

Agenda
GOSHEN PLAN COMMISSION
Tuesday, June 20, 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 4/18/23
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV. Postponements/Withdrawals
- V. **Rezoning** (public hearing)
23-01R – A proposed annexation area with property owned by Last Dance, LLC, and Ryan Thwaites includes a rezoning upon annexation to Industrial M-1, from existing Elkhart County zoning of Agricultural A-1. The property is four tax parcels, approximately 34 acres, located adjacent to the existing Goshen corporate boundary on the north and south sides of County Road 36 (College Avenue) east of the railroad, including common addresses of 16379 and 16411 County Road 36.
- VI. Audience Items
- VII. Staff/Board Items
 - *Permission to Amend the Goshen Zoning Ordinance for General Updates*
- VIII. Adjournment

Minutes - Goshen Plan Commission
Tuesday, April 18, 2023 - 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, Josh Corwin, Tom Holtzinger, Hesston Lauver, Doug Nisley, and James Wellington. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Caleb Morris, Aracelia Manriquez, Rolando Ortiz

II. Approval of minutes of 3/21/23 – Holtzinger/Wellington 6-0

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

IV. Postponements/Withdrawals - None

V. Primary Subdivision (public hearing)

23-01SUB – KPAAS LLC and Abonmarche Consultants request primary subdivision approval for a three-lot major commercial subdivision, Goshen Village Shoppes. The subject property is generally located at the southeast corner of Meijer Drive and Elkhart Road, with common addresses of 4536, 4542, 4568 and 4580 Elkhart Road, consisting of four tax parcels and containing ±6.53 acres, zoned Commercial B-3PUD (Planned Unit Development), part of Goshen Village Shoppes PUD.

Staff Report:

Ms. Yoder provided background information on the establishment of Goshen Village Shoppes, explaining that the preliminary plan included one lot with four multi-tenant commercial buildings. Ordinance 4237 relaxed frontage standards for each building and general PUD regulations don't require minimum lot size and width standards. She went on to say the PUD site plan referenced building setbacks and parking/aisle setbacks as noted in the Staff Report. She noted there have been a couple changes to the PUD and, subsequent to the original PUD approval, the property was divided into four tax parcels. It has remained under single ownership.

The current owner would like to create three individual lots to allow the lots to be sold to separate owners and to facilitate possible development of the proposed Lot 3. She explained Lot 1 contains the existing Starbucks building, Lot 2 would include the remaining three buildings, and Lot 3 would be vacant.

She reminded Commission members the Plan Commission has exclusive control over primary and secondary subdivision approvals, noting primary subdivision applications can be granted approval, granted approval with conditions, or disapproved. She also stated subdivisions are not discretionary and must be approved if they meet the requirements.

Ms. Yoder remarked there are a few corrections required for the proposed subdivision and listed the following items that were addressed in the Staff Report:

1. Property line dimensions shall end at a lot corner, and shall not extend across a proposed lot corner.
2. All existing easements must be shown with dimensions.
3. The plat shall include references to existing easements, and as needed the plat shall include notes to clarify how existing easements will continue to benefit all lots in the subdivision.
4. The plat shall contain all new required easements, such as drainage easements for the storm water discharge to the Meijer site, sanitary sewer and water easements to serve Lot 3, and an access easement on Lot 2 to provide access to Lot 3.
5. Lot 3 shall have a 5' no access easement along the perimeter adjacent to the internal Meijer access drive, as access for Lot 3 shall be allowed only from the existing internal drive on the proposed Lot 2.
6. The plat shall include the following dimensioned PUD setbacks:
 - 120' building – Adjacent to Elkhart Road, measured from the centerline
 - 35' parking/aisle – Adjacent to Elkhart Road, measured from the property line
 - 25' building – Adjacent to Meijer Drive/internal Meijer access drive
 - 10' parking/aisle – Adjacent to Meijer Drive/internal Meijer access drive

Staff recommends approval of the request with the conditions listed in the Staff Report.

Petitioner Presentation:

Andrea Milne, 303 River Race Drive, spoke on behalf of the petitioner. She stated they are in agreement with Staff's comments and have nothing to add. She's available to answer any questions.

Audience Comments:

There was no one to speak to the petition.

Close Public Hearing

Staff Discussion:

None

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant primary approval for 23-01SUB, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 6-0.

VI. B-4 Minor Change (not a public hearing)

23-04MI – Wal-Mart Real Estate Business Trust and Carlson Consulting request a B-4 minor change to reduce the required parking space ratio from 4.82 spaces per 1,000 square feet of gross floor area to 4.34 spaces per 1,000 square feet of gross floor area. The subject property is generally located at 2304 Lincolnway East, zoned Commercial B-4 District (Planned Shopping Center).

Staff Report:

Ms. Yoder explained the B-4 zoning district is similar to a planned unit development in that a site plan is tied to the zoning and final site plans and minor changes can be reviewed by Staff and the Plan Commission. In the B-4 zoning district, parking is required based on 5 spaces per 1,000 SF of gross floor area, but in 2005, the Plan Commission approved a parking reduction as a minor change. The 2005 approval reduced the parking ratio to 4.82 spaces, and with the reduction proposed today, the ratio would be 4.34 spaces per 1,000 SF of gross floor area.

Today's request is associated with a building addition and parking reconfiguration on the north side of the existing building to expand the online grocery pickup area, and she referred to a site plan in the packets showing this area. With this change, parking spaces, including buggy parking, will be reduced from 958 to 904 total spaces.

Ms. Yoder remarked that this Walmart location is heavily used and has received annual approvals from the Board of Zoning Appeals for 3-week tent sales of fireworks, which takes up 10 parking spaces. Referring to photos in the packets, she pointed out that seasonal display of merchandise also takes up additional parking spaces. Further reduction in parking spaces is being requested, therefore staff recommends the minor change include conditions related to the temporary use of parking spaces. Staff recommends a maximum number of 50 spaces be used at any one time, for events such as fireworks sales or seasonal display of merchandise, and that the total time in a calendar year be limited to eight weeks for the temporary use of the 50 spaces, and not be permitted year-round.

As part of this approval, the Plan Commission needs to affirm this is a minor change. Staff recommends the Plan Commission approve the minor change to reduce the ratio from 4.82 spaces per 1,000 SF of gross floor area, to 4.34 spaces per 1,000 SF of gross floor area, with the conditions listed in the Staff Report.

Mr. Nisley asked for clarification if this approval would be for 8 weeks annually, and could be used for anything else in the parking lot.

Ms. Yoder confirmed that is her recommendation, noting it would then be up to Walmart to determine how they want to use the 8 weeks and 50 spaces.

Petitioner Presentation:

Kyle Tschirhart, 7068 Ledgestone Commons, Bartlett, TN, spoke on behalf of the petitioner. He stated Walmart is ok with the 50 space limitation in the parking lot, and tent displays, pots, and mulch would follow the eight-week timeline, but would like to ask that live goods (plants) be exempt from the 8-week timeline.

Ms. Yoder noted if those spaces are used permanently for display purposes, they're not parking spaces, which means the ratio is not accurate. She went on to say if that's what they want, it needs to be submitted that way and reducing the parking ratio would need to be reviewed. She went on to say if the 4.34 ratio is approved today, it doesn't cover permanent use of the spaces. She asked the petitioner how many spaces they want for live goods.

Mr. Tschirhart stated he was not given a number, and while they don't want it open ended, they would like to request 14 to 16 weeks to cover everything, including live goods. He went on to say the parking at this location is busier than they typically see, but feels 50 fewer spaces shouldn't impact the parking too much.

Ms. Yoder noted that this is a high volume location with a lot of buggies, vans of people, RVs and trailers.

Mr. Nisley stated this might be something they'll need to look at and eliminate the RV and trailer parking.

Ms. Yoder remarked that the other thing that can be looked at is to approve a smaller ratio. In her Staff Report she explained that the 50 spaces temporarily reduce the parking ratio to 4.11 spaces and that number, or something in between, could be made permanent. She explained the Plan Commission can decide today if they want to approve this as requested, or if they want to see this back in a year, or if they want to approve something else.

Mr. Nisley asked if it's correct, that Walmart was not concerned about the 50 spaces, but want more time for other goods to be displayed.

Mr. Tschirhart acknowledged that is correct.

Mr. Nisley asked if we can lengthen the 8 weeks for live goods to 12 or 14 weeks and not change the ratio.

Ms. Yoder commented that Walmart had requested 14 to 16 weeks.

Mr. Wellington asked why we care about the time if the spaces are being shuffled around. It could be good for the entire year, although he doesn't feel we should give them that much time.

Ms. Yoder responded that's another option and the Plan Commission can approve the 4.11 ratio which is basically 50 fewer spaces. The spaces wouldn't be removed, but would be available for them to use as they pleased.

Mr. Nisley stated if Walmart is ok with the 50 spaces for 14 weeks, that would seem to be acceptable.

Action:

A motion was made and seconded, Nisley/Holtzinger, to approve 23-04MI, based upon the Staff Analysis and with the conditions listed in the Staff Report, changing condition #5 to read "Seasonal merchandise displays and/or temporary tent events shall be limited to a total of 14 weeks in one calendar year".

Mr. Lauver asked who will regulate this.

Ms. Yoder responded that this is not easy to regulate, but we will notice if it's not meeting the requirements. She went on to say when we begin getting complaints or when we're there, we'll check it out, agreeing that it will be difficult to manage. She also pointed out that although they're reducing the number of parking spaces, they're having more online pickup and maybe that means there will be less need for permanent spaces.

The motion passed unanimously by a vote of 6-0.

VII. Audience Items
None

VIII. Staff/Board Items

- *Plan Commission Rules of Procedure – Proposed Amendment Related to Rezoning Signs*

Ms. Yoder explained there has been discussion over the past year regarding rezoning signs. She showed Commission members what the current rezoning sign looks like and explained when a property is being rezoned, the Zoning Ordinance requires these signs to be placed on the property. She pointed out they are fairly small and one-sided, so larger, two-sided signs were proposed and samples ordered. The new, larger signs would come with a metal stake and will be more visible. She provided examples of the signs, one with a white background, and the other with an orange background. The two

colors are to show different options available. She went on to say the new signs are considerably more expensive than the current signs with the white signs costing \$9/each and the orange signs costing \$11/each, compared to the existing rezoning signs which cost \$3.50/each. For this reason, Staff recommends a change to the Plan Commission Rules of Procedure, which would have the petitioner pay the City’s cost for each sign as part of the rezoning application and specify placement standards to determine how many signs are required for the property being rezoned. Staff’s recommendation is that signs shall be placed on the subject property by the petitioner using a minimum of one (1) sign per street frontage, with at least one (1) sign every 700’ of total street frontage. She went on to say the current Zoning Ordinance already require the rezoning signs, but the information it includes is not as specific. By adding this information to the Rules of Procedure it makes this more manageable and it’s something the Plan Commission can approve without going to Council. This change doesn’t impact the sign requirements, but changes the process to use larger signs, paid for by the petitioner, and to have a placement standard. The Plan Commission’s action would be to amend the Rules of Procedure and to decide which sign, white or orange, is preferred.

Action:

A motion was made and seconded, Lauver/Nisley, to amend the Rules of Procedure as proposed by Staff. The motion passed unanimously by a vote of 6-0.

Mr. Worsham asked Commission members for input on what color sign should be used.

Mr. Wellington stated the orange sign is more visible, but also more expensive.

Mr. Nisley stated he feels the orange sign will be much more visible.

Mr. Wellington asked how long the signs normally stay up.

Ms. Yoder replied that they tend to disappear, but we can only require they be posted a minimum of 10 days prior to the hearing. They can be removed following the hearing.

Action:

A motion was made and seconded, Nisley/Wellington, to approve the purchase of the orange rezoning signs. The motion passed unanimously by a vote of 6-0.

IX. Adjournment – 4:32 pm Nisley/Wellington

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Richard Worsham, President

Tom Holtzinger, Secretary

To: Goshen City Plan Commission
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 23-01R – Rezoning, Agricultural A-1 (County) to Industrial M-1 (City)
County Road 36 (College Avenue) Annexation Area
Date: June 20, 2023

ANALYSIS

A proposed annexation area with property owned by Last Dance, LLC, and Ryan Thwaits includes a rezoning upon annexation to Industrial M-1, from existing Elkhart County zoning of Agricultural A-1. The property is four tax parcels, approximately 34 acres, located adjacent to the existing Goshen corporate boundary on the north and south sides of County Road 36 (College Avenue) east of the railroad, including common addresses of 16379 and 16411 County Road 36.

The proposed annexation/rezoning area is currently under the jurisdiction of Elkhart County. Because the zoning will change as part of the annexation into the City of Goshen, a public hearing is being held at the Plan Commission prior to the final vote on the annexation ordinance by the Goshen Common Council.

Council passed the first reading of the annexation ordinance, Ordinance 5157, at the May 15, 2023, Goshen Common Council meeting, and a public hearing for the annexation was held at the June 5, 2023, Goshen Common Council meeting. The map that is part of the annexation ordinance is attached.

The proposed zoning upon annexation is Industrial M-1 (Light Industrial). The annexation area is currently zoned Agricultural A-1, with the north side parcels having had two residences, which have been demolished, and the south side having been used for agricultural purposes.

In the area to be rezoned, the following M-1 District standards will apply adjacent to the residential land use:

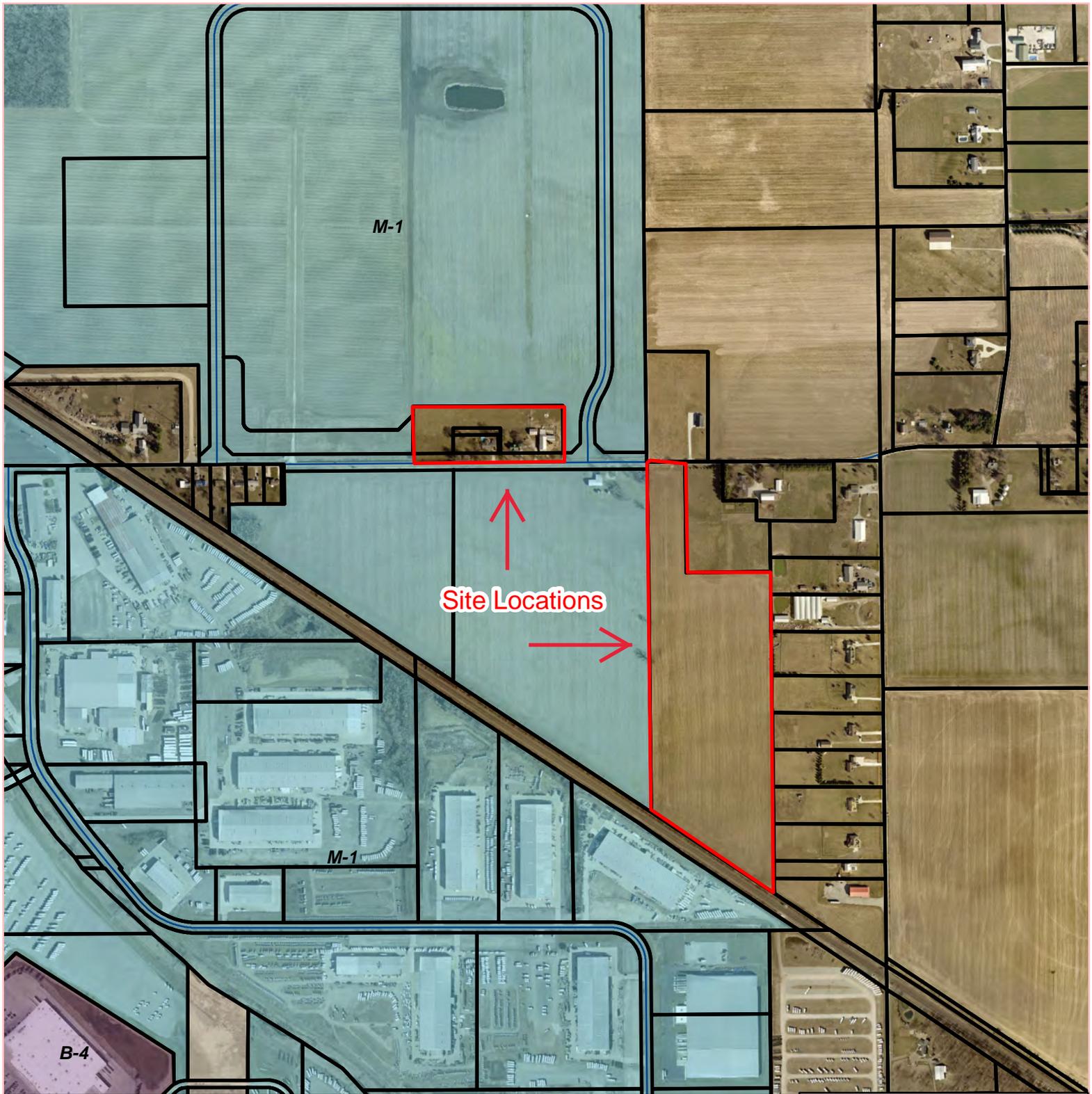
- 100' building setback (side and rear)
- 100' outside storage setback (side and rear)
- 60' parking/driving aisle setback (side and rear)
- Full bufferyard landscaping (6' berm with landscaping)

It is anticipated that the annexation area will be incorporated into the existing East College Avenue Industrial Park subdivision. The north side parcels are surrounded by existing M-1 land within the subdivision, and for the south side parcel there is adequate area to meet all M-1 District requirements.

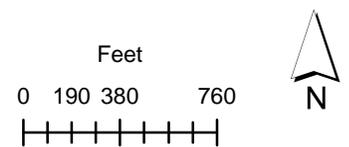
RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the annexation area rezoning, from Agricultural A-1 to Industrial M-1, based upon the following:

1. The rezoning is consistent with the City of Goshen existing zoning and land use in the area.
2. The M-1 developmental requirements are able to be met.
3. The rezoning is consistent with the Comprehensive Plan, including:
 - Land Use, Goal L-2: Promote commercial and industrial development that complements existing land uses.



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**Last Dance Rezone
 4 parcels**

2021 Aerial
 Printed May 31, 2023

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

EXHIBIT A

College Avenue (County Road 36) Annexation Area Map

