

*Agenda*  
GOSHEN PLAN COMMISSION  
Tuesday, March 21, 2023, 4:00 pm  
Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

**\*\*Please turn off all cell phones\*\***

- I.** Roll Call
- II.** Approval of Minutes from 2/21/23
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV.** Postponements/Withdrawals
- V.** **Partial Plat Vacation** (public hearing)  
**23-01V** – Bruce and Julie Bergdall and Kauffman Construction request a partial plat vacation to reduce 10' platted building setbacks to 5' on the north and south for detached accessory, 7.5' on the east for detached accessory, and 8' on the south for primary building. The owners propose to build a 52' x 26' detached garage at the northeast corner of the property, a 14' x 17' detached pergola on the south side of the property, and a 10' x 61' addition to the rear of the house, with the reduced accessory setbacks requested to allow adequate space between the new garage and house. The subject property is generally located at 2610 Violet Road, Lot 53 of Martin Manor Addition, zoned Residential R-1.
- VI.** Audience Items
- VII.** Staff/Board Items
- VIII.** Adjournment

Minutes - Goshen Plan Commission  
Tuesday, February 21, 2023 - 4:00 pm  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

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

**II.** 2023 Plan Commission Appointments

- *Richard Worsham - Annual Appointment by the Board of Public Works & Safety*
- *Rolando Ortiz - Citizen Appointment by Mayor, Reappointed 1/1/23-12/31/26*
- *James Wellington - Park Board Appointment, Term Coextensive with Park Board Appointment, 1/1/23-12/31/26*

**III.** Election of 2023 Officers

- *President*
- *Vice President*
- *Secretary*

*Action:*

A motion was made and seconded, Wellington/Morris, to appoint Richard Worsham as Plan Commission president. The motion passed unanimously by a vote of 9-0.

*Action:*

A motion was made and seconded, Holtzinger/Nisley, to appoint Rolando Ortiz as Plan Commission vice-president. The motion passed unanimously by a vote of 9-0.

*Action:*

A motion was made and seconded, Nisley/Morris, to appoint Tom Holtzinger as Plan Commission secretary. The motion passed unanimously by a vote of 9-0.

**IV.** Approval of minutes of 12/20/22 – Holtzinger/Morris 9-0

**V.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into the record: Holtzinger/Nisley 9-0

**VI.** Postponements/Withdrawals - None

**VII. PUD Major Change (public hearing)**

**23-01MA** - Crossing Development, LLC, and Abonmarche Consultants, Inc., request a PUD major change for The Crossing PUD to remove the requirement for a sidewalk along a section of the east side of Lighthouse Lane in the area where retention is being constructed. The subject property is the proposed The Crossing Second subdivision, zoned Residential R-3PUD (Planned Unit Development), part of The Crossing PUD, generally located east of Greene Road and south of Plymouth Avenue.

*Staff Report:*

Ms. Yoder began by explaining this is a recommendation to council who will make a final decision. She stated this request is related to a recent approval in the Plymouth Avenue Professional Park PUD which is adjacent to the north. That approval removed the sidewalk requirement on the east side of Lighthouse Lane to Plymouth Avenue and, as part of that approval, a sidewalk crossing was required to be provided within The Crossing subdivision. Referring to a drawing in the Plan Commission member's packets, she explained that Lighthouse Lane will be extended and will eventually connect both of these subdivisions.

Ms. Yoder noted that initially lots were proposed along the east side of Lighthouse Lane in The Crossing subdivision, but because of the subdivision drainage project, that area will now be used for retention. She went on to explain that sidewalks were required along both sides of all dedicated streets in both PUDs and that is the reason for the PUD major change. This proposal is for sidewalks along both sides of Lighthouse Lane in The Crossing, up to the point where the sidewalk crossing occurs, and then the sidewalk will only be along the west side, connecting with the existing sidewalk in Plymouth Avenue Professional Park to the north.

She explained the design of the sidewalk in The Crossing is not being reviewed today, but will be reviewed with an engineered site plan, as part of the City's site plan review process. Today's request is only to remove the short stretch of sidewalk along the east side of Lighthouse Lane.

Staff recommends the Plan Commission forward a favorable recommendation to the Council based upon Staff's analysis and with the conditions listed in the Staff Report.

*Petitioner Presentation:*

Crystal Welsh, Abonmarche Consultants, spoke on behalf of the petitioner. She reminded Commission members that during the discussion last year when the Plan Commission approved removing the sidewalk from the east side of Lighthouse Lane in the Plymouth Avenue Professional Park, the street design was given as the reason. During that conversation this mid-block crossing design in The Crossing subdivision was discussed and makes a lot of sense. She explained the reason for not extending the sidewalk farther along the east side of Lighthouse Lane is to make it clear that this is the designated, safer crossing. She also noted that no houses in the subdivision will be without a sidewalk.

*Audience Comments:*

There was no one to speak to the petition.

*Close Public Hearing*

*Staff Discussion:*

Mr. Corwin asked how the crossing location was chosen.

Ms. Yoder replied that a condition of this approval is that Engineering must approve the final sidewalk crossing location, and pointed out this is an approximate location.

Mr. Corwin questioned when the sidewalk will be installed.

Ms. Yoder responded that's something that will need to be discussed.

Mr. Morris asked if there are other crosswalks in this subdivision.

Ms. Welsh commented there will be crosswalks at intersections meeting City standards, but this one is identified on the plans because it is a mid-block crosswalk.

*Action:*

A motion was made and seconded, Wellington/Holtzinger, to forward a favorable recommendation to the Common Council for 23-01MA, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 9-0.

**VIII. PUD Minor Change** (not a public hearing)

**23-03MI** – Goshen College, Amity Corp and Abonmarche request a PUD minor change to adopt a campus master plan for freestanding signs. The subject property is generally located east of Main Street, south of College Avenue, west of 12th and 15th Streets, approximately 32 tax parcels, including right of way of 9th Street, and excluding the railroad and a small City-owned parcel, with main addresses of 1700 and 1900 S Main Street, zoned Residential R-1S PUD.

*Staff Report*

Ms. Yoder explained that PUD minor changes can be reviewed by Staff or the Plan Commission, and she felt that this was a significant minor change and that input from the Plan Commission was appropriate. She explained the R-1S zoning for Goshen College PUD permits few signs, and the original PUD contained no information regarding signs, so in discussions with Goshen College a suggestion was made to adopt a campus master plan for freestanding signs. She noted that over the years some signs have been approved by variances, but, if adopted, this master plan would give guidance for future reviews.

She explained that the proposed freestanding sign standards include descriptions, location layout, and sign renderings. She went on to say this submittal includes all campus signs, but one of the proposals is that only the monument signs adjacent to the public right-of-way be designated for individual review prior to installation. The freestanding signs on campus could be installed as proposed without Planning review, but the major monument signs adjacent to the public right-of-way on Main Street, College Avenue, 15<sup>th</sup> Street, would need administrative review by the Planning Office prior to installation. She went on to say there are general guidelines for review that include setbacks, visibility, and landscaped area. She also noted that sign content cannot be used in the review process, or in the definition of signs.

Ms. Yoder recommended the Plan Commission approve the minor change to adopt a campus master plan for freestanding signs and highlighted a few of the review guidelines listed in the Staff Report recommendations.

#### *Petitioner Presentation*

Andrea Milne, Abonmarche Consultants, 303 River Race Drive, spoke on behalf of the petitioner. She stated she has nothing to add, but is happy to answer any questions. She also noted that Brian Mast from Goshen College and Tom Runkle from Abonmarche are here and available to answer any questions.

Mr. Holtzinger stated the church came before the Board of Zoning Appeals recently wanting an address on their sign. He asked if Goshen College is taking that into consideration.

Ms. Yoder responded that there is a proposed sign in the master plan for College Mennonite Church. She explained the previous sign proposed to the BZA was extremely large and extremely tall. The current proposed sign is much smaller and includes an electronic message center, but there is no specific address on the structure. She went on to say that Planning's administrative procedure is that anything minor, such as an address, on the structure is not counted as part of the sign area. If the address is needed, it could be added to the structure and would not count as additional area.

Mr. Lauver asked if the kiosk signs are lighted.

Tom Runkle, Abonmarche, stated that the kiosk signs are all located within the campus and are not part of the review process. He stated if they end up being lighted, it would likely be internal.

Mr. Nisley asked about signs in front of homes along College Avenue that are owned by Goshen College.

Ms. Yoder responded that those are considered ground signs which are permitted, and this approval doesn't impact them.

#### *Staff Discussion:*

There was no discussion amongst Commission members.

#### *Action:*

A motion was made and seconded, Wellington/Morris, to approve 23-03MI, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 9-0.

#### **IX.** Audience Items None

#### **X.** 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 this is a residential TIF area along the 9<sup>th</sup> Street corridor and Exhibit B included in the Staff Report lists projects which may be part of that. She also read from her Staff Report citing examples from the City's Comprehensive Plan demonstrating consistency with the proposed amendment.

#### *Staff Discussion:*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Wellington/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 9-0.

- Residency Form for Rolando Ortiz

Ms. Yoder noted for the record that a signed residency form was received from Rolando Ortiz.

**XI.** Adjournment – 4:30 pm Wellington/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  
**From:** Rhonda L. Yoder, Planning & Zoning Administrator  
**Subject:** 23-01V – Partial Plat Vacation  
*Lot 53, Martin Manor Addition (2610 Violet Road)*  
**Date:** March 21, 2023

## **ANALYSIS**

Bruce and Julie Bergdall and Kauffman Construction request a partial plat vacation to reduce 10' platted building setbacks to 5' on the north and south for detached accessory, 7.5' on the east for detached accessory, and 8' on the south for primary building. The owners propose to build a 52' x 26' detached garage at the northeast corner of the property, a 14' x 17' detached pergola on the south side of the property, and a 10' x 61' addition to the rear of the house, with the reduced accessory setbacks requested to allow adequate space between the new garage and house. The subject property is generally located at 2610 Violet Road, Lot 53 of Martin Manor Addition, zoned Residential R-1.

Per Indiana Code 36-7-4-711, an application by an individual property owner for a reduction/removal of a portion of a recorded plat can only be granted by the Plan Commission, through an application to vacate a portion of the plat, which is a public hearing that requires notification to all owners within the subdivision and recording of the decision.

The Plan Commission may approve the vacation of all or part of a recorded plat only upon a determination that:

- (1) Conditions in the platted area have changed so as to defeat the original purpose of the plat;
- (2) It is in the public interest to vacate all or part of the plat; and
- (3) The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.

The Martin Manor Addition plat was recorded in April/May 1948, while under the jurisdiction of Elkhart County. The plat included conditions and restrictions, including a 30' front building setback and 10' building setbacks for all other property lines. The plat does not distinguish between primary buildings and accessory buildings, so the platted building setbacks apply to all buildings.

The area was annexed into the City of Goshen in November 1968, and the 1972 Zoning Map shows the area zoned R-1 District. The current R-1 District standards allow 8' side setbacks for a primary structure (house) and 5' side and rear setbacks for a detached accessory structure (shed, detached garage), subject to any easements or other restrictions. All setbacks are measured to the furthestmost part of a structure (e.g., overhang).

Per communication with NIPSCO, the subject property contains two utility easements, a 5' easement along the north property line and a 7.5' easement along the east property line. Structures near any easement are subject to NIPSCO's clearance requirements.

The partial plat vacation request is related to a proposed 52' x 26' detached garage to be built in the northeast corner of the property, a 10' x 61' addition to the rear of the house, and a 14' x 17' detached pergola adjacent to the new addition on the south side of the property, reducing the platted setbacks as follows:

- 5' on the north and south for detached accessory (detached garage & pergola);
- 7.5' on the east for detached accessory (detached garage); and
- 8' on the south for primary building (addition).

The proposed setbacks meet the current R-1 District minimum requirements.

The reduction does not authorize any encroachment into a required NIPSCO clearance area.

**RECOMMENDATIONS**

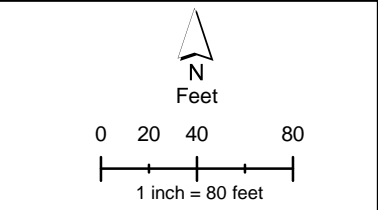
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Staff recommends the Plan Commission approve the partial plat vacation to reduce 10' platted building setbacks to 5' on the north and south for detached accessory, 7.5' on the east for detached accessory, and 8' on the south for primary building, for Lot 53 in Martin Manor Addition, based upon the following and with the following conditions:

1. The vacation does not defeat the original purpose of Martin Manor Addition, which was to create lots for detached single family dwellings.
2. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation, as the original proposed detached single family land use is maintained.
3. The proposed setbacks meet the current R-1 District minimum requirements.
4. All other R-1 developmental requirements will be met.
5. The reduction does not authorize any encroachment into a required NIPSCO clearance area.
6. If approved, the petitioner shall prepare the partial plat vacation drawing and submit it to the Planning office for final review and signature by the Plan Commission president and secretary.
7. After the partial plat vacation drawing is reviewed by the Planning office and signed by the Plan Commission president and secretary, it shall be recorded by the petitioner, with a clear, full-size recorded copy provided to the Planning office.
8. The recorded partial plat vacation drawing shall be provided to the Planning office before a zoning clearance form is signed for the project, before any permits are issued, and before work begins.



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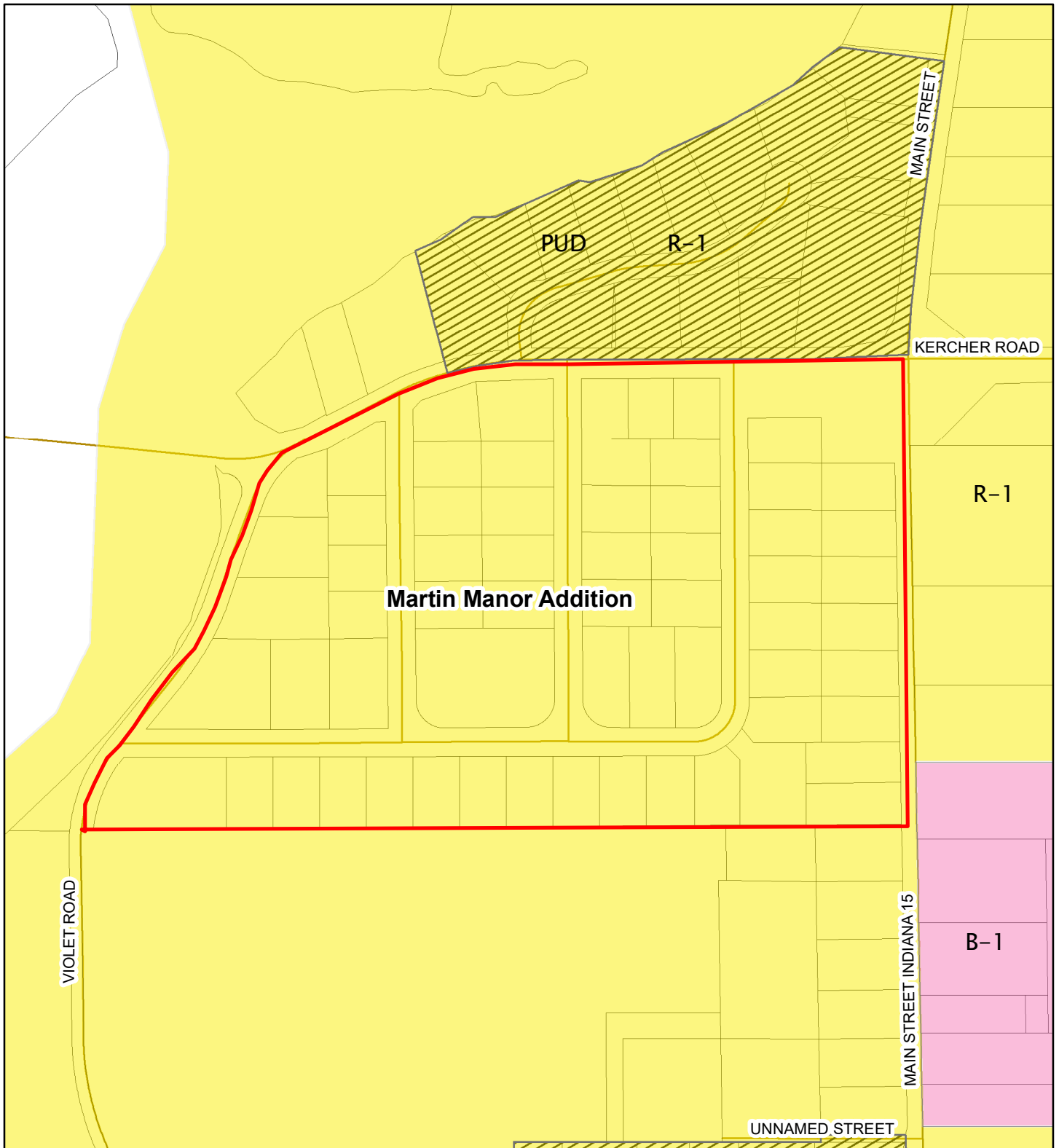


2610 Violet Road

2021 Aerial  
 Printed February 28, 2023

**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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**Martin Manor Addition**

Zoning Map  
 Printed February 28, 2023

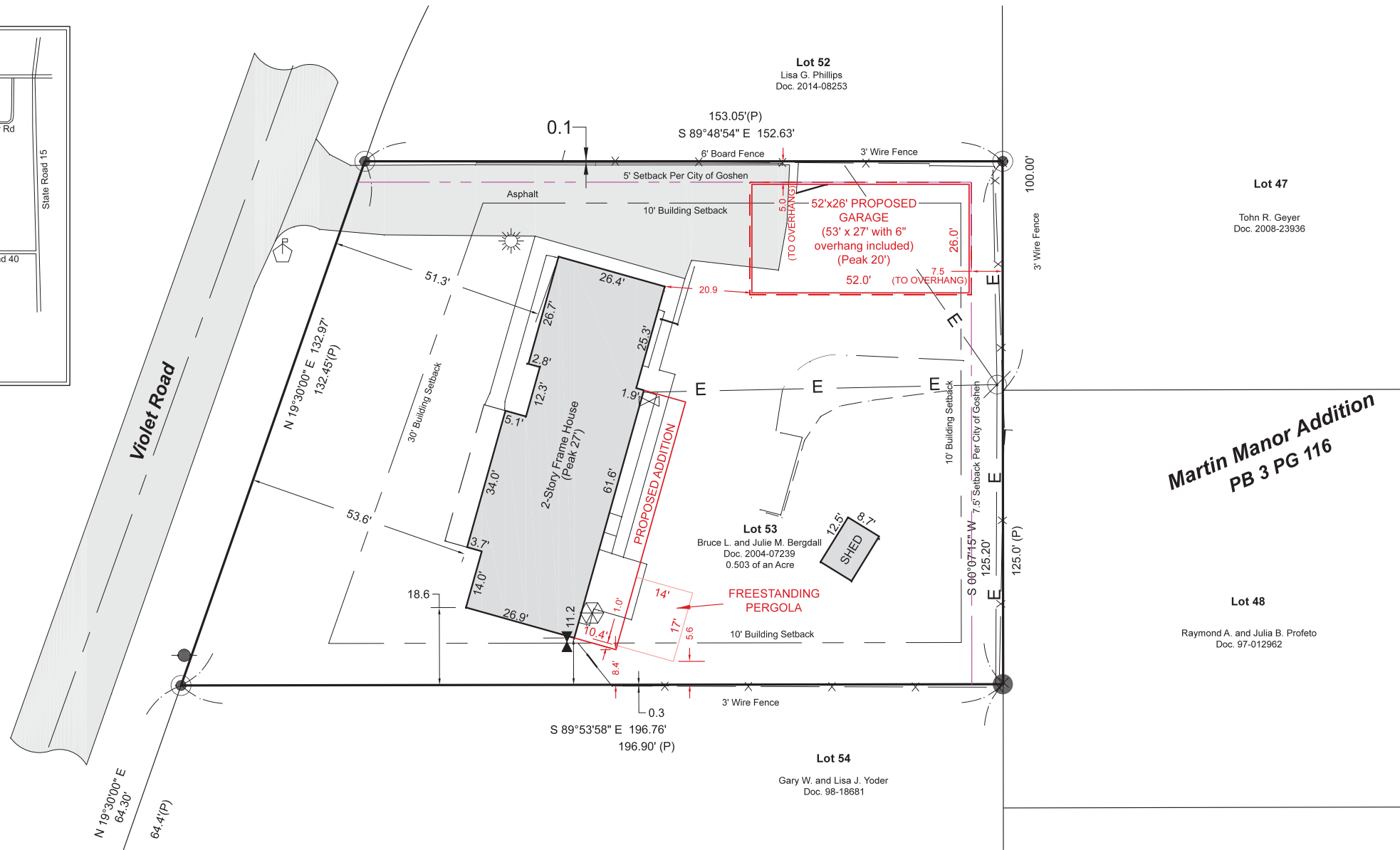
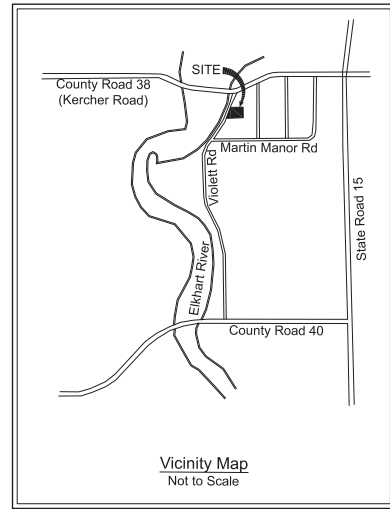
  
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**The City of Goshen**  
 Department of  
 Planning & Zoning  
 204 East Jefferson Street, Goshen, Indiana 46528  
 Phone: 574-534-3600 Fax: 574-533-8626

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**Land Description - Doc. 2004-07239**

Lot numbered Fifty-three (53) in MARTIN MANOR ADDITION, in the Northeast corner of Section 28, Township 36 North, Range 6 East, as appears of recorded in Plat Book 3, page 116 of the records of Elkhart County, Indiana.

**General Information**

The purpose of this survey is to collect data needed for construction of a house addition and detached garage. This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a surveyor location report. The boundary lines shown are based on physical evidence, found monumentation, recorded documents and a boundary survey performed by Land and Boundary, LLC, project number 230103.

Horizontal data for this survey is based on a solution derived from Global Positioning System (GPS) observations processed by a continuously operating reference station. It is my opinion that the horizontal uncertainty for this survey does not exceed 0.13 feet.

**Plat Notes:**

- Martin Manor Addition was recorded May 6, 1948 in Record 3 page 116.
- Building Setbacks shown hereon per recorded covenants and restrictions
- Proposed detached garage is within platted setbacks as shown and noted.
- Proposed house addition is within platted setback as shown and noted.
- NIPSCO was unable to produce a written or recorded easement for existing power lines shown hereon. NIPSCO stated the electric facilities exist and are maintained by prescription. Based on information provided by NIPSCO, the City of Goshen determined a 7.5 foot building setback along the East boundary line for the existing power line and a 5 foot building setback along the North boundary line for a proposed power line, both as shown hereon.
- The height of the peak of the existing 2-story house is 27 feet.
- The height of the peak of the proposed detached garage is 20 feet.

**Flood Map**

Based on scaling from the Flood Insurance Rate Map of Elkhart County, Indiana, Map Number 18039C0262D, dated 8-2-2011, this parcel is located in Zone "X".

**LEGEND**

- IRON PIPE FOUND
- REBAR FOUND
- ⊗ A/C UNIT
- ⊕ UTILITY POLE
- ⊖ ELECTRIC METER
- ⊙ GAS METER
- ⊙ FIRE HYDRANT
- E OVERHEAD
- FENCE
- - - BUILDING SETBACK DETERMINED BY CITY OF GOSHEN, RELATING TO EXISTING AND PROPOSED NIPSCO ELECTRIC LINES, SEE PLAT NOTES.

**Client**

Nate Kauffman - Kauffman Construction

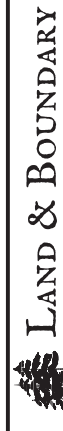
**Owner**

Bruce L. and Julie M. Bergdall (Doc. #2008-07239)

**Site Address**

2610 Violet Road Goshen, Indiana 46526

REVISED: 2-8-2023 - CORRECTED BOUNDARY LINES  
REVISED: 2-27-2023 - CITY SETBACKS, PLAT NOTES



The Land and Boundary Resource Office

Land and Boundary, LLC - 407 South 3rd Street, Goshen, IN 46526  
P. 574.320.5514 E. info@landbro.com

DATE OF FIELD WORK: 2-1-2023 PROJECT NUMBER: 230103

SCALE: 1" = 20' AUTHORIZED BY: TRS

SHEET 1 OF 1 DRAFTING BY: LRR

THE UNCERTAINTIES DUE TO RANDOM ERRORS IN MEASUREMENT FOR MONUMENTS ESTABLISHED IN THIS SURVEY ARE WITHIN SPECIFICATIONS OF AN SUBURBAN SURVEY (0.13 FEET PLUS 100 PARTS PER MILLION) AS DEFINED IN IAC 865.

I, A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF INDIANA, AND THIS SURVEY HAS BEEN CONDUCTED UNDER MY DIRECT SUPERVISION.

TRAVIS R. SHETLER, PS #LS21400008  
I affirm, under the penalties for perjury, that I have taken reasonable care to read each social security number in this document, unless required by law.



**Site Plan Survey**  
**Lot 53 of Martin Manor Addition**  
A part of the Northeast Quarter (NE1/4) of Section 28, Township 36 North, Range 6 East, Elkhart Township, Elkhart County, State of Indiana

**Martin Manor Addition**  
PB 3 PG 116