

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

II. Approval of minutes of 8/15/23 – Holtzinger/Nisley 7-0

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

IV. Postponements/Withdrawals – None

V. Rezoning, PUD Major Change & PUD Preliminary Site Plan (public hearings)

23-03R & 23-02MA– Cherry Creek, LLC, Waterford Commons Business Park, LLC, City of Goshen, and Abonmarche request a rezoning from Residential R-3 to Residential R-3PUD (Planned Unit Development), a PUD major change for property zoned R-3PUD to be incorporated into the new Cherry Creek PUD, and PUD preliminary site plan approval. The R-3 area is ±211 acres, and the R-3PUD area is ±24.4 acres, with adjacent right of way and parcels intended for right of way, generally located west of Dierdorff Road, north of Waterford Mills Parkway, east of Regent Street, and south of Waterford Mills Parkway on both sides of Regent Street. The Cherry Creek PUD proposes a mixed use residential/commercial development, with:

- Permitted and conditional uses following the Residential R-3 District and Commercial B-2 District, and allowing restaurants with drive-through and landscaping companies (non-retail);
- Minimum required commercial parking calculated at one (1) space per 400 square feet of gross floor area;
- No minimum parking required for common area uses (such as parks);
- Provided minimum parking spaces count to include on-street parking spaces;
- Maximum residential unit density calculated using overall Cherry Creek area, including common areas, but excluding public right of way; and
- Maximum building length allowed up to 400 feet.

Staff Report:

Ms. Yoder explained there are 211 acres currently zoned Residential R-3, noting it includes adjacent right of way and parcels intended for right of way, and an existing area of approximately 24.4 acres zoned R-3PUD. She said the current request is to rezone the R-3 area to R-3PUD and that would establish the Cherry Creek PUD. She stated the second part is a PUD major change for the R-3PUD area to remove it from Waterford Commons PUD and incorporate it into the new Cherry Creek PUD. Ms. Yoder referenced the first map in the packet that showed the R-3 area outlined in red and PUD major change area outlined in green. The request also includes PUD preliminary site plan approval for the proposed Cherry Creek PUD.

Ms. Yoder noted the Cherry Creek PUD proposes a mixed use residential/commercial development and will have approximately 179 acres, that would be broken down as follows:

- ±83 acres – single unit residential lots (detached and attached residential units)
- ±36 acres – mixed use buildings with residential units (commercial and residential in the same building)
- ±2 acres – maintenance lot with single unit residence, equipment storage, greenhouse, real estate office, home design showroom, and landscaping company (non-retail)
- ±21 acres – common spaces, including recreation areas and drainage areas
- ±37 acres – right of way and trail out lots

Ms. Yoder explained the PUD proposes approximately 170,000 SF of commercial space, in 10 buildings, and approximately 1,565 residential units, with up to 270 detached single units, 245 attached single units, and 1,050

condo units in 10 buildings. She stated two phases are proposed, explaining the first phase is 89 acres on the west side of the main property on the north side of Waterford Mills Parkway which includes attached/detached residential units, up to 760 condo units in 8 buildings, with 120,000 SF of commercial space, and the maintenance lot. She said the first phase has one access from Waterford Mills Parkway, which is an extension of Edison Drive, and one access from Regent Street. She went on to say the first phase also includes off-site improvements on 24 acres owned by the City of Goshen.

Ms. Yoder discussed proposed uses, stating the underlying zoning is R-3, which permits a variety of residential uses, and no exceptions to the permitted or conditional uses are proposed. She said for the commercial areas, the PUD proposes to allow permitted and conditional uses following the Commercial B-2 District. She stated the B-2 District is a mixed use district, permitting a range of medium-intensity commercial uses, so that would be retail, service, cultural, and office uses, for example. She further explained there are two proposed commercial uses that are not permitted in the B-2 District, restaurants with drive through and landscaping companies (non-retail). She mentioned those two are requested to be added as permitted uses. Ms. Yoder said staff recommends prohibiting three B-2 uses which are: Bus Terminals, Gas Stations, and Land Reclamation Projects, as these uses are not compatible with the proposed PUD.

Ms. Yoder explained there were a number of different topics to go over in developmental requirements. First she addressed **Density** stating in the R-3 District, residential unit density is permitted up to 20 units per acre. She stated maximum residential unit density for the Cherry Creek PUD is proposed to be calculated using the overall Cherry Creek area, including common areas but excluding public right of way, which based on approximately 142 total acres and 1,565 total units would be 11 units per acre.

In regards to **Access & Street Network**, Ms. Yoder stated Phase 1 includes access from Waterford Mills Parkway and Regent Street. She noted Phase 2 would include an access from Dierdorff Road which would extend Fairways Drive and also includes a parcel in the southwest on the west side of Regent Street that would have two access points. She referenced the executive summary of Traffic Impact Study, done in March 2023, which was included in the packet, and noted there were 3 main recommendations that had to do with turn lanes for each of the entrances. She did not go into detail, but stated those recommendations would be part of the final design for the subdivision. She reminded the Commission that this is a PUD preliminary site plan and it would not contain every detail, however they were looking at the components that would be a part of it and what will be part of that final design. Ms. Yoder explained the recommendations from the Traffic Impact Study for the turn lanes will be incorporated with the subdivision plans and the internal street network will include new public streets, reviewed as part of the subdivision plans.

Ms. Yoder went on to explain that for **Sidewalks & Trails**, sidewalks would be 5' in width, and trails 10' in width, per Exhibit G in the packet which shows there are a lot of connections to the greenway to the north that connects to Prairievie School. She said those final details will be part of the final design.

Ms. Yoder explained that for **Parking** residential parking is proposed following Zoning Ordinance requirements and commercial parking is proposed at one space per 400 square feet of gross floor area, with no parking requirements for common areas. She said the overall parking space count is to include on-street parking spaces and bicycle parking is proposed at two spaces per 10,000 square feet of gross floor area of commercial space.

Ms. Yoder gave a comparison stating for typical B-2 commercial uses parking is based on display and sales area ranging from 200 SF to 800 SF, plus one space per two employees. She noted that applying the one space per 400 SF of gross floor area to commercial uses will provide an adequate standard that is easy to implement, and would not require new reviews when uses change, provided that the floor area stays the same. She said all drive through uses will be subject to Zoning Ordinance stacking requirements.

Ms. Yoder stated based on the proposed standards, the total residential units, and total commercial floor area, parking requirements will be met for all uses.

Ms. Yoder discussed the next category of **Landscaping** explaining typical landscaping is shown in Exhibit E. She explained that required landscaping includes streetside trees, bufferyard landscaping and parking lot trees/islands. She stated bufferyard is partial landscaping adjacent to single and two family land use. She noted streetside trees are proposed meeting the total required based on frontage, with some trees planted in alternative locations where the proximity of drives or utilities limits space for planting. She went on to say parking lot trees/islands are proposed meeting Zoning Ordinance requirements.

She further explained that partial landscaping is proposed with two options. She stated option one would follow the Zoning Ordinance formula, which has a specific number of plantings every 25' and option two would be an undulating berm with one evergreen tree for every 25' of applicable lot line and group planning. She said partial landscaping normally does not require a berm so the addition of a berm option with fewer evergreen trees still meets the requirement of a partial visual barrier. She noted it is not supposed to be a complete barrier, just a partial visual barrier.

Ms. Yoder next addressed **Building Length** stating the maximum building length in the R-3 district is 200 feet and 400 feet length is proposed, which is consistent with adjacent buildings in Waterford Crossing.

Ms. Yoder moved onto **Signs** stating the proposed sign package was included in the PUD Narrative and will be incorporated into the PUD ordinance. She said proposed signs would include:

- Illuminated Monument Sign (main entrance) - Waterford Mills Parkway
- Illuminated Monument Signs (secondary entrances) - Regent & Dierdorff
- Two Temporary Freestanding Signs – at 2 locations, to be removed when the permanent entrance signs are installed
- Internal Freestanding Signs – Phase one, mixed use buildings, up to 8 non-illuminated signs, mostly for identification of buildings, parking areas and directions
- Projecting Signs – One illuminated sign for each store front
- Non-illuminated Wall Signs – Up to three signs for each mixed use building
- Window Signs – One window sign per store front

Ms. Yoder explained the number, type, size and height of proposed signs appeared compatible with the scale of development, and signs for phase two mixed-use buildings will follow signs as proposed for the phase one mixed use buildings. She said staff is recommending that changes to the sign plan be reviewed by the Plan Commission as a minor change, so that would not be a public hearing, but would be reviewed at a meeting if there are modifications to the sign requirements.

Ms. Yoder discussed proposed **Lighting** stating the Cherry Creek PUD lighting includes streetlights, private residential lighting, and building-mounted and pole lighting in parking lots for mixed use buildings. She said lighting shall be designed and installed to be directed down and away from adjacent residential properties, and shall minimize illumination, glare or reflection onto adjacent properties.

Ms. Yoder explained there are a few standards that are not required in PUD districts which are **Lot Size, Lot Width, Building Height, Building Coverage & Setbacks**, however there are practical factors that will impact the location and size of structures, so there does have to be space provided for utilities, parking within a driveway, mail delivery, and space for landscaping, for example.

Next Ms. Yoder talked about the PUD preliminary site plan, sharing that it is shown in Exhibit K in the packet and mentioning it is a conceptual site plan approval. She said the PUD final site plan would be reviewed as part of the technical review process and those plans would be reviewed by staff on behalf of the Plan Commission. She explained subdivision review is a separate process which occurs after a PUD has been established. Ms. Yoder clarified that the current request does not include anything related to the subdivision, as although the PUD preliminary plans are labeled primary subdivision this is not a subdivision application, it is PUD only.

Ms. Yoder stated staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the rezoning, PUD major change, and PUD preliminary site plan based on:

1. The proposed Cherry Creek PUD is consistent with the existing mixed use land development within the adjacent Waterford Commons PUD; and
2. The proposed development is consistent with the Comprehensive Plan, including:
 - Neighborhoods & Housing, Goal N-7: Expand housing options and opportunities.
 - Neighborhoods & Housing, Goal N-6: Encourage compact and connected residential development.
 - Land Use, Goal L-7: Encourage small-scale, neighborhood commercial development.
 - Transportation, Goal T-4: Increase pedestrian/biking options.

Ms. Yoder stated the PUD standards would include the various areas she aforementioned, i.e., density, landscaping, signs, parking, building length, etc.

Ms. Yoder said for the record the Planning Office received one call to the office asking for more details about the PUD process, as they had been to a preliminary meeting regarding the Cherry Creek PUD, had seen the posted rezoning signs, and had questions on the process.

Petitioner Presentation:

Crystal Welsh, Abonmarche, 303 River Race Drive, spoke on behalf of the petitioner. She thanked the Commission for seeing them today and explained this was one step in a long process to bring development in the Cherry Creek neighborhood. She said they have been working with staff for about one year trying to come up with the best way forward to meet the goals of the developer in a way that is consistent with the City and met the goals of providing additional housing for the City of Goshen. She stated that she is here to answer questions along with the developer, Tonya Detweiler.

Richard Worsham asked if there were any questions for the developer. Tom Holtzinger asked about water retention and potential flooding prevention in the event of a serious storm. Ms. Welsh explained they are working with the Engineering Department to ensure it is designed and developed to meet the proposed standards going forward. She said it should meet the new standards and requirements for Stormwater management. Ms. Welsh referenced the site plan's ponds and dry retention areas saying an aesthetic improvement is the wet ponds but they are still part of the stormwater system as well as the dry retention areas.

Richard Worsham asked if there were any other questions. James Wellington asked where the name came from. Tonya Detweiler, developer, answered there is a mixed use neighborhood in Denver, Colorado, that has a lot of features they had dreamt about for Goshen. She said that when visiting family living in that neighborhood called Cherry Creek, she thought Goshen needed one of these too. She explained it was a very neat neighborhood, a cultural place to go and a lifestyle community.

Richard Worsham opened the floor for audience comments.

Audience Comments:

Pat Cox, 65944 C.R. 27, explained the addition would be across the street from her house. Ms. Cox raised concerns about accidents in the area and morning traffic starting at 3:00 – 3:30 AM. She said traffic gets backed up clear down past the overpass bridge into Waterford and then at 5:30 PM there was great congestion again. She asked how this would affect the houses down in that area that have trouble exiting their driveway now, wondering if they would install a traffic light or roundabout or what they would do to alleviate that.

Richard Worsham thanked Ms. Cox for her comments and asked if there were any others questions before Ms. Welsh came up to address it. No other questions were asked. Ms. Welsh explained that a development of this size will look at traffic. She mentioned the preliminary traffic analysis was done looking at existing conditions and what a project like Cherry Creek would do to impact traffic conditions that are already existing there. She explained when they get into the subdivision and technical review process the onsite and offsite traffic analysis will come into consideration at that point. She said they will continue to work with Engineering and the Street

Department to make sure that what they are doing creates a safe environment for the current residents and for those who will be moving into the area.

Ms. Welsh mentioned that in addition to any offsite improvements that need to be made they would make sure that the route is safe in and out of the subdivision and through the area. She referenced what Ms. Yoder had mentioned about having included a pretty extensive connection for bike and pedestrian traffic specifically hoping that a lot of the students attending the elementary school right there can get to school without having to get on the road to have their parents drive them around and drop them off. She explained some of the amenities will include being able to get around safely on bicycle or walking. She said there will be commercial spaces right in the development, like a coffee shop or diner, for them to access so they will not necessarily need to leave the subdivision. Ms. Welsh reiterated that the technical aspects of traffic management will be dealt with during the subdivision and platting process and technical review that the City will do and they will make improvements as needed.

Richard Worsham asked in reference to that if there were two main entrances to the development. Ms. Welsh replied that there were three main entrances for both phases. She said phase one has two entrances and explained one is at a stub street that is existing and already goes in there and then one off of Regent and one off of Dierdorff. She explained these are to facilitate the movement of people coming into and leaving the subdivision.

Jeff Hughes, 66047 Grasslands Lane, expressed his concerns about current congested traffic conditions already existing on C.R. 40. He said traffic needs to be addressed on C.R. 40 between C.R. 27 and 33 because his wife is unable to get out of their driveway to go to work. He said a traffic light is needed and asked when they would be getting one.

Close Public Hearing

Richard Worsham closed the public hearing.

Staff Discussion:

Richard Worsham asked if there was any discussion amongst Commission members. Doug Nisley commented in response to Jeff Hughes, that the traffic light needed at the intersection Mr. Hughes mentioned would be under the jurisdiction of the State. Mr. Hughes asked if it has been talked about. Dustin Sailor, Director of Public Works & Utilities, confirmed that INDOT is looking into putting a signal at the C.R. 40 and U.S. 33 intersection as part of the U.S. 33 improvement and it is scheduled sometime around 2027.

Action:

A motion was made and seconded, Wellington/Nisley, to forward a favorable recommendation to the Goshen Common Council for the rezoning, PUD major change, and PUD preliminary site plan, based upon the Staff Analysis. The motion passed unanimously by a vote of 7-0.

VI. Audience Items

None

VII. Staff/Board Items

- *Permission to amend the Goshen Zoning Ordinance, including Section 4270, Flood Control District Regulations, based on the State of Indiana model ordinance*

Ms. Yoder explained they have been asked by Department of Natural Resources, Division of Water, to update the flood control district regulations, and she needs a motion to allow staff to prepare an amendment to bring back to the Plan Commission.

Action:

A motion was made and seconded, Nisley/Holtzinger, to grant permission for staff to prepare an amendment for the flood control district regulations. The motion passed unanimously by a vote of 7-0.

- *2024 Plan Commission & BZA Schedule – Approval*

Ms. Yoder noted the 2024 Plan Commission and BZA schedules are included in the packet and a motion is required to approve the 2024 schedule for both meetings.

Action:

A motion was made and seconded, Holtzinger/Lauver, to approve the 2024 Plan Commission and BZA schedules. The motion passed unanimously by a vote of 7-0.

Ms. Yoder mentioned that there would be a December Plan Commission meeting as they already had one case filed. She said the next meeting is December 19 and if any member would be unable to attend, she asked to be notified.

VIII. Adjournment – 4:35 pm Nisley/Holtzinger

Respectfully Submitted:

/s/ Theresa Cummings

Theresa Cummings, Recording Secretary

Approved By:

/s/ Richard Worsham

Richard Worsham, President

/s/ Tom Holtzinger

Tom Holtzinger, Secretary