

*Agenda*  
GOSHEN PLAN COMMISSION  
Tuesday, August 16, 2022, 4:00 pm  
Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 7/19/22
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV. Postponements/Withdrawals
- V. **Vacation** (public hearing)  
**22-01V** – The City of Goshen requests the vacation of the unimproved north/south alley right of way, extending north from the north side of Pike Street (starting at the expanded INDOT right of way) to the south line of the first east/west alley, generally located between 905 W Pike Street & 311 Huron Street on the east and 907 W Pike Street on the west. The subject property is zoned Commercial B-3.
- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

Minutes - Goshen Plan Commission  
Tuesday, July 19, 2022 - 4:00 pm  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

**I.** The meeting was called to order with the following members present: Josh Corwin, Tom Holtzinger, Doug Nisley, Hesston Lauver, Rolando Ortiz, and Caleb Morris. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Richard Worsham, Aracelia Manriquez, James Wellington

**II.** Approval of Minutes of 5/17/22 – Holtzinger/Morris 6-0

**III.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into the record: Holtzinger/Morris 6-0

**IV.** Postponements/Withdrawals - None

**V.** Audience Items - None

**VI.** Staff/Board Items

*Order of the Goshen Plan Commission Determining that an Amending Declaratory Resolution and Economic Development Plan Approved and Adopted by the Goshen Redevelopment Commission Conform to the Comprehensive Plan and Approving Said Resolution and Economic Development Plan*

Ms. Yoder explained these requests come to the Plan Commission periodically for the Tax Increment Financing (TIF) Districts, which all have a development plan and need to conform to the Comprehensive Plan. Today's request is to create a new allocation area within an existing TIF for apartment development at 1006 S Indiana Avenue. She referred to a map in Commission members meeting packet which shows the current area, and noted a smaller map shows the two parcels being removed to create the new allocation area. She noted the project activities are included on the last page (Exhibit B) of the packet. She provided examples showing the proposed amendment is consistent with Land Use, Neighborhoods & Housing, Community Services & Facilities, and Transportation goals and objectives of the Comprehensive Plan.

She asked that the Commission take action to approve the written order.

Mr. Holtzinger asked if the TIF areas must be contiguous.

Ms. Yoder replied evidently not, and no one is present from Redevelopment to answer that question.

*Action:*

A motion was made and seconded, Holtzinger/Morris, to approve the *Order of the Goshen Plan Commission Determining that an Amending Declaratory Resolution and Economic Development Plan Approved and Adopted by the Goshen Redevelopment Commission Conform to the Comprehensive Plan and Approving Said Resolution and Economic Development Plan*. The motion passed unanimously by a vote of 6-0.

**VII.** Adjournment – 4:05 pm Nisley/Holtzinger

Respectfully Submitted:

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Lori Lipscomb, Recording Secretary

Approved By:

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Richard Worsham, President

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Tom Holtzinger, Secretary

**To:** Goshen City Plan Commission/Goshen Common Council  
**From:** Rhonda L. Yoder, Planning & Zoning Administrator  
**Subject:** 22-01V, Vacation of a North/South Alley, North of Pike Street  
**Date:** August 16, 2022

### **ANALYSIS**

The City of Goshen requests the vacation of the unimproved north/south alley right of way, extending north from the north side of Pike Street (starting at the expanded INDOT right of way) to the south line of the first east/west alley, generally located between 905 W Pike Street & 311 Huron Street on the east and 907 W Pike Street on the west. The subject property is zoned Commercial B-3.

The area to be vacated has not been used as a travel route for many years, has been a source of repeated maintenance complaints, and is an area the City cannot effectively maintain. Prior to the effective date of the alley vacation, the City intends to remove any remaining hard surface, remove existing barriers and restore the area with seed/mulch.

Based on consultation with INDOT, which has jurisdiction of Pike Street, the alley vacation should begin and extend north from INDOT's expanded right of way (approximately as shown on the aerial layout).

Based on responses from utility providers, there are existing utilities in the area to be vacated, so a general utility easement is required for the vacated area.

The Traffic Commission is scheduled to review the proposed vacation on August 18, 2022, after the Plan Commission meeting, so the Traffic Commission recommendation will be provided to the Council along with the Plan Commission recommendation.

According to Indiana Code 36-7-3-13 remonstrance or objection to a vacation may only be filed on the following grounds:

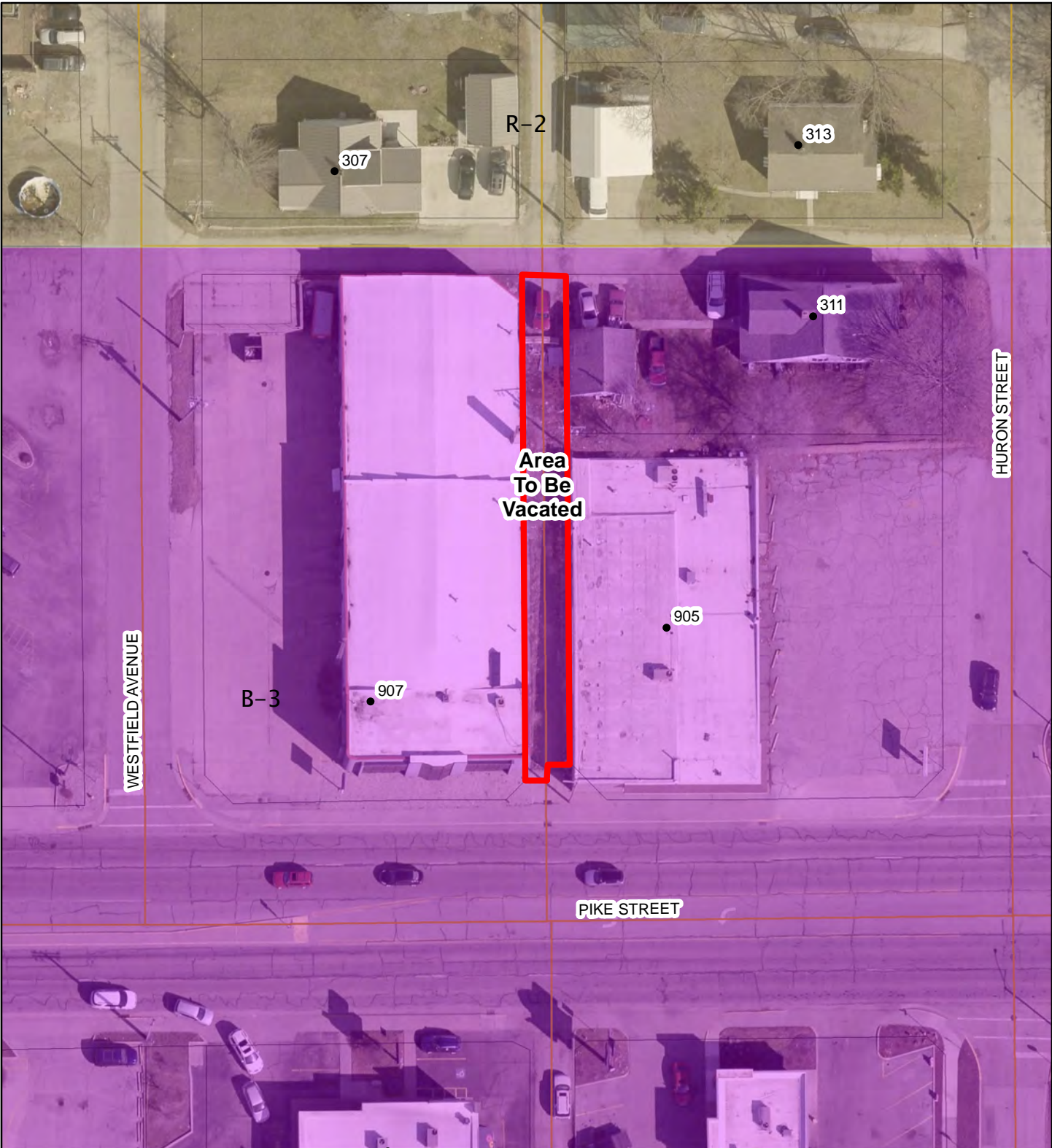
- (1) *The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.*
- (2) *The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.*
- (3) *The vacation would hinder the public's access to a church, school, or other public building or place.*
- (4) *The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.*

Because the right of way is generally unimproved and does not currently provide access, the vacation will not impact access or use of the public way. Following the vacation, the vacated area will be transferred to the adjoining property owners. Adjoining property owners received a letter from Goshen Engineering in late June, explaining the proposed vacation and tentative review/meeting schedule, and each adjoining owner also received notice of the Plan Commission and Council public hearings.

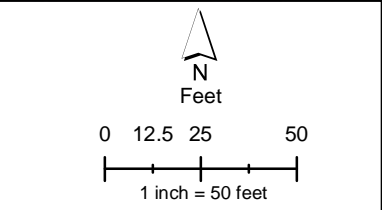
### **RECOMMENDATIONS**

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for, and the Common Council approve, the vacation of the unimproved north/south alley right of way, extending north from the north side of Pike Street (starting at the expanded INDOT right of way) to the south line of the first east/west alley, generally located between 905 W Pike Street & 311 Huron Street on the east and 907 W Pike Street on the west, based upon the following:

1. The proposed vacation will not hinder the growth or orderly development of the neighborhood, as the right of way to be vacated has not functioned as public right of way for many years.
2. The proposed vacation will not make access difficult or inconvenient, as there is no existing public access.
3. The proposed vacation will not hinder access to a church, school or other public building or place, as the existing right of way does not provide any of the described access.
4. The proposed vacation will not hinder the use of the public way, as the area to be vacated has not been used as a public way for many years.
5. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities, and the City shall require and retain a general utility easement over the vacation to provide continued access to the existing facilities within the vacated right of way.



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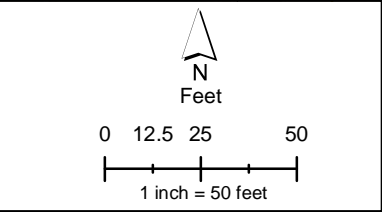
North/South Alley - Between 905 W Pike/311 Huron & 307 W Pike

Zoning Map & 2021 Aerial  
 Printed June 22, 2022

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



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North/South Alley - Between 905 W Pike/311 Huron & 307 W Pike

2021 Aerial  
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