

Agenda
GOSHEN PLAN COMMISSION
Tuesday, November 15, 2022, 4:00 pm
Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 9/20/22
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV. Postponements/Withdrawals
- V. **Vacations** (public hearing)
22-02V – Goshen Community Schools requests vacations of unimproved public right of way for Riverdale School, generally located at 801 W Wilkinson Street, zoned Residential R-2, as follows:
 - The east/west alley between Lots 98 and 99 in Hess Riverdale Addition; and
 - The north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition.Both alleys were assumed to have been vacated, are not shown as right of way, and have been incorporated within the existing tax parcel for the subject property. During a recent survey, references for the two alley vacations were not able to be located, and the vacations are being requested to confirm the vacations.
- VI. **Vacations** (public hearing)
22-03V – Goshen Community Schools requests vacations of unimproved public right of way for Goshen High School, generally located at 501 Lincolnway East, zoned Residential R-1, as follows:
 - A north/south alley, extending north from Reynolds Street, between 11th and 12th Streets, west of and adjacent to Lots 57, 58 and 59 in Thomas’ 2nd Addition;
 - A portion of Purl Street along the east boundary of Wurster’s 3rd Addition, between the vacated north/south alley, to confirm a prior vacation; and
 - A portion of 10th Street along the north boundary of Wurster’s 3rd Addition, between the vacated east/west alley, to confirm a prior vacation.
- VII. Audience Items
- VIII. Staff/Board Items
2023 Plan Commission & BZA Schedule – Approval
- IX. Adjournment

Minutes - Goshen Plan Commission
Tuesday, September 20, 2022 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

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

II. Approval of Minutes of 8/16/22 – Nisley/Lauver 8-0

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

IV. Postponements/Withdrawals – None

V. Rezoning & PUD Major Change (public hearings)

22-04R & 22-04MA - Waterford Commons Business Park, LLC, and City of Goshen request a rezoning from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3 for a residential development with a variety of housing types, and a PUD major change to remove Tracts 1 and 3 from Waterford Commons Business Park PUD. The subject property is part of Waterford Commons Business Park PUD, generally located on the northwest corner of Waterford Mills Parkway and Dierdorff Road (Tract 1) and on the west side of Regent Street south of Waterford Mills Parkway (Tract 3), including adjacent City parcels intended for public right of way.

Staff Report:

Ms. Yoder explained this rezoning and major change are a recommendation to the City Council. She provided background information on the history of Waterford Commons Business Park, noting that it includes three separate tracts of land which are all zoned Industrial M-1 PUD and are shown on one of the aerials provided in Commission members packets. She explained that Tract 2 (Ardmore Court) is almost fully developed and that there has been no development on Tracts 1 and 3. The overall Waterford Commons PUD is a mixed use development which includes R-1, R-2, R-3 & R-4 zoning, as well as two areas zoned B-4, and three industrial tracts.

Today's major change request is to remove Tracts 1 and 3 from the Waterford Commons Business Park PUD. The request to rezone includes rezoning the two M-1PUD tracts to R-3, and to rezone the adjacent City parcels from M-1 PUD, A-1, and R-1PUD to R-3, with the intention that the City parcels be used for right-of-way. She explained the R-3 District is multi-unit residential, noting the R-3 zoning permits a range of residential land uses. The proposed R-3 zoning for Tract 1 is adjacent to existing R-3PUD zoning and the proposed rezoning is consistent with the existing mixed use land development.

Staff recommends a favorable recommendation be forwarded to the Council for the rezoning and the PUD major change.

Ms. Yoder also noted for the record that one email in support of this request was received in the Planning Office and a copy was presented to Commission members at today's meeting.

Petitioner Presentation:

Becky Hutsell, Redevelopment Director, spoke on behalf of the petitioner. She stated this effort began with the City of Goshen after hearing from several people, about a housing shortage. The City made a proposal to property owners, Hoogenboom Nofziger, to contract with a company to do a high-level market analysis on housing. Structurepoint was chosen and the study found there is a high demand for housing. At the City's request, they provided a conceptual plan which has been distributed to Commission members, along with the Housing Market Analysis. She pointed out this conceptual plan allows the City to evaluate different options.

Ms. Hutsell also explained that a few years ago, the State of Indiana changed the regulations regarding residential TIF districts and this is being looked at as the City's first residential TIF district. She noted the property owner has been approached by a developer that is ready to develop this property, but, before that happens, they want to know that the property will be rezoned. She pointed out that it is possible this land will come back before the Commission for a PUD request sometime in the future.

Audience Comments:

Richard Becola, 2108 Newbury Circle, spoke to the petition. He stated traffic is already a problem and asked what will be done to address traffic concerns with additional housing in this area.

Dustin Sailor, Director of Public Works, spoke to the petition. He stated a comprehensive traffic study is being done for Dierdorff Road, Kercher Road, and County Road 40, which turns into Waterford Mills Parkway. He pointed out that if this isn't developed as residential, there was a high potential this would have been developed as industrial. He pointed out a large traffic study will be done and INDOT will be working on US 33. A new signal on CR 40 will help and while the City has put in applications to MACOG for improvements along CR 40, they haven't been chosen to receive assistance. The City will continue submitting applications for funding assistance and noted there are also long-term proposals to improve Dierdorff Road with TIF funding.

Scott Alwine, 17706 County Road 40, spoke to the petition. He stated the proposed map shows a lot of traditional R-1 development and noted that the density shown on the proposal doesn't seem to match the surrounding area. He also echoed concerns regarding the amount of traffic. He stated he would like to see a development that is more friendly to existing residents and more consistent with the existing development.

Angela Becola, 2108 Newbury Circle, spoke to the petition. She agreed with previous statements concerning traffic, noise, and the density of homes.

Keith Hostetler, 18135 Wagon Wheel Drive, spoke to the petition. He stated he agrees with previous statements, and asked about leaving room for the elementary school and Greencroft to grow. He would also like to see a large park and larger subdivision lots.

Dustin Sailor, Director of Public Works, addressed the question of lot sizes. He explained that properties located in the county have a well and septic which requires larger lots. He went on to explain that the housing study will identify that the infrastructure for water and sewer has the capability for higher density. From an economic perspective, it makes more sense to have higher density because there are more people using the services.

Petitioner Response:

Becky Hutsell reminded those in attendance that the site plan that has been discussed is only conceptual and not necessarily the desire of the developer. She noted the developer is favorable to a mixed use development and is sensitive to making sure the perimeter properties are similar to what's existing. They have also indicated a desire to see more green space. She pointed out the conceptual plan is not the developer's plan and this only outlines what it could be and how it could potentially alleviate some of the residential needs Goshen has.

She also noted the younger generation doesn't have the same desire for large subdivision lots and the aging generation is also in favor of smaller subdivision lots. She pointed out that R-3 zoning would be something of this nature, with a variety of uses, and once a developer acquires the land and goes through the process any modifications to the zoning will have to come back to the Plan Commission and Council for approvals.

Mr. Lauver asked Mr. Sailor for his views concerning traffic for residential vs. industrial uses.

Mr. Sailor stated this question might be better directed to Commission member Josh Corwin who deals with traffic aspects for the City, but he noted this is one of the things the traffic study will look at. Initially, one of the things that's looked at are peak times. Some people living here might work at one of these industrial facilities, which generally start work very early. Others living here might leave later in the morning for a job outside this

area. He stated he doesn't feel it will be much of an issue because a mixed use will change up the peak times, but noted this is one of the reasons the City is looking at road improvements for County Road 40 and Dierdorff Road.

Mr. Wellington stated he sees a lot of park and greenway shown on the plan and asked if it will be privately maintained or if it will be part of Goshen Parks.

Ms. Hutsell stated there is currently a lot of greenway which is part of the Parks Department. Depending on how it is developed, it will be discussed with Parks to determine a partnership.

Mr. Worsham asked about the goal to have mixed use with the potential for commercial development. Is the plan for this to provide more convenience to those living in the area?

Ms. Hutsell stated the hope is that there might be neighborhood commercial which would serve those in this neighborhood and surrounding areas. She also pointed out the goal is to connect to the trail at Bethany and from there, connect to the Winona Trail heading north, which ties into the 8th Street or 9th Street Trails, and makes its way to a variety of other paths.

Mr. Nisley pointed out the site plan being discussed is only a conceptual plan and the real question is if this land should be rezoned.

Close Public Hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Nisley/Morris, to forward a favorable recommendation for 22-04R & 22-04MA to the Goshen Common Council, based on Staff analysis. The motion passed unanimously by a vote of 8-0.

Staff Note: Ms. Yoder remarked that she was asked if Mr. Nisley's motion covered the rezoning and the PUD major change and she confirmed that it did. She noted that the way it was written both were included. Mr. Nisley confirmed that his motion was to include both requests.

VI. Audience Items - None

VII. Staff/Board Items - None

VIII. Adjournment – 4:28 pm Nisley/Lauver

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Richard Worsham, President

Tom Holtzinger, Secretary

To: Goshen City Plan Commission/Goshen Common Council
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 22-02V, Vacations of Unimproved Alley Right of Way, 801 W Wilkinson Street, Riverdale School
Date: November 15, 2022

ANALYSIS

Goshen Community Schools requests vacations of unimproved public right of way for Riverdale School, generally located at 801 W Wilkinson Street, zoned Residential R-2, as follows:

- The east/west alley between Lots 98 and 99 in Hess Riverdale Addition; and
- The north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition.

Both alleys were assumed to have been vacated, are not shown as right of way, and have been incorporated within the existing tax parcel for the subject property. During a recent survey, references for the two alley vacations were not able to be located, and the vacations are being requested to confirm the vacations.

The vacation request includes two separate alleys, both of which were assumed to have been vacated. Because the vacation references were not able to be located during a recent survey, Goshen Community Schools is requesting the vacations to confirm approval. In the case of the north/south alley, a portion of the alley was vacated in 1957, extending approximately 99 feet south from Chicago Avenue along the west line of the alley.

The east/west alley is partially located under the primary building, so utility providers assume there are no utilities present and no easement is requested in this area.

There are existing utilities in the north/south alley right of way to be vacated, so a general utility easement is required for the vacated area of the north/south alley.

According to Indiana Code 36-7-3-13 remonstrance or objection to a vacation may only be filed on the following grounds:

- (1) *The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.*
- (2) *The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.*
- (3) *The vacation would hinder the public's access to a church, school, or other public building or place.*
- (4) *The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.*

Because the right of way is unimproved and does not currently provide access, the vacations will not impact access or use of the public way. The right of way has already been incorporated into the tax parcel owned by Goshen Community Schools, and the vacations will not impact land ownership.

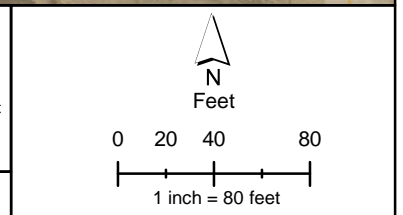
RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for, and the Common Council approve, the vacation of the east/west alley between Lots 98 and 99 in Hess Riverdale Addition, and the vacation of the north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition, based upon the following:

1. The proposed vacations 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 vacations will not make access difficult or inconvenient, as there is no existing public access.
3. The proposed vacations 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 vacations will not hinder the use of the public way, as the area to be vacated has been assumed to have been vacated and 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 if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities, and the City shall require and retain a general utility easement over the vacation of the north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition to provide continued access to the existing facilities within the vacated right of way.



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801 W Wilkinson Street

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

Zoning Map & 2021 Aerial
 Printed October 31, 2022



11-98

11-9A

11-8D

To: Goshen City Plan Commission/Goshen Common Council
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 22-03V, Vacations of Unimproved Right of Way, 501 Lincolnway East, Goshen High School
Date: November 15, 2022

ANALYSIS

Goshen Community Schools requests vacations of unimproved public right of way for Goshen High School, generally located at 501 Lincolnway East, zoned Residential R-1, as follows:

- A north/south alley, extending north from Reynolds Street, between 11th and 12th Streets, west of and adjacent to Lots 57, 58 and 59 in Thomas' 2nd Addition;
- A portion of Purl Street along the east boundary of Wurster's 3rd Addition, between the vacated north/south alley, to confirm a prior vacation; and
- A portion of 10th Street along the north boundary of Wurster's 3rd Addition, between the vacated east/west alley, to confirm a prior vacation.

The request includes a new alley vacation, for a north/south alley extending north from Reynolds Street, and affirmation of a portion of two prior vacations (Purl Street and 10th Street), based on possible ambiguity in the descriptions, so the entire vacation of each area is confirmed.

There are existing utilities in the new area to be vacated, and utility easements were required and established as part of the prior vacations of Purl Street and 10th Street, so a general utility easement is required for the new vacated area, and the vacated areas of Purl Street and 10th Street being affirmed will retain utility easements.

According to Indiana Code 36-7-3-13 remonstrance or objection to a vacation may only be filed on the following grounds:

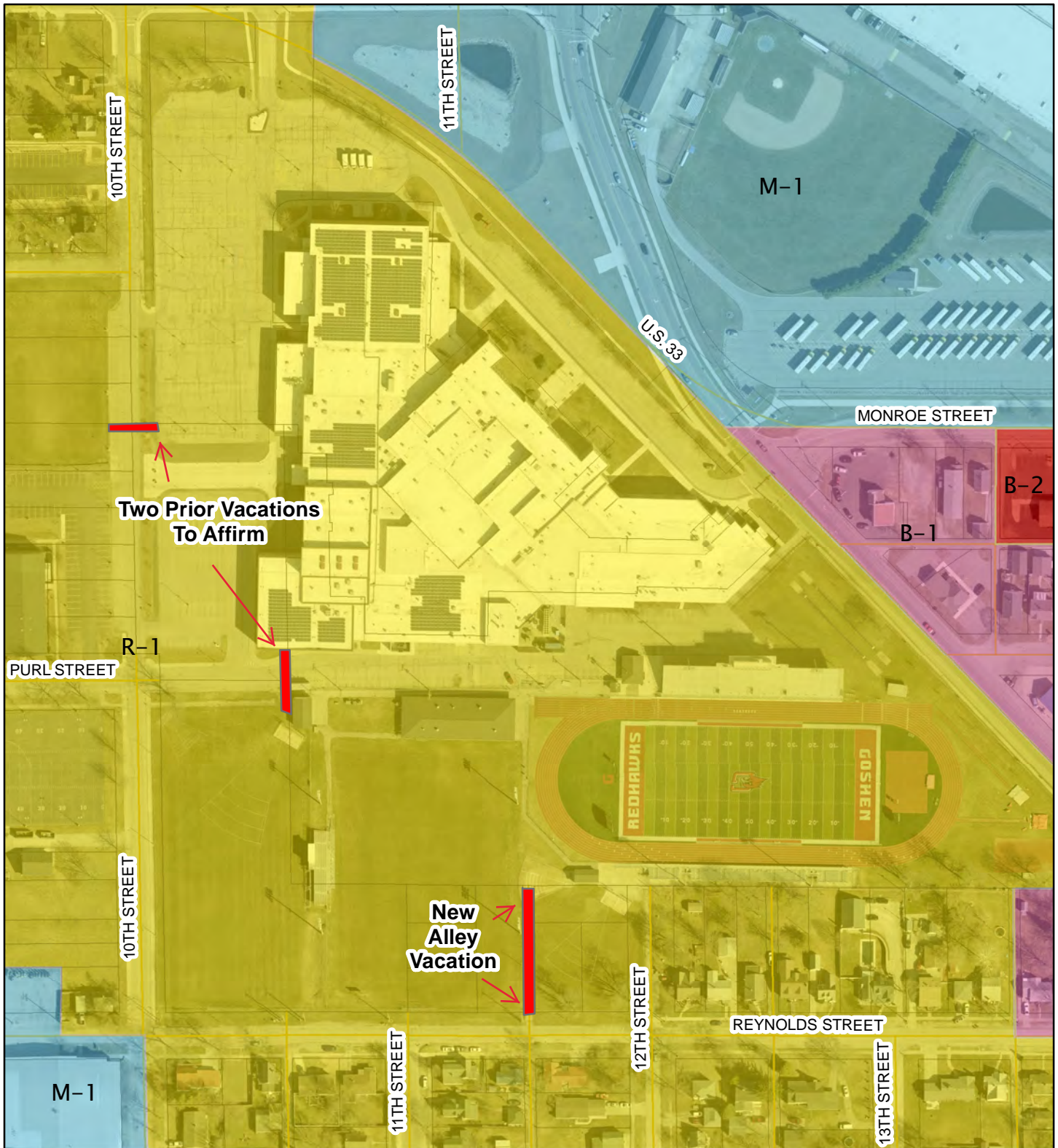
- (1) *The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.*
- (2) *The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.*
- (3) *The vacation would hinder the public's access to a church, school, or other public building or place.*
- (4) *The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.*

The north/south alley right of way is currently unimproved and does not provide access, and the two vacations to be affirmed are already functioning as vacated areas, so the vacations will not impact access or use of the public way. Following the vacation, the vacated north/south alley will be transferred to the adjoining property owner, Goshen Community Schools, and for the two vacations to be affirmed the property has already been transferred to Goshen Community Schools.

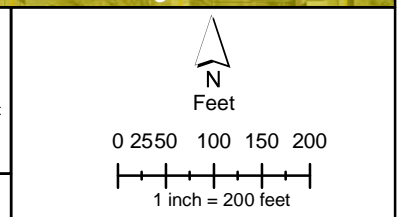
RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for, and the Common Council approve, the vacation of a north/south alley, extending north from Reynolds Street, between 11th and 12th Streets, and affirmation of portions of two prior vacations of Purl Street and 10th Street, based upon the following:

1. The proposed vacations 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 a number of years.
2. The proposed vacations will not make access difficult or inconvenient, as there will be no change to access.
3. The proposed vacations will not hinder access to a church, school or other public building or place, as the vacations will not impact any of the described access.
4. The proposed vacations will not hinder the use of the public way, as the areas to be vacated have not been used as a public way for a number of 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 if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities, and the City shall require and retain a general utility easement over the vacations to provide continued access to the existing facilities within the vacated right of way.



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501 Lincolnway East - Goshen High School

Zoning Map & 2021 Aerial
 Printed October 31, 2022

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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11-10E

See Detail On Pg 11-10E



11-15A

GOSHEN CITY PLAN COMMISSION 2023

MEETING DATES

JANUARY	17
FEBRUARY	21
MARCH	21
APRIL	18
MAY	16
JUNE	20
JULY	18
AUGUST	15
SEPTEMBER	19
OCTOBER	17
NOVEMBER	21
DECEMBER	19*

FILING & SITE PLAN DEADLINE

DECEMBER	28, 2022
FEBRUARY	01
MARCH	01
MARCH	29
APRIL	26
MAY	31
JUNE	28
JULY	26
AUGUST	30
SEPTEMBER	27
NOVEMBER	01
NOVEMBER	29

GOSHEN CITY BOARD OF ZONING APPEALS 2023

MEETING DATES

JANUARY	24
FEBRUARY	28
MARCH	28
APRIL	25
MAY	23
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FILING & SITE PLAN DEADLINE

JANUARY	04
FEBRUARY	08
MARCH	08
APRIL	05
MAY	03
JUNE	07
JULY	05
AUGUST	02
SEPTEMBER	06
OCTOBER	04
NOVEMBER	08
NOVEMBER	29

The Plan Commission normally meets on the third Tuesday of each month at 4:00 p.m., and the Board of Zoning Appeals normally meets the fourth Tuesday of each month at 4:00 p.m. Both meetings are held in the Council Chambers, Goshen Police and Courts Building, 111 E. Jefferson Street, Goshen, Indiana. Questions about the filing procedures should be directed to the Planning and Zoning Department at 204 E. Jefferson Street, Suite 4, Goshen, IN 46528; planning@goshencity.com; 574-534-3600.

****Due to the Christmas holiday, the December BZA meeting will follow the Plan Commission meeting.***