



Goshen Common Council

6:00 p.m. January 4, 2022 Regular Meeting

Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll: Megan Eichorn (District 4) Julia King (At-Large) Doug Nisley (District 2)
Gilberto Pérez, Jr. (District 5) Donald Riegsecker (District 1) Matt Schrock (District 3)
Council President Brett Weddell (At-Large) Youth Advisor Adrian Mora (Non-voting)

Approval of Minutes – December 28, 2021

Approval of Meeting Agenda

Privilege of the Floor

- I. **Election of Council President**
- II. **Appointment of Minority Party Leader**
- III. **Appointments to Boards and Commission**
- IV. **Ord. 5110 (1st/2nd Reading) – Amend 2022 Compensation Ordinance 5101 for Civil City and Utilities Employees to Include a Special Firefighter Position**
- V. **Ord. 5112 (1st/2nd Reading) – An Ordinance to Amend the Elkhart Road Planning Unit Development (PUD), Ordinance 3574, and Ordinances 4846, 4894 and 5003**

Elected Official Reports

Adjournment



GOSHEN COMMON COUNCIL

Minutes of the Dec. 28, 2021 Regular Meeting

Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Council President Brett Weddell called the meeting to order at 5:31 p.m. and led the Pledge of Allegiance

Council President Weddell asked the Clerk-Treasurer to conduct the roll call.

Present: Julia King (At-Large) Doug Nisley (District 2) Donald Riegsecker (District 1)
Matt Schrock (District 3) Council President Brett Weddell (At-Large)

Absent: Mayor Jeremy Stutsman, Megan Eichorn (District 4), Gilberto Pérez Jr. (District 5)
Youth Advisor Adrian Mora (Non-voting)

Council President Brett Weddell asked the Council's wishes regarding the minutes of the City Council's meeting of Dec. 21, 2021. Council members King/Riegsecker moved to approve the minutes of the Dec. 21, 2021 meeting as presented. Motion to approve the minutes passed 5-0.

Council President Brett Weddell presented the agenda of the Dec. 28, 2021 meeting. Nisley/King moved to approve the agenda as presented. Motion passed 5-0.

Privilege of the Floor:

At 5:32 p.m., Council President Brett Weddell invited public comments on matters not on the agenda. There were no members of the public present, so the Council President closed the Privilege of the Floor.

1. Resolution 2021-32: An Emergency Resolution Providing for the Transfers of Appropriations

Council President Brett Weddell called for the introduction of Resolution 2021-32. Councilor Nisley asked the Clerk-Treasurer to read Resolution 2021-32 by title only, which was done.

Nisley/Schrock moved for passage of Resolution 2021-32.

By way of background, Resolution 2021-32 would approve a series of appropriations to be transferred into different categories than originally appropriated since the fall 2020 adoption of the annual budget for the year 2021. City staff members have deemed it necessary to transfer the appropriated funds into different categories to facilitate the various functions of City Departments and to meet emergencies.

The Indiana Department of Local Government Finance (DLGF) allows each City account line to be spent up to the budgeted amount, but accounts may not be spent over the budgeted amounts. If a budgeted category is overspent, the Common Council may pass a resolution to transfer a portion of the budgeted appropriation from a different category within the same fund in order to keep all categories within state budget limits.

These four broad categories include: Personal Services (Salaries and Benefits); Supplies (Small projects and tools necessary to accomplish the City's work); Services & Charges (Fees for activities necessary to accomplish the City's work); and Capital Expenditures (Purchases of assets for the City, typically over \$5,000). Appropriations may be adjusted between categories only within the same fund.

At tonight's meeting, the Clerk-Treasurer's Office provided Councilors with a revised and updated version of Resolution 2021-32, with end-of-year totals, and an accompanying 2021 Spending Analysis (**EXHIBIT 1**).



Resolution 2021-32 would authorize the transfer of the following appropriations:

GENERAL FUND – 101

FROM: Clerk-Treasurer/Insurance 101-510-04-413.0501 (\$2,500.00)
TO: Clerk-Treasurer/Other Office Expenses 101-510-04-421.0501 \$2,500.00

FROM: Board of Works/Other Office Expenses 101-510-07-421.0500 (\$18,000.00)
TO: Board of Works/Fulltime Personnel 101-510-07-411.0130 \$18,000.00

FROM: Board of Works/Education & Promotion 101-510-07-439.0910 (\$5,400.00)
TO: Board of Works/Subscriptions & Dues 101-510-07-439.0301 \$2,000.00
Board of Works/ Other Service Charge 101-510-07-439.0903 \$3,400.00

FROM: Cemeteries/Part Time Personnel 101-510-09-411.0140 (\$9,600.00)
TO: Cemeteries/Repair Building-Structures 101-510-09-436.0503 \$9,600.00

FROM: Engineering/Other Supplies 101-510-10-429.0001 (\$3,000.00)
TO: Engineering/Insurance 101-510-10-413.0501 \$3,000.00

FROM: Building Department/Part Time 101-510-15-411.0140 (\$11,134.67)
TO: Building Department/Professional Service 101-510-15-431.0301 \$11,134.67

FROM: Central Garage/Overtime 101-510-18-411.0160 (\$8,900.00)
TO: Central Garage/Garage & Motor 101-510-18-422.0251 \$8,900.00

FROM: Police/Full Time Personnel 101-520-11-411.0130 (\$70,000.00)
Police/2002 Benefit 101-520-11-413.1100 (\$20,000.00)
TO: Police/Other Equipment 101-520-11-422.0154 \$50,000.00
Police/Instruction 101-520-11-439.0911 \$40,000.00

FROM: Environmental Resilience/Other Professional Service 101-550-46-431.0503 (\$25,000.00)
TO: Environmental Resilience/Capital Projects 101-550-46-442.4601 \$25,000.00

FROM: Environmental Resilience /Street Tree Maintenance/Removal 101-550-46-431.0504 (\$7,725.00)
TO: Environmental Resilience/Infrastructure Capital 101-550-46-442.0146 \$7,725.00

AVIATION FUND - 206

FROM: Aviation/Other Professional Services 206-530-00-431.0501 (\$1,350.00)
TO: Aviation/Full Time Personnel 206-530-00-411.0130 \$1,350.00



ECONOMIC IMPROVEMENT DISTRICT - 219

FROM: Economic Improvement District/Other Supplies 219-570-00-429.0001 (\$4,000.00)
TO: Economic Improvement District/Professional Services 219-570-00-431.0503 \$4,000.00

PUBLIC SAFETY LOCAL OPTION INCOME TAX (LOIT) - 249

FROM: Public Safety LOIT/Pd Gas/Diesel/Propane 249-520-00-422.0211 (\$33,400.00)
TO: Public Safety LOIT/Fire Retirement 249-520-00-413.0912 \$33,400.00

FROM: Public Safety LOIT/Train Facility Maintenance 249-520-00-436.0501 (\$1,200.00)
TO: Public Safety LOIT/Equipment 249-520-00-445.0201 \$1,200.00

LAW ENFORCEMENT CONTINUING EDUCATION #2 - 280

FROM: Law Enforcement Continuing Education #2/Firearms 280-520-00-431.0501 (\$690.00)
TO: Law Enforcement Continuing Education #2/Other Supplies 280-520-00-429.0001 \$690.00

CUMULATIVE CAPITAL DEVELOPMENT - 402

FROM: Cumulative Capital Development/Building Repairs 402-570-00-423.0110 (\$550.00)
TO: Cumulative Capital Development /Office Equipment 402-570-00-445.0101 \$550.00

CONSOLIDATED RIVER RACE/33 TIF - 480

FROM: Consolidated River Race/US 33/Capital Project 480-560-00-442.0000 (\$120,000.00)
TO: Consolidated River Race/US 33/Contractual Services 480-560-00-431.0502 \$120,000.00

PLYMOUTH AVENUE TAX INCREMENT FINANCING (TIF) - 484

FROM: TIF Plymouth Avenue/Capital Projects 484-560-00-442.0000 (\$3,000.00)
TO: TIF Plymouth Avenue /Contractual Services 484-560-00-431.0502 \$3,000.00

SENSORY TRAIL PROJECT - 495

FROM: Sensory Trail/Part-Time Personnel 495-560-00-411.0140 (\$20,550.32)
TO: Sensory Trail/Trail Fixtures 495-560-00-449.0100 \$20,550.32

FROM: Sensory Trail/Supplies 495-560-00-421.0500 (\$244.69)
TO: Sensory Trail/Trail Purchases 495-560-00-442.0100 \$244.69



Council President Brett Weddell called on **Deputy Clerk-Treasurer Jeffery Weaver** to brief the Council about Resolution 2021-32.

Deputy Clerk-Treasurer Jeffery Weaver began his presentation with a primer on municipal finances and, more specifically, the appropriations process. Weaver stated that in the past, he has referred to funds as "buckets," but tonight would be using a new analogy. He said today the Clerk-Treasurer's Office received new office supplies, so he would be using some supplies that he brought to the meeting to describe appropriations, funds and transfers.

Weaver likened funds to boxes with each box including permission slips, given by the Council when it approves the budget. He said the permission slips or appropriations in each box can only be used for their intended purpose.

Weaver said a City Department head cannot use appropriations from one box to pay for expenditures from another box or fund. If this is done, Weaver said, this misuse of appropriations can be deemed a violation of state statutes by the State Board of Accounts. Weaver said municipalities are required to provide extensive documentation on their appropriations and the State Board of Accounts examines all appropriations closely.

Weaver said the only way a City Department can use more funds than available per box or fund is by requesting that an additional appropriation be approved by the City Council and there must be a corresponding reduction from another account after the overall budget is approved.

Councilor Riegsecker asked about the number of buckets (or boxes or funds) the City has. **Weaver** said the City has an estimated 80 funds, but the number is growing because the State is requiring separate funds for each federal grant. Weaver said setting up a new fund is a tedious process and normally requires City Council passage of an ordinance unless pre-approved by the State. For example, the City had to approve an ordinance to set up a new fund for its American Rescue Plan grant, but a CARES Act grant fund was allowed, so an ordinance wasn't needed. Continuing his explanation of the appropriations process, **Weaver** said that inside each box or fund are usually four binders or categories: Personal Services (Salaries and Benefits); Supplies (Small projects and tools necessary to accomplish the City's work); Services & Charges (Fees for activities necessary to accomplish the City's work); and Capital Expenditures (Purchases of assets for the City, typically over \$5,000).

Weaver said that inside of each of the binders or categories are a series of envelopes or accounts which contain the permission slips or appropriations. Weaver said City Department heads are careful about their budgeting, but sometimes accounts are overspent. For example, Weaver said he learned this week that one department's health insurance account was overspent, but it had extra permission slips or appropriations in its full-time salary account. So, Weaver said the extra permission slips or appropriations could be transferred from the full-time salary account to the health insurance account.

Weaver explained that if all of the permission slips or appropriations are used in a specific binder or category within a fund, City staff can ask the Council to approve shifting appropriations from one binder or category to another – all within the same Department fund. **Weaver said that is exactly what the Common Council was being asked to do tonight – approve a series of appropriations to be transferred into different categories than originally appropriated. Using Resolution 2021-32 as an example, Weaver mentioned some of the requested transfers.**

In response to questions from **Councilor Riegsecker**, **Weaver** said that the funds for the Community Relations Commission, the City Council and the Mayor's Office are considered separate boxes or funds. He said that categories in each box would be considered separate binders. Weaver affirmed that the expenditures for each of those entities should not be paid using the appropriations from other departments. Weaver said the State would not endorse this practice and doing could create animosity between City Departments. In response to a question from **Riegsecker**, Weaver said different expenses can be paid using appropriations within each binder or category.



In response to questions from **Councilors King, Riegsecker and Weddell**, **Weaver** said that City Departments can only pay for expenses using appropriations from within each of the binders or categories of Personal Services, Supplies, Services & Charges and Capital Expenditures. City Departments cannot, for example, pay for Personal Services expenses from the Supplies binder or category.

Councilor King said she loved the clarity of this explanation and thanked **Weaver**. **Council President Weddell** said he appreciated **Weaver** "dumbing down" his explanation for the Council and said it was good. **Weaver** said municipalities must comply with many rules and requirements and that the process can be difficult to understand. Continuing his explanation of the transfer of appropriations between binders or categories, **Weaver** pointed to the proposed transfer of \$2,500 from an insurance appropriation or budget line in the Clerk-Treasurer's Office to its office expenses appropriation or budget line, which was overspent. In response to a question from **Council President Weddell**, **Weaver** confirmed that insurance would fall within the Personal Services binder while office expenses would fall within Supplies. And the Council's approval was required to allow the transfer between categories. **Weaver** said the City Council's consideration and approval of the appropriation transfer process between the binders or categories takes place yearly. However, he said line transfers within the categories take place without Council approval and are done to ensure the City's books are in order. **Weaver** said the state also scrutinizes line transfers. **Weaver** said the number of appropriation transfers being requested by Resolution 2021-32 was about normal for the City and was not a sign of any problem. **Weaver** said City Departments are in good financial shape. In response to a question from **Councilor King**, **Weaver** said the number of transfers requested was about normal for an Indiana city the size of Goshen and might actually be below normal.

Councilor Riegsecker said City staff was not asking to spend additional money overall, but was just asking to shift the way some funds were to be used. **Weaver and Councilor King** affirmed that interpretation. **Weaver** said that a review of any of the boxes or funds would show that City Departments have spent 95% or less than their appropriated budgets overall in 2021.

Councilor Riegsecker asked if the City Council will learn at the end of the year or early next year about the exact percentage of their budgets that City Departments spent in the 2021 budget. **Weaver** said this information was shared with City Departments last year and could be provided to the Council.

Referring to the 2021 Spending Analysis he provided to the Council, **Weaver** said he would be changing the color coding next year because the red-colored "X" can be misinterpreted as being negative when it is not. Those notations just indicate that a change must be made. **Councilors Schrock and Riegsecker** said the red X's got their attention. **Weaver** gave further detail about the meaning of the red X's.

Weaver also provided further detail about the need for the appropriation transfers. He said some budget lines were overspent due to a variety of factors. And in most cases, he said the amounts exceeded were not very great. Asked by **Council President Weddell** what would happen if a box or fund was greatly exceeded and expenditures could not be paid, **Weaver** said the City Department normally would need to request an additional appropriation. In response to a question from **Councilor Riegsecker**, **Weaver** explained the increased expenditures for the new Sensory Trail. In response to a question from **Councilor King**, **Weaver** said the affected Department members were aware they would be able to request transfers to cover the added expenses from other budget accounts.

Weaver said that altogether, the City has about 1,940 budget lines. Asked by **Council President Weddell** why he didn't just say the City has just under 2,000 budget lines, **Weaver** said "because I actually looked up the number." **Weaver** said that City Water & Sewer Office Manager Kelly Saenz oversees the budget lines for utilities.

Councilors thanked **Weaver** for his clear presentation and made several light-hearted comments.



Council President Brett Weddell noted that only City Councilors and City Staff members were present in the Council chambers, so there were no public comments on Resolution 2021-32.

Hearing no further comments or questions from the Council, Council President Weddell held a voice vote, and the Council approved Resolution 2021-32, 5-0, with all members present voting “yes.”

Elected Official Reports:

Council President Weddell said he has received no further applications for the three openings on the Community Relations Commission, the one opening on the Shade Tree Board and the two on the Redevelopment Commission. He proposed closing the application period since the Council will vote on the appointments at its Jan. 4 meeting.

Councilor King commented on the application cut-off period and whether applicants would be attending the Jan. 4 meeting. She said one applicant has decided not to attend the Jan. 4 meeting.

Councilor Nisley suggested allowing people to continue to apply for the board and commissions.

There were no further Council member reports or comments.

Adjournment:

Councilors Nisley/Riegsecker moved to adjourn the meeting. Passed 5-0.

Council President Weddell declared the meeting adjourned at 5:56 p.m.

EXHIBIT 1: 2021 Spending Analysis for Resolution #2021-32: An Emergency Resolution Providing for the Transfer of Appropriations

APPROVED:

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer

ORDINANCE 5110

Amend 2022 Compensation Ordinance 5101 for Civil City and Utilities Employees to Include a Special Firefighter Position

WHEREAS Ordinance 5101 approves the 2022 minimum and maximum compensation, including wages and benefits, for Civil City and Utilities employees.

WHEREAS City Administration would like to establish a new Special Firefighter position within the Goshen Fire Department beginning in 2022.

WHEREAS the Special Firefighter position, authorized by Indiana Code § 36-8-3-7 and approved by the Goshen Board of Public Works and Safety, would be a full-time, civilian position.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that Ordinance 5101, 2022 Compensation Ordinance for Civil City and Utilities Employees, shall be amended as follows:

- (1) Exhibit A, 2022 Positions, Classifications and Grades, shall be amended to add a Special Firefighter position under the Fire Department. The classification of the position shall be covered, non-exempt (hourly), and the position shall be ungraded and refer to Exhibit D.
- (2) Exhibit D, 2022 Wages for Ungraded Positions, shall be amended to add a Special Firefighter position under the Fire Department. The classification of the position shall be covered, non-exempt (hourly), and the wage for the position shall be \$27.96 per hour.

PASSED by the Goshen Common Council on January _____, 2022.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on January _____, 2022, at the hour of _____: _____ .m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on January _____, 2022.

Jeremy P. Stutsman, Mayor



Rhonda L. Yoder, AICP
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

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MEMORANDUM

TO: Goshen Common Council
FROM: Rhonda L. Yoder, City Planner
DATE: January 4, 2022
RE: Ordinance 5112

The Goshen Plan Commission met on December 21, 2021, in regular session and considered a request for a PUD major change & PUD preliminary site plan approval for Elkhart Road at Rieth Subdivision, A Replat of Elkhart Road P.U.D. – Phase I (Lot 1), to allow for outlot development for a restaurant, with the PUD major change including:

- To allow an outlot, and outlot access via adjacent Lot 1;
- 0' internal parking/aisle setbacks between Lots 1 and 2;
- Allow existing parking spaces to continue along portions of Rieth Blvd and Elkhart Road for Lots 1 and 2, with 0' parking/aisle setbacks, a portion of parking spaces in the right of way (where additional right of way was dedicated), and varying parking stall dimensions;
- No less than 10' parking/aisle setback along Elkhart Road for Lot 2; and
- 22' aisle width west of Rieth Blvd parking spaces for Lot 2

for the subject property generally located at 2219 Rieth Blvd and zoned Commercial B-3PUD (Planned Unit Development), part of Elkhart Road PUD, with the following outcome:

Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 6-0.

The recommendation is based upon the following, with the following conditions:

1. The proposed outlot is consistent with the overall Elkhart Road PUD.
2. The approved preliminary site plan is *Elkhart Road PUD – Lot 1 Outlot*, dated 06.14.2021, prepared by Weihe Engineers, subject to required revisions.
3. The outlot shall provide bicycle parking within the outlot area, shown on the PUD final site plan.
4. A final landscape plan shall be submitted with the PUD final site plan, listing all plant material, with common and botanical names, and size at planting and height at maturity for all tree species. Landscaping shall be installed per the approved landscape plan, inspected by the Planning office before a Certificate of Occupancy is issued.
5. New signs will meet the requirements of the Goshen Zoning Ordinance and Elkhart Road PUD.
6. The outlot is required to connect to City sewer and water, approved by Goshen Engineering, and built to current Utility Department specifications.
7. The PUD final site plan will be submitted as part of the City's administrative site plan review, Technical Review, and Technical Review will include review by Goshen Engineering and Goshen Fire. Review must be completed before a zoning clearance/building permit is issued.
8. All developmental requirements not varied by the major change shall be met.

Please Note: The primary subdivision portion of the application is not part of the Common Council review, as the Plan Commission has sole jurisdiction over subdivisions.

No inquiries were received prior to the Plan Commission meeting, and no questions/concerns/comments were received from the public at the Plan Commission meeting.

Ordinance 5112

An Ordinance to Amend the Elkhart Road Planned Unit Development (PUD), Ordinance 3574, and Ordinances 4846, 4894 and 5003

WHEREAS Lowe’s Home Centers, Inc., and Weihe Engineers, Inc., submitted an application on the 1st day of December 2021 for a Major Change to a previously approved Planned Unit Development (Overlay) Ordinance, and the Goshen City Plan Commission did after proper legal notice conduct a public hearing on said Petition as provided by the Law on the 21st day of December 2021 and recommended the adoption of this Ordinance, by a vote of 6-0.

NOW, THEREFORE be it ordained by the Common Council of the City of Goshen, Indiana, that:

For the property generally located at 2219 Rieth Blvd, and more particularly described as follows:

Lot No 1, Elkhart Road Planned Unit Development – Phase I, per plat filed with the Recorder of Elkhart County, Indiana, in Plat Book 21, Page 18.

To amend Ordinances 3574, 4846, 4894, and 5003 as follows:

1. In addition to requirements established by Ordinances 3574, 4846, 4894, and 5003 additional requirements are established by this Ordinance.
2. That the Goshen Plan Commission did after a public hearing determine the amendment to be a Major Change.
3. The PUD major change approves the following:
 - One outlot (Lot 2), and outlot access via the adjacent Lot 1;
 - 0’ internal parking/aisle setbacks between Lots 1 and 2;
 - Existing parking spaces are allowed to continue along portions of Rieth Blvd and Elkhart Road for Lots 1 and 2, with 0’ parking/aisle setbacks, a portion of parking spaces in the right of way (where additional right of way was dedicated), and varying parking stall dimensions;
 - No less than 10’ parking/aisle setback along Elkhart Road for Lot 2; and
 - 22’ aisle width west of Rieth Blvd parking spaces for Lot 2.
4. The proposed outlot is consistent with the overall Elkhart Road PUD.
5. The approved preliminary site plan is *Elkhart Road PUD – Lot 1 Outlot*, dated 06.14.2021, prepared by Weihe Engineers, subject to required revisions.
6. The outlot shall provide bicycle parking within the outlot area, shown on the PUD final site plan.
7. A final landscape plan shall be submitted with the PUD final site plan, listing all plant material, with common and botanical names, and size at planting and height at maturity for all tree species. Landscaping shall be installed per the approved landscape plan, inspected by the Planning office before a Certificate of Occupancy is issued.
8. New signs will meet the requirements of the Goshen Zoning Ordinance and Elkhart Road PUD.
9. The outlot is required to connect to City sewer and water, approved by Goshen Engineering, and built to current Utility Department specifications.
10. The PUD final site plan will be submitted as part of the City’s administrative site plan review, Technical Review, and Technical Review will include review by Goshen Engineering and Goshen Fire. Review must be completed before a zoning clearance/building permit is issued.
11. All developmental requirements not varied by the major change shall be met.

PASSED by the Common Council of the City of Goshen on _____, 2022.

Presiding Officer

Attest:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2022 at _____ a.m./p.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED AND ADOPTED by the Mayor of the City of Goshen on _____, 2022.

Jeremy P. Stutsman, Mayor

To: Goshen City Plan Commission/Goshen Common Council
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 21-01MA, PUD Major Change & PUD Preliminary Site Plan Approval
21-03SUB, Major Commercial Subdivision, Primary Approval
Elkhart Road at Rieth Subdivision, A Replat of Elkhart Road P.U.D. – Phase I
Date: December 21, 2021

ANALYSIS

Lowe's Home Centers, Inc., and Weihe Engineers, Inc., request a PUD major change & PUD preliminary site plan approval and primary subdivision approval for Elkhart Road at Rieth Subdivision, A Replat of Elkhart Road P.U.D. – Phase I (Lot 1), to allow for outlot development for a restaurant. The PUD major change includes:

- To allow an outlot, and outlot access via adjacent Lot 1;
- 0' internal parking/aisle setbacks between Lots 1 and 2;
- Allow existing parking spaces to continue along portions of Rieth Blvd and Elkhart Road for Lots 1 and 2, with 0' parking/aisle setbacks, a portion of parking spaces in the right of way (where additional right of way was dedicated), and varying parking stall dimensions;
- No less than 10' parking/aisle setback along Elkhart Road for Lot 2; and
- 22' aisle width west of Rieth Blvd parking spaces for Lot 2.

The subject property is generally located at 2219 Rieth Blvd and is zoned Commercial B-3PUD (Planned Unit Development), part of Elkhart Road PUD.

Elkhart Road PUD was established June 1, 1993, by Ordinance 3574. The preliminary plan included one large commercial lot, the subject property (Lot 1), and additional smaller commercial lots along Elkhart Road and Rieth Blvd. PUD final site plan approval for the subject property was granted on June 15, 1993. The Elkhart Road PUD has been amended by Ordinances 4846 (to allow shed display area for Lot 1), 4894 (to allow a multi-tenant freestanding sign on Lot 18), and 5003 (to modify setbacks for Lot 18 after right of way acquisition). Uses and developmental standards follow the B-3 District.

Major Change to Elkhart Road PUD & PUD Preliminary Site Plan

The current petition seeks approval to create one outlot (Lot 2) for restaurant development within the existing parking lot of Lot 1. Separate ownership is proposed for the outlot, so a subdivision is required, a replat of Lot 1 to create two lots (outlot and remainder of Lot 1). Approval of the PUD preliminary site plan is requested with the PUD major change.

According to Goshen Zoning Ordinance (ZO) Section 4250.9, PUD major changes include those which reduce on-site parking, affect traffic circulation and utilities, increase the intensity of use, and encroach into required setbacks, which are characteristics of the current request. The Elkhart Road PUD did not anticipate a second lot (outlot) as part of Lot 1, but does allow all B-3 uses. The current request is to approve the outlot and to address the developmental deficiencies for the two lots.

Access and Traffic Circulation

Access within the Elkhart Road PUD is required to be from Rieth Blvd only, except for one entrance to Lot 1 from Elkhart Road (existing). The outlot access is therefore proposed across Lot 1, so the new lot will have no direct access to a street. No physical separation is proposed between the two lots, so 0' parking/aisle setbacks are proposed internally between Lots 1 and 2.

Parking Spaces, Aisles and Parking/Aisle Setbacks

Subsequent to the platting of Lot 1, additional right of way was acquired along both Rieth Blvd and Elkhart Road, resulting in existing parking spaces that appear to extend slightly into the right of way in some areas. For the development of Lot 2, no changes are proposed to the existing parking spaces along Rieth Blvd, so the major change includes allowing the existing parking spaces to remain for both lots (except for Lot 2 along Elkhart Road), including the slight right of way encroachment, a 0' parking/aisle setback where additional right of way was acquired, and varying parking stall dimensions for existing spaces.

Along Elkhart Road, Lot 2 development is proposed with no less than a 10' parking/aisle setback for a 10' landscape buffer. Lot 2 also includes an aisle width of 22' west of the Rieth Blvd parking spaces.

On-Site Parking

In the B-3 District, each use has a specific parking requirement, and the Elkhart Road PUD follows parking requirements by use. Lot 1 use is classified as a department store, requiring one space per two employees plus one space per 400 square feet of display/sales area. The Lot 2 restaurant use requires one space per two employees, plus one space per five seats at maximum seating capacity, plus five stacking spaces for each drive-through service.

Based on prior reviews and the current submittal, parking after the development of Lot 2 would be:

Lot	# of Employees	SF Display/Sales Area	# of Seats	Required Parking	Parking Spaces Provided
1	80	121,000 SF	NA	343 spaces	~483
2	13	NA	65	20 spaces + 5 stacking	30 + 5 stacking

In addition to on-site parking for vehicles, bicycle parking should be required for the outlot, as a recent trail connection was constructed along Elkhart Road, immediately adjacent to Lot 2. Goshen's PUD district regulations, Section 4250.4.J of the Goshen ZO, include accommodation of pedestrian and bicycle traffic as a required design standard.

Landscaping

PUD requirements for landscaping follow the ZO requirements, and for the outlot development streetside trees will be required. A landscape plan has been submitted, and the streetside landscaping requirements are met.

Signs

No specific sign information has been submitted, so all signs will follow the B-3 and Elkhart Road PUD requirements.

Drainage and Utilities

The outlot will be required to connect to City sewer and water, approved by Goshen Engineering. Site plan approval by Goshen Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.

As part of the City's administrative site plan review, the plan for fire protection (including hydrant placement and access) shall be reviewed and approved by the Goshen Fire Department.

The proposed major change is consistent with the overall Elkhart Road PUD, as originally established and as amended. No change of use is proposed and developmental requirements will be met, except as modified by PUD changes.

Major Commercial Subdivision, Primary Approval

According to the Goshen Subdivision Ordinance (SO), a major subdivision involves two or more lots along with the establishment of a new street or easement of access, or substantial changes to existing drainage systems. Major subdivision approval occurs in two phases, primary and secondary subdivision. The primary subdivision is intended to show a total development plan, including physical features, proposed lot layout, proposed street patterns, land to be reserved for public use, sewer and water extensions, and drainage facilities. A subdivision replat follows the applicable process, in this case a major subdivision.

The Plan Commission has exclusive control over primary and secondary subdivision approvals. Primary subdivision applications may be granted approval, granted approval with conditions, or disapproved (SO Section 530). Approval may be granted only if the conditions of the Goshen SO are met. The Plan Commission may waive only those conditions found exclusively in the Goshen SO, and may not waive any standards found in the Goshen Zoning Ordinance (ZO).

The current petition provided the secondary plat drawing for the primary review phase, which is acceptable in this case because it is a replat of an existing subdivision lot.

Subdivision Evaluation

Based on review of the subdivision and Goshen SO and ZO standards, the following conditions are required as part of primary approval:

1. The replat must include both Lot 2 and the remainder of Lot 1, and the full legal description.
2. Lot 1 building setbacks should be revised to 35' along Elkhart Road and 30' along Rieth Blvd, with the prior building setback lines removed.
3. Lot 1 must include dimensions of all existing/proposed easements.
4. In lieu of, or in addition to, the new access easement from Rieth Blvd for Lot 2, a note shall be added to the plat that acknowledges access across and parking on Lot 1 for the benefit of Lot 2.
5. Drainage easements shall be added if a shared stormwater drainage system is proposed.
6. The following items are missing or incorrect (sample page enclosed):
 - Statement of Utilities
 - Drainage Maintenance Certification
 - Land Surveyor Certificate (requires date of signature and seal)
 - Deed of Dedication (needs to include both lots and signature line for owner, with name and title)
 - Owner's Certification (add printed name and title of owner with signature line)
 - Acceptance of Dedication
 - Plan Commission Staff Approval
 - Auditor
 - Recorder
 - Required size of plat for recording is 18 inches x 24 inches.
7. The 10' landscape buffer applies only to the Elkhart Road frontage of Lot 2, and must be removed from the Rieth Blvd frontage of Lot 2.
8. An easement should be added for the existing Elkhart Road PUD main identification sign, which appears to extend onto Lot 2.

Conditions to be met prior to secondary approval, and requirements to be completed before a zoning clearance/building permit is issued, are outlined in the following section.

RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to the Goshen Common Council, and the Goshen Common Council approve the major change to the Elkhart Road PUD & PUD preliminary site plan, to allow for outlot development for a restaurant, based upon the following and with the following conditions:

1. The proposed outlot is consistent with the overall Elkhart Road PUD.
2. The approved preliminary site plan is *Elkhart Road PUD – Lot 1 Outlot*, dated 06.14.2021, prepared by Weihe Engineers, subject to required revisions.
3. The outlot shall provide bicycle parking within the outlot area, shown on the PUD final site plan.
4. A final landscape plan shall be submitted with the PUD final site plan, listing all plant material, with common and botanical names, and size at planting and height at maturity for all tree species. Landscaping shall be installed per the approved landscape plan, inspected by the Planning office before a Certificate of Occupancy is issued.
5. New signs will meet the requirements of the Goshen Zoning Ordinance and Elkhart Road PUD.
6. The outlot is required to connect to City sewer and water, approved by Goshen Engineering, and built to current Utility Department specifications.
7. The PUD final site plan will be submitted as part of the City's administrative site plan review, Technical Review, and Technical Review will include review by Goshen Engineering and Goshen Fire. Review must be completed before a zoning clearance/building permit is issued.
8. All developmental requirements not varied by the major change shall be met.

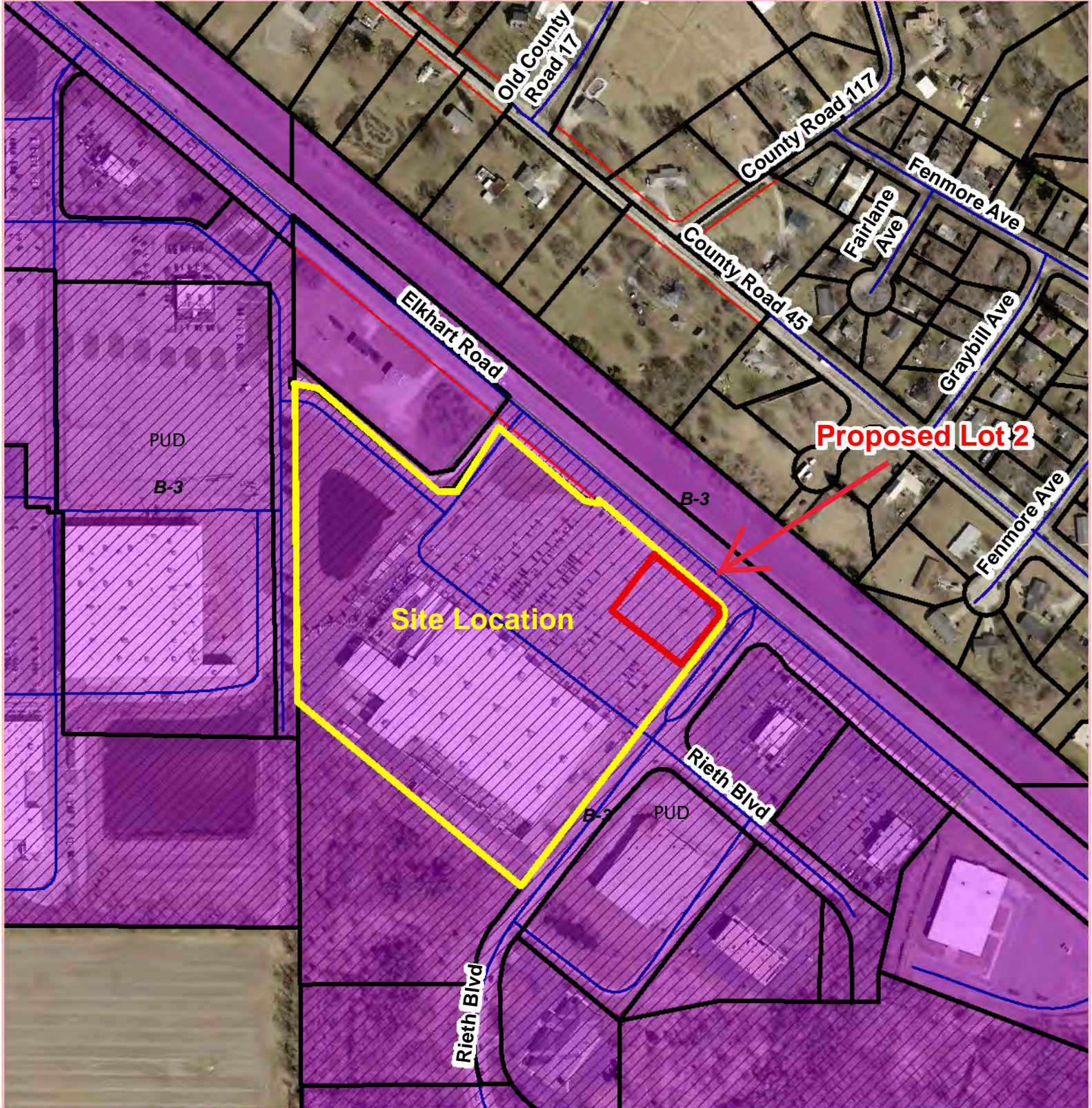
Staff recommends the Plan Commission grant primary approval of the two-lot major commercial subdivision, Elkhart Road at Rieth Subdivision, A Replat of Elkhart Road P.U.D. – Phase I, based upon the following and including the following conditions, which shall be met before secondary approval is granted:

1. The B-3 requirements for minimum lot area and lot frontage are met.

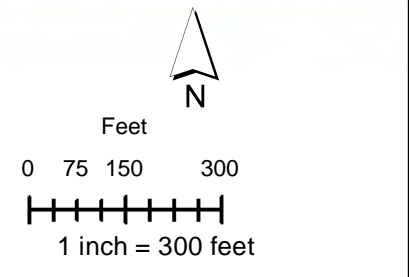
2. The Elkhart Road PUD, Zoning Ordinance, and Subdivision Ordinance requirements are met except as modified by PUD changes.
3. Subdivision approval is contingent on approval of the PUD major change by the Common Council. The PUD major change must be approved before the plat is accepted and before secondary approval is granted.
4. The drawings, application and fee for the secondary subdivision shall be submitted to the Planning office, and Staff may review on behalf of the Plan Commission. The secondary subdivision shall address the technical corrections identified in the above *Subdivision Evaluation* section.
5. The initial site plan review by Engineering and Fire through Technical Review must be completed before the secondary subdivision is submitted so that any unanticipated site plan impacts on the plat may be addressed.
6. Per SO Sections 511.6 and 571.10, the final plat shall include all easements dimensioned and identified to their specific use, including all existing easements and all required new easements, for access, sign and drainage, for example.
7. Per SO Sections 512 and 812, an overall subdivision drainage plan shall be prepared and certified by a registered engineer or registered land surveyor, submitted to the City Engineer, and approved by the Board of Works before secondary approval is granted. If Goshen Engineering determines that an updated subdivision drainage plan is not required, drainage may be approved through the site plan review. Any required drainage easements for a shared drainage system must be added to the plat, with review/approval by Goshen Engineering before the plat is accepted.
8. Infrastructure is existing and no new infrastructure is proposed, so no performance bond/surety is required.
9. Connection to City water and sewer is required, and utility extension plans shall be approved by the City Utility Engineer.
10. After all identified corrections are made, reviewed and approved, dedications and easements shall be accepted by the Board of Works per SO Section 820 before secondary approval is granted.
11. When secondary approval is granted, the signed plat will be provided to the applicant for recording, with two full size recorded copies provided to the City.

The following conditions shall be met before a zoning clearance/building permit is issued for any individual lot:

1. The secondary subdivision shall be reviewed and approved and a recorded plat on file before a zoning clearance/building permit is issued for any individual lot.
2. Site plan review/approval through Technical Review is required for each lot/building before a zoning clearance/building permit is issued.



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.



2219 Rieth Blvd

2021 Aerial
Printed December 3, 2021

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

Elkhart Road PUD - Lot 1 Outlot

ALTA/ACSM LAND TITLE SURVEY
PART OF LOT 1, ELKHART ROAD SUBD, PLAT BOOK 21,
PAGE 1B INST. #93019391
IN NE 1/4 OF SEC. 56, TOWNSHIP 37N, R5E
GOSEN, ELKHART COUNTY, INDIANA
0.717 ACRES

A PART OF LOT 1, ELKHART ROAD P.U.D., PHASE 1, BEING IN THE NORTHWEST QUARTER OF SECTION 56, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, CITY OF GOSEN, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE LIMITED ACCESS RIGHT OF WAY FOR RIETH ROAD AS RECORDED IN INSTRUMENT NUMBER 2025-04886 AND THE SOUTH RIGHT OF WAY LINE FOR ILL. 33 AS RECORDED IN INSTRUMENT NUMBER 2017-29264, THENCE SOUTH 50 DEGREES 28' 00" WEST 50.280 FEET ALONG SAID WEST LINE SOUTH 50 DEGREES 28' 00" WEST 50.280 FEET; THENCE CONTINUOUSLY ALONG SAID WEST LINE SOUTH 50 DEGREES 28' 00" WEST 50.280 FEET; THENCE NORTH 82 DEGREES 50' 00" WEST 100.00 FEET; THENCE NORTH 87 DEGREES 00' 00" WEST 100.00 FEET; THENCE EAST AND PARALLEL TO THE AFORESAID WEST LINE 156.78 FEET TO SAID SOUTH RIGHT OF WAY LINE FOR ILL. 33; THENCE SOUTH 50 DEGREES 28' 00" WEST 156.78 FEET; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE 167.73 FEET TO THE POINT OF BEGINNING, CONTAINING 0.717 ACRES, MORE OR LESS (61, 226 SQ. FT.)

SIGNAGE FOR THE PROPERTY SHALL ADHERE TO THE SIGNAGE ALLOWANCES AND REQUIREMENTS OF THE B3 ZONING & ELKHART PD PUD DISTRICT.

PARKING LOT AND STREETSIDE LANDSCAPING SHALL MEET NORMAL ZONING CODE REQUIREMENTS AND WILL BE FINALIZED WITH THE FINAL PUD PLAN.

PARKING DATA

BUILDING AREA: 2483 SF
PARKING SPACES: 29
PARKING RATIO: 1 PER 2 EMPLOYEE & 1 PER 5 MAX SEATING CAPACITY
REQUIRED PARKING: 30 (13 EMPLOYEES AT SHIFT CHANGE, 45 INDOOR SEATING & 20 OUTDOOR SEATING)
LOWES NET LOSS: 87

LOT INFORMATION

PROPERTY OWNER: LOWE'S HOME CENTERS, INC
ENGINEER: WEIHE ENGINEERS
LOT AREA: 0.72 ACRES
ZONING: PUD
PARCEL ID: 20-06-36-251-003.000-013
EX. IMPERVIOUS AREA: 29,868 SF
NEW IMPERVIOUS AREA: 24,376 SF
NET LOSS: 5,493 SF
PARKING AREA: 17,123 SF
EXISTING TREES: 1
PROPOSED TREES: 8 SHADE + 2 ORNAMENTAL
SETBACKS:
INTERNAL PARKING/AISLE: 0'
BUILDING (FRONTAGE): 36'
LANDSCAPE BUFFER (FRONTAGE): 10'



LOCATION MAP

- GENERAL NOTES:
- All work shall comply with the Goshen City, Indiana Dodge and Standards, Technical Specifications, and all other applicable requirements.
 - It is the contractor's responsibility to obtain all necessary permits associated with the installation, notify municipal and state agencies and utility companies having jurisdiction, and to coordinate all inspection required.
 - Contractor to be responsible for the protection of new and existing structures, vegetation, walkways, or improvements. No trees outside culms and fill are to be removed without the approval of the Engineer. No fill is to be placed around existing trees. Damages resulting from construction activities are to be repaired by Contractor at no additional cost to Owner. Any damages shall be brought to the immediate attention of the Engineer.
 - All written dimensions, coordinates, bearings, and other written data govern. Prior to starting work all data is to be verified by the contractor.
 - Consult Engineer regarding proposed changes, relocation, or modifications prior to the start of work.
 - Locations of all existing topographical features are based upon a survey by Weihe Engineers.
 - All exposed areas of disturbed earth are to be finish graded and seeded/soaked as per the requirements of a local nursery licensed by the State of Indiana.
 - *Permitted Use: an underlying zoning district of B-3 is established for the purpose of determining permitted use with the addition of drive through restaurant as a permitted use.



SCALE: 1" = 20'
0 10 20 40

15505 N. College Avenue
Indianapolis, Indiana 46280
Weihe Inc.
317 846-6611
800 452-6406
317 843-0446 fax
ALTA/ACSM SURVEY, P.L.L.C. - INDIANA

WEIHE ENGINEERS
Land Surveys | Civil Engineering | Landscape Architecture
Proud member of the American Society of Professional Engineers

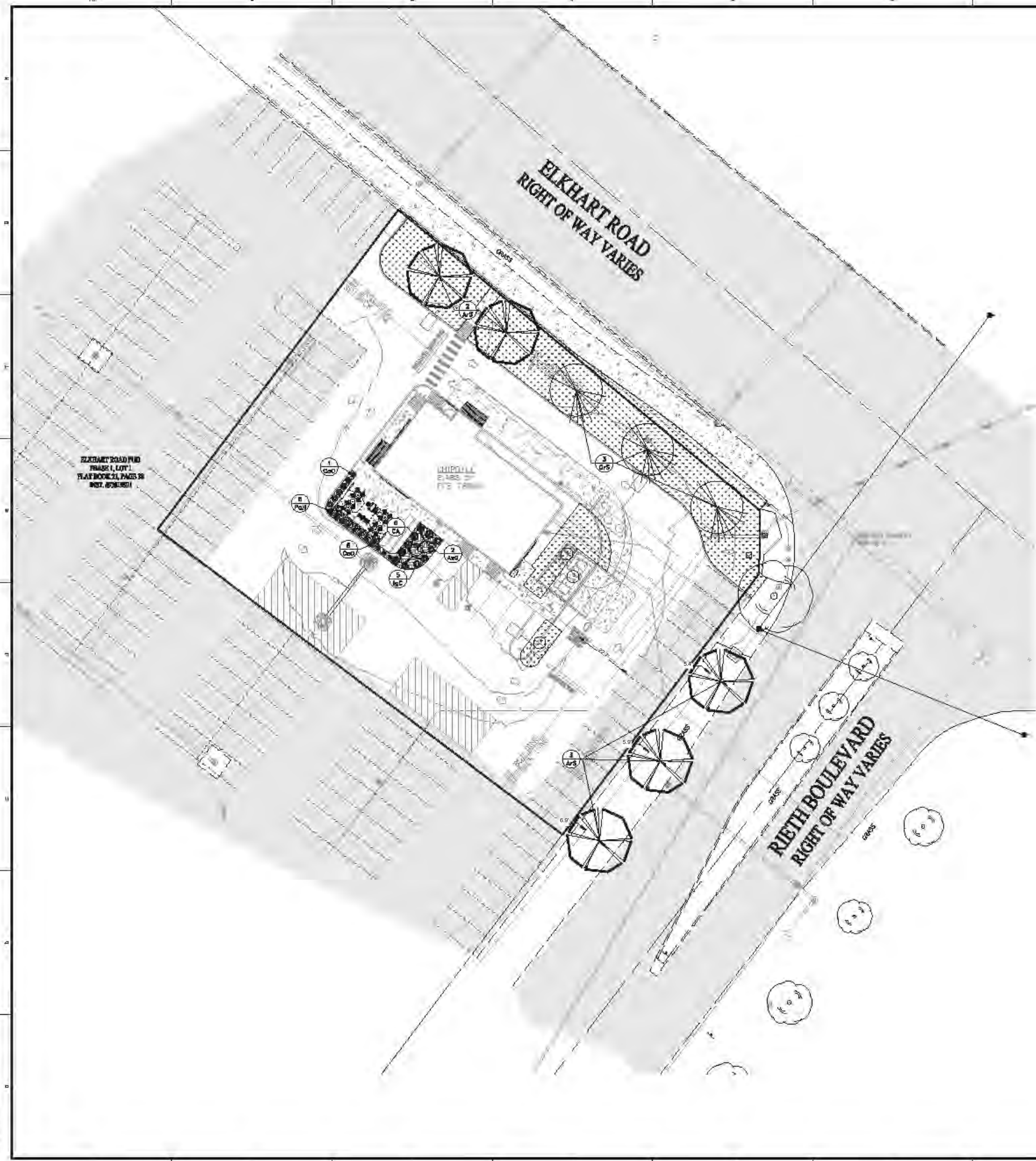
DESIGNED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE
REVISIONS	

PROJECT NO. W210420
SHEET NO. 1

OWNER: CHIPOTLE - GOSHEN
2219 RIETH BLVD, GOSEN IN

PROJECT TYPE: PUD

PROJECT NO. W210420
SHEET NO. 1



LANDSCAPE TO BE COMPLETED BY OWNER/OPERATOR

GENERAL NOTES

1. IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND THE PLANT LIST, THE PLAN SHALL DICTATE. IF IN QUESTION, CONTACT THE LANDSCAPE ARCHITECT.
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL EXISTING UTILITIES PERTAINING TO THEIR PHASE OF WORK. UTILITIES ARE SHOWN TO BE APPROXIMATE. CALL UTILITY LOCATE PRIOR TO ANY PLACEMENT OF PLANT MATERIAL OR OTHER LANDSCAPE MATERIAL.
3. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS AND FEES THAT MAY BE REQUIRED FOR HIS PORTION OF WORK.
4. ANY EXISTING TREES AND/OR PLANTINGS THAT MAY REQUIRE REMOVAL BUT ARE NOT SHOWN ON THE PLAN AS BEING REMOVED SHALL BE PROTECTED AND BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT TO DETERMINE IF TREE(S) AND/OR PLANTINGS SHOULD BE 1) REMOVED, 2) SAVED AND INTEGRATED INTO THE LANDSCAPE DESIGN, OR 3) RELOCATED.
5. CONTRACTOR TO REVIEW THE SWPPP SERIES PLANS FOR STABILIZATION (SEEDING/SOD/MULCH) REQUIREMENTS. IN THE EVENT FIELD CHANGES OR CONDITIONS REQUIRE MODIFICATION TO THE LANDSCAPE DESIGN, THE CONTRACTOR SHALL CONSULT LANDSCAPE ARCHITECT AS TO PROPOSED MODIFICATIONS PRIOR TO PLANTING. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO ADJUST PLANT LOCATIONS ON SITE IF NECESSARY.
6. ALL PLANTS ARE TO MEET OR EXCEED AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION, AS SET FORTH BY AMERICAN ASSOCIATION OF NURSERYMEN.
7. PLANTS SHALL BE CERTIFIED BY THE STATE OF INDIANA DEPARTMENT OF NATURAL RESOURCES AND FREE FROM DISEASE OR HAZARDOUS INSECTS.
8. LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IN WRITING PRIOR TO BID DATE OF ANY PLANTS THAT HE FEELS MAY NOT SURVIVE IN LOCATIONS NOTED.
9. NO SUBSTITUTIONS OF PLANT MATERIAL WILL BE ALLOWED WITHOUT APPROVAL OF THE JURISDICTION HAVING AUTHORITY AND THE LANDSCAPE ARCHITECT. IF PLANTS ARE SHOWN TO BE UNAVAILABLE, THE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT PRIOR TO BID DATE IN WRITING. THE CONTRACTOR SHALL COMPENSATE THE LANDSCAPE ARCHITECT FOR THE TIME REQUIRED FOR REVIEW AND INSPECTION OF PROPOSED PLANT SUBSTITUTIONS BID AWARD.
10. ALL PLANT MATERIAL SHALL BE SPECIMEN QUALITY. SUBMIT COLOR PHOTOGRAPHS OF PROPOSED PLANT MATERIAL TAKEN IN THE NURSERY WHERE THEY ARE GROWING. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO INSPECT PLANT MATERIALS AT NURSERY OR CONTRACTOR YARD PRIOR TO DELIVERY TO THE SITE. THE LANDSCAPE ARCHITECT MAY ALSO INSPECT AND APPROVE OR REJECT PLANT MATERIAL ON THE JOB SITE. IN THE EVENT PLANT MATERIAL IS NOT THE SPECIFIED SIZE OR QUALITY, PLANTS WILL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE.
11. PLANTS AND OTHER LANDSCAPE MATERIALS TO BE STORED ON SITE WILL BE PLACED WHERE THEY WILL BE PROTECTED AND NOT CONFLICT WITH CONSTRUCTION OPERATIONS.
12. COMPOST SHALL BE A WELL DECOMPOSED, STABLE, WEED FREE ORGANIC MATTER SOURCE. IT SHALL BE DERIVED FROM AGRICULTURAL, FOOD, OR INDUSTRIAL RESIDUALS, BIO-SOLIDS (TREATED SEWAGE SLUDGE), YARD TRIMMINGS, SOURCE-SEPARATED OR MIXED SOLID WASTE. THE PRODUCT SHALL CONTAIN NO SUBSTANCES TOXIC TO PLANTS AND SHALL BE REASONABLY FREE (< 1% BY DRY WEIGHT) OF MAN-MADE FOREIGN MATTER. THE COMPOST WILL POSSESS NO OBJECTIONABLE ODORS AND SHALL NOT RESEMBLE THE RAW MATERIAL FROM WHICH IT WAS DERIVED.
13. SHRUB AND PERENNIAL BEDS SHALL BE PREPARED BY PLACING 3" OF APPROVED COMPOST OVER PULVERIZED TOPSOIL AND ROTOTILLING TO A DEPTH OF 6".
14. PRE-EMERGENT HERBICIDE SHALL BE APPLIED IN ALL PLANTING AND GROUND COVER BEDS PRIOR TO MULCHING AT RATES SPECIFIED BY MANUFACTURER FOR EACH VARIETY OF PLANT. PRE-EMERGENT HERBICIDE SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO APPLICATION.
15. ALL TREE AND SHRUB PLANTING AREAS TO BE COVERED WITH 3" THICK LAYER OF SHREDDED HARDWOOD BARK MULCH. ALL GROUND COVER BEDS SHALL BE COVERED WITH 1" SHREDDED HARDWOOD BARK MULCH. BARK MULCH SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT AND SHALL BE UNIFORM IN TEXTURE AND COLOR AND SHALL BE FREE OF STICKS, LEAVES, SOIL AND FOREIGN MATERIAL. NO UTILITY MULCH OR PROCESSED TREE TRIMMINGS WILL BE ALLOWED.
16. CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS AND PLANT MATERIAL UNTIL ALL PUNCH LIST WORK HAS BEEN COMPLETED AND WRITTEN FINAL ACCEPTANCE BY THE LANDSCAPE ARCHITECT OR OWNER. MAINTENANCE SHALL BEGIN IMMEDIATELY AFTER EACH PLANT IS INSTALLED AND SHALL INCLUDE BUT NOT LIMITED TO: WATERING, WEEDING, PRUNING, DISEASE AND INSECT CONTROL, MOVING, RESETTING OF PLANTS TO PROPER GRADES OR UPRIGHT POSITION, AND ANY OTHER PROCEDURE CONSISTENT WITH GOOD HORTICULTURAL PRACTICES.
17. ALL NEW LANDSCAPE PLANTINGS SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR FOLLOWING FINAL ACCEPTANCE AS DETERMINED BY LANDSCAPE ARCHITECT OR OWNER. AT THE END OF THIS PERIOD, PLANT MATERIAL DETERMINED TO BE DEAD OR UNSATISFACTORY BY LANDSCAPE ARCHITECT OR OWNER SHALL BE REPLACED AT NO ADDITIONAL CHARGE BY THE CONTRACTOR.

REQUIREMENT:	REQUIRED:	PROVIDED:
STREET SIDE LANDSCAPING • STREET TREES SHALL BE PLANTED IN THE ROW OR PRIVATE LAND ADJACENT TO THE ROW IF THERE IS NO ROOM IN THE ROW. • TREES SHALL BE BETWEEN 40' AND 60' (IF LARGE TREES ARE USED) ALONG THE ROW (LESS THE DRIVEWAY). IF MEDIUM 30'-40' AND SMALL 20'-30'. • TREES SHALL BE AT LEAST 4' AWAY FROM PAVEMENT, 30' FROM TRAFFIC INFORMATIONAL SIGNS, 10' FROM FIRE HYDRANTS & UTILITY POLES. SMALL TREES MUST BE 10' AWAY FROM OVERHEAD LINES AND MEDIUM TREES MUST BE 20' AWAY FROM OVERHEAD.	ELKHART RD (185' OF ROW) • 4-7" LARGE OR 2-4-7 MEDIUM OR 9-4-2 SMALL TREES RIETH RD (130' OF ROW) • 2-2" TREE OR 3-3-3 MEDIUM OR 4-3-5 SMALL TREES	ELKHART RD (185' OF ROW) • 5 LARGE TREES RIETH RD (130' OF ROW) • 4 LARGE TREES
FOUNDATION LANDSCAPING (OPTIONAL) • FACADE FACING THE STREET OR THE PRIMARY CUSTOMER ENTRANCE • 1 ORNAMENTAL TREE FOR EVERY 35' OF FACADE OR 10 SHRUBS FOR EVERY 50' OF FACADE • PLANTINGS MUST BE WITHIN 15' OF BUILDING FACADE. 8" WIDE FOUNDATION PLAN WITH A MINIMUM 48SF.	66' ELKHART FACADE 14 SHRUBS OR 19 ORNAMENTAL TREES 85' FRONT FACADE 14 SHRUBS OR 19 ORNAMENTAL TREES	66' ELKHART FACADE 11 SHRUBS 3 ORNAMENTAL TREES 85' FRONT FACADE 11 SHRUBS 3 ORNAMENTAL TREES 17 ORNAMENTAL GRASS
PARKING LANDSCAPING • PARKING AREAS CONTAINING 30 OR MORE PARKING SPACES REQUIRE ONE 8X18 INTERIOR LANDSCAPING ISLAND WITH 1 TREE EVERY 20 PARKING SPACES • IF ADJACENT ACROSS THE STREET FROM RESIDENTIAL REQUIRED HEDGE PLANTINGS 4' O.C. (SUBSTITUTE 1 SHADE TREE PER 10 SHRUBS OR 1 ORNAMENTAL TREE PER 6 SHRUBS)	29 PARKING SPACES (NONE REQUIRED)	19.5X8' ISLAND WITH TWO ORNAMENTAL TREE

PLANT SCHEDULE						
PLAN KEY	BOTANICAL NAME	COMMON NAME	SIZE	#	ROOT CONDITION B & B BARE PONT	SPECIAL INSTRUCTIONS
CANOPY DECIDUOUS (SHADE) TREES						
AS	ACER RUBRUM 'SOMERSET'	SOMERSET RED MAPLE	2 1/2"	2	X	SEE PLAN
QF	QUERCUS ROBUR FASTIGIATA	COLUMNAR ENGLISH OAK	2 1/2"	3	X	SEE PLAN
ORNAMENTAL UNDERSTORY TREES						
AW	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	SERVICEBERRY	1 1/2"	2	X	SEE PLAN
DECIDUOUS SHRUBS						
CA	CEANOTHUS AMERICANUS	NEW JERSEY TEA	#3	0		SEE PLAN MIN. 18'
EVERGREEN SHRUBS						
EP	LEX GLABRA 'CHARMIN'	NORDIC HOLLY	18"	5	X	SEE PLAN MIN. 18'
EVERGREEN SHRUBS						
FB	FENISTEUM ALPECUROIDES 'HAMEL'	HAMEL FOUNTAIN GRASS	18"	8	X	SEE PLAN MIN. 18'
CG	CALAMAGROSTIS X ACUTIFLORA 'OVERDAM'	OVERDAM FEATHER REED GRASS	18"	9	X	SEE PLAN MIN. 18'

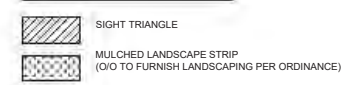
LANDSCAPE PLAN NOTES

- 1. SOD - SOD SHALL BE CERTIFIED GRADE CULTIVATED GRASS SOD OF 'ADVENTURE BLEND' TURF TYPE TALL FESCUE (BY GENERAL CONTRACTOR)
- 2. MULCHED LANDSCAPE BED
- 3. DUMPSTER ENCLOSURE

LANDSCAPE PLAN NOTES

- 1. PLANT NAME
- 2. QUANTITY

LANDSCAPE LEGEND



LANDSCAPE LEGEND



10505 N. College Avenue
Indianapolis, Indiana 46210
weibe.com
317 | 846 - 6611
800 | 452 - 6408
317 | 843 - 0546/ax
ALLIANCE WITH ENGINEERS, L.L.C. - INDEPENDENT

WEIBE ENGINEERS
Landscape Architecture

NO. 0100 STL
PROJECT NO.
DATE: 06.14.2021

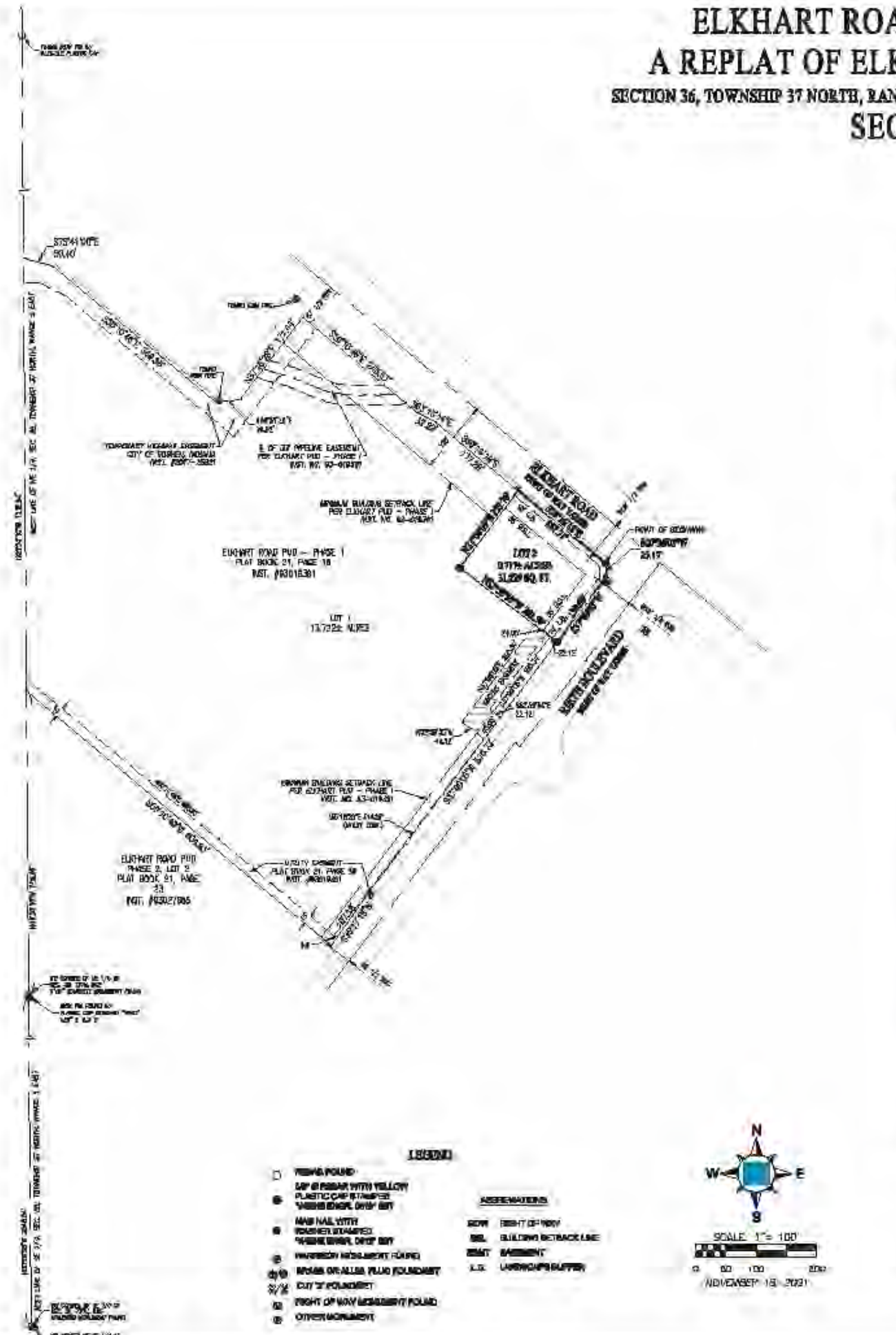


CHIPOTLE - GOSHEN
2219 RIETH BLVD., GOSHEN IN
LANDSCAPE PLAN
SECTION 36, TOWNSHIP 37N, RANGE 3 E, CONCORD TOWNSHIP, CITY OF GOSHEN, INDIANA

PROJECT NO. **C6.0**
W210420 STL

LANDSCAPE PLAN FOR PROJECT NO. W210420 STL, CHIPOTLE RESTAURANT, 2219 RIETH BLVD., GOSHEN, INDIANA. PREPARED BY: [Name], DATE: 06/14/2021. SCALE: 1" = 20'.

ELKHART ROAD AT RIETH SUBDIVISION A REPLAT OF ELKHART ROAD P.U.D. - PHASE I SECTION 36, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA SECONDARY PLAT



LAND DESCRIPTION

A PART OF LOT 1, ELKHART ROAD P.U.D. - PHASE I, BEING IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, CITY OF NORFOLK, INDIANA, AS PREPARED BY BARRY BUTTON, P.E. - INDIANA LAND SURVEYOR OF WELLS ENGINEERING, INC. AS PART OF A SURVEY PERFORMED UNDER JOB NO. W21800011, DATED NOVEMBER 17, 2021 AND HEREBY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF THE LIMITED ACCESS RIGHT OF WAY FOR RIETH ROAD AS RECORDED IN INSTRUMENT NUMBER 2021-0884 AND THE SOUTHWEST CORNER OF WAY LINE FOR U.S. 20 AS RECORDED IN INSTRUMENT NUMBER 2017-0888, THENCE SOUTH 89 DEGREES 36 MINUTES 40 SECONDS WEST ALONG SAID WEST LINE (SOUTH) BY DEGREES 89 MINUTES 36 SECONDS WEST 150.00 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 40 SECONDS WEST 32.00 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 40 SECONDS EAST AND PARALLEL TO THE AFORESAID NORTH WEST LINE 167.71 FEET TO SAID SOUTH RIGHT OF WAY LINE FOR U.S. 20; THENCE SOUTH 89 DEGREES 36 MINUTES 40 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE 187.71 FEET TO THE POINT OF BEGINNING, CONTAINING 0.317 ACRES, MORE OR LESS (1.00 AC. ±).

TOGETHER WITH AN ACCESS EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2, ELKHART ROAD AT RIETH SUBDIVISION, THENCE NORTH 89 DEGREES 36 MINUTES 40 SECONDS WEST ALONG THE SOUTH-WESTERN LINE OF SAID LOT 2 32.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 36 MINUTES 40 SECONDS WEST 32.00 FEET; THENCE SOUTH 89 DEGREES 36 MINUTES 40 SECONDS WEST 25.00 FEET TO THE NORTHWEST CORNER OF WAY LINE OF NORTHVILLE ROAD; THENCE SOUTH 89 DEGREES 36 MINUTES 40 SECONDS WEST ALONG SAID NORTHWEST CORNER OF WAY LINE 40.00 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 40 SECONDS WEST 40.00 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 40 SECONDS EAST 40.00 FEET TO THE REFORMER'S SOUTH-WESTERN LINE OF LOT 2; THENCE SOUTH 89 DEGREES 36 MINUTES 40 SECONDS EAST ALONG SAID SOUTH-WESTERN LINE 24.00 FEET TO THE POINT OF BEGINNING.

LAND SURVEYOR CERTIFICATE

I, BARRY BUTTON, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON NOVEMBER 17, 2021; THAT ALL THE MONUMENTS WILL BE WITHIN SIX MONTHS OF RECORDING PLAT, INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE PLATTING ORDINANCE AND THAT THEIR LOCATION, SIZE, TYPE AND MATERIALS ARE ACCURATELY SHOWN.

RECORDING INFORMATION

DEED OF DEDICATION

I (WE) THE UNDERSIGNED (S) (HEREBY) OF THE REAL ESTATE (S) (AND) DESCRIBED HEREIN, DO HEREBY LAY OFF, PLAT, AND DEDICATE SAID REAL ESTATE IN ACCORDANCE WITH THE INTENT OF THIS PLAT.

THE DEDICATION SHALL BE KNOWN AND DESIGNATED AS ELKHART ROAD AT RIETH SUBDIVISION AND CONSISTS OF ONE LOT NUMBERED 2.

ALL STREETS AND ALLEYS AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC.

FRONT BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT. BETWEEN WHICH LINES AND THE PROPERTY LINE OF THE STREETS, THERE SHALL BE STRICTLY ENFORCED NO BUILDING OR STRUCTURE, THE STUMPS OF GROUNDS OR OTHER MARKS OR MARKED "EASEMENT", RESERVED FOR THE USE OF THE PUBLIC (UTILITIES) FOR THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES AND WIRES AND DRAINAGE FACILITIES. SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EXTENT HEREIN REFERRED TO NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STREETS OR LAND, BUT CHANGES OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLE SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES, AND TO THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

OWNER'S CERTIFICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS (ARE) THE (THEY) (HAS) (HAVE) OWNED THE LAND DESCRIBED IN THE AFORESAID PLAT, AND THAT HE (SHE) (HE) (SHE) (HAS) (HAVE) CALLED THE NAME TO BE SURVEYED AND SURVEYED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE NAME (UNDER THE STYLE AND TITLE THEREON) INDICATED.

NAME _____
ADDRESS _____
THIS _____ DAY OF _____, 2021.

STATE OF _____)
COUNTY OF _____)

BEFORE ME THE UNDERSIGNED, NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE PERSONALLY APPEARED _____ WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS/HER VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN STATED.

WITNESSED BY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2021.

COUNTY OF RESIDENCE: _____ NOTARY PUBLIC _____

BY COMMISSION EXPIRES: _____ PRINTED NAME _____



This instrument prepared for:

CMG Goshen, LLC
BRYAN CHANDLER - SOLIPSO REAL ESTATE
6402 CORNELL AVENUE
INDIANAPOLIS, IN 46220
PHONE: (317) 614-5103

This instrument prepared by: Susan Stinson

WEIHE ENGINEERS
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Landscape Architecture

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ALLAN B. WEIHE, P.E., L.S., F.A.S.T.

COUNTY OF ELKHART, INDIANA
 SECTION 36, TOWNSHIP 37 NORTH, RANGE 5 EAST
 CONCORD TOWNSHIP, CITY OF NORFOLK, INDIANA
 NOVEMBER 15, 2021

Shoup-Parsons/Rappatta Minor Subdivision

A Part of the Northeast Quarter of Section 21 Township 36 North, Range 6 East, Elkhart Township, Elkhart County, Indiana

Statement of Utilities

An easement is hereby granted to the City of Goshen, all public utility companies including Frontier, Northern Indiana Public Service Company, and several private utility companies where they have a certificate of territorial authority to render service and their respective successors and assigns, to install, place, and maintain, above, water mains, gas mains, vent pipes, cables, poles and wires, either overhead or underground with all necessary bracks, guys, anchors, and other apponances in, upon, along and over the stripe of land designated on that plat marked "utility easement" for the purposes of servicing the public in general with sewer, water, gas, electric, and telephone services, including the right to use the streets, where necessary and to overhang lots with aerial service wires to serve adjacent lots, together with the right to enter upon said easements for public utilities at all times for any of the purposes aforesaid and to trim and keep trimmed and trees, shrubs, or saplings that interfere with any such utility equipment. No permanent building shall be placed on said easement, but same may be used for gardens, shrubs, landscaping, and other purposes that do not interfere with the use of said easement for such public utility purposes.

Drainage Maintenance Certification

The maintenance of all drainage facilities including culverts and weides shall be the responsibility of each lot owner, and no owner shall permit, allow or cause any of said facilities to be obstructed or removed or to in any way impede the flow of water across or through said facilities. In the event any such facilities become damaged or in disrepair, it shall be the responsibility of the lot owner to repair such facilities at the owner's expense.

In the event of the owner's failure to maintain such drainage facilities in good order and repair, appropriate governmental authority of the City of Goshen, Indiana, may repair such drainage facilities and invoice the costs of such repair to the lot owner. The City of Goshen, Indiana, is granted an easement across a lot owner's real estate for the purpose of repairing any drainage facilities on said lot owner's real estate. The amount of any assessment for the costs of such repair, as assessed by said governmental authority, shall constitute a lien upon the real estate of the lot owner and an encumbrance upon the title to said lot.

The City of Goshen, Indiana, is further granted right of action for the collection of said indebtedness from the lot owner, and for the foreclosure of said lien in the manner in which mortgages are foreclosed under the laws of said State of Indiana. Any such collection and/or foreclosure action shall be maintained in the courts of general jurisdiction of the State of Indiana, and shall be commenced in Goshen, Indiana.

Survey Statement

This plat is in accordance with Title 803, Article 1, Chapter 12 of the Indiana Administrative Code with the files of this plat conforming to a survey prepared by Jeffrey S. Barnes, P.S. of Jones Petrie Rafinski on June 17, 2021 and being recorded in the Office of the Recorder of Elkhart County in Instrument 2021-30249.

Surveyor's Certificate

I, Jeffrey S. Barnes, hereby certify that I am a land surveyor, licensed in compliance with the laws of the State of Indiana, that this plat accurately represents a survey performed under my direct supervision in accordance with I.A.C. 803-1-12 and that all the monuments will be installed in accordance with the provisions of the platting ordinance, and that their location, size, type and material are accurately shown.

I affirm, under the penalties for perjury, that I have taken reasonable care to protect each Social Security number in this document, unless required by law.

Jeffrey S. Barnes
 Jeffrey S. Barnes, P.S. (LS#002700084) 11/17/2021 Date



Deed of Dedication

I, the undersigned Marilyn A. Rappatta owner of the real estate shown and described here, do hereby lay off, plat, and subdivide said real estate in accordance with the within plat. This subdivision shall be known and designated as Shoup-Parsons/Rappatta Minor Subdivision. All street and alleys and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public. Front building setback lines are hereby established as shown on this plat, between which lines and the property line of the streets, there shall be erected or maintained no building or structure. The stripe of ground shown on this plat and marked "Easement", reserved for the use of the public utilities for the installation of water and sewer mains, poles, ducts, lines and wires and drainage facilities subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said stripe of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

Marilyn Ann Rappatta
 Marilyn Ann Rappatta
 Individual

Marilyn A. Rappatta
 Marilyn A. Rappatta Revocable Living Trust
 By Marilyn A. Rappatta, Trustee

Owner's Certification

This is to certify that the undersigned are the owners of land herein described on the aforesaid plat, and have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, thereon indicated. Dated this 24 day of November, 2021.

Marilyn Ann Rappatta
 Marilyn Ann Rappatta
 Individually

Marilyn A. Rappatta
 Marilyn A. Rappatta Revocable Living Trust
 By Marilyn A. Rappatta, Trustee

Notary Public Certificate

State of Indiana)

I ss.

County of Elkhart)

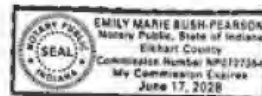
Believe me, the undersigned a notary public in said for said County and State, personally came the above owners and acknowledged the execution of this plat.

Witness my hand and seal this 24 day of November, 2021

Emily Marie Bush-Pearson
 Notary Public

11/17/2028
 My Commission Expires

Resident of Elkhart County



Acceptance of Dedication

Be it resolved by the Board of Public Works and Safety, City of Goshen, Indiana that the dedications on this plat are hereby approved and accepted this 15th day of November, 2021.

Jeremy Stuckman
 Jeremy Stuckman
 City Clerk

Michael A. Landis
 Michael A. Landis
 Delroyne House

Michael A. Landis
 Michael A. Landis

Plan Commission Staff Approval

Under the authority provided by Chapter 174, Acts of 1947, enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Goshen, Indiana, this plat was given approval by the City of Goshen, as follows:

Approved by the Zoning Administrator on behalf of the City Planning Commission on this 15th day of November, 2021.

Rhonda Yeager
 Rhonda Yeager, Zoning Administrator

Auditor

Duly entered for taxation this 1st day of December, 2021.

Patricia A. Dickason
 Patricia A. Dickason, Auditor, Elkhart County, Indiana

Recorder

Received for record this 1st day of December, 2021, at 4:41 PM and recorded in Plat Book 41 Page 46 Instrument No. 2021-30249

Jennifer L. Doriot
 Jennifer L. Doriot, Recorder, Elkhart County, Indiana

2021-32312
 ELKHART COUNTY RECORDER
 JENNIFER L. DORIOT
 FILED FOR RECORD ON
 12/01/2021 04:24 PM
 AS PRESENTED
 \$30.00 PLAT BOOK 41 PAGE 46

CLIENT Allan Kauffman 400 Marilyn Avenue Goshen, IN 46526	
OWNER Marilyn A. Rappatta Rev. Living Trust 400 Marilyn Avenue Goshen, IN 46525	
©2021 JPR - All Rights Reserved REF. DOC. NO.: 2019-12390	
SCALE: 1" = 20' DATE: 06/17/2021 PROJ: 400 Marilyn Avenue DESC: Final Plat LOC: NE 1/4 Sec. 21-136N-R0E, Elkhart Twp.	DRAWN BY: jrb SURVEYED: 06/02/2021 CHECKED BY: JOB NO: 2021-0186 C-1621P

H:\2021 Projects\2021-1185\Surveys\Shoup-Parsons-Rappatta Minor Subdivision\Drawings\Parsons-Rappatta Minor Subdivision.dwg, 11/19/2021 4:52:47 AM