

Minutes - Goshen Plan Commission
Tuesday, May 21, 2019 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Connie Garber, Rolando Ortiz, Jim McKee, Leslie Biek, James Wellington, Joe McCorkel, John King, and Tom Holtzinger. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Aracelia Manriquez

II. Approval of minutes of 2/19/19 – Holtzinger/Wellington 8-0

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

IV. Postponements/Withdrawals
None

V. **Rezoning, PUD Major Change, & PUD Preliminary Site Plan** (public hearings)

19-02R & 19-03MA – Goshen Hospital Association, Inc., DJ Construction Company, and Abonmarche Consultants, Inc., request a rezoning for 2206 S Main Street from Residential R-1 to Commercial B-3PUD (Planned Unit Development), a PUD major change to incorporate 2206 S Main Street into the Goshen Professional Park PUD, with residential/office use permitted for 2206 S Main Street, and PUD preliminary site plan approval for the expanded site. The subject property is generally located at 2006, 2012, 2014, 2016, 2018, 2034, 2100, 2104, 2110 & 2112 S Main Street, zoned Commercial B-3PUD, and at 2206 S Main Street, zoned Residential R-1.

Staff Report

Ms. Yoder explained this is a recommendation to council and is similar to the previous petition for this PUD. She explained this PUD was established in October, 1991, noting there have been several major changes to the PUD since that time. Changes include the addition of land, with the most recent addition and major change approved in February, 2019. The February approval rezoned and incorporated three properties into the PUD. This current rezoning request is for one additional parcel, located at 2206 S Main. The request is to keep the existing house for residential or office use and add the area to the PUD. She referred to the Staff Report which contains the history of the PUD, pointing out that as the PUD develops existing conditions remain in place unless they are changed. She outlined the existing conditions for the PUD including setbacks, building height, use limitations, and landscape requirements, noting they will continue with the current PUD.

Ms. Yoder explained the February approval was for the construction of a new office building with associated parking and it will continue. The only approval today is for the parcel at 2206 S Main. She explained with this addition to the PUD, it will allow the landscaping screening to be located on that parcel and allow the office building to be shifted a few feet to the south. She explained because there is an easement between 2206 S Main and 2112 S Main which limits development, the proposed building cannot go much farther south than originally proposed. She explained the PUD preliminary site plan shows the newly approved building and parking and also shows additions to the existing medical office buildings at 2012, 2014, and 2016 S Main. Those additions will be constructed in several phases. She noted those additions don't require Plan Commission or Council approval because the PUD doesn't restrict total building area as long as the B-3 requirements are met. She explained those are shown as proposed on the plans.

She explained that offices are generally a non-intensive commercial use and are permitted in all commercial districts, noting that many PUDs include commercial and office uses combined with residential uses, giving several examples of such uses. She explained that B-3 zoning adjacent to residential zoning requires a 20'

building, parking and driving aisle setbacks, pointing out that this PUD requires a 35' building setback and a 20' parking/driving aisle setback adjacent to all property lines, which exceeds the minimum requirement. The PUD already requires landscape screening. The major change would add the one rezoned parcel to the PUD and continue with the existing PUD conditions. Initially the house at 2206 S Main would remain with the option of residential or office use proposed. Staff recommends if the residential use continues the driveway for 2206 S Main may continue, but when that use is converted to office use, the driveway access to State Road 15 needs to be removed. Access and parking should then be provided from within the PUD and this was also part of the February, 2019 approval. PUD preliminary site plan approval is also requested for the expanded site. The PUD final site plan approval shall be submitted as part of the City's administrative site plan review process and may be reviewed by Staff on behalf of the Plan Commission. Staff recommends a favorable recommendation to the City Council for the rezoning, PUD major change, and the PUD preliminary site plan approval.

Petitioner Presentation

Mark Podgorski, 200 High Park, spoke on behalf of the petitioner. He stated the additional property will allow the new office building to go back farther and use the existing property to screen it. He explained the expansion for the three office pods are necessary because their provider base has grown and they need a place for their practices.

Audience Comments

James Yoder, 2214 S Main Street, spoke in opposition to the petition. He stated there is a large parking lot to the north of the proposed building that is generally 50% to 75% capacity during the day. He questioned why the hospital encroaches into the residential area when a good portion of the parking lot goes unused. He also voiced concerns that the mature trees along the north and south property lines of 2206 S Main need to be protected and questioned what the long term plan is for the houses that are currently residential use.

Lester Krull, 2205 S Main Street, also spoke in opposition to the petition. He questioned if this will affect his property values and fears that they will demolish these houses and encroach farther into the neighborhoods.

Petitioner Response:

Mark Podgorski stated that the site plan shows the existing trees on either side of 2206 S Main will remain.

Mr. Wellington asked if the plan is to keep the existing trees.

Mr. Podgorski stated that yes, that is the plan.

Ms. Yoder pointed out the site plan shows that the trees will remain, but it's not required by the PUD. She explained the PUD requires screening along the south property line and that's what must be provided. She went on to say there is an easement there and if there are any issues related to any of the trees in the easement, we can't guarantee that they will remain.

Mr. Podgorski stated an approval was granted last February for a new building here and plans are to move more of the operations to this site and take advantage of the available parking spaces.

Addressing the audience comments regarding the future of the existing houses, Mr. Podgorski stated any change made within the PUD will require Plan Commission approval. He noted the houses shown on the existing plan will remain until they have a new use for them. The current plan is to utilize the houses for residential use or for hospital colleagues or providers. In the future it may be used as office space. If the office space becomes a reality, they will close the SR 15 access and utilize parking from within the PUD.

Mr. Holtzinger asked if this property is on the tax rolls.

Mr. Podgorski stated it is currently taxed, but they are a tax exempt organization. He assumed if it is an activity that is utilized by their business, it would also become tax exempt. He stated if it's not associated, it would remain on the tax rolls.

Close Public Hearing

Staff Discussion

Mr. McKee stated one of his concerns is that over 40% of properties in Goshen are tax exempt. He stated he is not suggesting that should influence this decision, but feels this is something they need to think about as these proposals come up.

Ms. Yoder responded that the Plan Commission's decision is land use; the Council's job is to think about things like taxes.

Action:

A motion was made and seconded, Wellington/Holtzinger, to forward a favorable recommendation to the Goshen Common Council for 19-02R, 19-103MA, and for the PUD preliminary site plan approval, to incorporate 2206 S Main Street into the Goshen Professional Park PUD, with residential/office use permitted for 2206 S Main Street, and PUD preliminary site plan approval for the expanded site, based on Staff analysis. The motion passed unanimously by a vote of 8-0.

VI. PUD Major Change (public hearing)

19-04MA - HSR, Inc., d/b/a Buffalo Wild Wings Grill & Bar, and Jones Petrie Rafinski request a PUD major change to allow a 5' parking/driving aisle setback along Rieth Blvd where 30' is required. The subject property is generally located at 1829 Rieth Blvd and is zoned Commercial B-3 PUD.

Staff Report

Ms. Yoder explained this is also a recommendation to the Council for a PUD major change. She explained that the Elkhart Road PUD was established in June, 1993 with the preliminary plan showing one large commercial lot (Lowe's) and additional smaller lots along Elkhart Road and Rieth Blvd. She explained that today's request for Buffalo Wild Wings is to allow a 5' parking/driving aisle setback along Rieth Blvd where 30' is required. She went on to explain the 5' setback is existing, however, it was not part of the 2002 approved site plan. She pointed out that based upon aerial views of the property, it appears this 5' setback was likely constructed at the time the site was developed. This was discovered as part of a current PUD site plan application, noting this is the first revised site plan for this lot since the 2002 approval. She explained this is a through lot with two front yard setbacks which reduces the area available for development. A portion of the frontage along Elkhart Road was also deeded to the City for construction of the Northwest Bike Trail which further reduced the lot area. She pointed out the parking/driving aisle setbacks along Elkhart Road range from 9.5' to 12.8' instead of the required 35'. She noted that Rieth Blvd currently dead-ends at this location, allowing for limited traffic in this area.

A landscape plan meeting the ordinance requirements was submitted for this project, but because of a potential conflict with underground utilities along Rieth Blvd, Staff recommends a 10' parking/driving aisle setback be approved instead of the requested 5' setback. This will ensure adequate room for landscaping without impacting the underground utilities. The removal of 5' of hard surface may result in the loss of one parking space, but should not impede onsite maneuvering. She noted the current site plan shows parking in excess of the required amount.

PUD final site plan review will be submitted as part of the City's administrative site plan review process and may be reviewed by Staff on behalf of the Plan Commission. Staff recommends a favorable recommendation be forwarded to the City Council for an amended major change to the PUD.

Petitioner Presentation

Matt Schuster, 200 Nibco Parkway, Elkhart, spoke on behalf of the petitioner. He stated they are fine with the changes requested by Staff and is here to answer any questions.

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/Holtzinger, to forward a favorable recommendation for an amended PUD Major Change to the Goshen Common Council for 19-04MA to allow a 10' parking/driving aisle setback along Rieth Blvd where 30' is required, based on Staff analysis. The motion passed unanimously by a vote of 8-0.

VII. Audience Items

None

VIII. Staff/Board Items

➤ *Goshen Economic Development Commission Report*

Ms. Yoder explained this Board item acknowledges receipt by the Plan Commission of the Goshen Economic Development Commission Report. A copy of the report was included in the Plan Commission packets. No further action is required by the Commission.

IX. *Adjournment* – 4:37 pm Wellington/Holtzinger

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Connie Garber

Connie Garber, President

/s/ Tom Holtzinger

Tom Holtzinger, Secretary