

Minutes - Goshen Board of Zoning Appeals
Tuesday, July 25, 2023, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Bethany Campbell, Tom Holtzinger, Hesston Lauver, Lee Rohn, and Michael Potuck. Also present were City Planner Rhonda Yoder, and Assistant City Attorney James Kolbus.

II. Approval of Minutes from 6/27/23: Potuck/Rohn 5-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Lauver 5-0

IV. Postponements/Withdrawals - None

V. Developmental Variances – public hearing items

23-18DV – Pride Properties, LLC, Andy Morrison, and Fritz Engineering Services request developmental variances to allow a 30' front building setback along Bashor Road where 35' is required, a 20' front parking and driving aisle setback along Bashor Road where 35' is required and a 0' rear (east) driving aisle setback where 10' is required for a shared access drive, a 10' front parking and driving aisle setback along Elkhart Road where 35' is required, a 30' parking and driving aisle setback along Bashor Road where 35' is required, and a 6' rear (east) parking setback where 10' is required, and the variance to be valid for one year, for the development of a new automobile service (oil change) facility. The subject property is generally located at 1715 Elkhart Road and is zoned Commercial B-3 District.

Staff Report

Ms. Yoder explained this request is to redevelop two tax parcels as a single site for an oil change facility with an approximate 1,080 sf building and two drive-thru service bays. Because of the complexity of this request, information is also included in the staff report about the east parcel. She explained that the east parcel was included in a site plan and variance for the adjacent car wash property, making it part of the same zoning lot as the car wash. Ownership of the car wash property was recently transferred, but the east parcel was not included in the transfer and will now be developed as part of the corner property. She went on to say the east parcel also includes a driving aisle which is connected to the vacuum area of the car wash, which is an exit only at this time and the east parcel also includes the stormwater retention area serving the car wash property. She noted at the time the staff report was prepared, easements for the shared access and stormwater had not been received, but they were provided to staff on July 19th, so based on that she will have one proposed change to the conditions.

Ms. Yoder pointed out the corner parcel is fairly small and most uses will require a number of variances for development. Staff recommends approval of this request, but only if a number of conditions are included. She highlighted some of the more important conditions, including the following, and noted conditions should be met prior to a zoning clearance being signed:

- A copy of the recorded access easement should be provided to Staff and those have been provided, so condition #6 should now read "Easements shall be shown on all site plans." She explained that the easements have been received, but they still need to be reviewed as part of the site plan process.
- An INDOT permit or written authorization to proceed without a permit should be provided to staff.
- Developmental variances shall be approved amending 13-15DV, so the east tax parcel is removed from the car wash site. The variance for the car wash site has not been submitted yet, but it will need BZA approval.
- The two tax parcels on the property will need to be combined into one tax parcel.
- The packet contains information regarding the Engineering Department's concerns related to a number of traffic related issues and for this reason, Staff recommends a traffic study be completed and submitted to the City for review. She noted this would be required prior to the Technical Review submittal.

Petitioner Presentation:

Andrew Morrison, 4351 Chase Circle, Zionsville, IN, spoke on behalf of the petitioner. He stated he and his partner

operate *Take 5 Oil Change* which is a 10 minute drive-thru oil change facility. The focus is on oil changes, and any additional services are generally limited to air filters, wiper blades, and perhaps an occasional coolant exchange. He provided a packet to Board members (*Exhibit 23-18DV-1*), noting that the Engineering Department has expressed concerns about traffic, and additional material is included in the packets regarding traffic. He pointed out a strong store does an average of approximately 40 oil changes per day, with business hours from 7:00 am to 7:00 pm Mon-Sat and 10:00 am to 5:00 pm on Sunday. He stated their studies indicate during one peak hour of operation, the number of vehicles entering and exiting a site is approximately 8 or 9 vehicles. His handout described existing locations, similar in size or larger than Goshen and commented that stacking and available parking is adequate for the sites. He referred to Appendix A in the handout which is the preliminary site plan for the Goshen location and next to that is the plan that shows the proposed access easement on the northeast corner of the property, as well as the proposed drainage easement on the southeast corner of the property.

Mr. Holtzinger asked if they are willing to have a traffic study done.

Mr. Morrison stated they are willing to do whatever the City needs them to do. He went on to say a full traffic study is a comprehensive process and what they generally do is provide a trip generation report.

Audience Comments:

Dustin Sailor, Director of Public Works & Utilities, spoke to the petition. He stated in regards to the recommended traffic study, US33 is a state highway so INDOT will evaluate that access point. He went on to say our concern is the access on Bashor Road. He pointed out that the driveway is shown as approximately 19' and an internal review shows that the driveway is not wide enough to handle both ingress and egress, especially since it's the primary exit for the neighboring Northern Pride Carwash. He also pointed out there is a left turn lane there for Beaver Lane creating a conflict point. He explained if there was no access onto Bashor Road, we probably wouldn't request a traffic study. We need to know what the traffic movement is and that it's safe. He questioned if this property should be a right out scenario for both properties.

Mr. Holtzinger asked if Bashor Road is where the City wants the study.

Mr. Sailor stated that's what the City is concerned about, but INDOT might require something totally different.

Mr. Rohn asked if the traffic information that was provided by the petitioner for other locations is sufficient for here.

Mr. Sailor stated that a brief look at the handout that was provided for previous locations, shows they have one point of primary access which he noted would be fine for US33. In this case we're also looking for a traffic conflict analysis to determine if we have an existing or potential problem along Bashor Road. He pointed out that currently this is an exit only, but there's nothing in the new plan. He has concerns for what this means for Bashor Road. He went on to say people will be slowing down to turn into the drive and their modeling shows that the driveway will need to be quite a bit larger to allow vehicles to come in and to handle trash trucks and fire apparatus.

Larry Stewart, 1105 E Northshore Drive, Syracuse, also spoke to the petition. He stated he sold the car wash property, but owns the property being discussed today. He stated there is only one exit lane going out from the carwash to Bashor Road and although it's an exit only at this time, it's meant to be an entrance/exit. He feels this proposal is a perfect fit and will clean up that corner.

Petitioner Rebuttal

Mr. Morrison stated he understands that ingress and egress along Bashor Road is a concern. He explained the site plan shows the existing drive to remain and wasn't aware of concerns until today, but noted they may be able to widen it. He asked if this might be another solution.

Ms. Yoder replied Engineering recommends a traffic study to determine the width and how it functions. Because of the nearby left turn lane, it's possible it will need to be right in, right out. The analysis is required to make sure it works properly. She also agreed with Mr. Sailor that it's not just vehicles entering for oil changes, a trash truck will need to access the dumpster onsite, and there needs to be adequate maneuvering for firetrucks. She also pointed out that this site plan is preliminary and if approval is granted, conditions are attached to make sure the analysis is done correctly so we can get a site plan that functions properly.

Mr. Morrison commented that they will be happy to do the study.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Potuck/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-18DV with the 11 conditions as listed in the Staff Report, but modifying condition #6 to read “Easements shall be shown on all site plans”. The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items
None

VIII. Adjournment: 4:24 pm Potuck/Campbell

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger
Tom Holtzinger, Chair

/s/ Lee Rohn
Lee Rohn, Secretary