

Minutes - Goshen Plan Commission
Tuesday, December 19, 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, and Aracelia Manriquez. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Caleb Morris and Rolando Ortiz.

II. Approval of minutes of 11/21/23 – Holtzinger/Manriquez 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. Rezoning & PUD Preliminary Site Plan (public hearings)

23-04R – JRT Realty, LLC, Marisa L Yoder, and SAM Companies request a rezoning from Residential R-1 to Commercial B-3PUD (Planned Unit Development) and PUD preliminary site plan approval, to establish the Yoder-Culp PUD to continue the existing funeral home use (currently non-conforming in the R-1 District), to add the property at 111 River Vista Drive to the funeral home use, to continue the residential use at 1901 S Main Street, and to allow a future office/specialty retail use at 1901 S Main Street. The subject property is generally located on the west side of S Main Street, south of Westwood Road and north of River Vista Drive, containing ±2.77 acres, with common addresses of 1901 and 1911 S Main Street and 111 River Vista Drive.

Staff Report:

Ms. Yoder explained this is a recommendation to the council for the rezoning and the PUD preliminary site plan. She said under the current R-1 zoning the funeral home use is non-conforming and it has been expanded over the years by approvals by the Board of Zoning Appeals. She stated the current request is to rezone from R-1 to commercial B-3 and establish a planned unit development. She noted it would include the existing funeral home property, 1901 & 1911 S Main Street, and it would add 111 River Vista Drive. Ms. Yoder explained the PUD would permit only the funeral home use except it would allow the existing residential use to continue at 1901 S Main Street, and allow a future office or specialty retail use at 1901 S Main Street. She said the PUD will limit permitted uses and facilitate the funeral home use as it changes over time.

Ms. Yoder mentioned a couple of items related to the Planned Unit Development starting with one being the restricted permitted uses. Second, she talked about lot size, lot width, building height, building coverage and setbacks and noted in a PUD those items do not require specific standards and added that practical factors will impact the location and size of structures even without those. She stated the current developed area of 1901 & 1911 S Main Street reflect expansions approved by BZA and the PUD will incorporate those approvals and allow the existing development to remain.

Ms. Yoder explained staff recommends one setback for the PUD, which is 20' adjacent to residential land use, and that would be for building, parking, driving aisle, and would apply to areas where there is new development such as at 111 River Vista. She skipped ahead to discuss landscaping saying when you have commercial adjacent to residential land use, partial landscaping would be required for the development at 111 River Vista on the north and west property lines. She went on to mention street side trees, and how there may some landscaping that is applicable if there is future redevelopment.

In regards to parking, Ms. Yoder said parking is proposed to follow Zoning Ordinance requirements with the office/specialty retail at 1901 S Main Street calculated at 1 space per 2 employees plus 1 space per 400 square feet of office/display/sales area. She noted this would be in addition to the funeral home use parking. Ms. Yoder discussed access stating the funeral home use is currently served by access points from Westwood Road, S Main Street, and River Vista Drive, and no changes are proposed to the existing access. She said a future driveway is

proposed from River Vista Drive extending north to serve the residential use at 1909 S Main Street which is directly north of 111 River Vista. She said that property has no street frontage and it is currently accessed from within the site and that can continue in the future. She referenced the site plan explaining that a proposed driveway could be added in the future to serve the property to the north.

Ms. Yoder said staff recommends the existing driveway and parking area for the residential use at 1901 be removed when that use changes to commercial as reflected on the site plan. She explained at that time all of the parking and access would be from inside the site and there would no longer be a separate driveway for 1901 S Main.

Ms. Yoder discussed signs saying that as a PUD it would be considered a single zoning lot and would allow a single freestanding sign, and with two potential primary uses and extensive street frontage two freestanding signs are warranted, one for each use. She explained there are no changes currently planned to the existing freestanding sign at the funeral home and staff recommends the freestanding sign for the office/retail use be limited to 8' in height and 32 square feet in area. She noted any future new freestanding sign replacement for the funeral home use be limited to 12' in height and 50 square feet in area, and all other signs will follow B-3 requirements.

Ms. Yoder stated that PUD preliminary site plan approval is a conceptual site plan approval, and PUD final site plan review, will be required, that is usually submitted as part of the City's administrative site plan review process, and it may be reviewed by Staff on behalf of the Plan Commission.

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

1. The proposed Yoder-Culp PUD continues a long-standing use with a small expansion that will provide adequate setbacks along with screening adjacent to residential land use; and
2. The proposed development is consistent with the Comprehensive Plan, including:
 - Land Use, Goal L-1: Prioritize the reuse and redevelopment of existing land and structures.
 - Land Use, Goal L-7: Encourage small-scale, neighborhood commercial development.
 - Natural Environment, Goal NE-2.4: Direct growth toward existing development and away from undeveloped space such as farmland, wetlands and forests.

She noted the recommendation includes PUD standards she already discussed and that are listed in the staff report, and the report also includes review process conditions.

Petitioner Presentation:

Ben Stanley, 19932 Hidden Meadow Trail, Goshen, said he was joined today by Tim Yoder who is one of the owners and operators of the property/funeral home. He talked about the property at 1901 & 1911 S Main Street being owned by JRT Realty and the property at 111 River Vista was owned by Marisa Yoder, Tim's wife. He said there were 7 lots in total and the Yoder Culp Funeral Home plus parking lot currently occupy the majority of the site with the exception of the residence at 1901 S Main and residence at 111 River Vista Drive. He explained there is a large 130' easement for overhead electric transmission passing through the site parking lot area. He also explained their request for rezoning and discussed plans to demolish the house at 111 River Vista to build a crematorium. He talked about future plans for 1901 S Main St being a potential retail or office space. He asked for approval of the PUD preliminary site plan showing the proposed and future improvements that match the current and future land use with proposed zoning. He talked about the building plans in the proposal and the variances requested, signage, and landscaping planned.

Ms. Yoder asked for clarification on the separate access for the future retail if it was not proposed to be connected internally? Mr. Stanley answered that it was not proposed to be connected internally. Discussion followed on the existing access and the wording in the plan on the access being sufficient.

Audience Comments:

Dale Kempf, 1914 Woodward Place, said he is a near neighbor and a board member of the neighborhood association directly behind this property and the hospital. He stated there were three things he wanted to make

note of. One was thanking Colin and Tim for communicating with the neighborhood about the project and allowing them to be informed of it. Second comment was a request that as the buildings are designed, particularly 111 River Vista, that the design of the building would conform to a residential style. Thirdly he asked that in the future he hoped the PUD would not be expanded so that they could preserve the neighborhood.

Close Public Hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Nisley/Holtzinger, to forward a favorable recommendation to the Goshen Common Council for 23-04R, based upon the Staff Analysis with recommendations and conditions. The motion passed unanimously by a vote of 6-0.

VI. Primary Subdivision (public hearing)

23-02SUB - AG Holdings, LLC, and Abonmarche Consultants request primary subdivision approval for a two-lot major commercial subdivision, Red Oak, to create a lot for a permanent conservation easement/tree preserve. The subject property is generally located on the south side of Eisenhower Drive North, west of Caragana Court, with a common address of 2312 Eisenhower Drive North, containing ±1.8 acres, zoned Commercial B-3.

Staff Report:

Ms. Yoder explained this is an item that stays with the Plan Commission so it is not a recommendation. She stated the Plan Commission does have exclusive control over primary and secondary subdivision approvals. Subdivisions may be granted approval, approved with conditions or disapproved. She stated approval may be granted only if the conditions of the subdivision ordinance are met and the Plan Commission may waive only those conditions found in the subdivision ordinance and may not waive any conditions found in the zoning ordinance.

Ms. Yoder stated that Lot 1 meets all B-3 requirements, but Outlot A, which is the south proposed lot has no street frontage and does not have direct street access which are two separate items. She said access for Outlot A is proposed via an easement across Lot 1 and the easement across Lot 1 will also include drainage and parking. She further explained that an application has been made to the Goshen Board of Zoning Appeals for a developmental variance to allow Outlot A with no street frontage and no direct street access. She said that would be heard by the BZA after the Plan Commission takes action on the primary subdivision. She added that BZA approval would be required before secondary approval could be granted.

Ms. Yoder shared in addition to the BZA approval there were two items to address on the subdivision. She said one was the reference for Easement A should include access, parking and drainage and then Outlot A requires more detail about the restricted use, including reference to the permanent conservation easement. She explained that a recorded easement document does not need to be in place for a reference about a conservation easement to be on a plat. She said the reason this is important is because what the plat says is going to restrict the use of that lot and so it must be clear on what is restricted. She stated apart from the tree reserve/conservation easement, there would be no other uses for that lot.

Ms. Yoder said staff recommends the Plan Commission grant primary approval with the noted conditions.

Petitioner Presentation:

Andrea Milne, Abonmarche, 303 River Race Drive, said the intention of the subdivision is not to build anything new on the site, but rather to set apart a piece of the lot for future preservation of trees that are currently planted and it would be on about three-quarters of an acre. She said they will be asking for a variance for parking that is normally required but fulfilled by Lot 1 for the Outlot since they don't have any buildings on the lot. She said in regards to the restricted use, there is not a conservation easement currently, but owner will get one in the future and she was not sure if that needed to be in place before approval.

Ms. Yoder responded that it does not need to be in place, but her recommendation is that in addition to the language that is there for use restricted to tree preserve the words “conservation easement” be added to that Lot. She went on to say that the easement itself does not need to be in place, however, it needed more clarity. Ms. Milne agreed.

Mr. Wellington asked if the tree preserve would be for public use? Ms. Milne responded no, and she believed they would sell the property to a not-for-profit who would then manage the tree preserve. Mr. Wellington again asked if public use would be allowed and Ms. Milne replied that she did not think that was in the plans. Mr. Wellington asked if they were preserving it so that a future buyer would not be allowed to cut down the trees and Ms. Milne said that was her understanding. Mr. Wellington asked if this was being done for environmental reasons or so they would not have to put additional parking on the first lot? Ms. Milne clarified that the first lot had adequate parking as is, and did not need additional spaces. Ms. Yoder added that Lot 1 meets all developmental requirements so it has adequate parking. A discussion followed on parking, easement and access to the preserve.

Audience Comments:

There were no comments or questions from the audience.

Close Public Hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant primary approval for 23-02SUB, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 6-0.

VII. Primary Subdivision (public hearing)

23-03SUB - Dennis M Landis, Susan Mark Landis, and Abonmarche Consultants request primary subdivision approval for a two-lot major residential subdivision, Double Oak, to create a second residential lot. The subject property is generally located north of Lincoln Avenue and east of Steury Avenue, with a common address of 820 Steury Avenue, containing ±26.77 acres, zoned Residential R-2.

Staff Report:

Ms. Yoder explained this is another major subdivision which stays with Plan Commission. She stated the subject property is currently developed with a single unit residential home and includes 2 tax parcels and only one tax parcel is proposed to be part of the subdivision. She referenced the aerial layout noting the tax parcel outlined in red showed the proposal. She went on to say the subject property contains wetlands, regulatory floodplain and classified forest. Ms. Yoder said the proposed lots meet R-2 district requirements for minimum lot area, but both lots have the following deficiencies which require Board of Zoning Appeals before secondary subdivision approval is granted:

- No street frontage;
- No direct access to a street; and
- No connection to City water.

Ms. Yoder stated the existing single unit residential development was granted approval by the BZA but the current subdivision request requires both lots to address all deficiencies. She mentioned some technical items in the staff report related to a discrepancy in the legal description and documents that need to be provided or referenced. She said the proposed new 40' utility and ingress-egress easement within the subdivision is established through the plat. She stated it does not require a separate recorded easement except for any agreement the property owners wish to execute privately. She explained those are the conditions that need to be met so secondary approval can be granted in addition to the normal review process. She mentioned there are a couple

other conditions, including because of the wetlands the US Army Corps of Engineers needs to provide written approval for the amended access which is a driveway and utilities through the wetland. She said the connection to City sewer and the sewer extension plans for Lot 2 have to be approved by the City Engineer before secondary approval is granted. She stated the existing lift station for Lot 1, which does not function properly, will require a third party evaluation and design and that review also needs to happen before secondary approval is granted along with a timeline for implementation. She went on to say that prior to this meeting, the office did receive one phone call inquiry asking for additional information. She said staff recommends that primary approval be granted with the noted conditions in the staff report.

Petitioner Presentation:

Andrea Milne, Abonmarche, 303 River Race Drive, stated the purpose of this subdivision is to create a buildable lot for a house. She stated they are working on Tech Review to make sure they get everything in compliance and get the recorded documents and deeds they were missing. She noted there is a discrepancy between the acreage and that Abonmarche's surveyor used the legal description to survey the land and calculated 26.77 acres, however, the deed says it is 25.67. Ms. Yoder explained that when it is different on the document in two different places, there needs to be an explanation on the plat. Discussion followed on the site plan and proposed location of the new home. Mr. Wellington asked how they would solve getting to the house when there was not a street? Ms. Milne said there is an existing drive which would provide an easement along there. Discussion followed on existing streets, the easement across the adjacent property, and how an internal easement for access to the new lot will be created.

Audience Comments:

Don Hall, 804 Steury Avenue, stated that he gave Mr. Landis an easement. He said that Mr. Landis asked for another easement and he refused him because there is too much traffic on the road already and not enough road frontage. He said it concerns him with his grandchildren playing outside. Discussion followed on the existing easement.

Crystal Welsh, Abonmarche, 303 River Race Drive, explained during the preliminary evaluation of the subdivision layout and process, Mr. Landis had the current easement document reviewed by his attorney and the attorney did provide a legal opinion that it was a valid easement for an additional one lot. She stated that they are not creating a large lot subdivision, and generally a two lot subdivision would be minor and would not go through this process but because of the other conditions they came to the Plan Commission via a major process. She stated it could be misleading when you see the words "major subdivision" and people may think that a lot of homes are going in there, but they wanted to create one additional home, one unit, and there will be a minor amount of additional traffic. She reiterated that the attorney thought the easement was valid and they could provide that documentation to the City.

Dennis Landis, 820 Steury Avenue, Goshen, stated he approached the neighbor when they were thinking about this project and asked if they would be interested in giving an easement to the new property just more out of a courtesy and getting them involved, and they declined which is their right to do. He said they would have paid for the easement, but instead they used the money to pay a lawyer to look at it. He stated the lawyer told him if the new property was entirely within the existing property that the current easement is valid. He said if they tried to change the use and put a store back there, or add additional houses, that would be a different case, but it was ok for this one home.

Close Public Hearing

Staff Discussion:

There was no discussion amongst Commission members.

Action:

A motion was made and seconded, Wellington/Holtzinger, to grant primary approval for 23-03SUB, based upon the Staff Analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 6-0.

VIII. Audience Items - none

IX. Staff/Board Items - none

X. Adjournment – Nisley/Holtzinger 4:38 pm

Respectfully Submitted:

/s/ Theresa Cummings

Theresa Cummings, Recording Secretary

Approved By:

/s/ Richard Worsham

Richard Worsham, President

/s/ Tom Holtzinger

Tom Holtzinger, Secretary