



## **Goshen Common Council**

**6:00 p.m., March 7, 2022 Regular Meeting**

***Council Chamber, Police & Court Building, 111 East Jefferson Street, Goshen, IN***

**Call to Order by Mayor Jeremy Stutsman**

**Pledge of Allegiance**

**Roll Call:**

**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** –Feb. 4, 2022 work session on housing, Feb. 7, 2022 regular meeting, and Feb. 14, 2022 joint meeting with the Goshen Community Schools Board of Education

**Approval of Meeting Agenda**

**Privilege of the Floor**

**1) Ordinance 5117:** An Ordinance to Amend the Plymouth Avenue Professional Park Planned Unit Development (PUD), Ordinance 4371

**2) Development agreement** with Greenwood Rental Properties, LLC. for 3.93 acres at the northeast corner of Plymouth Avenue and Indiana Avenue

**3) Ordinance 51:** To Establish a Redistricting Advisory Commission

**Elected Official Reports**

***Adjournment***



## GOSHEN COMMON COUNCIL & REDEVELOPMENT COMMISSION

### Minutes of the February 4, 2022 Work Session on Multi-Family Housing Policy

*Convened in the Schrock Pavilion, Shanklin Park, 411 West Plymouth Avenue, Goshen, Indiana*

**Present:** Mayor Jeremy Stutsman

**Council members:**

Julia King (At-Large)                      Doug Nisley (District 2)                      Gilberto Perez Jr. (District 5)  
Donald Riegsecker (District 1)                      Matt Schrock (District 3)  
Council President Brett Weddell (At-Large)

**Absent:** Megan Eichorn (District 4)      Youth Advisor Adrian Mora (Non-voting)

**Redevelopment Commission members:**

Vince Turner (President)                      Brian Garber (Vice President)                      Andrea Johnson (Secretary)  
Brett Weddell

**Absent:** Brianne Brenneman      Bradd Weddell (School liaison)

**City staff:**

Deputy Mayor and Community Development Director Mark Brinson  
Director of Public Works & Utilities Director Dustin Sailor  
City Attorney Bodie Stegelmann  
Planning & Zoning Administrator Rhonda Yoder  
Redevelopment Director Becky Hutsell  
Parks Recreation Coordinator Frank Shula  
Communications Coordinator Sharon Hernandez

#### 1) Welcome

**Mayor Stutsman** opened the work session at 9 a.m. and said the City of Goshen is facing a housing shortage which he hopes to be addressed at this meeting. He said that **Redevelopment Director Becky Hutsell** has started a draft multi-family housing policy, which was circulated to some City employees and stakeholders in the past few days. He reminded attendees that this is a public joint meeting of the Redevelopment Commission and Common Council, but there will be no public input.

#### 2) Introductions

**Mayor Stutsman** asked all attendees, including those from the public, to introduce themselves. He then introduced **Greg Goodnight**, the former mayor of Kokomo, Indiana. Stutsman said Goodnight helped actively develop Kokomo downtown, drew more housing into Kokomo and has a good sense of the current situation in Goshen.



### 3) Addressing Housing Shortages in Indiana Cities

**Greg Goodnight** thanked **Mayor Stutsman** for inviting him to the meeting, adding that Mayor Stutsman is “doing a great job” in Goshen. Goodnight said his background includes 12 years as mayor of Kokomo, two terms as a Council member, and he has started consulting on housing issues in the past few months. Goodnight noted that his mayoral experience working with redevelopment in Kokomo directly influences his current work on statewide housing audits and affordable housing across the country. He said prior to his experience as mayor, Kokomo had not invested much in development, so he directed Kokomo to grow affordable housing, senior housing and luxury housing.

**Goodnight** discussed the importance of maintaining current employees as residents. In his experience, Kokomo employed many people who worked in the City and chose to live in other counties. Similarly, Elkhart County has many employees who commute to their work, earn a paycheck and then take the money to their home communities. He said Elkhart County has about 25,000 people who commute to the county for jobs, but spend their paychecks in their home communities. Currently, Elkhart County has 8,900 jobs posted and available, which Goodnight said demonstrates that the county does not have a jobs problem. Instead, the county has a problem capturing workers as residents.

**Goodnight** distributed two articles on housing projects in Noblesville and Fishers, Indiana, noting that most housing projects have some sort of local incentive, including the two examples he distributed (*Exhibits #1 and #2*). Both the Noblesville and Fishers examples were upscale apartment complexes, which is not particularly unusual in today’s environment. Goodnight said that when residents live near their jobs and do not pay travel costs, their money is spent on goods and services within the community. He further noted that providing jobs is fine, but employers also need to benefit the taxpaying residents of their communities.

**Redevelopment Commission President Vince Turner** noted that both Howard County (the home of Kokomo) and Elkhart County share the similarities of auto and RV industries, and asked if the industries might get on board with supporting housing in their communities. Both former Mayor **Alan Kauffman** and **Mayor Stutsman** said Midwest communities, particularly in Indiana, are resistant to change. Mayor Stutsman suggested that such industrial cities as Goshen or Kokomo sometimes need to advance projects that may appear to have little support and provide strong data-driven arguments. So far, Goshen has revitalized downtown, removed 23 traffic lights, eliminated one-way streets, and given pedestrians and bicycles a chance to exist by giving data to the Common Council and Redevelopment Commission.

**Deputy Mayor Mark Brinson** noted that Goodnight’s handout suggested that 10% of the new housing in Noblesville was set aside for “workforce housing,” and asked if there’s a clear definition of workforce housing. **Goodnight** responded that it is based on the Average Median Income (AMI) set by the federal government. Goodnight said he completed a few projects in Kokomo as a mayor but found that a city is like a car lot: if a buyer visits a car lot looking for a minivan but only finds a sports car, they will not make a purchase at that lot. Similarly, he said a city needs all types of housing.

Goodnight completed his presentation with additional praise for Mayor Stutsman.



#### 4) TIF Financing Tools for Housing Projects

**Jason Semler**, a partner with Baker Tilly Municipal Advisors, joined the meeting by phone and discussed his involvement with the Redevelopment Commission for more than a decade. He said developers are increasingly asking communities to help finance housing projects. Communities are providing individualized incentives through Tax Increment Financing (TIF) agreements varying from 50% to 100% funding over 10 to 25 years. He said incentives are based on how badly a community wants a project. For example, the Last Dance project offered no-risk bonds to the City and will eventually provide further revenues to the City.

**Semler** said TIFs can be used for commercial and multi-family (over five units) developments. Residential TIFs are a fairly recent development, according to Semler, but can now also be used to build single-family homes. Semler said these developments would still need to pay school referendums. **Mayor Stutsman** said Goshen's practice has been to customize each TIF agreement based on the merits of each project.

#### 5) Typical Financial Analysis

**Brad Hunsberger**, Vice President of Real Estate Development for LaCasa, distributed a PowerPoint presentation outlining the various ways to fund multifamily housing (*Exhibit #3*). These include the 4% Low Income Housing Tax Credit (LIHTC), 9% LIHTC, Market Rate, and Workforce Housing rent structures. Hunsberger noted that every development is different and the variables between each one is innumerable.

**Hunsberger** noted the following considerations of each rent structure:

- The 4% option is non-competitive and readily available. It requires extra financial support to the developer due to the tax credits not being worth much to the developer.
- The 9% option offers lots of equity to the developer's funding, but requires city support to make it competitive.
- The Market Rate Housing is generally funded with First Mortgage debt.
- Workforce Housing is based on lower debt due to lower rents, but also requires increased financial support for the developer from other sources.

**Hunsberger** commented on the following slides, noting that the "Financing Multi Family Housing" slide compares the expenses and cash flows across the four funding models. He also commented on a later slide that showed that the migration into Elkhart County is projected to severely lag behind the County's job growth. Hunsberger further noted that Elkhart County's affordability gap is projected to significantly grow in the coming years.

**Redevelopment Director Hutsell** further explained the LaCasa handout, which compared workforce earnings to recommended market rates. For example, a two-bedroom apartment at 60% AMI (Average Median Income) should cost approximately \$650 per month. The 60% AMI is the average income for families, according to HUD, which matches requirements for the Arbor Ridge and Shoots Building projects.

**Alan Kauffman** noted that community members believed that the Park 33 rents were too high and would not fill up. But Park 33 is now completely full, some residents moved to Goshen and others moved within Goshen to find a nicer place to live. Kauffman said this demonstrates a domino effect where increased inventory at the upper level makes affordable housing available to those who need it. **Commissioner Turner** said 70% of the initial move-ins to the Park 33 project were from outside of Goshen.



**Councilor Pérez** shared that the fastest growth segment in Fishers is empty nesters looking to downsize but maintain amenities they are used to. Pérez asked who the City of Goshen hopes to cater to, noting that Goshen needs people to move around within the city, but also needs to attract them first, similarly to the Park 33 project. **Mayor Stutsman** noted that Goshen has done well with the Shoots, Park 33, and LaCasa projects in the past 20 years. He said Goshen needs to continue adding all levels of housing, and we need to watch the ebb and flow of who is building and why.

## 6) Local Perspectives

**Nick Kieffer, President and CEO of the Goshen Chamber of Commerce**, said that he regularly hears from business community members about the need for housing in addition to a need for employees. He said Goshen businesses are heavily invested in bringing jobs to Goshen, even from out of state, and also want to keep the employees in Goshen. **Alan Kauffman** noted that Goshen is working toward “quality of place” improvements that attract more housing to Goshen.

**Christina Clauss, a broker with the Coldwell Banker Real Estate Group**, said developers need incentives to develop all levels of housing in Goshen. Currently, Goshen schools are losing kids, and housing is necessary to keep money in the community. She said the inventory of available housing is down 30% since December; there are now 12 houses in Goshen for sale and only nine under contract. Available housing since 2011 has significantly dropped. **Councilor Pérez** agreed that Goshen’s housing market is different from what it used to be, and residents are moving to other communities to find affordable housing.

**Councilor King** asked if lenders are not lending to private buyers. **Clauss** said lending is loosening for private buyers since conventional construction is easier to get with a loan, but there are not enough incentives for affordable housing to keep up with demand. **Commissioner Turner** said lending is often based on appraisal cost, and not on the sale price, so if there is a gap, the buyer needs to fund the gap. Otherwise, he said a lender will not fund an upside-down loan.

**Former Mayor Goodnight** affirmed the need for all types of housing options. He said that when a resident arrives from out of state, family members build relationships, love their neighborhood, and put down roots. Goshen has only one shot to attract individuals moving from out of state and needs all types of housing. **Mayor Stutsman** said this is an issue across the country. He said Goshen is starting to incentivize housing because otherwise it will fall behind. While Goshen is also working on rehabilitating rundown rental homes, that is a small percentage of the City’s capacity and Goshen really needs new projects.

**Travis Bontrager, a sales associate with Bontrager Real Estate**, discussed his background in real estate and property management, and said very few homes are available in Goshen. He said the average house price between 2017 and 2021 increased from \$170,000 to \$270,000. Rental prices also took the same trajectory, and currently there is a 2% vacancy rate and units are rented quickly. Bontrager said there are few rental vacancies because there is nowhere for people to move to, alluding to the “mobility wheel” of homes that people buy and rent. Bontrager also shared facts about the history of rents and affordability in Goshen over the past 10 years, concluding that developers are hesitant to build housing in Goshen due to overextended resources and credit after the 2008 housing crisis.



**Alan Kauffman** noted that Goshen's housing authority recently merged with that of the City of Warsaw. He said currently people are looking for housing vouchers, but only a few rental management firms want to deal with vouchers because they reduce the rent, and a Section 8 voucher cannot compete with market rates. **Councilor King** asked about states where rental agencies are required to accept Section 8 vouchers, but Indiana is not among them. **Councilor Pérez** asked if the State gives incentives to accept Section 8 vouchers, and **Travis Bontrager** said that people are simply having trouble moving up to better homes, or anywhere else for that matter.

Before introducing **Superintendent Dr. Steve Hope of the Goshen Community Schools**, **Mayor Stutsman** noted that Goshen is looking to protect and attract teachers, first responders and medical staff, and requests that housing units be available to these people for a limited time after completion. **Dr. Hope** affirmed the need for housing available to everyone in Goshen. Dr. Hope shared a document (**Exhibit #4**) showing the concentrations of students within the Goshen school district and added that most students leave Goshen Schools due to housing costs or an inability to find a home in Goshen.

#### 7) Draft Policy Overview and Discussion

**Redevelopment Director Hutsell** presented a draft of Goshen's proposed Tax Increment Financing (TIF) policy (**Exhibit #5**). She said 18.6% of the City of Goshen is in one of two TIF districts. One district expires in 2031 and the other in 2033, after which less than 1% of Goshen will be in the new College Avenue TIF district. She said Goshen has not had a TIF policy in the past, and Hutsell suggested a committee be formed to explore the various options, perspectives, and criteria on which the policy might be developed. Over the past 20 years, TIF districts were established on a case-by-case basis, but the final page of the draft policy is an attempt to match up with the HUD policy as of 2021.

Former Mayor **Goodnight** said a TIF does not constitute a loss to a City because TIF bonds are paid from TIF revenues. **Mayor Stutsman** said the controls that the City already places into TIF projects disincentivizes developers from making lots of money and leaving. Goodnight said the Chrysler Corporation was the largest employer in Kokomo and received 40 years of abatements and made billions of dollars in profits, but the City of Kokomo still prospered due to the many employees now living in the City.

**Hutsell** pointed out the "But For" clause on page two of the draft policy, which is a requirement that a project could not occur without the TIF support. This provision requires developers to demonstrate they will complete their project. Discussion ensued regarding the flexibility of the TIF policy on various aspects of development, such as industrial, multi-family housing, multi-purpose development and infrastructure, and what aspects of development might the policy incentivize, such as efficient or LEED certified buildings.

**Councilor Pérez** asked how the draft policy compared to recent TIF developments, and **Hutsell** noted that the policy does not get particularly specific on a lot of topics. Instead, the policy sets forth what developers submit when applying for TIF funding. She said the policy still needs developer feedback, but comparisons to older projects is difficult because of different economic conditions in the past.





**Redevelopment Director Hutsell** acknowledged that the feedback from the Common Council and the Redevelopment Commission has already been very helpful.

**Deputy Mayor Brinson** noted that polices are very good for City staff members and provide helpful guidance for all involved. The policies help establish a firm WHY for a project to merit funding.

**Mayor Stutsman** ended the discussion by acknowledging that the next two years of construction in Goshen will likely result in more growth than in the past 20 years and he hopes the new TIF policy will continue to take shape. Mayor Stutsman said he anticipates the draft policy going for review to both the Council and Redevelopment Commission, and it may be completed in five to six months. This process will also require conversations with industry and schools representatives for the sake of the City of Goshen.

#### 8) Adjournment

**Mayor Stutsman** thanked the speakers for their participation and adjourned the work session at 11:15 a.m.

**EXHIBIT #1:** *“Noblesville council approves economic development agreement for Milhaus mixed-use proposal,” article from [www.youarecurrent.com](http://www.youarecurrent.com), which was cited by Greg Goodnight.*

**EXHIBIT #2:** *“Fishers council approves 190 rental units on 116<sup>th</sup> Street,” article from [hagemangroup.com](http://hagemangroup.com), which was cited by Greg Goodnight.*

**EXHIBIT #3:** *“LaCasa: Financing Multi Family Housing,” a PDF copy of a PowerPoint slide presentation used during the work session by Brad Hunsberger.*

**EXHIBIT #4:** *“Where Students Live in Goshen,” a one-page document distributed by Dr. Steve Hope to establish where students live within the Goshen Community Schools.*

**EXHIBIT #5:** *“Tax Increment Financing (TIF) Funding Assistance Policy,” a draft policy distributed by Redevelopment Director Becky Hutsell at the meeting.*

APPROVED:

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

\_\_\_\_\_  
Jeffery Weaver, Deputy Clerk-Treasurer



## GOSHEN COMMON COUNCIL

### Minutes of the Feb. 7, 2022 Regular Meeting

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

Mayor Jeremy Stutsman called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance

Mayor Stutsman asked the Clerk-Treasurer to conduct the roll call.

**Present:** Julia King (At-Large) Doug Nisley (District 2) Gilberto Pérez Jr. (District 5)  
Matt Schrock (District 3) Council President Brett Weddell (At-Large)  
Youth Advisor Adrian Mora (Non-voting)

**Absent:** Megan Eichorn (District 4) and Donald Riegsecker (District 1)

Mayor Stutsman asked the Council's wishes regarding the minutes of the City Council's meeting of Jan. 18, 2022 and its work session of Jan. 14, 2022. Councilors King and Pérez moved to approve the minutes of the Jan. 18 and Jan. 14 meetings as submitted. The motion to approve both sets of minutes passed 5-0.

Mayor Stutsman presented the agenda of the Feb. 7, 2022 meeting. Councilors Nisley/Schrock moved to approve the agenda as submitted. Motion passed 5-0.

#### Privilege of the Floor:

At 6:04 p.m., Mayor Stutsman invited public comments on matters not on the agenda.

Glenn Null of Goshen said he would give the city a "C+" or "B" for its recent snow removal efforts. However, Null said he had a problem with the many people who didn't clear the sidewalks in front of their homes and businesses. Null said if a disabled person like him can clear the sidewalk in front of his home, business owners can do the same in front of their businesses. Null said that people who tried to walk on Lincoln and Third streets had to walk on the street because the sidewalks were blocked by snow, although he noted that two businesses there did clear their driveways. Null said the City clears much of Lincoln Avenue, but didn't clear adjacent streets. Null said schools also should clean off their sidewalks. Null said that at Lincoln and Fifth streets, the City failed to adequately plow the street as well as alleys. Null said he walks frequently and would like the City to encourage more people to clear their sidewalks of snow.

There were no further public comments, either from those in the council chamber or via Zoom, so the Mayor closed the Privilege of the Floor at 6:08 p.m.

1) Ordinance 5115: Amend Ordinance 3011 by Rezoning Real Estate Commonly Known as 233 S Main Street and 113 W Jefferson Street from Commercial B-3 District to Commercial B-2 District

Mayor Stutsman called for the introduction of Ordinance 5115. Council President Brett Weddell asked the Clerk-Treasurer to read Ordinance by title only, which was done.

Weddell/Pérez moved for passage of Ordinance 5115 on First Reading.





**Background:** For the property at the northwest corner of Main Street and Jefferson Street (233 S Main Street and 113 W Jefferson Street), the City of Goshen Redevelopment Department is requesting a rezoning of the property from Commercial B-3 to Commercial B-2 (Central Business District), to align with surrounding B-2 zoning. The property was purchased by the City of Goshen in August 2021, and is the former home of D&T Muffler.

According to City staff, the property is surrounded by B-2 (Central Business District) zoning and should also be zoned B-2, as a single property zoned B-3 within the Central Business District can meet few, if any, of the developmental requirements of the B-3 District, which will constrain future changes to the building and/or site. For example, in the B-3 District, a 35-foot building setback is required along the Main Street property line (compared to 0 feet in the B-2), a maximum 50% building coverage is allowed (compared to 90% allowed in the B-2), and parking is required for each use (compared to no commercial parking requirements in B-2 zoning).

The subject property was rezoned from B-2 to B-3 in February 1984, and although there were at least two subsequent neighborhood rezonings to B-2 District in the Central Business District, in 1989 and 2000, the subject property was not included. Based on the file record, it appears the subject property may at some point have been mistakenly classified as B-2, as there is at least one approval from 1991 that includes a reference to the subject property being zoned B-2. The Zoning Map discrepancy was discovered in 2012. While the City owns the subject property, it is an appropriate time to rezone to B-2 District so the spot zoning is removed and the issues related to the B-3 zoning are resolved.

**City Planning & Zoning Administrator Rhonda Yoder** told the Council that the Goshen Plan Commission met on Jan. 18, 2022, in regular session, and considered a request for a rezoning from Commercial B-3 to Commercial B-2 (Central Business District), to align with surrounding B-2 zoning, for subject property located at the northwest corner of Main Street and Jefferson Street, with common addresses of 233 S Main Street and 113 W Jefferson Street.

Yoder said the Plan Commission is forwarding the matter to the Council with a favorable recommendation by a vote of 8-0. She said the favorable recommendation was based upon the following:

1. The subject property is completely surrounded by B-2 District zoning.
2. The future development of the subject property will be constrained if it is zoned B-3 District.
3. The rezoning is consistent with the Comprehensive Plan, including: Land Use, Goal L-6: Maintain an attractive and vibrant downtown.
4. The B-2 District requirements are able to be met.

Yoder said one inquiry was received before the Plan Commission meeting, asking about the rezoning process and the proposed use of the property. No questions/concerns/comments were received from the public at the Plan Commission meeting.

**Councilor Schrock** asked if rezoning the property to B-2 would prohibit the site from being used as an auto repair shop. **Yoder** said that such a usage would be considered non-conforming, but an auto repair shop might also be considered non-conforming for other reasons even if the zoning remained as B-3 because, for example, parking requirements could not be met. She added that an auto shop could be approved via a use variance.

**Councilor King** asked if the property has changed hands. **Council President Weddell** said the Redevelopment Commission made an offer on the property last year because it is a central spot in an area undergoing development and was viewed as crucial for the City to try to gain some control over what might happen with the property.

**Mayor Stutsman** said the property also has a vacant back lot that could be used for City parking and the property also is important for the city to continue its streetscape efforts. Asked by **Councilor King** if a sale has been completed, **Council President Weddell** said the Redevelopment Department has acquired the property. He noted that the building was recently painted. Mayor Stutsman said the painting will continue in the spring.



**Mayor Stutsman** said the City won't retain the property; it will be sold. **Council President Weddell** said when the City issues a Request for Proposal to sell the property, it will have the ability to review the proposals and not just take the highest bid. He said the Redevelopment Commission will be seeking the "best fit" for that location. Mayor Stutsman reminded councilors that the City Council approved the purchase of the property.

**Councilor Pérez** asked about the value of the property. **Council President Weddell** said he doesn't recall, but two or three appraisals were conducted to help the City make an offer. **Mayor Stutsman** said he believes the price was under \$200,000.

At 6:13 p.m., **Mayor Stutsman** invited public comment on Ordinance 5115. There were no comments, so **Mayor Stutsman** closed the public comment period at 6:13 p.m.

There were also no further comments or questions from the Council, and Councilors affirmed that they were ready to vote.

On a voice vote, councilors approved Ordinance 5115 on First Reading by a 5-0 vote, with all members present voting "yes." Youth Advisor Adrian Mora also voted "yes."

Councilors gave **Mayor Stutsman** unanimous consent to proceed to the Second Reading of Ordinance 5115.

**Mayor Stutsman** called for the introduction of Ordinance 5115 on Second Reading. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5115 by title only, which was done.

**Weddell/King** moved for passage of Ordinance 5115 on Second Reading.

There were no further questions or comments from the public or the Council, and Councilors affirmed to **Mayor Stutsman** that they were ready to vote. On a voice vote, councilors approved Ordinance 5115 on Second and Final Reading by a 5-0 vote at 6:14 p.m., with all members present voting "yes." Youth Advisor Adrian Mora also voted "yes."

## 2) Resolution 2022-08: Interlocal agreement with Elkhart County for Animal Control Services

**Mayor Stutsman** called for the introduction of Resolution 2022-08. **Council President Weddell** asked the Clerk-Treasurer to read Resolution 2022-08 by title only, which was done.

**Weddell/Pérez** moved for passage of Resolution 2022-08.

**Background:** Resolution 2022-08 would approve the terms and conditions of an Interlocal Agreement between the City of Goshen and Elkhart County for animal control services. Elkhart County has negotiated a contract with the Humane Society of Elkhart County, Inc. to provide animal shelter management and animal control services for 2022 for certain areas of Elkhart County, including within the City of Goshen. The City would contribute \$85,400 to reimburse Elkhart County for the cost of providing animal shelter management and animal control services within the City. According to the agreement, the City will pay Elkhart County in two installments – \$42,700 before April 1, 2022 and the same amount by Aug. 1, 2022.

Overall, Elkhart County will pay the Humane Society \$220,000 for services in 2022 to the unincorporated areas of the county. In addition, the Humane Society will be paid by cities in the county by the following amounts: City of Elkhart, \$139,150; City of Goshen, \$85,400; Town of Bristol, \$4,400; Town of Middlebury, \$5,940; Town of Nappanee, \$11,535; and Town of Wakarusa, \$6,600. The animal shelter is located at 54687 County Road 19 in Bristol.

**Mayor Stutsman** said Resolution 2022-08 was the City's annual contract for animal control services with the Humane Society. The Mayor said the city used to contract with and pay the Humane Society directly, but it is now done through the County to simplify the County's processes. The Mayor said jurisdictions pay based on their populations and that there will be an approximately 10% increase in the cost to the City of Goshen this year.



At 6:15 p.m., Mayor Stutsman invited questions or comments from the public, but no one asked to speak about Resolution 2022-08, so the Mayor closed the public comment period. There were no further questions or comments from the Council and Councilors indicated they were ready to vote.

On a voice vote, Councilors approved Resolution 2022-08 by a 5-0 vote, with all members present voting “yes” at 6:16 p.m. Youth Adviser Mora also voted “yes.”

### **3) Ordinance 5116 (1st/2nd Reading): An Ordinance to Establish a Redistricting Advisory Commission**

Mayor Stutsman called for the introduction of Ordinance 5116 on First Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5116 by title only, which was done.

Weddell/King moved for passage of Ordinance 5116 on First Reading.

#### **BACKGROUND:**

In a memorandum accompanying draft Ordinance 5116, Mayor Stutsman informed Councilors that it was time to redraw the five single-member council district boundaries to account for population increases and shifts as detailed in the 2020 U.S. Census. The Mayor further wrote:

“This ordinance is being presented in order to set up a non-partisan committee to help ensure that we redistrict without considering how it affects any of our political parties. Rather, we would redistrict in a way that ensured districts were laid out in a way that kept their boundaries reasonably compact and contiguous, with equal populations and with the lowest possible deviations, while accounting for expected future growth, and looked at options with the fewest number of split precincts and neighborhoods as possible.

“We must come together as Republicans and Democrats to make sure that Goshen leaves politics out of our redistricting process. This is something that has eluded our State and Federal representatives for many of the past redistricting maps they have created. We can stand together to show our State and Federal governments the value of redistricting for the people and not for one party or the other. We can show them it is possible to lead in this way and that our constituents not only support this approach, they want it.

“As a first step, I (a Democrat elected Mayor), reached out to City Attorney Bodie Stegelmann (past elected Republican judge) to work with me on drafting a bipartisan approach to redistricting in Goshen. We talked about our ideas and discussed other ordinances that we found in regards to this topic. Together, we feel we have found a way to remove politics from the redistricting process and represent our community as we are elected to do.

“Originally, we wanted to get a copy of this ordinance to Council members before it hit the agenda for a Council meeting. After considering the limitations of distributing this ordinance to the Council while meeting the requirements of the Open-Door Law, we decided to wait to distribute until a time in which all Council members could equally receive the ordinance and have the same amount of time contemplating it. The easiest way to achieve this is to place it on the Council agenda. The Council will now be able to have a discussion in public at our meeting to decide if changes are appropriate, what dates and deadlines should be set within the ordinance, and, finally, to decide if it is tabled for further discussion or voted on at our February 7th meeting.”

#### **Summary of proposed Ordinance 5116:**

**Establishment and purpose:** Ordinance 5116 would establish a five-member Redistricting Advisory Commission whose purpose would be to make recommendations to the Goshen Common Council regarding its decennial redistricting ordinance, which will divide the City into the five council districts from which council members shall be elected. Commission members would serve until district boundaries were adopted by the Council.



**Rationale for the proposal (from the resolution’s “whereas clauses):** State law requires the he City of Goshen to be divided into five (5) council districts during the second year after a year in which a federal decennial census is conducted; state law also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, not cross precinct boundaries; and the sponsors believe an independent redistricting commission would lend public legitimacy to the process and minimize conflicts of interest that might be present in the redistricting process; and this process of redistricting would be conducted in an open manner with meaningful opportunities for public feedback and engagement.

**Membership qualifications:** The Commission would consist of nine members: five (5) voting members and four (4) non-voting members), subject to the following qualifications and limitations.

- (1) Registered Voters - Each member must be a registered voter residing within the municipal boundaries of the City.
- (2) Voting Record – To be eligible for appointment to the Commission, each Commission member shall have voted as a resident of the City in at least one of the last two general elections immediately preceding the formation of the Commission.

**Limitations of membership:** The following individuals would be excluded from serving as a voting member on the Commission:

- (A) Anyone who currently, or during the ten years prior to the Commission’s formation, holds a public office or was a candidate for public office in the City or Elkhart County;
- (B) An appointed public official;
- (C) Anyone who is currently an officer of any federal, state, county, or city level political party, or who has been an officer or active member during the 10 years prior to the Commission’s formation;
- (D) A precinct committeeman;
- (E) A member of a candidate’s committee;
- (F) Anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within the five years prior to the Commission’s formation;
- (G) Anyone registered as a lobbyist under I.C. 2-7; and
- (H) Immediate family members of any excluded person

**Membership Selection Process.** Commissioners would be selected as follows:

- (1) Current City Common Council at-Large Members would serve as non-voting members of the Commission; however, if at-Large Members are of the same political party, then the Common Council would pick one at-Large Member and one Common Council member representing a district, of the opposite party, to serve as the non-voting Council Members on the Commission;
- (2) The five (5) current Goshen Common Council members elected from a district would each appoint a voting member of the Commission;
- (3) The City of Goshen Mayor and City Attorney would serve as non-voting members of the Commission, and the Clerk-Treasurer would serve as the clerk of the Commission;
- (4) The Commission may seek consultation from City’s Legal Compliance Administrator and other individuals who may provide helpful insight to the Commissions;
- (5) The voting members of the Commission shall select as its chair one of the voting members.

Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and be approved by the Mayor.



**Redistricting Criteria.** The Commission would recommend council district boundaries that comply with the United States Constitution, the Indiana Constitution, and applicable federal and state laws, including the federal Voting Rights Act and I.C. § 36-4-6-4.

**Commission Processes and Transparency:**

- (1) The Commission would hold public meetings at least every month, but may choose to meet more often.
- (2) The Commission would provide to the Common Council recommended council districts, an accompanying map depicting the recommended districts, and a report that explains the basis of the recommended districts.
- (3) Approval of the Commission's final recommendation would require an affirmative vote from at least four of the voting commissioners. All other actions of the Commission would require a simple majority vote to pass.
- (4) The Commission would be subject to the Indiana Open Door Law and the Access to Public Records Act.

**Legislative Approval.**

- (1) The Commission would provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than **an unspecified date in 2022**.
- (2) The Common Council would act on the Commission's recommended districts before **an unspecified date**, and adopt an Ordinance by November 8, 2022.
- (3) After considering the Commission's final recommendations, or if the Commission failed to provide recommended council districts by **an unspecified date**, the Common Council would perform its duties under I.C. § 36-4-6-4. If the Common Council rejected the Commission's final recommendations, it would provide a written statement of the reasons for the rejection.

**At 6:16 p.m. on Feb. 7, Mayor Stutsman called for consideration of Ordinance 5116.** The Mayor thanked Councilors for their willingness to consider the establishment of a Redistricting Advisory Commission. He also said that when he scheduled this matter for tonight's meeting, he didn't know two Councilors would be absent and now knows there will be a motion to table Ordinance 5116 and consider it at another meeting with all Councilors present. **Mayor Stutsman** said the goal of Ordinance 5116 is to create a board to "take politics out of redistricting." The Mayor said he and City Attorney Bodie Stegelmann considered proposals in other communities and have developed the current proposal knowing that Councilors might want to make some changes. Mayor Stutsman added: "But just know the only goal here was to make sure that, not even so much for this council, but future councils, to actually have an ordinance in place where if they're going to do it differently, they're going to have to come back and change the ordinance in the future We thought that would be a good idea."

**Mayor Stutsman** invited Council feedback.

**Council President Weddell** said he understood Councilor King might have a proposal to amend the ordinance, but didn't know if it could be discussed now. **Mayor Stutsman** said it would be possible to discuss the ordinance and other ideas now. **Councilor King** said she didn't have the exact wording of amendments ready, "but it would be within the spirit of keeping it non-partisan" and based on suggestions from attorneys who have worked on redistricting and had their ideas upheld in court.

**Councilor King** said one suggestion would be to would be aimed at promoting the goal of "fairness and non-partisanship." Another idea would be to allocate funds for the board to hire experts to assist in their efforts. **Mayor Stutsman** said his intent would be to allocate funds if needed by the Board. However, the Mayor said the Council would need to amend the City budget to appropriate funds for redistricting.

**Mayor Stutsman** said his goal is to ensure redistricting is done correctly and well. **Councilor King** agreed.





For the benefit of the audience, **Mayor Stutsman** then said: "The suggestion is to create a nine-member board, which five of them would be voting members of this redistricting committee. So, the two at-large council members would serve on the board, with no vote on that board. Then myself, the deputy mayor, Bodie Stegelmann, and then each district council member would choose one person from their district to serve on the board. And we threw some caveats in there about who you can choose. It can't be somebody that's really, really politically active and involved in campaigns. It's got to be somebody who is more neighborhood oriented."

**The Mayor** added: "It's not going to be the Board that decides how we redistrict. This Board only makes a recommendation to the City Council. The City Council still has absolute control over how this redistricting happens."

**Council President Weddell** noted that Councilors Eichorn and Riegsecker could not attend tonight's meeting, but that it was important that they be part of the redistricting discussion. **Councilor King** agreed and said she would meet with **City Attorney Stegelmann** and work on the language of her amendments.

**Council President Weddell** asked about the appropriate way to communicate about proposed amendments while still respecting state Open Door laws. He asked if this could be done via email with no responses by recipients.

**Councilor King** said it could be done via one-on-one conversations, but not with groups. **City Attorney Stegelmann** said there should not be discussions with the entire Council. So, Stegelmann said one-on-one communication was permissible or someone could pass along an idea as long as there was then no discussion about it.

**Mayor Stutsman** said because of the Council meeting schedule, and possible absences by Councilors in March, it might be necessary to move forward on the ordinance even if there are absences "because every month we wait is one month less this committee will have to get its work done." The Mayor said the Council has a November 2022 deadline to complete its redistricting ordinance.

**Council President Weddell** said he hopes Councilors will now have more time to consider Ordinance 5116.

**Councilor King** added that members of the public also now know there is a redistricting proposal and can provide input to Councilors.

At 6:22 p.m., **Council President Weddell** made a motion to "table" Ordinance 5116. **Councilor Schrock** seconded the motion. There were no further questions or comments from the Council.

On a voice vote, councilors tabled Ordinance 5116 by a 5-0 vote, with all members present voting "yes."

**Mayor Stutsman** asked **Council President Weddell** if the intent of his motion was to table Ordinance 5116 to the next Council meeting (March 7). **Council President Weddell** responded, "Yes."

#### 4) Report and discussion on the impact of Winter Storm Landon on the City of Goshen

**Mayor Stutsman** said he was asked by several Councilors to give a report on the impact of Winter Storm Landon on the City of Goshen and City operations, Feb. 2-3, 2022. The Mayor asked Department Heads most affected by major snow storms to report on the impact. Some departments had total numbers to report while other were still compiling cost figures. **Mayor Stutsman provided the following information:**

- **The Utilities Department** used three staff members and trucks for eight hours to plow alleys in the City while the Street Department focused on streets. The Kercher well field generator kicked on for about six hours during a power outage, so it continued operating. This is why the City spends so much on generators.
- **The Fire Department** added one fire/paramedic shift overnight to respond to more calls for service and possible issues with trucks involving City staff. During a normal 24-hour period, the Fire Department responds to 16 calls. During the 24 hours of the storm, the department had 27 calls – 17 for medical issues, two for stuck vehicles, one or two calls for arcing power lines due to fallen trees, four public service calls and three fire alarms. There was not too much overtime worked.





- **The Police Department** “doubled up” officers in vehicles, which worked out well. There were no issues.
- **The Wastewater Treatment Plant** must keep the facility operating and trucks moving in and out, so staff worked 59 hours of overtime for snow removal. On Feb. 3, at 8 p.m., the Department started receiving multiple alarms of power outages at seven different lift stations. Three of the lift stations have generators, which kicked on and kept running. Three staff members were brought in to take portable generators and move them around to keep the system working. That work entailed 11 hours of overtime, but staff was successful in keeping everything moving.
- **City Maintenance Director Jeff Halsey** cleared downtown sidewalks at City buildings, including the Police Department, the Annex Building and City Hall to maintain public access to the buildings. He also shoveled snow from steps and other areas adjacent to City buildings.
- **The City Airport** also was affected by the storm. As a rule of thumb, for every inch of snow, it takes 5.5 hours to clear the runway. On Feb. 3, four staff members began working at 4 a.m. to clear the runway and they continued working until 10 a.m. By about 11 a.m. or noon that day, there was too much snow falling, so from 5 p.m. Thursday until 8 a.m. Friday, the airport was closed, as were other airports in the area. The airport was able to resume plowing on Friday and was able to reopen before other airports in the region.
- **The Parks and Recreation Department** does significant amounts of plowing around schools, bike paths, sidewalks and other areas in the community. Seven staff members worked during the storm and plowed 24 miles of trails, 11 parking lots and two City lots and they kept open six park facilities. Two staff members worked about two hours downtown to try to clear alleys. Downtown business owners often hire people to clear sidewalks and the City helps clear some walkways. Overall, the Parks and Recreation Department spent about \$5,500 in overtime pay during the storm.
- **The Street Department** is where most of the City’s overtime costs are incurred. Before major snow storms, the Mayor meets with Director of Public Works Dustin Sailor, Street Commissioner David Gibbs and other City staff to discuss the coming weather event and to develop a response plan. Gibbs uses the information gathered to determine when the snow might start, its duration, the temperature drop, whether to pre-treat roads and other factors. All this planning leads to decisions on when to deploy snow plows and crews and when work should take place, so that staff members get adequate rest and roads are kept in the best condition possible. For Feb. 2 and 3, the Street Department spent \$6,268 for fuel for its trucks, \$2,100 for sand, \$30,000 for salt and \$19,000 for wages and overtime. The total for the two days of the storm was \$56,852. That didn’t include the clean-up costs over the weekend or the work on Feb. 7 and 8 to finish work on the streets. Snow removal can be expensive and time consuming. The Street Department spent 815 hours plowing and will have to work an additional 110-120 hours to finish work on the streets. On Friday, before the Council retreat, the Mayor treated snow removal staff to breakfast to thank them for their work. Staff members are tired, but are in good spirits and expect to do this work this time of year.

**Councilor Nisley** asked if City staff will be working to clear snow from downtown this week. Mayor Stutsman said the goal is to clear the main streets and then the main roads in neighborhoods. The Mayor said alleys are cleared next and then staff members remove snow from parking lots. He said snow removal work will continue into Feb. 9.

**Councilor King** thanked City staff for their good work and noted that the snow was beautiful.

**Mayor Stutsman** said that he believes that in either 2014 or 2015, the Street Department expended its entire yearly budget for fuel and overtime by the end of February because there was so much snow. Fortunately, he said there was little snow the rest of that year.

**Councilor Schrock** asked about the maintenance of the Rock Run Creek Bridge at Lincoln Avenue. He said its sidewalks were not cleared and asked if that could be done. **Mayor Stutsman** said he would check.



**Council President Weddell** asked about the multi-use path along Indiana Avenue, from the junior high school to Lincoln Avenue. He said the sidewalk had been cleared, but then a plow truck came by and dumped snow on the sidewalk. He said this posed a dilemma, but it was all a matter of timing. Council President Weddell said the same thing happens at his home. He cleared the snow off his driveway, but then a City plow truck came by his subdivision and pushed snow back onto his driveway.

**Mayor Stutsman** said if it had been a bigger snow storm, he would have contacted Goshen Hospital to coordinate any issues. The Mayor said he was in touch with Goshen Community Schools Superintendent Steve Hope to encourage the clearing of sidewalks. Mayor Stutsman said the City encourages the clearing of sidewalks, but there is not always compliance. He added that some people cannot shovel snow or are gone this time of year.

**Youth Adviser Adrian Mora** said that now that he's training for track and field, every time he runs downtown he often does so on the streets to avoid snow on sidewalks. **Council President Weddell** said he walks on streets to avoid snowy sidewalks, but normally does so early in the day. **Mayor Stutsman** said an alternative would be to use treadmills. **Council President Weddell** smiled and responded, "No."

#### Elected Official Reports:

**Youth Adviser Mora** said the previous Saturday he did his first police ride-along and learned a lot and the officer was great. He said the ride-along was on a Saturday morning and it was not very eventful. **Councilor King** said police ride-alongs are great. **Council President Weddell** said he also once had an uneventful ride-along. **Councilor Nisley** asked if night shifts are busier. Various Councilors responded.

**Youth Adviser Mora** said he had an idea – that officers have an annual physical evaluation to motivate them to keep physically fit. **Councilor Nisley** said that probably couldn't be done by the Council. He stated that it might have to be done through the police union. **Mayor Stutsman** said union approval would be necessary as well as approval by the Board of Works and Safety. **City Attorney Stegelmann** said such a program would require policy-level approval. **Councilor Pérez** said it could be a wellness issue, noting that some companies require annual physical examinations or employees can face some kind of penalty. **Councilor King** clarified that this proposal could be a motivation for officers to be physically fit. **Council President Weddell** noted that the idea was coming from a student who participated in the state cross country championships and has a high level of fitness.

**Councilor Pérez** said he found the Feb. 4 housing policy work session to be very helpful in understanding the current housing situation and several strategies that can help increase housing availability. He said he did leave the session somewhat concerned about the number of families that are leaving the community and wondering about the best ways to engage those families. Pérez said Goshen Community Schools is doing exit interviews with families who are leaving, but wondered what else can be done to inform those families about Goshen's housing opportunities. He said he also wondered what other resources might be available for families and workers and whether market rate housing is available to them. He also thanked City staff for organizing the work session.

**Mayor Stutsman** said the City will need to identify the level of affordable housing the City can provide. **Councilor Pérez** said data from the session can help in that regard. The Mayor said Goshen needs housing at all levels. Pérez said he was impressed with the idea of using Tax Increment Financing (TIF) to develop more housing and was looking forward to the City's proposal. **Council President Weddell** also thanked staff for their work in this area and also credited Redevelopment Commission member Vince Turner for his advocacy in this area. **Councilor King** said she also has been waiting for such a policy proposal for years and is happy it is being developed.

**Mayor Stutsman** said the policy will be developed by a new committee which will include two council members, a few members of the Redevelopment Commission and City staff, perhaps assisted by consultants from Baker Tilly. The Mayor said he hopes a meeting of the committee can be scheduled in a few weeks.



**Mayor Stutsman** also said work is progressing on a growth plan for the City. He said most property in the City has been developed, except for a few parcels. He said it's important to study where the City can push its growth because not all areas can accommodate City water and utilities. The Mayor said this work is in progress and that he and **Deputy Mayor Mark Brinson** will be reaching out to experts at Ball State University. Public input also will be sought, followed by detailed work by a local engineering company for technical discussions on expansion. Mayor Stutsman said City staff is assessing the cost of such work, including a study.

**Mayor Stutsman** also told Councilors that the Board of Works & Safety recently approved a study on a possible second location for the City's proposed ice rink. He said he will be meeting with Councilors and asking their opinions on the project. The Mayor reminded Councilors that the downtown ice rink project was put on hold in 2020. He said at that time, some council members said that they didn't want the ice rink to be downtown due to potential traffic issues as well as the flood plain issue and limited parking. Mayor Stutsman said that now some Councilors are saying they still want the ice rink downtown. So, the Mayor wants to speak to Councilors and make sure all are on the same page. He said if the ice rink is downtown it will be several million dollars more expensive than an alternative site.

**Mayor Stutsman** also reported that he would be leaving tonight after the Council meeting to Indianapolis to participate in a board meeting of Accelerate Indiana Municipalities (AIM) for a legislative update. The Mayor also said he would be meeting with legislators, staff from the governor's office and the governor. He invited Councilors to pass on any issues they would like advanced with lawmakers. Mayor Stutsman also said he and **Councilor Pérez** would be attending a dinner with legislators on Tuesday.

**Clerk-Treasurer Aguirre** reminded the Mayor to talk about the upcoming joint meeting with the Goshen Community Schools Board.

**Mayor Stutsman** said that instead of having next Monday, Feb. 14 off, as would be usual, the council instead will meet with the school board. He said City and schools staff are still working out the agenda for the meeting, which will be held at Goshen Middle School at 6 p.m.

**Councilor King** asked what type of meeting will be held, noting that in the past it has mostly been a ceremonial meeting with no action taken. **Mayor Stutsman** said that when he was on the Council, he only recalls action being taken when there were time-sensitive matters. The Mayor said the joint meeting agenda normally consists of staff reports to build awareness of projects of interest to the Council and school board. Nevertheless, he said the joint session is still considered a legal meeting and action can be taken. However, if there are no action items, the meeting can be advertised as a work session. The Mayor said he needed to have further conversations about the meeting with the board president and school superintendent and **City Attorney Stegelmann**.

There were no further comments of questions by the Mayor or Councilors.

**Councilor Nisley** made a motion to adjourn the meeting, which was seconded by **Councilor Pérez**. On a voice vote, Councilors voted to adjourn the meeting by a 5-0 vote, with all members present voting "yes."

**Mayor Stutsman** adjourned the meeting at 6:50 p.m.



APPROVED:

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, City Clerk-Treasurer



## GOSHEN COMMON COUNCIL

### Minutes of the Feb. 14, 2022 Joint Meeting with the Goshen Community Schools Board

*Convened at 6 p.m. at Goshen Junior High School, 1216 S. Indiana Avenue, Goshen, Indiana*

**Present:** Mayor Jeremy Stutsman

**Council members:**

Megan Eichorn (District 4)                      Julia King (At-Large)                      Doug Nisley (District 2)  
Gilberto Pérez Jr. (District 5)                      Matt Schrock (District 3)  
Council President Brett Weddell (At-Large)                      Youth Adviser Adrian Mora (Non-voting)

**Absent:** Donald Riegsecker (District 1)

**School Board members present:**

Bradd Weddell, President                      Mario Garber, Vice President                      Roger Nafziger, Secretary  
Amanda Qualls                      Jose Elizalde                      Allan Kauffman                      Maria Sanchez Schirch (via Zoom)

**City of Goshen staff present included:**

Deputy Mayor and Community Development Director Mark Brinson  
Civil Traffic Engineer Josh Corwin  
Director of Public Works & Utilities Director Dustin Sailor  
Director of Environmental Resilience Aaron Sawatsky Kingsley  
Fire Department Assistant Chief of Operations Anthony Powell  
Assistant Chief of Training Steffen Schrock  
Superintendent of Parks & Recreation Tanya Heyde  
Chief of Police José Miller  
Assistant Chief of Police Shawn C. Turner

The Goshen Common Council met in a joint session with the Goshen Community Schools Board. All Council members were present, with the exception of Councilor Donald Riegsecker. Members of public and Goshen Community Schools teachers, administrators, staff members and students also were present.

The meeting was called to order at 6 p.m. and proceeded as outlined in the detailed agenda developed and disseminated by staff of Goshen Community Schools (*Exhibit #1*).

There was a public comment period with statements made pertaining exclusively to Goshen Community Schools matters.

The council took no formal actions.

The meeting was adjourned at 8:15 p.m.

Please see the attached exhibits, which include the information shared by various presenters.



EXHIBIT #1 (7 pages): *Detailed agenda of the Feb. 14, 2022 Joint Meeting of the Goshen Community Schools Board and the Goshen City Council.*

EXHIBIT #2 (5 pages): *Goshen High School Assistant Principal Brian Bechtel report on the GHS Manufacturing Academy.*

EXHIBIT #3 (5 pages): *Goshen Community Schools Average Daily Membership report by Associate Superintendent Alan Metcalfe.*

EXHIBIT #4 (17 pages): *City Civil Traffic Engineer Josh Corwin report on Public Construction Projects.*

EXHIBIT #5 (9 pages): *Director of the Environmental Resilience Aaron Sawatsky Kingsley report on the flood resilience plan, solid waste and Arbor Day.*

EXHIBIT #6 (8 pages): *Fire Department Assistant Chief of Operations Anthony Powell and Assistant Chief of Training Steffen Schrock report on the Fire Department and its training facility.*

EXHIBIT #7 (6 pages): *Superintendent of Parks & Recreation Tanya Heyde report on programs and activities.*

EXHIBIT #8: *Approved minutes of the Feb. 14, 2022 Joint Meeting of the Goshen Community Schools Board and the Goshen City Council.*

Besides these reports, Deputy Mayor Mark Brinson gave a verbal report about efforts by the City of Goshen to address the urgent need for more housing in Goshen and Chief of Police José Miller and Assistant Chief of Police Shawn C. Turner gave verbal reports about the department and school resource officers.

NOTE: The official minutes of the meeting, as taken by Goshen Community Schools staff, will be attached to these minutes after they are approved by the School Board on March 14, 2022.

APPROVED:

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, City Clerk-Treasurer





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: March 7, 2022  
RE: Ordinance 5117

The Goshen Plan Commission met on February 15, 2022, in regular session and considered a request for a PUD major change for Plymouth Avenue Professional Park PUD to remove the requirement for a sidewalk along the east side of Lighthouse Lane, for subject property of Plymouth Avenue Professional Park PUD, zoned Commercial B-3PUD (Planned Unit Development), and generally located south of Plymouth Avenue, east of Greene Road, with the following outcome:

*Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 9-0.*

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

1. The existing installed design of Lighthouse Lane within Plymouth Avenue Professional Park precludes the placement of a sidewalk within the right of way on the east side of Lighthouse Lane and would require complete reconstruction of the existing roadway, which is not feasible.
2. A sidewalk crossing will be provided within The Crossing subdivision, and a pedestrian easement will be provided on Lot 3 for an optional private sidewalk, to provide pedestrian options.
3. PUD final site plans are required as part of the City's administrative site plan review, Technical Review, before a zoning clearance/building permit is issued for any individual lot.
4. All developmental requirements not varied by the major change shall be met.

*Please Note:* A portion of the original request (to allow a fence in lieu of screening) was withdrawn by the petitioner.

Ordinance 5117

An Ordinance to Amend the Plymouth Avenue Professional Park Planned Unit Development (PUD),  
Ordinance 4371

WHEREAS Pilgrim Partners, LLC, Abonmarche, and the City of Goshen, submitted an application on the 10th 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 18th day of January 2022 and on the 15th day of February 2022 and recommended the adoption of this Ordinance, by a vote of 9-0.

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

For the property generally located on the south side of Plymouth Avenue, east of Greene Road, commonly known as Plymouth Avenue Professional Park PUD, and more particularly described as follows:

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SEVENTEEN (17) TOWNSHIP THIRTY-SIX (36) NORTH, RANGE SIX (6) EAST, ELKHART COUNTY, INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION, THENCE SOUTH 89 DEGREES 06 MINUTES 44 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER AND THE CENTER OF STATE ROAD 119, A DISTANCE OF 855.37 FEET, TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO LARRY W. AND ESTHER MAE SHIRK AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 98 021249; THENCE SOUTH 00 DEGREES 13 MINUTES 16 SECONDS WEST ALONG THE EAST LINE OF SAID SHIRK PROPERTY, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 06 MINUTES 44 SECONDS (PARALLEL TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 17), A DISTANCE OF 461.06 FEET (SAID POINT BEING OFFSET 40.00 FEET FROM THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 17 AND 40.00 FEET FROM THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED TO STEVEN M. HAY AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 98 005069); THENCE SOUTH 00 DEGREES 27 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID HAY PARCEL, A DISTANCE OF 758.34 FEET; THENCE NORTH 89 DEGREES 06 MINUTES 11 SECONDS WEST, A DISTANCE OF 458.03 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 16 SECONDS EAST, A DISTANCE OF 288.46 FEET TO THE SOUTHEAST CORNER OF SAID SHIRK PROPERTY; THENCE CONTINUING ALONG THE SAME BEARING NORTH 00 DEGREES 13 MINUTES 16 SECONDS EAST ALONG THE EAST LINE OF SAID SHIRK PROPERTY, A DISTANCE OF 469.84 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION CONTAINING 8.00 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

To amend Ordinance 4371 as follows:

1. In addition to requirements established by Ordinance 4371 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:
  - Removes the requirement for a sidewalk along the east side of Lighthouse Lane.
4. A sidewalk crossing will be provided within The Crossing subdivision, and a pedestrian easement will be provided on Lot 3 for an optional private sidewalk.

- 5. PUD final site plans are required as part of the City's administrative site plan review, Technical Review, before a zoning clearance/building permit is issued for any individual lot.
- 6. 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:** 22-01MA, PUD Major Change (*public hearing; recommendation to Council*)  
Plymouth Avenue Professional Park PUD  
*Tabled from January 18, 2022, Plan Commission Meeting*

**Date:** February 15, 2022

## **ANALYSIS**

Subsequent to the tabling of 22-01MA at the January 18, 2022, Plan Commission meeting, the following have occurred:

- Petitioner has submitted a letter requesting the withdrawal of the fence request. The screening requirements of Ordinance 4371 will be met. A copy of the letter is enclosed, and Plan Commission action is required to accept the withdrawal.
- Petitioner has submitted two updated layouts:
  - Primary plan for Plymouth Avenue Professional Park Second Addition with a pedestrian easement added within the front setback of the proposed Lot 3, for a future optional private sidewalk.
  - Project area map that includes the preliminary location of a sidewalk crossing on Lighthouse Lane to the south of Plymouth Avenue Professional Park in The Crossing subdivision.

Following withdrawal of the fence request, the current petition seeks only to remove the requirement for a sidewalk along the east side of Lighthouse Lane.

As discussed at last month's meeting, the existing installed design of Lighthouse Lane within Plymouth Avenue Professional Park precludes the placement of a sidewalk within the right of way on the east side of Lighthouse Lane, as was required by the PUD. In order to install the required sidewalk, the entire roadway would need to be physically reconstructed.

Reconstructing the entire roadway is not feasible, so an alternative is to provide an option for a private sidewalk within the proposed Lot 3, which could be installed by a future owner at their discretion. Because the subdivision plat is in process, an 8' pedestrian easement is proposed adjacent to the 8' roadway, utilities and drainage easement within Lot 3. Both easements are located within the 25' front building setback, where no structures or parking are permitted.

As discussed at last month's meeting, sidewalks are an integral part of the safety and connectivity for the subject property and adjacent areas, and a drawing has been submitted which shows a preliminary location for a sidewalk crossing in The Crossing subdivision to the south.

The sidewalk crossing to the south along with the proposed private sidewalk on Lot 3 will provide pedestrian options, where the original sidewalk requirement cannot be fulfilled.

## **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 remove the requirement for a sidewalk along the east side of Lighthouse Lane within Plymouth Avenue Professional Park, based upon the following and with the following conditions:

1. The existing installed design of Lighthouse Lane within Plymouth Avenue Professional Park precludes the placement of a sidewalk within the right of way on the east side of Lighthouse Lane and would require complete reconstruction of the existing roadway, which is not feasible.
2. A sidewalk crossing will be provided within The Crossing subdivision, and a pedestrian easement will be provided on Lot 3 for an optional private sidewalk, to provide pedestrian options.
3. PUD final site plans are required as part of the City's administrative site plan review, Technical Review, before a zoning clearance/building permit is issued for any individual lot.
4. All developmental requirements not varied by the major change shall be met.



**Engineering Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626  
engineering@goshencity.com • www.goshenindiana.org

February 3, 2022

City of Goshen  
Office of Planning & Zoning  
204 E. Jefferson Street  
Goshen, IN 46528

**RE: PLYMOUTH AVENUE PROFESSIONAL PARK PUD – MAJOR CHANGE AND  
SECONDARY SUBDIVISION APPROVAL  
(JN: 2015-2045)**

Dear Ms. Yoder:

In response to the audience's comments and the commission's tabling of the City's request for a PUD major change at the Plan Commission meeting on January 18, the City is withdrawing its request to exchange the landscape screening along the east property line with a 6-foot vinyl privacy fence.

Regarding the secondary subdivision approval request and the sidewalk along the east side of Lighthouse Lane, it is the Goshen Engineering Department's position the existing roadway drainage features prohibit the installation of a sidewalk in the right-of-way. As a compromise to a sidewalk in the right-of-way, the City proposes adding an 8-foot sidewalk easement behind the 8-foot right-of-way and utility easement. The City requests the sidewalk's construction within the easement be optional for the property owner. To demonstrate the City vision for the important sidewalk connection between the residential area to the south and the multi-use path along SR 119, see the attached exhibit. In the exhibit, it shows where the City would intend to have pedestrian's cross from the west side to the east side of the street at the future intersection.

Representatives will be present at the commission's meeting on February 15, 2022, to formally withdrawal the request for a major change to the PUD and answer any questions regarding the secondary subdivision approval request.

The City appreciates your time and effort as well as that of the Plan Commission.

Sincerely,  
**CITY OF GOSHEN**

*Dustin K. Sailor 2/03/22*

Dustin K. Sailor, P.E., CPESC  
Director of Public Works

cc: Crystal Welsh, Abonmarche Consulting  
Becky Hutsell, Goshen Redevelopment Commission

COPY

2006 OCT 19 P 2:34

**ORDINANCE 4371**

**ANNEXATION OF REAL ESTATE  
INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE  
PLYMOUTH AVENUE ANNEXATION AREA**

WHEREAS, at least one-eighth of the aggregate external boundaries of the real estate to be annexed into the City of Goshen are contiguous with the current city boundaries.

WHEREAS, the city can physically and financially provide the same municipal services to the area to be annexed as the city is now providing for the rest of the residents of the City of Goshen.

WHEREAS, it is beneficial to the City of Goshen to annex the real estate described in Section 1 and identified on the map attached as Exhibit A.

WHEREAS, a written fiscal plan has been adopted by resolution of the Common Council.

WHEREAS, a public hearing on the proposed annexation has been held before the Common Council, and notice of the hearing was published pursuant to Indiana Code 36-4-3-5.1.

WHEREAS, one hundred percent (100%) of the landowners within the area to be annexed have signed a petition to have the area annexed, and therefore, this annexation shall proceed under the provisions of Indiana Code 36-4-3-5.1.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that:

**Section 1. Description; Acreage**

1.01 The City does annex and incorporate into the City of Goshen the following real estate described as follows, to-wit:

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SEVENTEEN (17) TOWNSHIP THIRTY-SIX (36) NORTH, RANGE SIX (6) EAST, ELKHART COUNTY, INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION, THENCE SOUTH 89 DEGREES 06 MINUTES 44 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST

6  
21-  
CA

Box → Barnes, Kolbus, Rife



QUARTER AND THE CENTER OF STATE ROAD 119, A DISTANCE OF 855.37 FEET, TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO LARRY W. AND ESTHER MAE SHIRK AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 98 021249; THENCE SOUTH 00 DEGREES 13 MINUTES 16 SECONDS WEST ALONG THE EAST LINE OF SAID SHIRK PROPERTY, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 06 MINUTES 44 SECONDS (PARALLEL TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 17), A DISTANCE OF 461.06 FEET (SAID POINT BEING OFFSET 40.00 FEET FROM THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 17 AND 40.00 FEET FROM THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED TO STEVEN M. HAY AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 98 005069); THENCE SOUTH 00 DEGREES 27 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID HAY PARCEL, A DISTANCE OF 758.34 FEET; THENCE NORTH 89 DEGREES 06 MINUTES 11 SECONDS WEST, A DISTANCE OF 458.03 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 16 SECONDS EAST, A DISTANCE OF 288.46 FEET TO THE SOUTHEAST CORNER OF SAID SHIRK PROPERTY; THENCE CONTINUING ALONG THE SAME BEARING NORTH 00 DEGREES 13 MINUTES 16 SECONDS EAST ALONG THE EAST LINE OF SAID SHIRK PROPERTY, A DISTANCE OF 469.84 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION CONTAINING 8.00 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

- 1.02 The annexation area also includes any public highway and rights-of-way of the public highway that are contiguous to the previously described real estate to the extent required by Indiana Code 36-4-3-2.5.
- 1.03 The total acreage for the annexation area is eight (8) acres, more or less.

## **Section 2. Zoning**

The annexation area will be zoned as B-3 General Commercial District with a Planned Unit Development overlay with the following conditions:

- A. The zoning is based on the preliminary site plan for the Plymouth Avenue Professional Park submitted by DJ Construction dated May 31, 2006.
- B. The plan proposes professional office building limited to the following uses: Advertising Agencies; Accountants; Architects; Attorneys; Clinics (Medical and Dental); Day Care Centers; Engineering Consultants; Health Agencies; Health Care Facilities; Insurance Agencies; Interior Decorating Consultants; Offices, Business (not retail sales and service); Offices, Chiropractor; Offices, Counseling; Offices, Computer Services (not retail sales); Offices, Dental; Offices, Financial (no drive-in facilities); Offices, Investment (including Mortgage Brokers, Stocks and Bond Brokers, etc.); Offices, Medical (including Optometrists, Osteopaths, Physicians, Surgeons, Podiatrists, etc.); Offices, Organizational (Civic, Social, Service, Fraternal, Business, Labor, Religious); Offices, Professional (persons holding advanced degrees from accredited institutions); Offices, Semiprofessional (requiring special skills and education but not in the previous category); Offices, Real Estate; Personal Management Counselors; Photographic Studio; Public Relations; or any similar use not contemplate at this time.
- C. Offices shall have the appearance and character of a residential design. Therefore, all buildings shall have a pitched roof with a minimum pitch of 5:12.
- D. Offices will be a maximum of two stories with a maximum height of thirty-five feet (35').

- E. The front building and parking setback shall be twenty-five feet (25') from the new right-of-way and thirty-five feet (35') from Plymouth Avenue.
- F. The rear building and parking setback shall be twenty-five feet (25') from the property line.
- G. Buildings shall be limited in size to the following:
  - 1. One (1) building may be up to twelve thousand (12,000) square feet in area.
  - 2. One (1) building may be up to nine thousand (9,000) square feet in area.
  - 3. Balance of the buildings may each be up to six thousand (6,000) square feet in area.
- H. Required on-site parking will be located behind the front wall of the primary building as depicted on the approved preliminary site plan.
- I. All other developmental standards of the B-3 General Commercial District shall apply unless in conflict with the conditions of this section.
- J. Landscaping shall be required as follows:
  - 1. Street trees shall be planted within the public right-of-way every forty feet (40'). Deciduous trees shall be a minimum of two inches (2") in diameter at the time of planting and have a mature height of at least forty feet (40').
  - 2. Residential buffer yards (full screening) shall be required where the subject real estate abuts a residential zoning district or residential use. A minimum of four (4) coniferous trees shall be planted for every thirty feet (30') of the length of the lot line. Conifers shall be a minimum of six feet (6') in height at the time of planting.
  - 3. Foundation landscaping shall be required along the walls of the building facing any dedicated street. Foundation landscaping may consist of one (1) deciduous tree a minimum of two inches (2") in diameter at the time of planting for every fifty feet (50') of building length; one (1) ornamental tree a minimum of one and one-half inches (1½") in diameter at the time of planting for every thirty-five feet (35') of building length; or ten (10) shrubs a minimum height of eighteen inches (18") at the time of planting for every fifty feet (50') of building length.
- K. All solid waste containers and HVAC systems shall be appropriately screened.
- L. Access to Plymouth Avenue shall be submitted to INDOT, and approval is based upon INDOT's recommendations.
- M. The new north-south street may be permitted to terminate in a dead-end; however, after five (5) years from the date of the adoption of this ordinance, if no development has occurred south of the subject real estate, a cul-de-sac meeting the design standards of the City of Goshen shall be built by the developer at the developer's expense.
- N. Municipal water and sewer utilities shall be extended to the subject real estate meeting the design standards of the City of Goshen.
- O. Sidewalks five feet (5') in width shall be constructed along both sides of any right-of-way to be dedicated. Additionally, a continuation of the municipal pedestrian/bikeway shall be constructed along Plymouth Avenue. The exact location and construction requirements of the pedestrian/bikeway are to be determined in coordination with the existing pedestrian/bikeway extending from Clover Trails and approved by the Goshen Engineering Department.
- P. Identification signs shall be permitted as follows:
  - 1. One (1) identification sign for the subdivision development may be located on the subject real estate at the intersection of Plymouth Avenue and the new north-south road meeting all applicable zoning and traffic safety codes. The identification sign shall have no advertising but only the name of the subdivision. The sign may be up to eight feet (8') in height and no greater than thirty-two (32) square feet in area; or
  - 2. Two (2) identification signs for the subdivision development may be located on the subject real estate at the intersection of Plymouth Avenue and the new north-south

- road meeting all applicable zoning and traffic safety codes. The identification signs shall have no advertising but only the name of the subdivision. The signs may be up to eight (8') in height and no greater than sixteen (16) square feet in area.
- Q. Information signs for each individual lot may be provided. Each sign shall be of a monument style up to five feet (5') in height and no greater than fifteen (15) square feet in area.
- R. Any lighting for the parking lots shall be directed down and away from adjacent properties so that the lighting does not reflect or trespass onto the adjacent properties.
- S. A storm water drainage plan shall be approved by City Engineering before a building permit is issued.

**Section 3. Council District**

The real estate to be annexed will be assigned to Goshen City Council District Two (2).

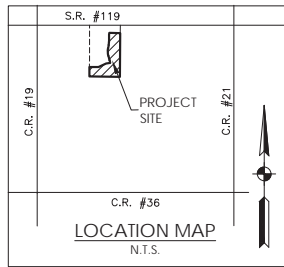
**Section 4. Effective Date of Annexation**

The effective date of the annexation of the real estate described in Section 1 shall be thirty (30) days after adoption of the ordinance and upon the filing and recording of the ordinance pursuant to Indiana Code 36-4-3-22(a).

**Section 5. Filing and Recording of Ordinance**

The Clerk-Treasurer of the City of Goshen is instructed to file this ordinance with the Auditor of Elkhart County, the Circuit Court Clerk of Elkhart County, the Board of Registration of Elkhart County, the Office of the Secretary of State, and the Office of Census Data established by Indiana Code 2-5-1.1-12, and to record this ordinance in the Office of the Elkhart County Recorder pursuant to Indiana Code 36-4-3-22.

(Continued on next page.)



# PRIMARY PLAN PLYMOUTH AVENUE PROFESSIONAL PARK SECOND ADDITION

A PLANNED UNIT DEVELOPMENT  
A PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP,  
CITY OF GOSHEN, ELKHART COUNTY, INDIANA.  
PUD MAJOR CHANGE

### GENERAL NOTES

**ZONING**  
THE CURRENT ZONING FOR THIS SITE IS "B-3" GENERAL COMMERCIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT (P.U.D.) OVERLAY.

**CURRENT USE**  
LOT 1 IS DEVELOPED AND CURRENTLY INCLUDES FAIRHAVEN OB/GYN INC. AND A VACANT BUILDING (FORMERLY THE BIRTHING CENTER) ON THE SOUTH END OF THE LOT.

PROPOSED LOTS 2 & 3 ARE VACANT UNDEVELOPED LAND.

**DENSITY**  
TOTAL PROJECT AREA = 158,858 S.F. OR ±3.647 ACRES  
AREA IN R/W = 12,251 S.F. OR ±0.281 ACRES  
AREA IN LOTS = 146,607 S.F. OR ±3.366 ACRES

**SANITARY SEWER AND WATER SUPPLY**  
EACH LOT SHALL BE SERVICED BY THE CITY OF GOSHEN MUNICIPAL SANITARY SEWER AND WATER.

**STREETS**  
THE EXTENSION OF LIGHTHOUSE LANE SHALL BE DESIGNED AND CONSTRUCTED TO THE CITY OF GOSHEN STANDARDS AND SPECIFICATIONS WITH THE EXCEPTION OF A SIDEWALK ALONG THE EAST SIDE. THIS SIDEWALK WILL NOT BE INSTALLED DUE TO EXISTING DRAINAGE FACILITIES IN PLACE FOR THE ROADWAY.

**CONTOURS**  
TOPOGRAPHIC MAPPING UNITS ARE MEASURED AND DISPLAYED IN ENGLISH UNITS (US SURVEY FEET HORIZONTALLY AND NAVD 1988 VERTICALLY).

**DATE OF DEVELOPMENT OF PROPOSED LOTS 2 & 3**  
NOT KNOWN AT THIS TIME.

**FLOOD NOTE**  
THIS PROJECT IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF ZONE X (AREAS NOT WITHIN THE 1% ANNUAL CHANCE FLOOD) BY THE HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO. 18039C02530, WITH A DATE OF IDENTIFICATION OF AUGUST 2, 2011.

**SOILS**  
THE SITE CONSISTS OF BbmA (BAUGO SILT LOAM, 0 TO 1 PERCENT SLOPES) AND BaaA (BAINTER SANDY LOAM, 0 TO 1 PERCENT SLOPES).

THE BAUGO SILT LOAM WITH 0-1 PERCENT SLOPES HAS SEVERE LIMITATIONS FOR DWELLINGS WITH OR WITHOUT BASEMENTS. THE SOIL HAS SEVERE LIMITATIONS FOR STREETS DUE TO FROST ACTION, LOW STRENGTH, AND WEENESS. THE SOIL HAS A PERMEABILITY RATE OF 0.06 INCHES PER HOUR AT A DEPTH OF 36"-80" AND 20.00 INCHES PER HOUR AT A DEPTH OF 36" TO 56". THE SEASONAL HIGH WATER TABLE IS LOCATED AT A DEPTH OF 0.5-2.0 FEET.

THE BAIINTER SANDY LOAM WITH 0-1 PERCENT SLOPES HAS SLIGHT LIMITATIONS FOR DWELLINGS WITH OR WITHOUT BASEMENTS. THE SOIL HAS MODERATE LIMITATIONS FOR STREETS DUE TO FROST ACTION. THE SOIL HAS A PERMEABILITY RATE OF 2.00 TO 6.00 INCHES PER HOUR AT A DEPTH OF 0-54" AND 20 INCHES PER HOUR AT A DEPTH OF 54"-80". THE SEASONAL HIGH WATER TABLE IS LOCATED AT A DEPTH OF GREATER THAN 6 FEET.

**BUILDING ELEVATIONS**  
NOT KNOWN AT THIS TIME. FUTURE BUILDING CONSTRUCTION SHALL BE REVIEWED BY THE CITY OF GOSHEN AS PART OF THE TECHNICAL REVIEW PROCESS AND BUILDING PERMIT PROCESS.

**DIMENSIONS**  
ALL DIMENSIONS SHOWN HEREON ARE APPROXIMATE AND MAY CHANGE WITH THE COMPUTATION OF THE FINAL PLAN.

**STORMWATER DRAINAGE**  
STORMWATER RUNOFF FROM THE EXTENSION OF LIGHTHOUSE LANE SHALL BE MANAGED BY NEW STORM SEWER THAT WILL INCLUDE CURB INLETS AND PIPING TO THE EXISTING RETENTION BASIN LOCATED ON THE NORTHEAST CORNER OF LIGHTHOUSE LANE AND PLYMOUTH AVENUE.

STORMWATER RUNOFF FROM EXISTING LOT 1 IS MANAGED ONSITE.

STORMWATER RUNOFF FROM PROPOSED LOTS 2 & 3 SHALL BE MANAGED ONSITE OR AS ALLOWED AND APPROVED BY THE CITY OF GOSHEN.

**EROSION CONTROL**  
AN EROSION CONTROL AND POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN IS REQUIRED FOR DEVELOPMENT OF PROPOSED LOTS 2 & 3. THESE PLANS SHALL BE PREPARED AND SUBMITTED TO THE CITY OF GOSHEN FOR APPROVAL PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT ON THESE PROPOSED LOTS.

### PUD MAJOR CHANGE REQUEST

1. ESTABLISH AN 8'-FOOT SIDEWALK EASEMENT BEHIND THE 8'-FOOT ROADWAY, UTILITIES AND DRAINAGE EASEMENT WITHIN THE FRONT BUILDING SETBACK OF THE PROPOSED LOT 3, TO ALLOW FOR THE CONSTRUCTION OF A PRIVATE SIDEWALK AT THE PROPERTY OWNER'S DISCRETION IN LIEU OF THE ORIGINAL REQUIRED SIDEWALK ALONG THE EAST SIDE OF LIGHTHOUSE LANE.

### LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH 89 DEGREES 07 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 17 AND ALONG STATE ROAD NUMBER 119, A DISTANCE OF 855.37 FEET TO THE NORTHWEST CORNER OF THE PLAT OF PLYMOUTH AVENUE PROFESSIONAL PARK, SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN PLAT BOOK 31, PAGE 81; THENCE SOUTH 00 DEGREES 13 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 456.65 FEET TO A 3/4 INCH REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING THE SOUTHWEST CORNER OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 47 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 127.22 FEET TO A REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING A SOUTHERLY CORNER OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK; THENCE NORTH 81 DEGREES 55 MINUTES 28 SECONDS EAST ALONG THE SOUTH LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 135.00 FEET TO A 3/4 INCH REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING A SOUTHERLY CORNER OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK; THENCE NORTH 85 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 127.22 FEET TO A REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING A SOUTHERLY CORNER OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK; THENCE NORTH 81 DEGREES 55 MINUTES 28 SECONDS EAST ALONG THE SOUTH LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 60.00 FEET TO A REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING THE SOUTHWEST CORNER OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK; THENCE NORTH 85 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 364.00 FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE WEST, BEING ALONG THE EAST LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 41.13 FEET (CHORD BEARING NORTH 11 DEGREES 18 MINUTES 46 SECONDS WEST, CHORD DISTANCE 41.11 FEET) TO REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 14 DEGREES 33 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 67.65 FEET TO A REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING THE POINT OF CURVATURE OF A 266.00 FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE BEING ALONG THE EAST LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 115.15 FEET) TO A REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 10 DEGREES 27 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 48.78 FEET TO A REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING THE POINT OF CURVATURE OF A 272.00 FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE BEING ALONG THE EAST LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 47.47 FEET (CHORD BEARING NORTH 05 DEGREES 27 MINUTES 00 SECONDS EAST, CHORD DISTANCE 47.41 FEET) TO A REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 00 DEGREES 27 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 111.34 FEET TO A 3/4 INCH REBAR WITH CAP STAMPED BRADS-KO 0041; THENCE NORTH 08 DEGREES 02 MINUTES 41 SECONDS EAST ALONG THE EAST LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK, A DISTANCE OF 23.89 FEET TO A REBAR WITH CAP STAMPED BRADS-KO 0041 MARKING THE SOUTHWEST CORNER OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK FIRST ADDITION, SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN PLAT BOOK 36, PAGE 15; THENCE SOUTH 89 DEGREES 07 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF THE PLAT OF SAID PLYMOUTH AVENUE PROFESSIONAL PARK FIRST ADDITION, A DISTANCE OF 164.50 FEET TO A POINT ON THE WEST LINE OF THE PLAT OF THE VILLAGES OF PARK MEADOWS AT CLOVER TRAILS, SECTION 2, SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN PLAT BOOK 31, PAGE 35; THENCE SOUTH 00 DEGREES 27 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE PLAT OF SAID THE VILLAGES OF PARK MEADOWS AT CLOVER TRAILS, SECTION 2, A DISTANCE OF 658.33 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO THE CROSSING DEVELOPMENT LLC AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NO. 2019-09189; THENCE NORTH 89 DEGREES 06 MINUTES 27 SECONDS WEST ALONG THE NORTH LINE OF SAID THE CROSSING DEVELOPMENT LLC PARCEL, A DISTANCE OF 458.18 FEET TO A CORNER OF SAID THE CROSSING DEVELOPMENT LLC PARCEL; THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS EAST ALONG AN EAST LINE OF SAID THE CROSSING DEVELOPMENT LLC PARCEL, A DISTANCE OF 141.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION CONTAINING 3.647 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

### LEGEND

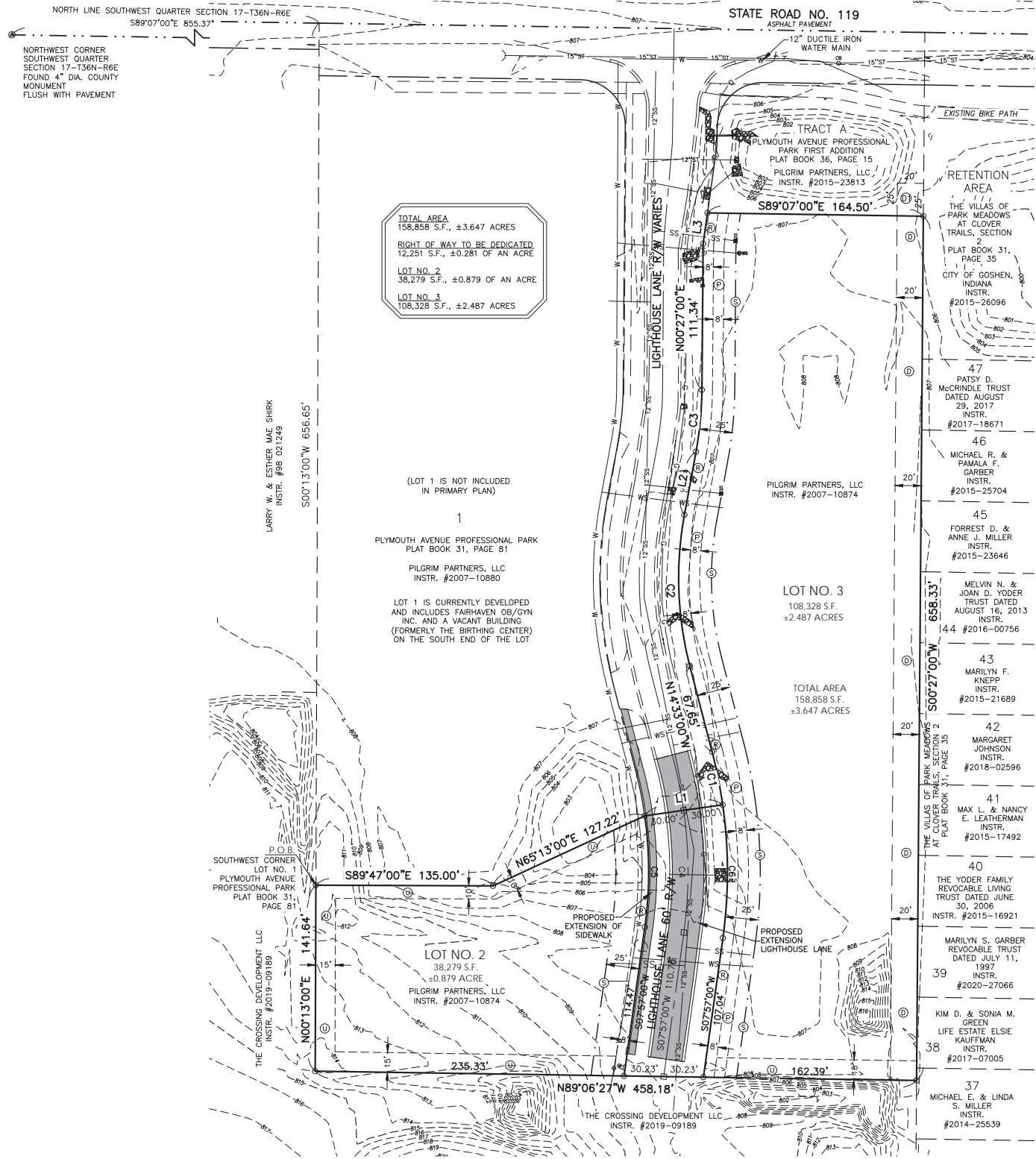
- ⊖ - 25' MINIMUM BUILDING SETBACK LINE
- Ⓜ - 8' ROADWAY, UTILITIES & DRAINAGE EASEMENT
- Ⓧ - DRAINAGE EASEMENT AT DISTANCES INDICATED
- Ⓨ - DRAINAGE EASEMENT AT DISTANCES INDICATED, DEDICATED BY OWNERS OF RECORD OF THIS PLAT WHO ARE ALSO THE OWNERS OF RECORD OF ADJOINING TRACT A OF THE PLYMOUTH PROFESSIONAL PARK FIRST ADDITION
- Ⓩ - UTILITY EASEMENT AT DISTANCES INDICATED
- ⓐ - 8' PEDESTRIAN ACCESS EASEMENT
- ⓑ - SET 5/8" REBAR WITH CAP MARKED ABONMARCHÉ 0050
- ⓓ - SET MAG NAIL
- W — WATER LINE
- Ⓦ — WS — WATER SERVICE VALVE
- WS — WATER SERVICE LINE
- SS — SANITARY SERVICE CONNECTION
- SS — SANITARY SERVICE LINE
- G — GAS LINE
- RIPRAP

**LINE DATA**

NUMBER	DIRECTION	DISTANCE
L1	N81°55'28"E	60.00'
L2	N10°27'00"E	43.78'
L3	N06°02'41"E	23.69'

**CURVE TABLE**

NUMBER	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD DIRECTION	CHORD DISTANCE
C1	364.00'	41.13'	06°28'28"	20.59'	N11°18'46"W	41.11'
C2	266.00'	116.06'	25°00'00"	58.97'	N02°03'00"W	115.15'
C3	272.00'	47.47'	10°00'00"	23.80'	N05°27'00"E	47.41'
C4	334.00'	93.42'	16°01'32"	47.02'	N00°03'46"W	93.12'
C5	304.00'	85.03'	16°01'32"	42.79'	N00°03'46"W	84.75'
C6	364.00'	101.81'	16°01'32"	51.24'	S00°03'46"E	101.46'



TOTAL AREA  
158,858 S.F., ±3.647 ACRES  
RIGHT OF WAY TO BE DEDICATED  
12,251 S.F., ±0.281 OF AN ACRE  
LOT NO. 2  
38,279 S.F., ±0.879 OF AN ACRE  
LOT NO. 3  
108,328 S.F., ±2.487 ACRES

(LOT 1 IS NOT INCLUDED  
IN PRIMARY PLAN)

PLYMOUTH AVENUE PROFESSIONAL PARK  
PLAT BOOK 31, PAGE 81

PILGRIM PARTNERS, LLC  
INSTR. #2007-10880

LOT 1 IS CURRENTLY DEVELOPED  
AND INCLUDES FAIRHAVEN OB/GYN  
INC. AND A VACANT BUILDING  
(FORMERLY THE BIRTHING CENTER)  
ON THE SOUTH END OF THE LOT

LOT NO. 3  
108,328 S.F.  
±2.487 ACRES

TOTAL AREA  
158,858 S.F.  
±3.647 ACRES

47  
PATSY D.  
MCCRINDLE TRUST  
DATED AUGUST  
29, 2017  
INSTR.  
#2017-18671

46  
MICHAEL R. &  
PAMALA F.  
GARBER  
INSTR.  
#2015-25704

45  
FORREST D. &  
ANNE J. MILLER  
INSTR.  
#2015-23646

44  
MELVIN N. &  
JOAN D. YODER  
TRUST DATED  
AUGUST 16, 2013  
INSTR.  
#2016-00756

43  
MARILYN F.  
KNEPP  
INSTR.  
#2015-21689

42  
MARGARET  
JOHNSON  
INSTR.  
#2018-02596

41  
MAX L. & NANCY  
E. LEATHERMAN  
INSTR.  
#2015-17492

40  
THE YODER FAMILY  
REVOCABLE LIVING  
TRUST DATED JUNE  
30, 2006  
INSTR. #2015-16921

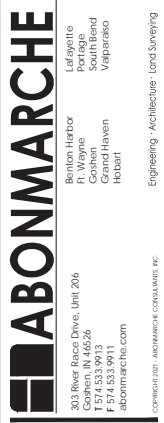
39  
MARILYN S. GARBER  
REVOCABLE TRUST  
DATED JULY 11,  
1997  
INSTR.  
#2020-27066

38  
KIM D. & SONIA M.  
GREEN  
LIFE ESTATE ELSIE  
KAUSTMAN  
INSTR.  
#2017-07005

37  
MICHAEL E. & LINDA  
S. MILLER  
INSTR.  
#2014-25539

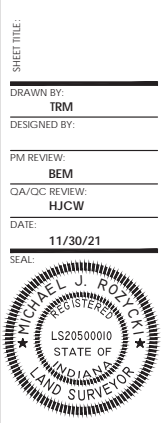
OWNER/DEVELOPER  
PILGRIM PARTNERS, LLC  
1111 LIGHTHOUSE LANE  
GOSHEN, IN 46526

PREPARED BY  
ABONMARCHÉ CONSULTANTS, INC.  
303 RIVER RACE DRIVE, UNIT 206  
GOSHEN, IN 46526  
PHONE: (574) 533-9913  
FAX: (574) 533-9911



PROJECT:  
**PLYMOUTH AVENUE PROFESSIONAL  
PARK SECOND ADDITION**

PRIMARY PLAN



SIGNATURE:  
DATE:

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.

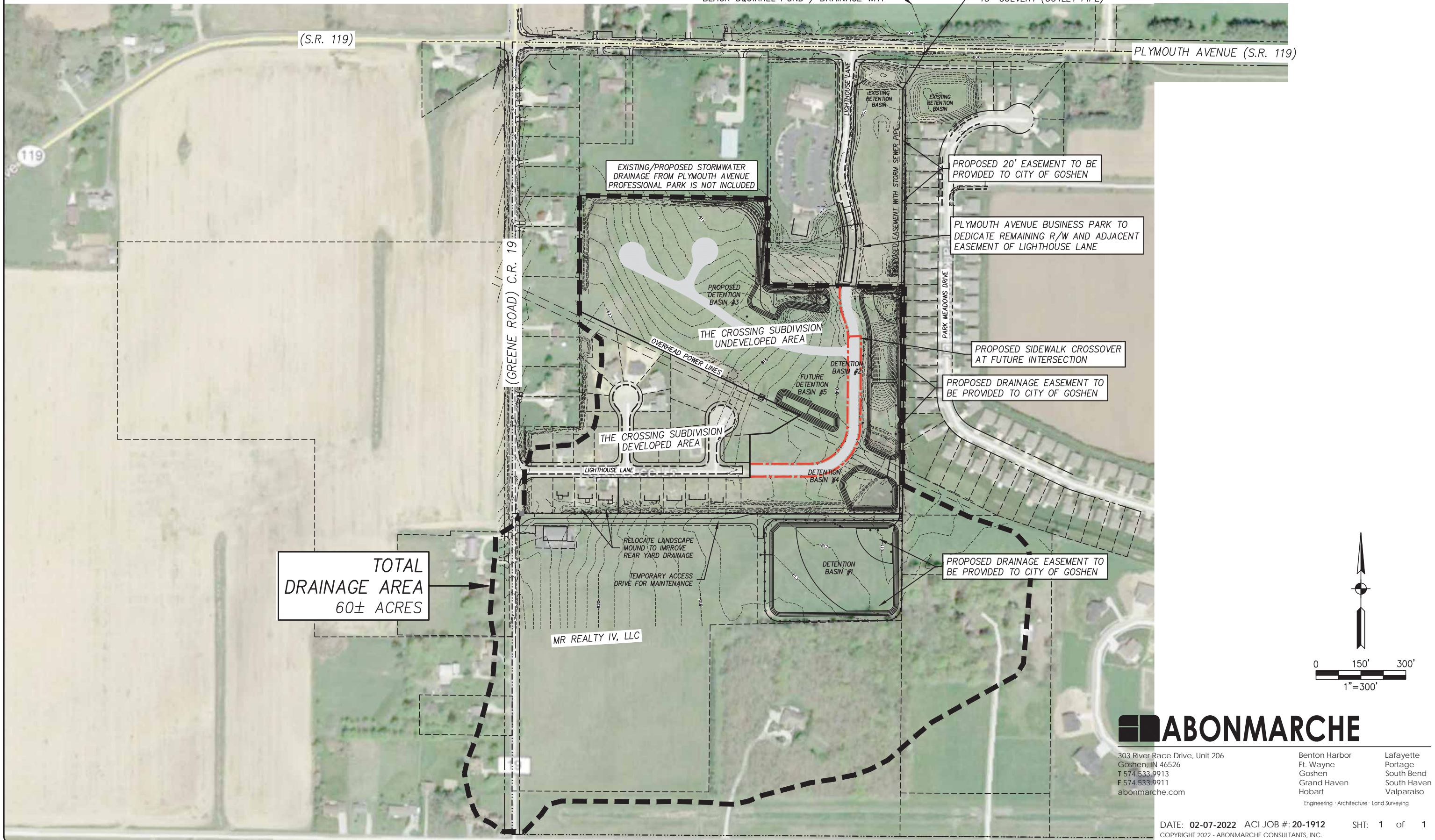
SCALE:  
HORZ: 1" = 50'  
VERT:  
ACI JOB #  
**20-1912**  
SHEET NO.



# PROJECT AREA MAP

EXISTING 15" PIPE BELOW GRADE TO  
BLACK SQUIRREL POND / DRAINAGE WAY

DISCHARGE INTO EXISTING  
15" CULVERT (OUTLET PIPE)



**TOTAL  
DRAINAGE AREA  
60± ACRES**

EXISTING/PROPOSED STORMWATER  
DRAINAGE FROM PLYMOUTH AVENUE  
PROFESSIONAL PARK IS NOT INCLUDED

PROPOSED 20' EASEMENT TO BE  
PROVIDED TO CITY OF GOSHEN

PLYMOUTH AVENUE BUSINESS PARK TO  
DEDICATE REMAINING R/W AND ADJACENT  
EASEMENT OF LIGHTHOUSE LANE

PROPOSED SIDEWALK CROSSOVER  
AT FUTURE INTERSECTION

PROPOSED DRAINAGE EASEMENT TO  
BE PROVIDED TO CITY OF GOSHEN

PROPOSED DRAINAGE EASEMENT TO  
BE PROVIDED TO CITY OF GOSHEN

THE CROSSING SUBDIVISION  
UNDEVELOPED AREA

THE CROSSING SUBDIVISION  
DEVELOPED AREA

(GREENE ROAD) C.R. 19

PLYMOUTH AVENUE (S.R. 119)

(S.R. 119)

MR REALTY IV, LLC

RELOCATE LANDSCAPE  
MOUND TO IMPROVE  
REAR YARD DRAINAGE

TEMPORARY ACCESS  
DRIVE FOR MAINTENANCE

OVERHEAD POWER LINES

DETENTION  
BASIN #2

FUTURE  
DETENTION  
BASIN #5

DETENTION  
BASIN #1

LIGHTHOUSE LANE

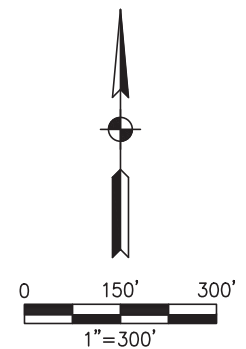
PARK MEADOWS DRIVE

LIGHTHOUSE LANE

EXISTING  
RETENTION  
BASIN

EXISTING  
RETENTION  
BASIN

PROPOSED EASEMENT WITH STORM SEWER PIPE



**ABONMARCHE**

303 River Race Drive, Unit 206  
Goshen, IN 46526  
T 574.533.9913  
F 574.533.9911  
abonmarche.com

Benton Harbor  
Ft. Wayne  
Goshen  
Grand Haven  
Hobart  
Lafayette  
Portage  
South Bend  
South Haven  
Valparaiso

Engineering · Architecture · Land Surveying

O:\Projects\2020-20-1912 City of Goshen-Crossing Stormwater Drainage System Design\CAD\Civil Drawings\Exhibit\PUID Major Change\20-1912 Crossing Drainage Project Area Map 2022-02-07.dwg, 2/7/2022 11:11:16 AM, kgosk, ANSI full bleed B (11.00 x 17.00 Inches), 1:1

**To:** Goshen City Plan Commission/Goshen Common Council  
**From:** Rhonda L. Yoder, Planning & Zoning Administrator  
**Subject:** 22-01MA, PUD Major Change  
*Plymouth Avenue Professional Park PUD (public hearing)*  
**Date:** January 18, 2022

## **ANALYSIS**

Pilgrim Partners, LLC, City of Goshen, and Abonmarche request a PUD major change for Plymouth Avenue Professional Park PUD to allow a 6' vinyl privacy fence in lieu of landscaping screening along a portion of the east property line and to remove the requirement for a sidewalk along the east side of Lighthouse Lane, and secondary subdivision approval for Plymouth Avenue Professional Park Second Addition, to plat two commercial lots, dedicate the remainder of the right of way for Lighthouse Lane, establish new drainage easements, and remove the requirement for a sidewalk along the east side of Lighthouse Lane. The subject property is Plymouth Avenue Professional Park PUD, zoned Commercial B-3PUD (Planned Unit Development), and generally located south of Plymouth Avenue, east of Greene Road.

Plymouth Avenue Professional Park PUD was established October 3, 2006, by Ordinance 4371. The preliminary plan included seven lots along both sides of a new street (Lighthouse Lane) extending south from Plymouth Avenue. Uses are limited by the PUD to offices and related non-retail uses. The associated primary subdivision was approved by the Plan Commission on June 20, 2006, at the time the preliminary PUD was reviewed.

Since the original approvals in 2006, two secondary subdivision phases have been approved and recorded, Plymouth Avenue Professional Park (Lot 1 and a portion of the Lighthouse Lane right of way) and Plymouth Avenue Professional Park First Addition (Tract A). PUD final site plan approval for Lot 1 was granted by the Plan Commission on March 20, 2007, and two medical office buildings were constructed.

### **Major Change to Plymouth Avenue Professional Park PUD – Plan Commission Recommendation to Council**

The current petition seeks approval to allow a 6' vinyl privacy fence in lieu of landscaping screening along a portion of the east property line and to remove the requirement for a sidewalk along the east side of Lighthouse Lane. Both of these are requirements of Ordinance 4371, and the sidewalk is also required by the subdivision approval, and was required as part of the annexation agreement.

According to Goshen Zoning Ordinance (ZO) Section 4250.9, PUD major changes include those which change the use or character of the development, which applies when conditions of the PUD ordinance are modified.

The 6' vinyl privacy fence in lieu of landscaping screening along a portion of the east property line is proposed where a drainage easement and underground stormwater pipe are proposed to implement changes to the overall subdivision drainage plans for the subject property and for The Crossing subdivision to the south. The proposed fence will provide screening for the adjacent residential uses to the east with minimal impact to the drainage plan, where trees would negatively impact the underground stormwater pipe (see Goshen Engineering letter enclosed).

The sidewalk along both sides of Lighthouse Lane is an integral part of the safety and connectivity for the subject property, The Crossing subdivision to the south, and the major bicycle/pedestrian path along the south side of Plymouth Avenue. Lighthouse Lane will be extended south and connect the subject property with The Crossing subdivision, which is a residential subdivision that also requires sidewalks along both sides of all public streets. There are no sidewalks along Greene Road south of Plymouth Avenue, so Lighthouse Lane when extended will be an important pedestrian connector with Plymouth Avenue and leading to three area schools (junior high, intermediate and Model elementary). Sidewalks on both sides of the street provide the safest environment for pedestrians, as the design itself should ensure safety and not be left to behavior of individuals when they must walk in the street or cross the street to get to a sidewalk.

The PUD and subdivision regulations both require accommodation for pedestrian connections, and the Comprehensive Plan places a high priority on sidewalks, safety, and connectivity, including Goals N-6: Encourage compact and connected residential development, T-2: Plan for the provision of Complete Streets, T-3: Provide safe and attractive sidewalks, and



T-4: Increase pedestrian/biking options and make walking/biking a Goshen priority and proud community asset (copies enclosed).

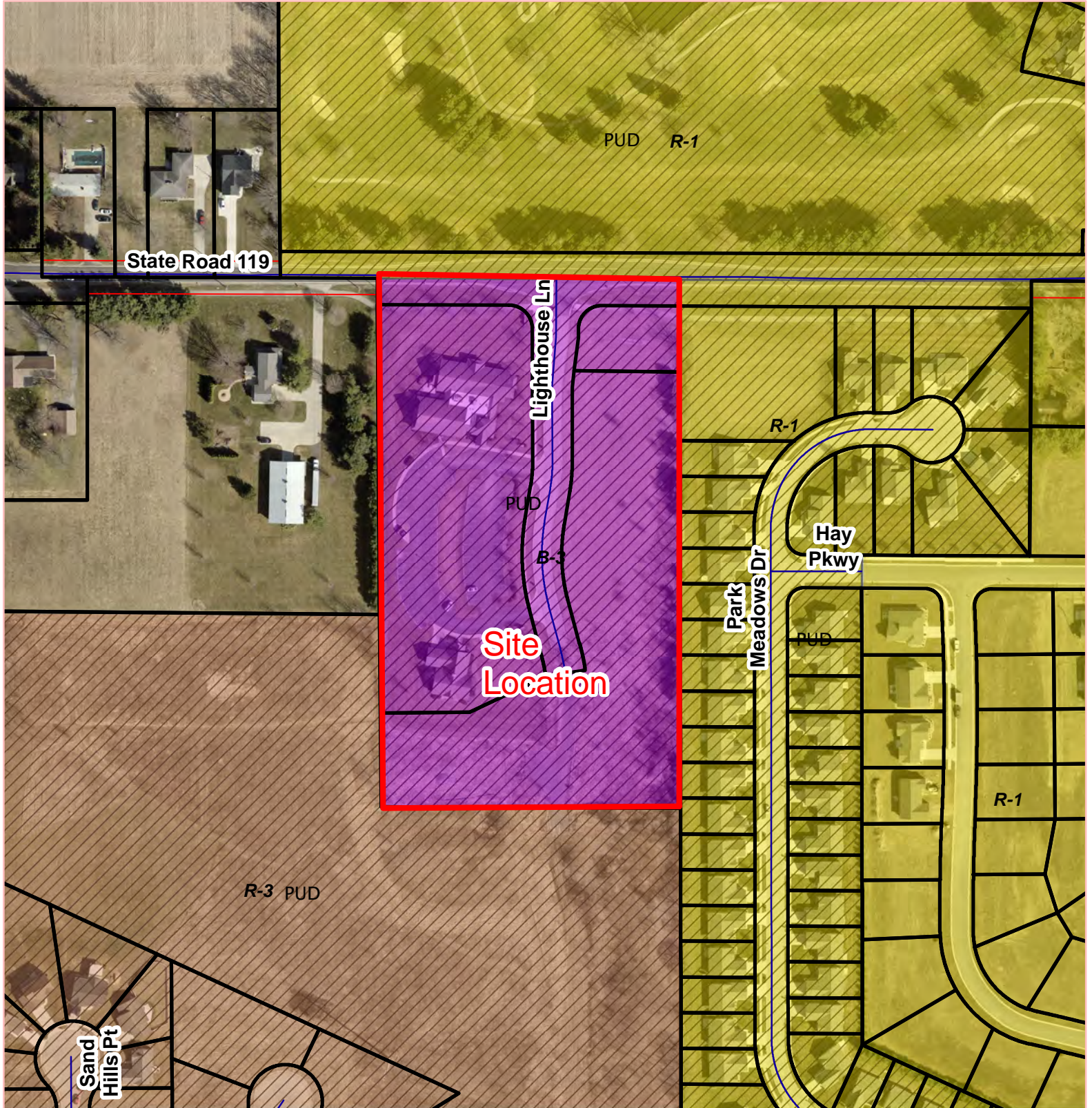
## **RECOMMENDATIONS**

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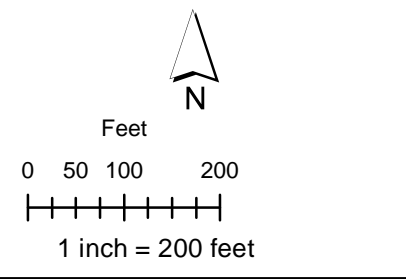
Based upon the following, and with the following conditions, Staff recommends the Plan Commission:

- Forward a favorable recommendation to the Goshen Common Council, and the Goshen Common Council approve *the portion of* the major change to allow a 6' vinyl privacy fence in lieu of landscaping screening along a portion of the east property line, and
  - The Plan Commission forward an unfavorable recommendation to the Goshen Common Council, and the Goshen Common Council deny *the portion of* the major change requesting removal of the requirement for a sidewalk along the east side of Lighthouse Lane.
1. The fence in lieu of landscaping screening is required to maintain the integrity of the underground stormwater pipe.
  2. The proposed fence will provide screening for the adjacent residential uses to the east, meeting the purpose of the original PUD requirement.
  3. Removing the requirement for the sidewalk along the east side of Lighthouse Lane will adversely impact the subject property and the neighborhood safety and connectivity, as the sidewalk along both sides of Lighthouse Lane provides the safest environment for pedestrians and is an integral part of the connectivity for the subject property, The Crossing subdivision to the south, and the major bicycle/pedestrian path along the south side of Plymouth Avenue, which leads to three schools.
  4. PUD final site plans are required as part of the City's administrative site plan review, Technical Review, before a zoning clearance/building permit is issued for any individual lot.
  5. All developmental requirements not varied by the major change shall be met.





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.



### Plymouth Avenue Professional Park PUD

2021 Aerial  
Printed December 14, 2021

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





Photo by: Branden Beachy

3. Provide information to neighborhood associations about the resources available to address instances of neighbor to neighbor conflict and the process to report cases of alleged discrimination
4. Support neighborhood improvement efforts that require intentional community engagement (e.g., public arts, neighborhood gardens, clean-up efforts, neighborhood boards and other initiatives)
5. Provide opportunities for neighborhood associations to connect with community-wide initiatives
5. Explore the possibility of a city orchard and planting of fruit trees
6. Work collaboratively with neighboring jurisdictions to conserve agricultural land
7. Encourage businesses, programs and uses that support local food production

### **N-5: Support the development of local food systems**

Locally grown foods are produced in close proximity to consumers in both geographic distance and supply chain. Though there is no standard definition of a local geographic range, this can encompass sources from backyards and community gardens to farms within the region or state. The development of local food systems provides positive social, environmental and economic impacts for the community.

1. Promote community gardens
2. Encourage neighborhood associations to develop community gardens
3. Raise awareness of Purdue Extension resources, county and state initiatives and other organizations that support local food systems
4. Encourage the integration of edible landscaping

### **N-6: Encourage compact and connected residential development**

Goshen will encourage new and infill residential development that uses land efficiently. The City will work to improve connectivity in existing neighborhoods and newly-developed neighborhoods.

1. Promote and encourage resident and business participation in the City's sidewalk program
2. Promote mixed-use residential and commercial development
3. Combine development decisions with planning strategies for transportation, community services and utility capacity
4. Promote infill residential development when feasible
5. Identify strategies to encourage increased density in select districts
6. Identify opportunities for connections and expansion in residential neighborhoods of the Maple City Greenway trail network
7. Plan development that improves safety, promotes active lifestyles and enhances quality of life

# Transportation ■ ■ ■ ■ ■

## VISION

The City’s transportation network will be designed to meet the needs of residents, businesses and visitors, providing for safe, convenient and efficient travel. Goshen will provide accessible, economically viable and environmentally sound multi-modal transportation options.

## GOALS & OBJECTIVES

### T-1: Provide a highly connected network of safe and efficient streets

A well-designed, highly-connected street network helps reduce the volume of traffic and traffic delays on major streets (arterials and major collectors) and improves livability in communities by providing parallel routes and alternative route choices. By increasing the number of street connections or local street intersections in communities, bicycle, pedestrian and transit travel are enhanced.

1. Evaluate the adequacy of existing roads before constructing new roads
2. Optimize existing traffic signals and remove signals where no longer warranted
3. Minimize curb cuts in existing and new development
4. Design new streets to complement existing neighborhoods and duplicate core city grid patterns when possible
5. Promote mixed-use development to reduce the length and total number of vehicular trips
6. Identify high risk streets and intersections and develop strategies for improving safety
7. Use traffic calming strategies to reduce speed and increase safety in residential areas
8. Evaluate the need for designated truck routes
9. Maintain streets in good condition
10. Incorporate roundabouts at appropriate intersections

### T-2: Plan for the provision of Complete Streets

Complete Streets are streets that are designed and operated with all users in mind, including motorists, buggy traffic, pedestrians, bicyclists, and public transit riders of all ages and abilities. Streets that serve multiple functions are characterized by design and operational features that accommodate travel, social interaction, and commerce. Complete streets serving multiple functions describes a street network that safely

## What are Complete Streets?

Complete Streets are streets for everyone. They are designed and operated to enable safe access for all users. People of all ages and abilities are able to safely move along and across streets in a community, regardless of how they are traveling. Complete Streets make it easy to cross the street, walk to shops and bicycle to work.

There is no singular design prescription for Complete Streets; each street is unique and responds to its community context. Roadways that are planned and designed using a Complete Streets approach may include: sidewalks, bicycle lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, and more.

A “complete” street in a rural area will look quite different from a “complete” street in a highly urban area, but both are designed to balance safety and convenience for everyone using the road.

Source: Smart Growth America



and conveniently accommodates all users and desired functions, yet this does not mean that all modes or functions will be equally prioritized on any given street segment.

1. Evaluate and amend ordinances to include multi-modal transportation options in new development
2. Make accommodations for horse-drawn and other slower traffic when designing roads and intersections
3. Include bicycle lanes and sidewalks in the construction or modification of roadways where possible

## Complete Street Examples



Source: Smart Growth America

### T-3: Provide safe and attractive sidewalks

Sidewalks provide many community-wide benefits, including health, economic, safety, environmental and increased mobility. Research has shown that people with access to sidewalks are more likely to walk, increasing physical activity and providing public health benefits. Sidewalks improve access to businesses, industry and commercial areas for employees and customers who do not have automobile access. Residents who take short trips on foot instead of by automobile reduce carbon emissions. The presence of sidewalks helps enhance the sense of community by providing better connectivity throughout the City.

1. Continue to maintain a citywide sidewalk inventory
2. Encourage participation in the sidewalk maintenance program
3. Work with neighborhood associations to identify critical areas for new sidewalks and repair of existing sidewalks
4. Work to meet ADA requirements at intersections that are not compliant
5. Include sidewalks in the construction or modification of roadways
6. Amend the Subdivision Ordinance to require sidewalks in new subdivisions

#### **T-4: Increase pedestrian/biking options and make walking/biking a Goshen priority and proud community asset**

The Maple City Greenway provides a network of bicycle and pedestrian trails throughout Goshen, linking residential areas, parks, schools, public services and the downtown. Goshen will continue to leverage opportunities for adding sidewalks and bicycle trails in new development, redevelopment and roadway reconfigurations. The City will work to ensure that pedestrians and cyclists have the necessary resources, such as bicycle racks, maps and wayfinding signage to safely and effectively travel throughout the community.

1. Improve pedestrian safety with countdown stoplights, bulbouts, landscaping, delineated crossings and traffic calming measures
2. Continue to work with the Goshen School Corporation on Safe Routes to Schools (SRTS) and other programs to encourage walking/biking to school
3. Encourage pedestrian-oriented design (e.g., storefronts, facades, signage)
4. Include bicycle lanes and sidewalks in the construction or modification of roadways where possible
5. Include bicycle and pedestrian transportation when planning new development

6. Create connecting paths between existing and proposed bicycle paths
7. Regularly update the City's comprehensive bicycle transportation plan
8. Ensure that there are marked, safe routes for cyclists to major destinations throughout the City
9. Ensure adequate bicycle racks in public places and businesses
10. Educate citizens on safe cycling practices
11. Provide route maps online and at bicycle shops, park facilities, and other public places
12. Implement a wayfinding system to improve connections to neighboring jurisdictions



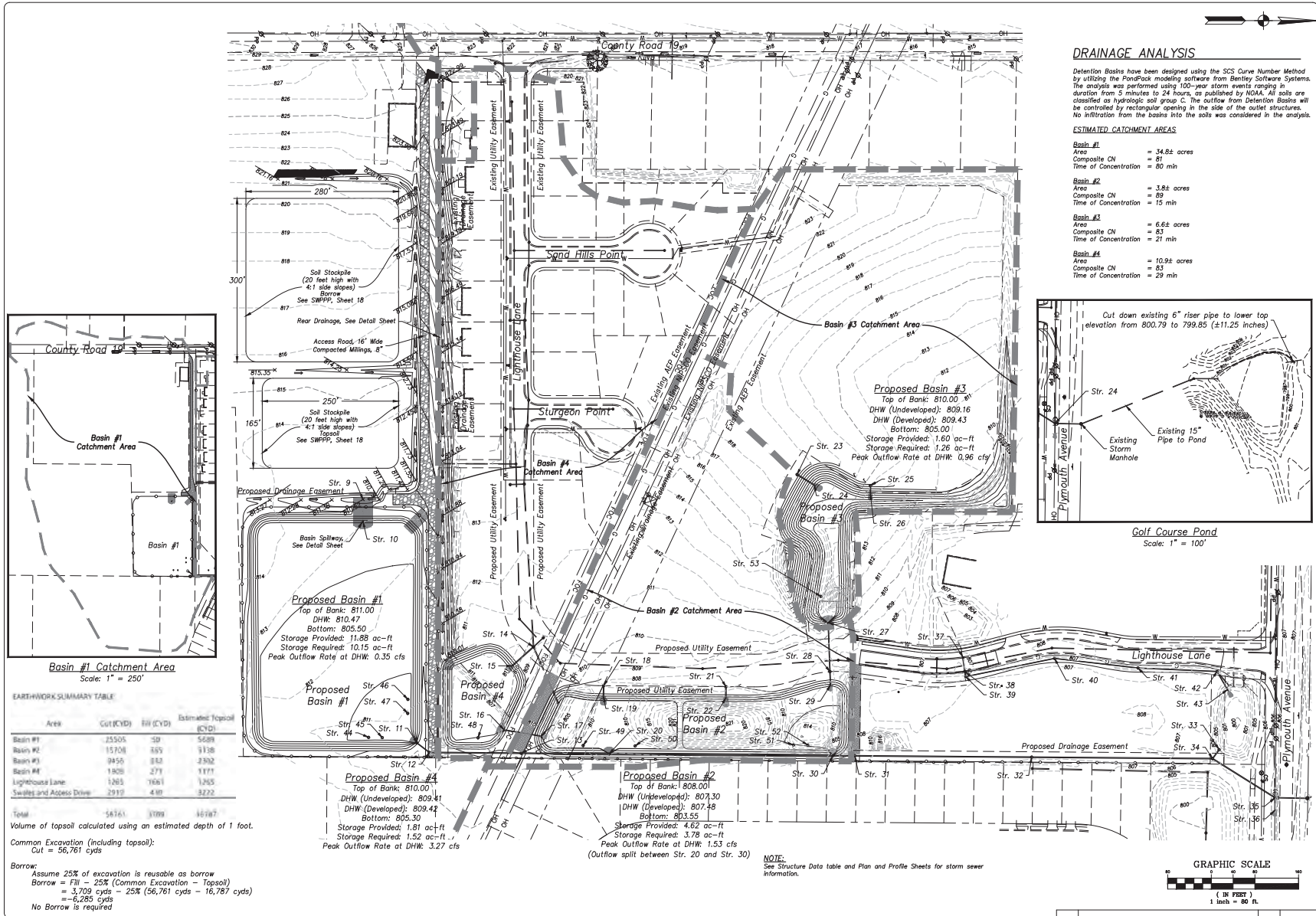
Photo from City of Goshen

#### **T-5: Expand and promote safe public transportation**

Public transportation consists of a variety of transportation modes, including buses, trolleys, van pool services, para-transit for seniors and people with disabilities. Public transportation increases residents' mobility in the community, reduces congestion, provides economic opportunities, and reduces fuel and carbon emissions. Many Goshen residents depend on public transportation for access to employment centers, commercial districts and public services.

1. Work with schools, employers and businesses to identify public transportation needs and opportunities
2. Collaborate with MACOG to expand safe public transportation opportunities



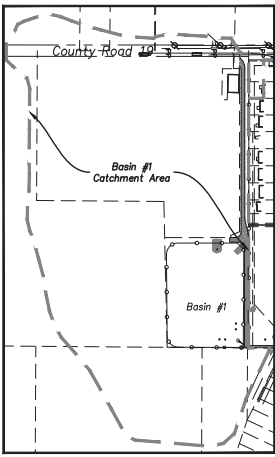
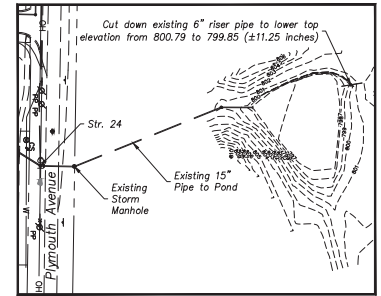


**DRAINAGE ANALYSIS**

Detention Basins have been designed using the SCS Curve Number Method by utilizing the PondPack modeling software from Bentley Software Systems. The analysis was performed using 100-year storm events ranging in duration from 5 minutes to 24 hours, as published by NOAA. All soils are classified as hydrologic soil group C. The outflow from Detention Basins will be controlled by rectangular opening in the side of the outlet structures. No infiltration from the basins into the soils was considered in the analysis.

**ESTIMATED CATCHMENT AREAS**

- Basin #1**  
Area = 34.82 acres  
Composite CN = 81  
Time of Concentration = 80 min
- Basin #2**  
Area = 3.84 acres  
Composite CN = 89  
Time of Concentration = 15 min
- Basin #3**  
Area = 6.62 acres  
Composite CN = 83  
Time of Concentration = 21 min
- Basin #4**  
Area = 10.92 acres  
Composite CN = 83  
Time of Concentration = 29 min



**Basin #1 Catchment Area**  
Scale: 1" = 250'

**EARTHWORK SUMMARY TABLE**

Area	Cut (CYD)	Fill (CYD)	Estimated Topsoil (CYD)
Basin #1	25505	50	5689
Basin #2	15708	655	9138
Basin #3	9450	852	2302
Basin #4	1928	271	1171
Lighthouse Lane	1265	7661	1265
Swales and Access Drives	2919	499	2272
<b>Total</b>	<b>54765</b>	<b>3788</b>	<b>16767</b>

Volume of topsoil including an estimated depth of 1 foot.

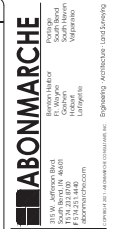
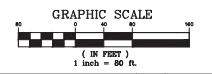
Common Excavation (including topsoil):  
Cut = 56,761 cyds

Borrow:  
Assume 25% of excavation is reusable as borrow  
Borrow = Fill - 25% (Common Excavation - Topsoil)  
= 3,709 cyds - 25% (56,761 cyds - 16,787 cyds)  
= 6,283 cyds  
No Borrow is required

**Proposed Basin #4**  
Top of Bank: 810.00  
DHW (Undeveloped): 809.41  
DHW (Developed): 809.42  
Bottom: 805.30  
Storage Provided: 1.81 ac-ft  
Storage Required: 1.52 ac-ft  
Peak Outflow Rate at DHW: 3.27 cfs

**Proposed Basin #2**  
Top of Bank: 808.00  
DHW (Undeveloped): 807.30  
DHW (Developed): 807.48  
Bottom: 803.55  
Storage Provided: 4.62 ac-ft  
Storage Required: 3.78 ac-ft  
Peak Outflow Rate at DHW: 1.53 cfs  
(Outflow split between Str. 20 and Str. 30)

**NOTE:**  
See Structure Data Table and Plan and Profile Sheets for storm sewer information.



**WEST GOSHEN -  
CROSSING SUBDIVISION  
DRAINAGE IMPROVEMENT**  
CITY PROJECT NO. 2020-0033

**DRAINAGE PLAN**

DATE: 11-18-2021



DATE: 11-18-2021

HORIZ: 1"=80'

VERT: 1"=10'

PROJECT # 20-1912

SHEET NO. 4 of 51





**Department of Community Development  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 2 • Goshen, IN 46528-3405

Phone (574) 537-3824 • Fax (574) 533-8626 • TDD (574) 534-3185  
communitydevelopment@goshencity.com • www.goshenindiana.org

## Memorandum

---

To: Goshen City Council

From: Becky Hutsell, Redevelopment Director

Date: March 7, 2022

RE: Request to Approve a Development Agreement with Greenwood Rental Properties, LLC

---

We are requesting the Council's approval of a Development Agreement with Greenwood Properties. The project includes construction of a sixty (60) unit, market rate, multi-family housing development at the northeast corner of Plymouth Avenue and Indiana Avenue. Per the agreement, the City would issue an Economic Development Revenue Bond that would be purchased by Greenwood Properties in the amount of \$2,340,000. Each year, 75% of the new TIF revenue generated by the project would be pledged back to the developer as bond repayment. The bond term would be 20 years with 0% interest.

The Development Agreement states that the following items would be eligible for use of the bond funds:

1. Water Main Installation – Connection to the existing public water mains and service to the residential units within the development;
2. Sewer Main Installation – Connection to the existing public sewer mains and service to the residential units within the development;
3. Sidewalk Construction – Construction of all sidewalks within the development, including those required by Planning & Zoning;
4. Roadway Improvements & Construction – Construction of all roadway improvements required by City departments, including entrances into the development as well as roadways within the development;
5. Construction of footers and building slabs associated with the residential units;
6. Installation of all underground plumbing;
7. Installation of all underground water and sewer lines; and
8. Installation of underground electrical services.

Greenwood Properties is working with Ancon Construction and they have provided updated estimates that confirm that the site infrastructure costs, as defined by the above list, are in excess of the bond proceeds available for the project. A copy of Ancon's latest estimate is attached.

Greenwood Properties is committing to providing 20% of the rental units within the development to essential workers (first responders, health care workers and teachers) for the duration of the bond

term and details have been provided within the agreement regarding annual submissions to the City to confirm that this commitment is met.

We are requesting that the revised Development Agreement be approved. If granted, we will begin the process of removing the property's two (2) parcels from the River Race TIF and establishing this property as a stand-alone, project specific TIF. In addition, we will begin the process of working with Ice Miller to issue the bond. Both of these items would be brought back to the Council for additional approvals.

# Ancon Construction Co., Inc.

2146 Elkhart Road  
Goshen, IN 46526

**Project: Goshen Apartments**

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**Date: 02/15/22**

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## Estimate Summary

02000	Site Work	2,253,356
03000	Concrete	48,778
04000	Masonry	86,099
05000	Metals	97,593
06000	Woods & Plastics	2,536,963
07000	Thermal & Moisture Protection	940,078
08000	Doors and Windows	501,946
09000	Finishes	1,310,133
10000	Specialties	100,233
11000	Equipment	205,515
12000	Furnishings	227,355
13000	Special Construction	0
14000	Conveying Systems	0
15000	Mechanical	1,587,116
16000	Electrical	776,810
00000	Job Directs	323,332
01000	General Conditions	359,247
	Bond	0
	Builder's Risk	57,369
	Design Fees	223,210
	Subtotal	<u>\$11,635,134</u>
	Overhead	364,596
	<b>TOTAL</b>	<b><u>\$11,999,730</u></b>

## **DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT is entered into on \_\_\_\_\_, 2022, among the City of Goshen, Indiana, a municipal corporation and political subdivision of the State of Indiana, acting through the Goshen Common Council and the Goshen Board of Public Works and Safety (collectively, the “City of Goshen”), the Goshen Redevelopment Commission (the Goshen Redevelopment Commission and the City of Goshen, collectively, the “City”) and Greenwood Rental Properties, LLC (referred to as “Developer”).

### **RECITALS**

WHEREAS this agreement provides for the development of two (2) parcels of real estate in accordance with the terms and conditions set forth in this agreement. The parcels are identified as Parcel 1 and Parcel 2 on the map attached to this agreement as Exhibit A and more particularly described below and hereinafter referred to as “subject real estate”.

WHEREAS the subject real estate is owned by Greenwood Rental Properties, LLC.

WHEREAS, Developer purchased the subject real estate and completed the rezoning process through the City Planning & Zoning Office to allow for multi-family residential development.

WHEREAS, Developer contracted with Ancon Construction to develop the project plans and had financing in place with an acceptable pro forma.

WHEREAS, rising construction costs due to the COVID-19 pandemic resulted in the pro forma no longer being acceptable for financing. Assistance was requested from the Redevelopment Commission to move the project forward.

WHEREAS, the City is experiencing a housing shortage and is agreeing to partner with the Developer to move this project forward because of the extenuating circumstances that currently exist in both the housing and construction market.

In consideration of mutual covenants contained in this agreement, City and Developer now agree as follows:

### **AUTHORITY**

This agreement is entered into in accordance with Indiana Code §36-4-3-21.

### **DEVELOPMENT AREA DESCRIBED**

1. This agreement concerns the development of two (2) parcels of real estate containing approximately 3.93 acres of land at the northeast corner of Plymouth Avenue and Indiana

Avenue. The parcels are identified as Parcel 1 and Parcel 2 on the map attached to this agreement as Exhibit A, and are more particularly described as follows:

### **PARCEL 1**

Property generally located at the northeast corner of Plymouth Avenue and Indiana Avenue, with a common address of 919 W Plymouth Avenue, containing  $\pm 0.7$  acres, and more particularly described as follows:

Part of the Northwest Quarter of Section 16, Township 36 North, Range 6 East, more particularly described as follows: Commencing at the Southwest corner of the aforesaid Quarter Section and the intersection of County Road 21 and State Road 119; thence due North (assumed) along the West line of the aforesaid Section and County Road 21, 235.60 feet; thence South 89 degrees 07 minutes East, 184.89 feet; thence due South 235.60 feet to the South line of the aforesaid Quarter Section and State Road 119; thence North 89 degrees 07 minutes West along the South line of the aforementioned Quarter Section and State Road 119 a distance of 184.89 feet to the point of beginning.

Less and Excepting:

A part of the Northwest Quarter of Section 16, Township 36 North, Range 6 East, Elkhart Township, Elkhart County, Indiana, being more particularly described as follows: Commencing at the Southwest corner of the aforesaid Quarter Section and the center of the intersection of County Road 21 and State Road 119 for the POINT OF BEGINNING; thence North 00 degrees 46 minutes West along the West line of the aforesaid Section and the centerline of County Road 21 (Indiana Avenue), a distance of 235.60 feet; thence South 89 degrees 07 minutes East, a distance of 30.00 feet; thence South 00 degrees 46 minutes East, a distance of 185.60 feet to a point 50.00 feet North of the centerline of State Road 119 and South line of the aforesaid Quarter Section; thence South 45 degrees East on an assumed bearing, a distance of 14.14 feet to a point 40.00 feet North of the centerline of State Road 119 and 40.00 feet East of the centerline of County Road 21; thence South 89 degrees 07 minutes East, a distance of 144.89 feet parallel to the centerline of State Road 119; thence South 00 degrees 46 minutes East, a distance of 40.00 feet; thence North 89 degrees 07 minutes West along the centerline of State Road 119 and South line of the aforesaid Quarter Section, a distance of 184.89 feet to the point of beginning of this description. Containing 0.30 acre, more or less.

### **PARCEL 2**

Property generally located on the east side of Indiana Avenue and the north side of Plymouth Avenue, with a common address of 1006 S Indiana Avenue, containing  $\pm 3.93$  acres, and more particularly described as follows:

Beginning at a nail in the center line of the pavement of State Highway No. 119 marking the Southwest corner of the Northwest one-quarter of Section 16, Township 36 North, Range 6 East, Elkhart County, Indiana; thence North zero degrees and 46 minutes West, along the West line of said Section, 532.05 feet; thence North 89 degrees and 40 minutes East, 439.7 feet to an iron stake;

thence South zero degrees and 26 minutes East, 533.3 feet to the center line of the aforesaid State Highway; thence South 89 degrees and 50 minutes West, along the centerline of said Highway, 436.6 feet to the place of beginning.

**LESS AND EXCEPT:**

Part of the Northwest Quarter of Section 16, Township 36 North, Range 6 East, more particularly described as follows:

Commencing at the Southwest Corner of the aforesaid quarter section and the intersection of County Road 21 and State Road 119; thence due North (assumed) along the west line of the aforesaid section and County Road 21, 235.60 feet; thence South 89 degrees 7 minutes east 184.89 feet; thence due south 235.60 feet to the south line of the aforesaid quarter section and State Road 119; thence North 89 degrees 7 minutes West along the south line of the aforementioned quarter section and State Road 119 a distance of 184.89 feet to the point of beginning.

**ALSO LESS AND EXCEPT:**

All public rights-of-way of record.

2. For the purposes of this agreement, Parcel 1 and Parcel 2 may be collectively referred to as “subject real estate.”

**DEVELOPMENT PLANS AND DUTY TO DEVELOP**

1. Developer agrees to submit detailed development plans for a multi-family residential development on the subject real estate for approval through the City’s Technical Review process.
2. Developer agrees to comply with all City of Goshen requirements for development within a Residential R-3 (multi-family) zoning district.
3. Developer agrees to commence construction of the first apartment building on the subject real estate by October 1, 2022. Timing of the construction of the subsequent building will be completed no later than June 1, 2024.
4. Developer agrees to invest Eleven Million Dollars (\$11,000,000.00) into development, design and construction of the multi-family residential development twenty-four (24) months after the date of the execution of this agreement.
5. Developer agrees to guarantee that twenty percent (20%) of the dwelling units within the development are offered to essential workers (first responders, health care workers and teachers). If available units are not occupied by an essential worker within thirty (30) days from vacancy, Developer may offer them to others. Documentation that this condition has been satisfied will be due to the Redevelopment Department annually by July 1<sup>st</sup> for the previous



twelve (12) months. Acceptable documentation will include notices to the school corporations, hospitals and City regarding availability of open units and lease terms for the rental units occupied by the Developer.

### **PROJECT FINANCING**

1. The City, for and on behalf of the District, will issue Economic Development Revenue Bonds (the “Bonds”) to be purchased by Developer, or such other individuals or entities designated by Developer, to fund the site infrastructure projects listed in paragraph 3 of this section below. The financial parameters of the Bond are set forth in paragraph 5 of this section below. The Bonds will be paid by the District solely from TIF revenues generated by a separate allocation area to be comprised of the subject real estate (the “New Allocation Area”). If the TIF revenues generated by improvements in the New Allocation Area are insufficient to make the Bond payments, the City’s payments to Developer will be delayed until there are sufficient TIF revenues generated from the New Allocation Area to make such payments.
2. If the overall development project is completed for less than the project estimate, which is Eleven Million Six Hundred and Thirty-Five Thousand One Hundred Thirty-Four Dollars (\$11,635,134.00), Developer will make an initial bond payment equal to the difference between the actual costs and the project estimate within forty-five (45) days of completion of the project, including payment of all outstanding invoices for the construction project.
3. The following infrastructure projects are to be paid from Bond proceeds which will be reimbursed from TIF revenues solely generated by the New Allocation Area for the following projects:
  - a. Water Main Installation – Connection to the existing public water mains and service to the residential units within the development;
  - b. Sewer Main Installation – Connection to the existing public sewer mains and service to the residential units within the development;
  - c. Sidewalk Construction – Construction of all sidewalks within the development, including those required by Planning & Zoning;
  - d. Roadway Improvements & Construction – Construction of all roadway improvements required by City departments, including entrances into the development as well as roadways within the development;
  - e. Construction of footers and building slabs associated with the residential units;
  - f. Installation of all underground plumbing;

- g. Installation of all underground water and sewer lines; and
  - h. Installation of underground electrical services
4. Based upon the TIF projections completed by Baker Tilly Municipal Advisors, LLC, Developer's committed investment will provide capacity to issue the Bonds in an aggregate principal amount that will generate net proceeds of Two Million Two Hundred Twenty-Five Thousand Dollars (\$2,225,000.00) that will be available to fund the projects listed in paragraph 3 of this section above. Seventy-five percent (75%) of the TIF revenues generated from the New Allocation Area will be used to repay Bonds. The Bonds will have a final maturity no later than twenty (20) years after the date of issuance of the Bonds, and will bear no interest. A copy of the Baker Tilly projections is included as Exhibit C.
  5. Seventy-five percent (75%) of the TIF revenues generated from the New Allocation Area will be used exclusively for payment of the debt service on the Bonds. The remaining twenty-five percent (25%) will be retained by the Goshen Redevelopment Commission for future projects within this immediate area.

#### **REAL ESTATE TAX APPEALS**

Developer, and any successor in interest of the subject real estate, agrees that it will not appeal any tax assessment for any parcel of the subject real estate until the Economic Development Revenue Bond is paid in full.

#### **ESTABLISHMENT OF A NEW ALLOCATION AREA AND EASEMENTS**

1. The subject real estate is in the current corporate boundaries of the City of Goshen and is part of the Consolidated River Race/US 33 Economic Development Area and the Consolidated River Race/US 33 Tax Increment Financing District. The subject real estate will be removed from the Consolidated River Race/US 33 Tax Increment Finance District and placed in the New Allocation Area.
2. City agrees to commence the process to remove the subject real estate from the existing Tax Increment Financing District and to add the subject real estate to the New Allocation Area as set forth above as soon as Developer has commenced plans for construction of buildings on the subject real estate.
3. In the event that any rights-of-way or easements to be donated to the City pursuant to this Agreement for the subject real estate and the Developer does not own all or any portion of said tracts of real estate, Developer agrees to acquire and donate any such rights-of-way or easements for all or any portion of the subject real estate.

## **INFRASTRUCTURE CONSTRUCTION REQUIREMENTS**

The following requirements are applicable to any construction on the subject real estate:

1. The construction of any water main, sewer main, water building line, sewer building line or other appurtenant facilities, public road, private road, curb and gutter, stormwater retention or flood control structures shall be constructed in accordance with detailed plans and approved in advance of construction by the City of Goshen.
2. Upon satisfactory completion, final inspection by the City of Goshen and approval of the Goshen Board of Public Works and Safety, the water mains, sewer mains, public roads, flood control measures and stormwater retention areas will be dedicated to and will be accepted by the City for maintenance unless otherwise provided in this agreement. At the time of dedication to the City and approval by the Board of Public Works and Safety, the City will assume the cost of maintenance of the water mains, sewer mains, public roads, flood control measures and stormwater retention areas. Any water building lines, sewer building lines, private roads or private drives constructed will not be dedicated to City and shall remain the property of Developer who shall continue to be responsible for the maintenance of such private infrastructure.
3. At the time of any dedication to City, all materials and facilities dedicated to City shall be clear of all liens and encumbrances. Developer shall convey good and merchantable title to all physical components of public infrastructure constructed which is to be dedicated to City.
4. City and Developer each agree to execute all deeds, easements, rights-of-way or other documents that are reasonably necessary, desirable or appropriate to further the projects and to provide for the future maintenance of the City's water mains, sewer mains, appurtenant facilities, public roadways or other public infrastructure.
5. City agrees to supply the subject real estate with water service and sewer service if Developer constructs, at Developer's own expense, water building lines and/or sewer building lines from the respective buildings to the City's water main and/or sewer main. Such building lines must be constructed in accordance with specifications approved by the Goshen City Engineer. The costs for constructing any such water building lines and/or sewer building lines by Developer on their parcels will be paid by Developer. Maintenance of these water building lines and sewer building lines will be at Developer's expense.
6. Any building constructed on the subject real estate after the execution of this agreement shall be connected to the City's sewer system and water system at the expense of the owner of such real estate at the time of the construction of the building.

## **FIRE HYDRANTS**

Fire hydrants shall be installed within the subject real estate by Developer as development occurs. Installation will be in accordance with plans acceptable to the Goshen Fire Department and the Goshen Engineering Department. Fire hydrants will be installed at Developer's expense and will be maintained by Developer unless City accepts dedication of such hydrants. Developer shall provide sufficient easements or rights-of-way to allow for proper access to the hydrants and for property maintenance of the hydrants if City accepts dedication.

## **CHARGES FOR WATER AND SEWER SERVICES**

The City reserves the right to modify the charges for water service and sewer service to all parcels during the term of this agreement or any extensions. It is agreed that such water rates and sewer rates shall be modified in accordance with the statutory procedures for the modification of water rates and sewer rates. The rates charged for the water and sewer services to the subject real estate by any amended water or sewer rate ordinance will be the same charges that apply to any other similarly situated property in the City of Goshen.

## **MISCELLANEOUS**

1. Developer agrees that upon the sale of any portion of any of the subject real estate, Developer will advise the purchaser in writing of this agreement prior to the sale. Any successor in interest to the subject real estate assumes the obligations set forth in this agreement.
2. If it becomes necessary for any party to this agreement to institute litigation in order to enforce or construe the terms and provisions of this agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs incurred in such litigation from the non-prevailing party.
3. No remedy conferred upon any party to this agreement is intended to be exclusive of any other remedy provided or permitted by law, but each remedy shall be cumulative and shall be in addition to any other remedy given under the terms of this agreement or existing at law or equity. Every power or remedy provided in this agreement may be exercised concurrently or independently and as often as deemed appropriate.
4. This agreement shall be construed and enforced in accordance with the laws of the State of Indiana. The venue for any action brought by any party relating to or arising out of this agreement shall be in Elkhart County, State of Indiana.

5. This agreement shall be binding upon and inure to the benefit of the parties to this agreement and for all purposes shall be deemed a covenant running with the land to remain in full force and effect until all obligations under the agreement have been completed. The subject real estate will be governed by the ordinances of the City of Goshen.
6. This agreement contains the entire agreement between the parties respecting the matters set forth.
7. The City of Goshen represents that it has received the approval of this development agreement from the Goshen Common Council.

IN WITNESS WHEREOF, the parties have executed this agreement as of the dates set forth below.

**City of Goshen, Indiana  
Goshen Common Council**

\_\_\_\_\_  
By Jeremy P. Stutsman, Mayor and Presiding Officer

Date: \_\_\_\_\_

**Goshen Board of Public Works and Safety**

\_\_\_\_\_  
By Jeremy P. Stutsman, Mayor

Date: \_\_\_\_\_

**City of Goshen Redevelopment**

\_\_\_\_\_  
Becky Hutsell, Redevelopment Director

Date Signed: \_\_\_\_\_

**Greenwood Rental Properties, LLC**

\_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Myra Garcia, as a Member of Greenwood Rental Properties, LLC, being known to me or whose identity has been authenticated by me to be the person who acknowledged the execution of the foregoing instrument as the person's voluntary act for the purpose stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public of \_\_\_\_\_ County, Indiana  
My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ELKHART )

Before me, the undersigned Notary Public in and for said County and State, personally appeared Jeremy P. Stutsman, Mayor and Presiding Officer, on behalf of the Goshen Common Council and City of Goshen, Indiana, being known to me or whose identity has been authenticated by me to be the person who acknowledged the execution of the foregoing instrument as the person's voluntary act for the purpose stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public of \_\_\_\_\_ County, Indiana  
My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_



STATE OF INDIANA            )  
  ) SS:  
COUNTY OF ELKHART        )

Before me, the undersigned Notary Public in and for said County and State, personally appeared Jeremy P. Stutsman, Mayor, on behalf of the Goshen Board of Public Works and Safety and City of Goshen, Indiana, being known to me or whose identity has been authenticated by me to be the person who acknowledged the execution of the foregoing instrument as the person's voluntary act for the purpose stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public of \_\_\_\_\_ County, Indiana  
My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF ELKHART        )

Before me, the undersigned Notary Public in and for said County and State, personally appeared Becky Hutsell, City of Goshen Redevelopment Director, being known to me or whose identity has been authenticated by me to be the person who acknowledged the execution of the foregoing instrument as the person's voluntary act for the purpose stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

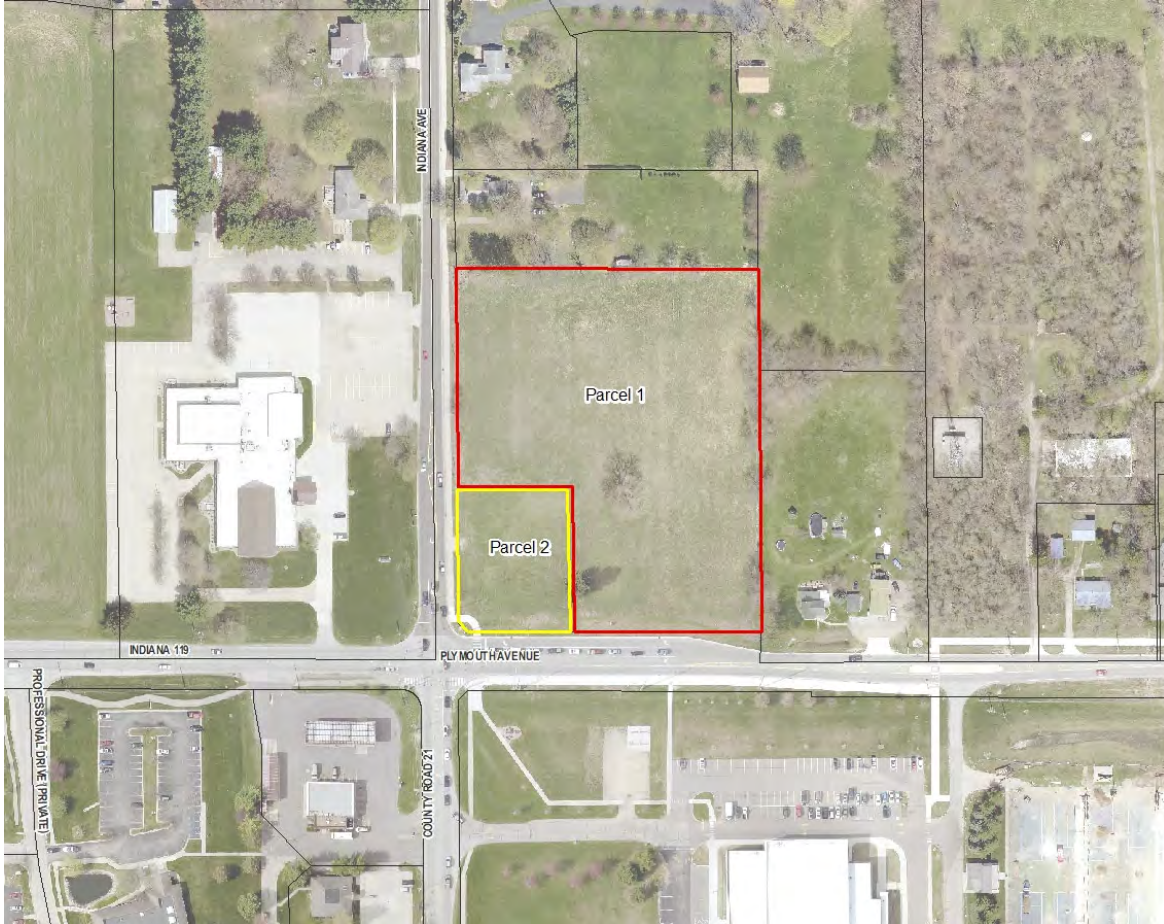
\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public of \_\_\_\_\_ County, Indiana  
My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

This instrument was prepared by Larry A. Barks, Goshen City Attorney, Attorney No. 3568-20, City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, (574) 533-9536.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law (Larry A. Barks).

# EXHIBIT A

## Subject Real Estate



**EXHIBIT B**

Baker Tilly Bond Projections



September 14, 2021

Mr. Mark Brinson, Director of Community Development  
City of Goshen  
204 East Jefferson Street  
Goshen, Indiana 46528

Baker Tilly Municipal Advisors, LLC  
8365 Keystone Crossing, Ste 300  
Indianapolis, IN 46240  
United States of America

T: +1 (317) 465 1500  
F: +1 (317) 465 1550  
bakertilly.com

Re: Proposed Apartment Development

Dear Mr. Brinson:

Per your request, we have prepared this illustrative analysis to assist you in the discussion and consideration of the proposed apartment development. The attached schedules (listed below) present unaudited and limited information. The use of these schedules should be restricted to this purpose, for internal use only, as the information is subject to future revision and final report.

<u>Page</u>	
2	Estimated Tax Increment for the Proposed Development
3	Illustrative Project Costs and Funding
4	Illustrative Amortization of \$2,340,000 Principal Amount of Economic Development Revenue Bonds of 2021
5	Comparison of Estimated Pledged Tax Increment and Illustrative Annual Debt Service

In the preparation of these schedules, certain assumptions were made as noted regarding certain future events. As is the case with such assumptions regarding future events and transactions, some or all may not occur as expected and the resulting differences could be material. We have not examined the underlying assumptions nor have we audited or reviewed the historical data. Consequently, we express no opinion thereon nor do we have a responsibility to prepare subsequent reports.

We would appreciate your questions or comments on this information and would provide additional information upon request.

Very truly yours,

BAKER TILLY MUNICIPAL ADVISORS, LLC

Jason G. Semler, Partner

**GOSHEN (INDIANA) REDEVELOPMENT COMMISSION**

***Proposed Apartment Development***

**ESTIMATED TAX INCREMENT FOR THE PROPOSED DEVELOPMENT**

	<u>January 1 Completion Date</u> (1)	<u>Estimated Sq. Ft./Acre</u> (2)	<u>Estimated Assessed Value / Sq. Ft./Acre</u> (3)	<u>Estimated Assessed Value Year Payable 2024</u>
Proposed Development				
Apartments and Garages	2023	82,715	\$90	\$7,444,350
Land (4)	2023	4.34	30,000	<u>130,200</u>
Estimated Net Assessed Value				7,574,550
Less: Base Assessed Value (5)				<u>(10,300)</u>
Estimated Incremental Assessed Value				7,564,250
Times: Net Tax Rate (6)				<u>\$3.5201</u>
Sub-total				266,270
Less: Estimated Circuit Breaker Credit (7)				<u>(63,410)</u>
<b>Estimated Net Property Taxes</b>				<b>202,860 (8)</b>
Less: Estimated Referendum Taxes (9)				<u>(51,570)</u>
Estimated Tax Increment				151,290
Plus: Additional TIF from LIT PTRC (10)				<u>12,180</u>
<b>Estimated Net Tax Increment</b>				<b><u>\$163,470</u></b>
75% of Estimated Net Tax Increment (11)				<u><u>\$122,600</u></u>

- (1) Per Developer representatives. Assumes the first taxes payable year will be the year following the January 1 assessment date.
- (2) Per Developer representatives.
- (3) Estimated assessed values are based upon comparable properties located within Elkhart County. The actual assessed values will be determined by the Elkhart County Assessor upon completion, and the actual assessed values may be materially different from the values assumed in this analysis.
- (4) Assumes the project is located on parcels 20-11-16-151-026.000-015 and 20-11-16-151-027.000-015 (collectively, the "Project Parcels") and that the Project Parcels will be assessed as primary commercial land.
- (5) Represents the pay 2021 net assessed value of the Project Parcels.
- (6) Represents the pay 2021 tax rate for the Goshen City-Elkhart Township taxing district of \$3.6811, less the 2021 LIT Property Tax Replacement Credit of 5.3678%.
- (7) Accounts for the application of the Circuit Breaker Tax Credit, which limits property tax liability to 2.0% of gross assessed value for non-homestead residential property. The Goshen Community School Corporation combined referendum tax rate of \$0.6818 does not apply to the calculation of the Circuit Breaker Tax Credit.
- (8) Does not account for the estimated \$270 of property taxes generated by the Base Assessed Value.
- (9) Represents the taxes that will be captured by the Goshen Community School Corporation combined referendum tax rate of \$0.6818.
- (10) Represents the taxes from the LIT Property Tax Replacement Credit that will be reimbursed to the Redevelopment Commission in the form of Tax Increment.
- (11) Assumes 75% of the Tax Increment is pledged for debt service on the Bonds.

Note: This analysis assumes no additional growth in assessed values or changes in tax rates. Changes to these assumptions or to those outlined above may have a material effect on the tax increment estimates contained in this analysis. This analysis assumes the Redevelopment Commission removes the Project Parcels from the existing Goshen River Race Allocation Area and establishes a new Allocation Area consisting of only the Project Parcels.

(Subject to the attached letter dated September 14, 2021)  
(Preliminary - Subject to Change)  
(For Internal Use Only)

**GOSHEN (INDIANA) REDEVELOPMENT COMMISSION**

***Proposed Apartment Development***

**ILLUSTRATIVE PROJECT COSTS AND FUNDING**

***Assumes the Developer purchases the Bonds***

**Illustrative Project Costs:**

Net proceeds available for the Project	\$2,225,000
Allowance for Bond issuance costs and contingencies	<u>115,000</u>
Total Illustrative Project Costs	<u><u>\$2,340,000</u></u>

**Illustrative Project Funding:**

Illustrative Economic Development Revenue Bonds of 2021 (1)	<u><u>\$2,340,000</u></u>
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(1) Assumes the bonds will be purchased by the Developer or a related subsidiary and will be payable solely from project tax increment.

(Subject to the attached letter dated September 14, 2021)  
(Preliminary - Subject to Change)  
(For Internal Use Only)

**GOSHEN (INDIANA) REDEVELOPMENT COMMISSION**

***Proposed Apartment Development***

**ILLUSTRATIVE AMORTIZATION OF \$2,340,000 PRINCIPAL AMOUNT OF  
ECONOMIC DEVELOPMENT REVENUE BONDS OF 2021**  
Assumes Bonds dated October 14, 2021

<u>Payment Date</u>	<u>Principal Outstanding</u>	<u>Principal</u>	<u>Illustrative Interest Rate</u> (1)	<u>Illustrative Interest</u>	<u>Illustrative Total Debt Service</u>	<u>Illustrative Fiscal Year Debt Service</u>
01/01/22	\$2,340,000			\$0	\$0	\$0
07/01/22	2,340,000			0	0	
01/01/23	2,340,000			0	0	0
07/01/23	2,340,000			0	0	
01/01/24	2,340,000			0	0	0
07/01/24	2,340,000	\$58,000	0.00%	0	58,000	
01/01/25	2,282,000	59,000	0.00%	0	59,000	117,000
07/01/25	2,223,000	58,000	0.00%	0	58,000	
01/01/26	2,165,000	59,000	0.00%	0	59,000	117,000
07/01/26	2,106,000	58,000	0.00%	0	58,000	
01/01/27	2,048,000	59,000	0.00%	0	59,000	117,000
07/01/27	1,989,000	58,000	0.00%	0	58,000	
01/01/28	1,931,000	59,000	0.00%	0	59,000	117,000
07/01/28	1,872,000	58,000	0.00%	0	58,000	
01/01/29	1,814,000	59,000	0.00%	0	59,000	117,000
07/01/29	1,755,000	58,000	0.00%	0	58,000	
01/01/30	1,697,000	59,000	0.00%	0	59,000	117,000
07/01/30	1,638,000	58,000	0.00%	0	58,000	
01/01/31	1,580,000	59,000	0.00%	0	59,000	117,000
07/01/31	1,521,000	58,000	0.00%	0	58,000	
01/01/32	1,463,000	59,000	0.00%	0	59,000	117,000
07/01/32	1,404,000	58,000	0.00%	0	58,000	
01/01/33	1,346,000	59,000	0.00%	0	59,000	117,000
07/01/33	1,287,000	58,000	0.00%	0	58,000	
01/01/34	1,229,000	59,000	0.00%	0	59,000	117,000
07/01/34	1,170,000	58,000	0.00%	0	58,000	
01/01/35	1,112,000	59,000	0.00%	0	59,000	117,000
07/01/35	1,053,000	58,000	0.00%	0	58,000	
01/01/36	995,000	59,000	0.00%	0	59,000	117,000
07/01/36	936,000	58,000	0.00%	0	58,000	
01/01/37	878,000	59,000	0.00%	0	59,000	117,000
07/01/37	819,000	58,000	0.00%	0	58,000	
01/01/38	761,000	59,000	0.00%	0	59,000	117,000
07/01/38	702,000	58,000	0.00%	0	58,000	
01/01/39	644,000	59,000	0.00%	0	59,000	117,000
07/01/39	585,000	58,000	0.00%	0	58,000	
01/01/40	527,000	59,000	0.00%	0	59,000	117,000
07/01/40	468,000	58,000	0.00%	0	58,000	
01/01/41	410,000	59,000	0.00%	0	59,000	117,000
07/01/41	351,000	58,000	0.00%	0	58,000	
01/01/42	293,000	59,000	0.00%	0	59,000	117,000
07/01/42	234,000	58,000	0.00%	0	58,000	
01/01/43	176,000	59,000	0.00%	0	59,000	117,000
07/01/43	117,000	58,000	0.00%	0	58,000	
01/01/44	59,000	59,000	0.00%	0	59,000	117,000
Totals		<u>\$2,340,000</u>		<u>\$0</u>	<u>\$2,340,000</u>	<u>\$2,340,000</u>

(1) The actual interest rate will be determined through negotiation with the Developer, in its role as Bond purchaser. The actual interest rate may vary materially from the rate assumed in this analysis.

(Subject to the attached letter dated September 14, 2021)  
(Preliminary - Subject to Change)  
(For Internal Use Only)

**GOSHEN (INDIANA) REDEVELOPMENT COMMISSION**

*Proposed Apartment Development*

**COMPARISON OF ESTIMATED PLEDGED TAX INCREMENT AND  
ILLUSTRATIVE ANNUAL DEBT SERVICE**

<u>Taxes Payable Year</u>	<u>Estimated Pledged Tax Increment</u>	<u>Allowance for TIF Administration Fees</u>	<u>Net Tax Increment</u>	<u>Illustrative Debt Service</u>	<u>Estimated Tax Increment Remaining</u>
	(1)			(2)	
2024	\$122,600	(\$5,000)	\$117,600	(\$117,000)	\$600
2025	122,600	(5,000)	117,600	(117,000)	600
2026	122,600	(5,000)	117,600	(117,000)	600
2027	122,600	(5,000)	117,600	(117,000)	600
2028	122,600	(5,000)	117,600	(117,000)	600
2029	122,600	(5,000)	117,600	(117,000)	600
2030	122,600	(5,000)	117,600	(117,000)	600
2031	122,600	(5,000)	117,600	(117,000)	600
2032	122,600	(5,000)	117,600	(117,000)	600
2033	122,600	(5,000)	117,600	(117,000)	600
2034	122,600	(5,000)	117,600	(117,000)	600
2035	122,600	(5,000)	117,600	(117,000)	600
2036	122,600	(5,000)	117,600	(117,000)	600
2037	122,600	(5,000)	117,600	(117,000)	600
2038	122,600	(5,000)	117,600	(117,000)	600
2039	122,600	(5,000)	117,600	(117,000)	600
2040	122,600	(5,000)	117,600	(117,000)	600
2041	122,600	(5,000)	117,600	(117,000)	600
2042	122,600	(5,000)	117,600	(117,000)	600
2043	122,600	(5,000)	117,600	(117,000)	600
Totals	<u>\$2,452,000</u>	<u>(\$100,000)</u>	<u>\$2,352,000</u>	<u>(\$2,340,000)</u>	<u>\$12,000</u>

(1) See page 2. Assumes 75% of the Tax Increment is pledged for debt service on the Bonds.

(2) See page 4.

(Subject to the attached letter dated September 14, 2021)

(Preliminary - Subject to Change)

(For Internal Use Only)





**Jeremy P. Stutsman, Mayor**  
**CITY OF GOSHEN**

202 South Fifth Street, Suite 1 • Goshen, IN 46528-3714

Phone (574) 533-9322 • Fax (574) 533-9740 • TDD (574) 534-3185  
mayor@goshencity.com • www.goshenindiana.org

January 31, 2022

**Council President Weddell and Council Members,**

As you are all aware, it is time to look at our Council District lines and redraw our boundaries. As we move forward with this process, I would like to suggest the Council consider supporting the passage of Ordinance 5116.

This ordinance is being presented in order to set up a non-partisan committee to help ensure that we redistrict without considering how it affects any of our political parties. Rather, we would redistrict in a way that ensured districts were laid out in a way that kept their boundaries reasonably compact and contiguous, with equal populations and with the lowest possible deviations, while accounting for expected future growth, and looked at options with the fewest number of split precincts and neighborhoods as possible.

We must come together as Republicans and Democrats to make sure that Goshen leaves politics out of our redistricting process. This is something that has eluded our State and Federal representatives for many of the past redistricting maps they have created. We can stand together to show our State and Federal governments the value of redistricting for the people and not for one party or the other. We can show them it is possible to lead in this way and that our constituents not only support this approach, they want it.

As a first step, I (a Democrat elected Mayor), reached out to City Attorney Bodie Stegelmann (past elected Republican judge) to work with me on drafting a bipartisan approach to redistricting in Goshen. We talked about our ideas and discussed other ordinances that we found in regards to this topic. Together, we feel we have found a way to remove politics from the redistricting process and represent our community as we are elected to do.

Originally, we wanted to get a copy of this ordinance to Council members before it hit the agenda for a Council meeting. After considering the limitations of distributing this ordinance to the Council while meeting the requirements of the Open-Door Law, we decided to wait to distribute until a time in which all Council members could equally receive the ordinance and have the same amount of time contemplating it. The easiest way to achieve this is to place it on the Council agenda. The Council will now be able to have a discussion in public at our meeting to decide if changes are appropriate, what dates and deadlines should be set within the ordinance, and, finally, to decide if it is tabled for further discussion or voted on at our February 7<sup>th</sup> meeting.

Sincerely,

A handwritten signature in blue ink, appearing to be "JPM", written over a white background.

Jeremy P. Stutsman

## ORDINANCE 5116

### TO ESTABLISH A REDISTRICTING ADVISORY COMMISSION

WHEREAS, Indiana Code § 36-4-6-4 requires that the City of Goshen, Indiana (“City”) be divided into five (5) council districts during the second year after a year in which a federal decennial census is conducted; and

WHEREAS, I.C. § 36-4-6-4 also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, not cross precinct boundaries; and

WHEREAS, an independent redistricting commission would lend public legitimacy to the redistricting process and minimize conflicts of interest that might be present in the redistricting process; and

WHEREAS, the Goshen Common Council wishes to conduct the process of redistricting in an open manner with meaningful opportunities for public feedback and engagement.

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

#### **SECTION 1. Redistricting Advisory Commission**

- (a) Establishment and Purpose. There is hereby established a five-member Redistricting Advisory Commission "Commission" whose purpose shall be to make recommendations to the Goshen Common Council regarding its decennial redistricting ordinance, which will divide the City into the five council districts from which councilmembers shall be elected.
- (b) Term. The Commission shall form as of the adoption of this Ordinance, and appointment of all members. All Commission members shall serve until district boundaries are adopted by the Common Council. The Commission shall be reformed in the event that the City is required, due to annexation or other legal procedures, to redraw council district lines after the adoption of district boundaries by the Common Council. The same membership selection process shall be followed in the event the Commission is reformed.
- (c) Membership Qualifications. The Commission shall consist of nine members (five (5) voting members and four (4) non-voting members), subject to the following qualifications and limitations.
  - (1) Registered Voters - Each member must be a registered voter residing within the municipal boundaries of the City.
  - (2) Voting Record – To be eligible for appointment to the Commission, each Commission member shall have voted as a resident of the City in at least one of

the last two general elections immediately preceding the formation of the Commission.

- (3) Limitations - The following individuals are excluded from serving as a voting member on the Commission:
  - (A) Anyone who currently, or during the ten years prior to the Commission's formation, holds a public office or was a candidate for public office in the City or Elkhart County;
  - (B) An appointed public official;
  - (C) Anyone who is currently an officer of any federal, state, county, or city-level political party, or who has been an officer or active member during the 10 years prior to the Commission's formation;
  - (D) A precinct committeeman;
  - (E) A member of a candidate's committee;
  - (F) Anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within the five years prior to the Commission's formation;
  - (G) Anyone registered as a lobbyist under I.C. 2-7; and
  - (H) Immediate family members of any excluded person.
- (d) Membership Selection Process. Commissioners shall be selected as follows:
  - (1) Current City Common Council at-Large Members shall serve as non-voting members of the Commission; however, if at-Large Members are of the same political party, then the Common Council shall pick one at-Large Member and one Common Council member representing a district, of the opposite party, to serve as the non-voting Council Members on the Commission;
  - (2) The five (5) current Goshen Common Council members elected from a district shall each appoint a voting member of the Commission;
  - (3) The City of Goshen Mayor and City Attorney shall serve as non-voting members of the Commission, and the Clerk-Treasurer shall serve as the clerk of the Commission;
  - (4) The Commission may seek consultation from City's Legal Compliance Administrator and other individuals who may provide helpful insight to the Commissions;

- (5) The voting members of the Commission shall select as its chair one of the voting members.

Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and be approved by the Mayor.

(e) Redistricting Criteria.

The Commission shall recommend council district boundaries that comply with the United States Constitution, the Indiana Constitution, and applicable federal and state laws, including the federal Voting Rights Act and I.C. § 36-4-6-4.

(f) Commission Processes and Transparency.

- (1) The Commission shall hold public meetings at least every month, but may choose to meet more often.
- (2) The Commission shall provide to the Common Council recommended council districts, an accompanying map depicting the recommended districts, and a report that explains the basis of the recommended districts.
- (3) Approval of the Commission's final recommendation requires an affirmative vote from at least four of the voting commissioners. All other actions of the Commission require a simple majority vote to pass.
- (4) The Commission shall be subject to the Indiana Open Door Law and the Access to Public Records Act.

(g) Legislative Approval.

- (1) The Commission shall provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than \_\_\_\_\_, 2022.
- (2) The Common Council shall act on the Commission's recommended districts before \_\_\_\_\_, and adopt an Ordinance by November 8, 2022.
- (3) After considering the Commission's final recommendations, or if the Commission fails to provide recommended council districts by \_\_\_\_\_, the Common Council shall perform its duties under I.C. § 36-4-6-4. If the Common Council rejects the Commission's final recommendations, it shall provide a written statement of the reasons for the rejection.

**SECTION 2. Severability Clause**

If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

**SECTION 3. Effective Date**

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

PASSED by the Goshen Common Council on February \_\_\_\_\_, 2022.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on February \_\_\_\_\_, 2022, at the hour of \_\_\_\_\_:\_\_\_\_\_ \_\_.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on February \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor