minutes - Goshen Plan Commission
Tuesday, August 16, 2022 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

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

II. Approval of Minutes of 7/19/22 –Nisley/Morris 7-0

III. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into the record: Morris/Nisley 7-0

IV. Postponements/Withdrawals - None

V. Vacation (public hearing)

22-01V – The City of Goshen requests the vacation of the unimproved north/south alley right of way, extending north from the north side of Pike Street (starting at the expanded INDOT right of way) to the south line of the first east/west alley, generally located between 905 W Pike Street & 311 Huron Street on the east and 907 W Pike Street on the west. The subject property is zoned Commercial B-3.

Staff Report by Rhonda Yoder

The area to be vacated has not been used as a travel route for many years, has been a source of repeated maintenance complaints, and is an area the City cannot effectively maintain. Prior to the effective date of the alley vacation, the City intends to remove any remaining hard surface, remove existing barriers and restore the area with seed/mulch.

Based on consultation with INDOT, which has jurisdiction of Pike Street, the alley vacation should begin and extend north from INDOT's expanded right of way.

Based on responses from utility providers, there are existing utilities in the area to be vacated, so a general utility easement is required for the vacated area.

Because the right of way is generally unimproved and does not currently provide access, the vacation will not impact access or use of the public way. Following the vacation, the vacated area will be transferred to the adjoining property owners. Adjoining property owners received a letter from Goshen Engineering in late June, explaining the proposed vacation and tentative review/meeting schedule, and each adjoining owner also received notice of the Plan Commission and Council public hearings. We have not heard from any of the owners notified.

Staff recommends the Plan Commission forward a favorable recommendation to Common Council based upon the following:

1. The proposed vacation will not hinder the growth or orderly development of the neighborhood, as the right of way to be vacated has not functioned as public right of way for many years.
2. The proposed vacation will not make access difficult or inconvenient, as there is no existing public access.
3. The proposed vacation will not hinder access to a church, school or other public building or place, as the existing right of way does not provide any of the described access.
4. The proposed vacation will not hinder the use of the public way, as the area to be vacated has not been used as a public way for many years.
5. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated, and the City shall require and retain a general utility easement over the vacation to provide continued access to the existing facilities within the vacated right of way.

Petitioner Presentation

Ms. Yoder noted that Dustin Sailor, Director of Public Works, could not be at today's meeting, and that Josh Corwin could answer any questions for the petitioner.

Audience Comments

There was no one to speak to the petition.

Close Public Hearing

Action

A motion was made and seconded, Nisley/Morris, to forward a favorable recommendation for 22-01V to the Goshen Common Council, based on Staff recommendation with findings. The motion passed unanimously by a vote of 7-0.

VI. Audience Items – None

VII. Staff/Board Items – None

VIII. Adjournment – 4:07 pm - Nisley/Morris 7-0

Respectfully Submitted:

/s/ Theresa Cummings

Theresa Cummings, Recording Secretary

Approved By:

/s/ Richard Worsham

Richard Worsham, President

/s/ Tom Holtzinger

Tom Holtzinger, Secretary