

Minutes - Goshen Plan Commission
Tuesday, July 16, 2019 - 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, Jim McKee, Leslie Biek, James Wellington, Joe McCorkel, and Tom Holtzinger. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Connie Garber, Aracelia Manriquez, John King
- II.** Approval of minutes of 5/21/19 – Holtzinger/Wellington 6-0
- III.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: Holtzinger/Wellington 6-0
- IV.** Postponements/Withdrawals
None
- V. Amendment to Subdivision Approval** (public hearing)
02-7SUB – Advanced Management Group, LLC, requests an amendment to 02-7SUB, The Gardens Fourth subdivision approval, to remove the sidewalk requirement along the west side of Tulip Blvd south of Clinton Street, extending south to 2407 Tulip Blvd. The subject property is public right of way, zoned R-3PUD.

Staff Report

Ms. Yoder explained this request is for a portion of the public right-of-way along Tulip Blvd, platted as part of The Gardens 4th Subdivision. She explained that The Gardens 4th Subdivision was granted primary approval by the Plan Commission in 2002 and one of the conditions of approval was that sidewalks were required on both sides of the street. She noted that all other sections of The Gardens Subdivision require sidewalks on both sides of the streets as well. She stated that narratives and photos provided by the applicant support the request based upon the narrow right-of-way on the west side of Tulip Blvd, pointing out that a large amount of mature trees would need to be removed in order to install the sidewalk along that side. The removal of mature trees would have a negative impact on The Gardens Subdivision and also the apartment complex to the west. She noted there are also impediments to the sidewalk installation at Tulip Blvd and Clinton Street. She explained the applicant is willing to install a midblock crossing to connect sidewalks on both sides of Tulip Blvd and explained that the remaining undeveloped portion of The Gardens 4th along the east side that was recently replatted for three single family lots is currently under construction and will complete the sidewalk along that side of Tulip Blvd. She pointed out construction is underway for a house at 2407 Tulip Blvd, noting that the sidewalk there will complete the sidewalk connection along the west side of Tulip Blvd. She explained the timing is appropriate to remove the sidewalk condition along the west side of Tulip Blvd, which is north of the new construction at 2407 Tulip Blvd and install the mid-block crossing to connect the two sidewalks.

Staff recommends the Plan Commission approve the amendment to 02-7SUB.

Ms. Garber joined the meeting at 4:03 pm

Petitioner Presentation

Wes Culver, 422 Constitution Ave, Goshen spoke on behalf of the petitioner. He stated he is the developer and agreed that originally sidewalks were required on both sides of the street. He stated at this point they feel the midpoint crossing is a better idea and support Staff's recommendation to allow this. He explained if the sidewalk is required, the large, mature trees will have to be removed between them and the adjacent apartments, noting this makes a nice barrier between the two properties.

Audience Comments

Mike Hoffman, 2503 Tulip Blvd spoke in opposition to the petition. He stated he is speaking on behalf of The Gardens' Homeowners Association and they have several safety concerns. Among the concerns are the number of

children walking to and from school, adults that walk in the neighborhood, and cars that park along the west side of Tulip Blvd near the curve, making it difficult to see young children. He stated he has looked at the overgrown trees and found there could be a 4' strip of grass from the west side of the curb, a 4' sidewalk, and a 3.5' section that can be used for landscaping. He went on to say the mature trees are falling down and he and the neighboring property owner are both concerned. They are developing a plan to clean this up, pointing out when it storms more limbs fall. He stated the mature trees are on the fence line and most of the trees are cherry. He said the Board would like to see a more natural area along the fence line to block the view and make the area look nice.

Mr. McCorkel asked if the measurements provided by Mr. Hoffman included the removal of the trees. Mr. Hoffman stated the measurements would go to the property line. He explained they would not have to remove all of the trees, and he is in favor of keeping as many as possible. He feels this can be done without removing the mature trees along the property line.

Ms. Garber asked who will pay for the improvements.

Mr. Hoffman stated they would be paid for by The Gardens.

Mr. Wellington asked who will pay for the sidewalk.

Mr. Hoffman stated he doesn't know, but assumes it will be paid for by management.

Mr. Wellington asked what view they're trying to block.

Mr. Hoffman stated they would like to remove the trees that look bad and the trees that have grown up in the fence row and replace them with trees that are aesthetically pleasing. The hope is they would do a better job of blocking the view of the nearby apartments.

Mr. Wellington asked if the grassy area could be used to widen the sidewalk.

Mr. Hoffman stated you could make a wider sidewalk, but explained most of the subdivision has a 4' strip of grass between the curb and the sidewalk and then a 4' wide sidewalk.

Mr. McCorkel asked if he would be willing to sacrifice the grassy section to allow the sidewalk next to the curb.

Mr. Hoffman stated he would have no problem with that.

Mr. Wellington suggested perhaps the City Forester could look at the trees to determine what trees are worth saving.

Mr. Ortiz agreed with Mr. Wellington, stating he's concerned about the curve and the safety of the children walking to and from school, along with evening walkers. He went on to say he understands that a barrier is desired to help block the view of the apartments and doesn't necessarily feel the 4' sidewalk needs to continue the same look as the rest of the subdivision because there are no houses west of it. He also voiced concerns that if new concrete was placed adjacent to the trees, the tree roots might damage the sidewalk in a few years.

Adrian Aguilar, 2407 Tulip Blvd, also spoke to the petition. He stated that he's in favor of this variance request. He stated he doesn't see much value added for installing the sidewalk. He stated he's in favor of keeping the trees, but agrees that some of them should be cleaned up. He feels the midpoint crossing is a good idea and will allow the walkers a safe place to cross the street. He questioned how well any new landscaping would be at blocking the view of the neighboring apartment complex.

Ms. Yoder pointed out to Commission members, that the location of the midblock crossing has not been determined.

Grier Gentry, 2321 Redspire Blvd, also spoke to the petition. He stated he is opposed to this request, agreeing that this is a safety issue for walkers and bicycle riders.

Petitioner Rebuttal:

None

Close Public Hearing

Staff Discussion

Mr. Wellington pointed out there is an existing gap in the sidewalk along the east side of Tulip Blvd.

Mr. Yoder replied the area along the east side is being filled in with three new single family homes and the sidewalks will be constructed as the homes are built. There is also a new house on the west side, at 2407 Tulip Blvd.

Mr. Ortiz asked Ms. Biek if she has any idea where the midblock crosswalk would be located.

Mr. Biek stated it could be placed either before or after the curve, making sure there is enough sight distance, signage, and striping for drivers and pedestrians.

Mr. McCorkel asked if code requires a grass strip between the sidewalk and the roadway.

Ms. Biek responded no, but people feel more comfortable when the sidewalk is separated from the road.

Mr. Holtzinger pointed out the gentleman that spoke about the trees stated that the salvageable trees are far enough back to allow a sidewalk along the west side of Tulip.

Mr. Wellington asked if the petition could be tabled to allow the City Forester and Engineering Department to do a site visit and make a recommendation on how to proceed.

Attorney Kolbus stated a motion can be made to that effect.

Mr. Wellington asked if tabling for one month would have a negative effect on the development of the properties.

Mr. Hoffman stated he doesn't think tabling for one month would be a problem, but it might be best to ask the homeowner.

Ms. Yoder remarked that if required, the sidewalk could be installed at the time this is resolved.

Action:

A motion was made and seconded, Wellington/Holtzinger, to table 02-7SUB to the August 20, 2019 Plan Commission meeting to allow the City Forester and City Staff time to further review the request. The motion passed unanimously by a vote of 7-0.

VI. Audience Items
None

VII. Staff/Board Items
None

VIII. *Adjournment* – 4:33 pm Wellington/Holtzinger

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Connie Garber, President

Tom Holtzinger, Secretary