

Minutes - Goshen Plan Commission  
Tuesday, November 19, 2019 - 4:00 pm  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I.** The meeting was called to order with the following members present: Jim McKee, Leslie Biek, James Wellington, Joe McCorkel, Aracelia Manriquez, Connie Garber, John King, and Rolando Ortiz. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Tom Holtzinger
- II.** Approval of minutes of 10/15/19 – McKee/McCorkel 8-0
- III.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record: McKee/Manriquez 8-0
- IV.** Postponements/Withdrawals  
None
- V. Vacation** (public hearing item)  
**19-01V** – Tim Short and James & Elizabeth Morrical request the vacation of the 16.5' east/west alley right of way located between 611 & 617 S 6th Street, approximately 165' in length, extending west from the west edge of the 6th Street right of way to the east edge of the north/south alley right of way. If the vacation is approved, the existing alley surface would be removed, with each end reconstructed per Goshen Engineering requirements. The subject property is zoned Residential R-1.

*Staff Report*

Ms. Yoder noted that four letters were received by the Planning Office regarding this request and distributed letters to the Commission members. They will be discussed during the public portion of the meeting.

Ms. Yoder explained the area to be vacated is an improved alley, and if vacated the hard surface would be removed and grass planted over the vacated area. The curb and sidewalk along 6<sup>th</sup> Street would also be reconstructed. She explained that Indiana Code has four points on which an objection may be filed to a vacation and briefly discussed each.

She noted the Traffic Commission reviewed this vacation and recommended approval. In addition, the Planning Office contacted utility providers, Fire, and Engineering, and noted there are public utilities in the right-of-way so a general utility easement is required to be retained over the entire vacation. She pointed out a memo has been included from Goshen Engineering supporting the request, provided the applicants confirm they understand the significant cost of removal and reconstruction is their responsibility.

She explained the area to be vacated provides access to a parking area for 611 S 6<sup>th</sup> Street, but if the vacation is approved, the owner of 611 S 6<sup>th</sup> plans to build a new detached garage with access from the north/south alley.

Staff recommends a favorable recommendation to City Council with four conditions of approval.

*Petitioner Presentation:*

Tim Short, 601 S 6<sup>th</sup> Street, spoke on behalf of the petitioner. He stated he purchased and renovated this property approximately 20 years ago and has a couple reasons for wanting to vacate this alley. He noted the alley is higher than the garage floor and during heavy rains or melting snow, water leaks into the garage. He cited privacy and safety as a second concern, noting the house is approximately one foot from the alley. He explained the existing garage would be removed from the house, the rear would be renovated, and a new garage built at the rear of the property.

Mr. McCorkel asked for clarification on the garage location.

Mr. Short explained the garage would be located at the rear of the property, approximately 20' from the north/south alley.

*Audience Comments:*

Lance Hall, 601 S 12<sup>th</sup> Street, spoke in support of the petition. He stated he will be purchasing this property and feels

this is a safety issue. Removal of this alley will also provide privacy.

Gifford Neill, 620 S 6<sup>th</sup> Street, also spoke to the petition. He stated he is 95 years old and one of the main reasons he purchased this property is because it is a close walking distance to his son's home on 5<sup>th</sup> Street and that he and his wife use this alley to go back and forth regularly. He stated he wrote a letter to the Commission and read the letter to the members. He suggested that a sidewalk would be an acceptable alternative to the alley. He stated that from his front door to his son's back door is exactly 500 feet and if he and his wife have to walk to the corner it will be more difficult for them.

#### *Petitioner Rebuttal*

Mr. Short stated he understands the Neill's concerns, but it's not a lot farther if they walk to Purl Street.

Mr. Wellington asked Mr. Short's thoughts on a sidewalk.

Mr. Short stated the privacy issues are because of pedestrians. He stated a lot of people that don't live in this neighborhood walk through the alley and walkers look through the windows.

Mr. McCorkel stated the sidewalk could be placed on the southern side of the vacated alley.

Mr. Short pointed out that would then be on his neighbor's property and he doesn't know how his neighbor would feel about that. He stated he is not in favor of a public walkway.

#### *Close public hearing*

#### *Staff Discussion:*

There was no discussion amongst Commission members.

#### *Action:*

Mr. Wellington made a motion to forward 19-01V to the City Council with no recommendation. The motion died for a lack of a second.

Mr. King asked what this would mean.

Mr. Wellington stated the Council will decide anyway, so this just means the Plan Commission is not recommending anything.

Mr. King stated he feels this is a safety issue and understands the privacy issue. He stated if a sidewalk is installed, the privacy issue would still remain.

A motion was made and seconded, King/McKee, to pass a favorable recommendation to the Council for 19-01V based upon the Staff Analysis and with the conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Manriquez, yes; Wellington, abstain; King, yes; McCorkel, yes; Biek, yes; Ortiz, yes; McKee, yes; Garber, yes. The motion passed by a vote of 7-0, with one abstention.

## **VI. Vacations, Rezoning & PUD Preliminary Site Plan Approval (public hearings)**

**19-02V & 19-04R** - LB Goshen Holdings, LLC (affiliate of Lassus Bros. Oil, Inc.), Pletcher Motor Co., Inc., Rodney Pletcher, Joerg & Jill Mueller, Michael B Prough, and Yoder, Ainlay, Ulmer, & Buckingham request:

- Vacation of a 15' wide north/south alley, extending approximately 295' from the north side of the Pike Street right of way to the north lot lines of Lots 1 and 64 in West View Addition;
- Vacation of easements, if any, associated with two vacated east/west alleys in West View Addition, one located between Lots 2 and 3, and one located between Lots 35 & 36 and 63;
- Rezoning of five parcels from Commercial B-3 to Commercial B-3PUD (Planned Unit Development);
- Rezoning of three parcels from Residential R-2 to Commercial B-3PUD;
- PUD preliminary site plan approval for a complete site redevelopment for a gas station/convenience store and restaurant, retaining one house for residential use, permitting the gas station/convenience store use less than 500' to an adjacent drive-through use, with 10' parking/driving aisle setbacks along Indiana and Pike where 35' is required, an 8' parking/driving aisle setback along High Street where 25' is required, parking spaces 18' in depth where 20' is required, access via a local street (High), freestanding sign area of 88 SF where 60 SF is permitted, reducing the total number of required streetside trees, and screening for adjacent residential land uses using a combination of fencing and landscaping.

The subject property is approximately 1.76 acres, generally located as follows:

- 1001 W Pike Street, five tax parcels, zoned Commercial B-3 and Residential R-2;
- 305 N Indiana Avenue, zoned Commercial B-3;
- 311 N Indiana Avenue, zoned Residential R-2; and
- 312 High Street, zoned Residential R-2

#### *Staff Report*

Ms. Yoder explained two handouts were distributed to Commission members. The first handout is the conditional use section of the Goshen Zoning Ordinance for gasoline service stations and the second is a letter of support from a neighboring property owner.

#### *Vacations:*

Ms. Yoder referred Commission members to Exhibit C in the Staff Report which shows the area to be vacated, highlighted in yellow. The Exhibit shows a north/south alley and two previously vacated east/west alleys, vacating any easements that might be present. She explained there are existing utilities in the north/south alley right-of-way as well as in the vacated east/west alleys. The prospective owner proposes relocating the existing utilities in the north/south alley and establishing new utility easements, so the vacation is requested without any easements. A plan is in process with utility providers if this is approved. An existing sewer lateral serving 312 High Street will be abandoned because the house at 312 will be demolished as part of this development. Existing overhead lines in the east/west alleys will also be relocated.

The preliminary site plan includes access to the portion of the north/south alley that is not vacated because the alley cannot dead end. To discourage traffic from leaving the site, “do not enter” signs will be posted. She noted the Traffic Commission will review the vacations later this week and their recommendation will be included in the recommendation going to the City Council.

She noted the proposed vacations should not impact adjacent properties and the vacations will be contingent on approval of the rezoning and the PUD application.

#### *Rezoning and PUD Preliminary Site Plan Approval:*

Ms. Yoder explained the subject property is eight tax parcels with four current owners. Three of the parcels are zoned R-2 and the remaining five parcels are zoned B-3. All parcels will be rezoned with a PUD overlay. The property has frontage on Pike Street, Indiana Avenue, and High Street. The preliminary site plan proposes a gas station/convenience store/restaurant, with the house at 311 N Indiana remaining for residential use. The property would all be under single ownership. She noted that gas stations are conditional uses in the B-3 district, pointing out that one of the requirements is a distance of 500’ to an adjacent drive-thru use which cannot be met.

#### *Developmental Requirements:*

Ms. Yoder explained that reduced parking/driving aisle setbacks are requested for 10’ along Indiana Avenue and Pike Street and 8’ along High Street, noting that these exceed the existing setbacks, but don’t meet requirements for new development. She noted that access is proposed along all three street frontages, and because High Street is a local street, where access is not permitted for a B-3 use, it will be part of the PUD approval.

Parking spaces are proposed at 18’ in depth where 20’ is required. As proposed, driving aisles exceed the 24’ minimum and onsite parking is met for all of the uses.

#### *Landscaping:*

The conceptual landscape plan that was submitted has a reduced total number of street-side trees and screening for adjacent residential land uses consists of a combination of fencing and landscaping. Approximately 13 large or 26 small trees are required, with approximately 17 new large trees shown on the conceptual plan. Because of relocated overhead power lines along the northern part of the property, small trees will be required. She pointed out the area along Pike Street is proposed without trees, but includes low profile landscaping.

#### *Freestanding Sign:*

A freestanding sign is proposed at 88 sf where a maximum of 60 sf is permitted. If this property was located three blocks north, a sign area of 90 sf would be permitted. It was also noted that in the immediate area there are several

freestanding signs that exceed 100 sf in area. For these reasons, Staff feels the proposed sign is not out of line with the existing neighborhood.

*Sidewalks:*

Ms. Yoder noted the existing sidewalk along Indiana Avenue will be retained and improved as needed. New sidewalks are proposed along High Street and Pike Street.

She pointed out that PUD final site plan review, which includes landscaping and lighting plans, is required and submitted as part of the City's administrative site plan review process, Technical Review. She noted it may be reviewed by Staff on behalf of the Plan Commission.

Staff recommends a favorable recommendation be forwarded to the City Council for the vacations, rezoning and PUD preliminary site plan, and briefly discussed conditions of approval as outlined in the Staff Report.

*Petitioner Presentation:*

David Swihart, 130 N Main Street, spoke on behalf of the petitioner. He introduced Todd Lassus, President, Sam Schenkel, Vice-president of Real Estate and Development, Project Manager, Bob Gaffer of Abonmarche, and Architect, Phil Troyer. He stated this is the former Pletcher Auto Sales location and includes three additional real estate parcels. He gave background information on Lassus Brothers, noting they will be making a significant investment in the community. He noted the petitioners had significant discussions with City departments and have also met with area residents to discuss the proposal.

Sam Schenkel, 1800 Magnavox Way, Fort Wayne, also spoke to this petition. He provided background information on the Lassus Corporation and described why this location was chosen. He noted that Lassus has spent several months working with NIPSCO, Frontier, and Community Fiber to relocate utilities, allowing the vacation of a portion of the north/south alley. He explained that the alley vacation will not adversely affect the neighborhood as access will be maintained along the new Lassus site. He pointed out that any unnecessary traffic into the alleyway north of the Lassus site will be controlled by new traffic signage, explaining nearby residents and the Planning staff have requested this signage. He discussed the site layout, describing the ingress/egress points along High Street, Indiana Avenue, and Pike Street. He pointed out this development will be a favorable precedent for other new or redevelopment projects in the area. He explained the height of the proposed sign has been reduced to meet the Zoning Ordinance requirements, but they are asking for a variance for the sign area. He pointed out that several freestanding signs in the immediate area currently exceed 100 sf in area. He also discussed landscape plans, pointing out the proposed plan exceeds any in the surrounding area. It will provide good visibility along Pike Street and enhanced buffering of the residential properties to the north. He advised that Lassus staff is committed to work with City staff to finalize a design with the appropriate number, location, and species of trees and plantings to enhance the site. Lighting will be designed to comply with City zoning requirements and to minimize glare and light pollution on neighboring properties. This issue was brought up with meetings with neighboring property owners. He stated Lassus is committed to addressing this concern appropriately.

*Audience Comments:*

Steven Hrynewycz, 401 N Indiana Avenue, spoke in support of the petition. He stated he owns an empty lot adjacent to the project site and explained that he sent a letter of support to the Plan Commission. He stated that in his travels, he has always found Lassus properties to be clean and well-managed.

Bill Scott, owner of 313 N Indiana Avenue, spoke to the petition. He stated he has concerns about the alley, pointing out that sometimes the only access to the property is through the alley. He stated that overall, he feels this is good for the neighborhood and is in favor of the project.

Franklin Smith, 312 N Indiana Avenue, also spoke to the petition. He stated he purchased his property this year and is concerned this will affect his property value. He's also concerned about increased traffic along Indiana Avenue and doesn't feel this development is necessary.

*Petitioner Rebuttal:*

Sam Schenkel stated he appreciates Mr. Smith's comments, but pointed out the property Lassus plans to develop is assessed at \$500,000. When this project is finished, he predicted the property will be assessed at well over one million

dollars. He stated he doesn't know how that will affect surrounding residential properties, but feels this revitalization will stabilize the neighborhood. Regarding the traffic along Indiana Avenue, he stated they had a professional traffic study prepared and it has been submitted to the City for review and has been reviewed and approved by INDOT. Addressing the need for a gas station/convenience store, he noted that they would not invest the money for this project if they had not thoroughly researched the area.

*Close public hearing*

*Staff Discussion:*

Ms. Garber stated she has concerns about the size of the proposed freestanding sign even though some of the signs in this area are larger.

Ms. Yoder responded that some of the larger signs precede the Zoning Ordinance, but in several cases variances have been granted for the larger signs. She noted the Wendy's sign is over 100 sf in area, but it was reduced in height through a variance. She pointed out that some of the signs exceeding the requirements have received variances to make them smaller, but remain larger than currently permitted by the Zoning Ordinance.

*Action:*

A motion was made and seconded, Wellington/King, to forward a favorable recommendation to the Goshen Common Council for 19-02V, 19-04R and PUD Preliminary Site Plan Approval, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 8-0.

*Mr. Wellington left the meeting at 5:06 pm*

**VII.** Audience Items  
None

**VIII.** Staff/Board Items  
 *2020 Plan Commission & BZA Schedule – Approval*

Ms. Yoder explained a motion is required to approve the 2020 Plan Commission/BZA calendar.

*Action:*

A motion was made and seconded, King/McKee, to approve the 2020 Plan Commission/BZA schedule. The motion passed unanimously by a vote of 7-0.

**IX.** *Adjournment – 5:08 pm*

Respectfully Submitted:

/s/ Lori Lipscomb  
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Connie Garber  
Connie Garber, President

/s/ Tom Holtzinger  
Tom Holtzinger, Secretary