

Agenda
GOSHEN PLAN COMMISSION
Tuesday, September 20, 2022, 4:00 pm
Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 8/16/22
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV. Postponements/Withdrawals
- V. **Rezoning & PUD Major Change** – (public hearings)
22-04R & 22-04MA – Waterford Commons Business Park, LLC, and City of Goshen request a rezoning from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3 for a residential development with a variety of housing types, and a PUD major change to remove Tracts 1 and 3 from Waterford Commons Business Park PUD. The subject property is part of Waterford Commons Business Park PUD, generally located on the northwest corner of Waterford Mills Parkway and Dierdorff Road (Tract 1) and on the west side of Regent Street south of Waterford Mills Parkway (Tract 3), including adjacent City parcels intended for public right of way.
- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

Minutes - Goshen Plan Commission
Tuesday, August 16, 2022 - 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

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

II. Approval of Minutes of 7/19/22 –Nisley/Morris 7-0

III. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into the record: Morris/Nisley 7-0

IV. Postponements/Withdrawals - None

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.

Staff Report by Rhonda Yoder

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.

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.

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. We have not heard from any of the owners notified.

Staff recommends the Plan Commission forward a favorable recommendation to Common Council 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, 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.

Petitioner Presentation

Ms. Yoder noted that Dustin Sailor, Director of Public Works, could not be at today's meeting, and that Josh Corwin could answer any questions for the petitioner.

Audience Comments

There was no one to speak to the petition.

Close Public Hearing

Action

A motion was made and seconded, Nisley/Morris, to forward a favorable recommendation for 22-01V to the Goshen Common Council, based on Staff recommendation with findings. The motion passed unanimously by a vote of 7-0.

VI. Audience Items – None

VII. Staff/Board Items – None

VIII. Adjournment – 4:07 pm - Nisley/Morris 7-0

Respectfully Submitted:

Theresa Cummings, Recording Secretary

Approved By:

Richard Worsham, President

Tom Holtzinger, Secretary

To: Goshen City Plan Commission/Goshen Common Council
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 22-04R & 22-04MA, Rezoning & PUD Major Change
Waterford Commons Business Park PUD, Tracts 1 and 3 and Adjacent City Parcels
Date: September 20, 2022

ANALYSIS

Waterford Commons Business Park, LLC, and City of Goshen request a rezoning from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3 for a residential development with a variety of housing types, and a PUD major change to remove Tracts 1 and 3 from Waterford Commons Business Park PUD. The subject property is part of Waterford Commons Business Park PUD, generally located on the northwest corner of Waterford Mills Parkway and Dierdorff Road (Tract 1) and on the west side of Regent Street south of Waterford Mills Parkway (Tract 3), including adjacent City parcels intended for public right of way.

The Waterford Commons Business Park PUD was established in January 2014 and includes three separate tracts of land, Tracts 1, 2 and 3, each zoned Industrial M-1PUD and each having slightly separate requirements. The most northern tract, Tract 2 (Ardmore Court), is nearly fully developed. Tracts 1 and 3 each have an approved preliminary subdivision, but no development has occurred in either tract.

The overall Waterford Commons PUD was established in 1989 and is a mixed use development, including R-1, R-2, R-3 and R-4 zoning (permitting all types of residential use), two areas zoned B-4 (Planned Shopping Center), and the three industrial tracts.

The current request is to remove Tracts 1 and 3 from the Waterford Commons Business Park PUD and rezone Tracts 1 and 3 from M-1PUD to R-3, and to rezone adjacent City parcels from M-1PUD, A-1 and R-1PUD to R-3. Per the Goshen Zoning Ordinance PUD District Regulations, Section 4250.9, a change of use is a major change, requiring approval by the Plan Commission and Council.

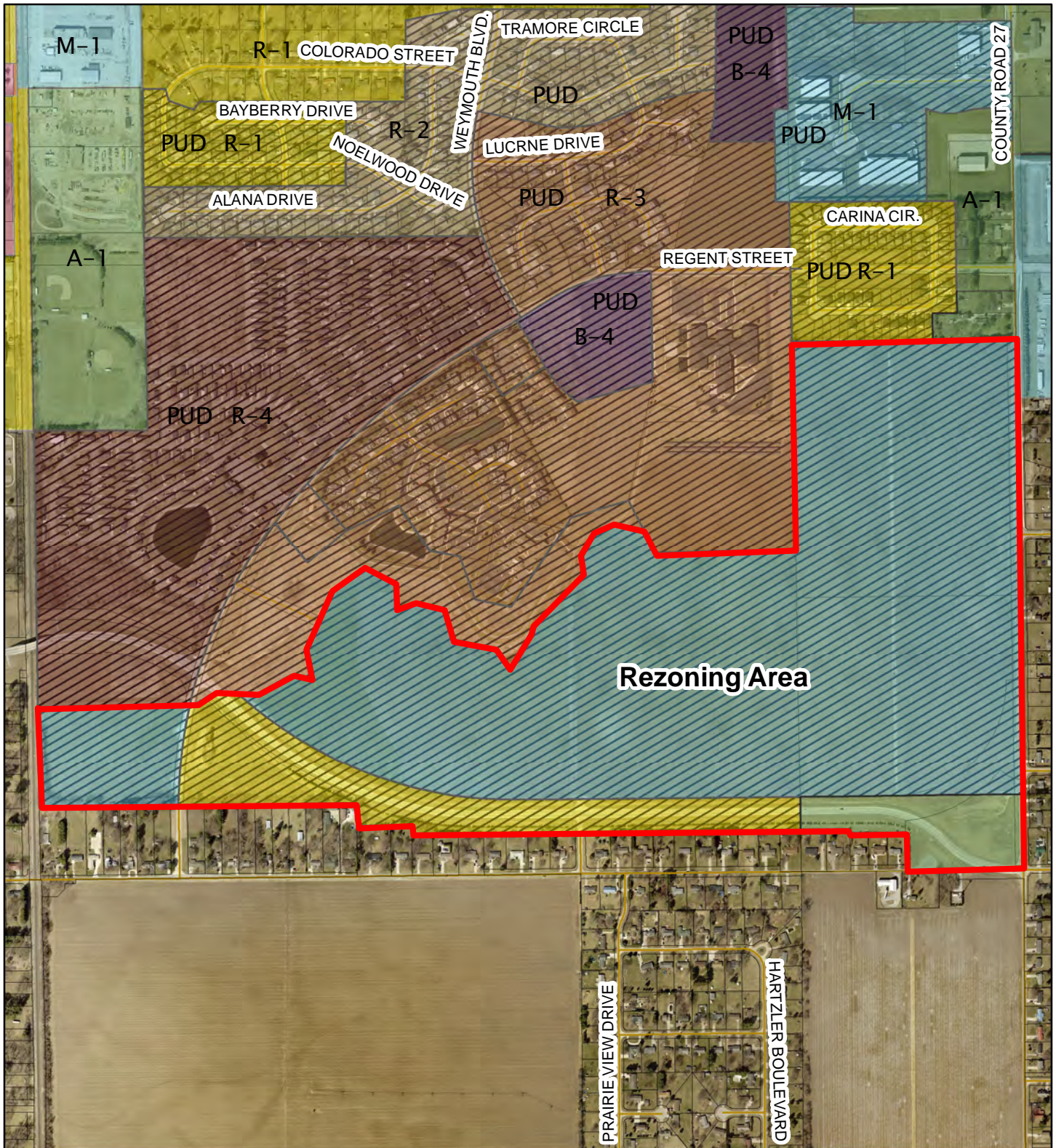
The R-3 District allows a range of residential land use, including single unit detached, single unit attached, two unit, and multi-unit.

The proposed R-3 zoning for Tract 1 is primarily adjacent to existing R-3PUD zoning, and the proposed rezoning to R-3 is consistent with the existing mixed use land development with Waterford Commons PUD.

RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the rezoning from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3 for a residential development with a variety of housing types, and the PUD major change to remove Tracts 1 and 3 from Waterford Commons Business Park PUD, based upon the following:

1. The rezoning is consistent with the existing mixed use land development within Waterford Commons PUD.
2. The rezoning is consistent with the Comprehensive Plan, including:
 - Neighborhoods & Housing, Goal N-7: Expand housing options and opportunities.
3. The R-3 District requirements will be able to be met.



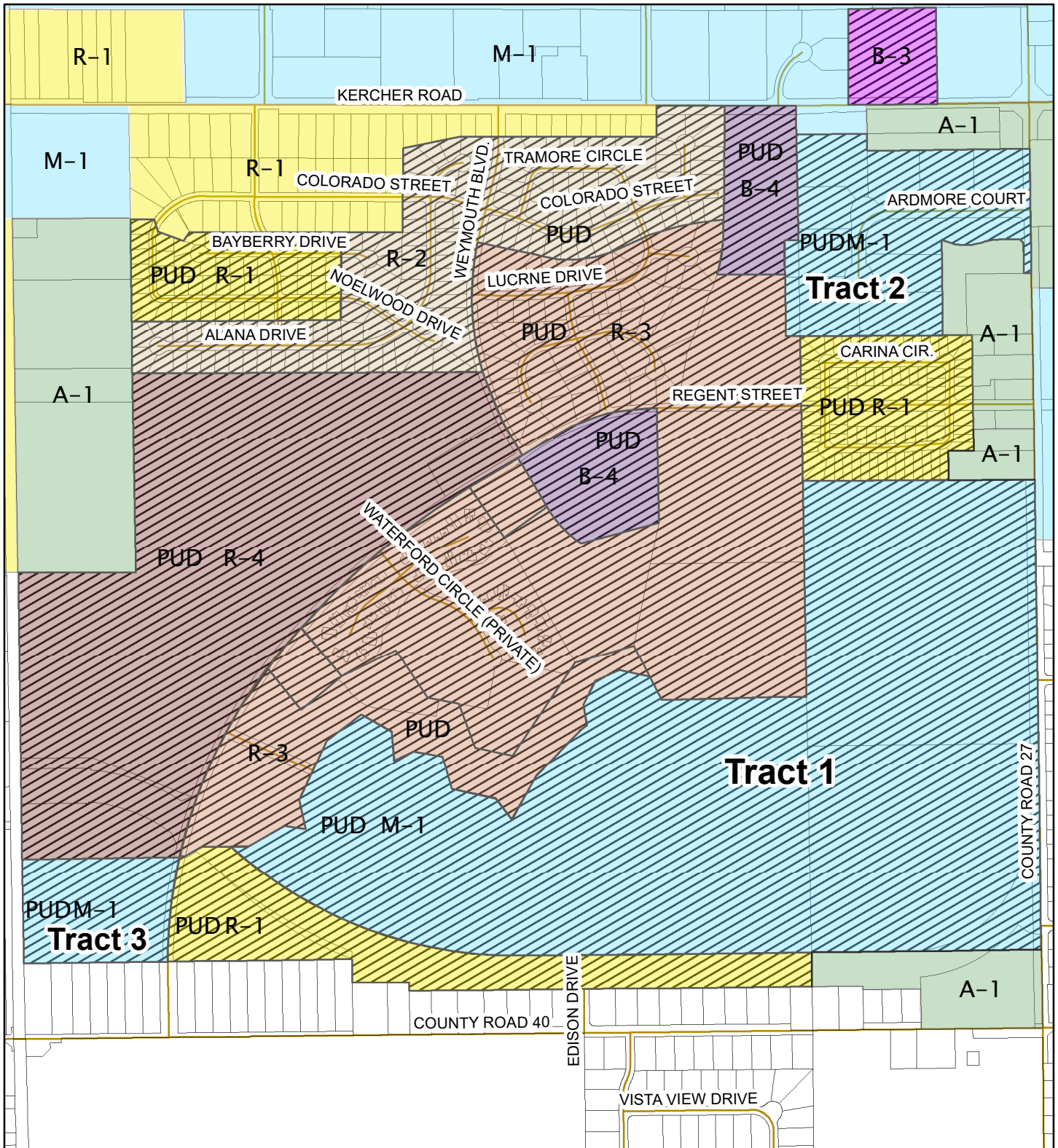
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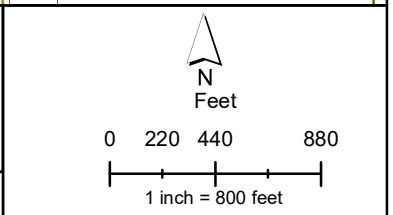
**Waterford Commons Business Park & Adjacent Rights of Way
Rezoning Area: M-1PUD, R-1PUD and A-1 TO R-3**

Zoning Map & 2021 Aerial
Printed August 31, 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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Waterford Commons Business Park: Tracts 1, 2 and 3

Zoning Map
 Printed September 7, 2022

The City of Goshen
 Department of
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 204 East Jefferson Street, Goshen, Indiana 46528
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**Department of Community Development
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Memorandum

TO: Goshen Plan Commission & City Council Members

FROM: Becky Hutsell, Redevelopment Director

RE: Rezoning Request for Approximately 210 Acres from M-1 PUD, R-1 PUD and A-1 to Residential R-3 and a PUD Major Change to remove Tracts 1 & 3 from the Waterford Commons Business Park

DATE: August 31, 2022

City staff, in partnership with Hoogenboom Nofziger, is submitting two (2) requests to the Plan Commission, and subsequently City Council, for consideration.

1. Request to Rezone approximately 210 acres from M-1 PUD, R-1 PUD and A-1 to Residential R-3
2. Request for a Major Change to the Waterford Commons Business Park PUD to remove Tracts 1 & 3 from the Planned Unit District (PUD) Overlay

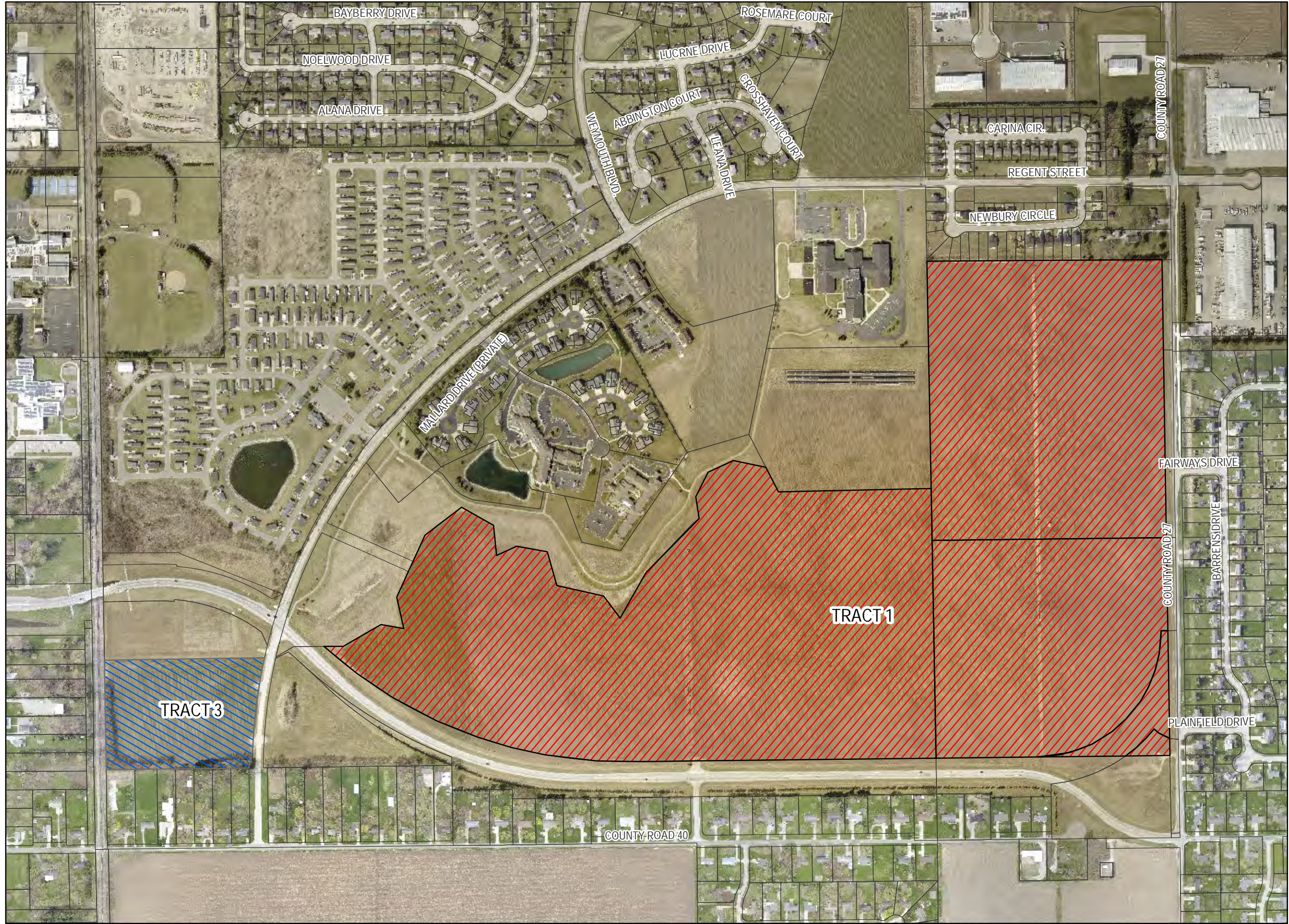
Rezoning Request

The property requesting to be rezoned includes the land currently identified as Tracts 1 & 3 within the Waterford Commons Business Park PUD. Both tracts are currently zoned Industrial M-1 PUD and total approximately 175 acres of vacant land. Hoogenboom Nofziger currently has a purchase agreement in place with a local group interested in developing a residential development that will provide a variety of housing types. In advance of their closing on the property, they're requesting that the land be rezoned to Residential R-3 to ensure that residential use of this land is supported by the City of Goshen. If approved, their intent would be to fully design a subdivision and, if needed, request an additional rezoning to put in place a PUD Overlay District specific to their development plan. The only way a PUD will not be required is if the planned subdivision can meet all the existing requirements for the Residential R-3 district. Both the subdivision process and the potential PUD process will provide multiple opportunities for community input moving forward.

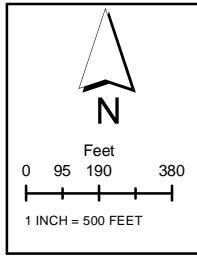
The remainder of the rezoning request includes the public rights-of-way and publicly-owned land adjacent to the property owned by Hoogenboom Nofziger and includes a mix of existing Residential R-1 PUD and Agricultural A-1 zoning. To be consistent with adjacent zoning, this request would rezone all the City-owned land to Residential R-3, as well.

PUD Major Change

In order to remove Tracts 1 & 3 from the Waterford Commons Business Park PUD, a Major Change is required. This change removes the overlay district conditions set forth in previously approved ordinances and allows for the underlying land to be rezoned to Residential R-3.



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Waterford Commons Business Park
 Request for a PUD Major Change to Remove Tracts 1 & 3
 September 2022