

MINUTES - GOSHEN PLAN COMMISSION
Tuesday, February 20, 2007, 4:00 pm
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: M. Cripe, C. Garber, K. Huffman, D. Koehn, L. Rutt, J. Smith, and J. Wellington. Also present were City Planner Joe Hauflaire and Assistant City Attorney Jim Kolbus. Commissioners that were absent were: B. Bloss and J. Rounds

II. Chair Smith informed the Commission of the following 2007 Plan Commission appointments: Bill Bloss reappointed by City Council for one year

Jim Wellington reappointed by the Park Board for a four-year term, 1/1/07-12/31/10

Kelly Huffman moved to a citizen appointment position, replacing Laura Coyne, 1/1/07-12/31/10

Connie Garber appointed by the Board of Public Works & Safety to complete Kelly Huffman's term, 1/1/04-12/31/07

Smith also explained that Huffman has agreed to be the Plan Commission appointment to Board of Zoning Appeals to fill a vacancy left by Laura Coyne, 1/1/06 – 12/31/09, if agreeable with the commission. Motion was made accordingly, and seconded, Rutt/Wellington. The motion passed unanimously, 7-0.

III. Minutes of 01-16-07 were unanimously approved, 7-0. Huffman/Koehn.

IV. The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into record. Rutt/Wellington.

V. **Postponements/Withdrawals** – none.

VI. **Replat, Major Change** (public hearing items), **Minor Change and Final PUD Site Plan Approval** (non-public hearing items) **Tabled from the November 21, 2006 meeting 06-13 SUB and 06-07MA** Geenen DeKock Properties requests a replat of County Home Subdivision, a major change to the PUD, a minor change to the PUD and final PUD site plan approval. The property is generally located at the northeast corner of Ferndale Road and Midway Road and is zoned Commercial B-3 PUD

A motion was made, seconded and passed, to remove 06-13 SUB and 06-07MA from the table. Huffman/Wellington. 7-0

Smith explained that the petitioner has asked that the matter be re-tabled until the March meeting. Motion made, seconded and passed, to table the matter as requested. Huffman/Rutt. 7-0.

- VII. Major Change to the PUD** (public hearing item), **Minor Change, Secondary Subdivision Approval, and Preliminary PUD Site Plan Approval** (non-public hearing items) **Tabled from the January 16, 2007 meeting 07-01MA** Windshire Corporation requests a major change to the PUD to allow right-in ingress from US 33 to the Keystone Square development, a minor change to the PUD regarding parking setbacks, second. The subject property is generally located at Keystone Square Planned Unit Development and zoned Commercial B-3 PUD.

Smith reminded the Commission that the Minor Change and Preliminary PUD Site Plan Approval was decided at the January 2007 meeting. The Secondary Plat Approval may be decided at some time after the Major Change is decided. The one matter under discussion at this meeting is the Major Change to the PUD.

Petitioner Presentation

Gordon Lord, 130 N. Main St., attorney with Yoder, Ainlay, Ulmer & Buckingham, is representing Windshire Corporation, property owner, and Adlai Schrock, Developer. He introduced William Wilson, Paragon Properties, and Barry Pharis, Bradsko Engineering & Surveying, 1009 S. 9th St., Goshen, who were present as a resource for any Commission questions. The project is a part of the Keystone Square commercial development and will be the location of a Walgreen's Pharmacy. Lord presented a petition signed by dozens of area residents, and area workers; Greencroft and Goshen Hospital are in support of the request. The building will be brick on all four sides and integrate to the Keystone development motif.

Lord confirmed that the Commissioners received a copy of a traffic impact study excerpt commissioned by the petitioner prior to this meeting. The study concludes that the right-in curb cut has no impact on traffic functionality.

Pharis reminded Commissioners that they are dedicating an additional 10' of right-of-way (7' are required – 17' will be dedicated), to add to the existing 33' right-of-way, to currently (2007) allow space for a through lane, a right turn lane, sidewalk and landscaping. The future (2013) right-of-way configuration will accommodate three lanes southbound – one of which is a right-turn only lane; the map does not show green space following the 2013 lane repositioning. He distributed a map of the right-of-way and traffic layout that differed from the one in the Commissioners' packets from the City Engineering Office depicting the layout after the 2013 improvements. Windshire owns one of the four residences on the west side of U.S. 33; when the other three are purchased this will make donated right-of-way sufficient to lengthen the 2013 right-turn lane as required. Haufaire clarified that the additional 17' of right-of-way will be dedicated during the subdivision process; Lord confirmed, if this request is approved. Pharis received personal injury traffic accident records to be picked up tomorrow to be analyzed. Cripe stated that 62 of the 71 accidents at College Avenue in the three years studied, 2001-2003, are from following too closely. The right-in curb cut will be designed for safety so that a left turn exits from Walgreens will be difficult.

Smith clarified that a right-turn lane will be constructed. Lord confirmed this. Cripe asked who would be paying for this current design as she has never seen INDOT fund an unwarranted private-use lane. Pharis and Lord confirmed they will be funding the current right-turn lane, the stop light at Keystone Drive and all improvements to the intersection with College Avenue. Koehn and Cripe asked if Windshire would be paying for the future (2013) construction, also because INDOT does not fund private-use lanes. Pharis declined to speak for Developer Schrock, but Lord subsequently stated that Wilson authorized him to commit them to future

payment; when INDOT makes the scheduled improvements at U.S. 33 and College as scheduled in 2013, the developer will fund the right-only turn lane.

Cripe said that in 2013, if the right-only lane is built, the space between the road and sidewalk will be lost leaving the highway and sidewalk abutting, and asked if additional right-of-way will be given at that time to widen the sidewalk back to a safe distance from the highway. Pharis says they would take out the green area so no additional right-of-way would be necessary. Huffman asked Cripe her opinion about whether INDOT would be opposed to the working with a joint venture if the developer pays for more than the warranted roadway. Cripe acknowledged she couldn't speak for INDOT, but from experience, if developer pays for it now and in the future, INDOT may be agreeable.

Huffman asked if, in 2013 when INDOT makes intersection changes, the curb cut may be removed if there is no dedicated right-turn lane; Cripe said that it is nearly impossible to have one removed once it is approved and installed. Hauflaire stated that when planning, fewer are better when it comes to curb cuts/access points. Smith observed that there is much commercial development and many curb cuts between downtown and Meijer without deceleration lanes.

Cripe reported to Commissioners that INDOT does not allow right-in lanes only. She cited the S.R. 19 (Cassopolis) retail stretch on Elkhart's north side, as busy as that is, does not have this type of configuration. Hauflaire stated the only one he was aware of locally was at the Meijer store; Lord offered that the Meijer example was not a fair one as it was not well done and has a right-out parallel to it. Hauflaire asked if the right-in was critical to this development given full access off of Keystone Drive; Rutt questioned if it was necessary to have a direct entry and not drive around the building. Lord said that it was critical for traffic to pull from the road directly into the drive through window offering significant customer convenience, it makes the site superior, and it makes it safer because of less parking lot movement; Wellington asked if INDOT's original study required a right-turn at the Keystone Drive traffic light, that will also benefit the area west of U.S. 33, at the developers expense. Cripe said that INDOT does require a right-turn, and the developer has the permit for that project; now the developer has another request in to INDOT for the right-in-only drive. Pharis confirmed the approval for the permit for the intersection and that the right-in permit request is pending.

Audience Comments

Smith opened the public hearing. No one spoke either for or against the Major Change. Smith closed the public hearing.

Staff Reports & Discussion

Kolbus reminded the Commission that whatever is decided at this meeting may be overridden by INDOT.

Hauflaire reminded the Commission that in 2013, if the right-turn lane is repositioned, this will eliminate the required green space, or it will not be what we thought it would be; the set back standards were relaxed at the January 2007 meeting and the Commission was told that there would be green space.

Action

A motion was made and seconded, Koehn/Huffman, to pass a favorable recommendation to City Council for the Major Change as presented, based on discussion, staff report and

provided that the developer be responsible all current costs and all future costs for building / moving the right-turn lane, sidewalk and all associated costs when INDOT develops U.S. 33, within the expanded right-of-way that the developer is giving at this time, and as required by INDOT, and also based upon the following:

The Traffic Impact Study for Keystone Square Commercial Development indicated that “the addition of a second entrance as southbound rights turn inbound only from US 33 will not create any impact to the area.”

The Traffic Impact Study for Keystone Square Commercial Development indicated that “there were no traffic safety issues raised or known at this time.”

Motion was passed 5-2 by a roll call vote: M. Cripe - no, C. Garber - yes, K. Huffman - yes, D. Koehn - yes, L. Rutt - no, J. Smith - yes, J. Wellington – yes.

VII. Vacation – public hearing item

07-01V Goshen City Parks Department requests the vacation of a portion of the north/south alley between 5th and 6th Streets extending south from Oakridge Avenue south to its intersection with the first east/west alley and the east/west alley extending west from 6th Street to its intersection with the first north/south alley. There will be a public hearing before the Plan Commission scheduled for February 20, 2007 and before the City Council on March 6, 2007 at 7:00 p.m. in the Council Chambers.

Petitioner Presentation

Sharon Howland, Director, Goshen Park & Recreation Department, stated there were two reasons for this vacation request at Walnut Park:

1. Safety – of children at play not paying attention as they cross from one side of the alley/park to the other, and
2. A splash pad park is scheduled to be built this summer, which will increase the attendance at the park.

Audience Comments

Smith opened the public hearing. No one spoke either for or against the vacation. Smith closed the public hearing.

Staff Reports and Discussion

Hauflaire clarified with Howland that the alley asphalt will be removed.

Action

A motion was made, seconded and passed, to pass a favorable recommendation to City Council for the vacation as presented based on discussion and staff report. Wellington/Rutt. 7-0.

Commissioner Wellington left the meeting. (5:20 p.m.)

IX. Rezoning, Major Change to the PUD and Preliminary PUD Site Plan Approval (public hearing items) 07-02R & 07-02MA Wal-Mart Real Estate Business Trust and Weihe Engineers request a major change to the PUD to add 12 acres (more or less) to the existing Market Center (Wal-Mart) PUD, and a zone change of +/- 12 acres from Residential R-4

district to Commercial B-3 PUD is requested, and Preliminary PUD Site Plan Approval is requested. The subject property is generally located at 4024 Elkhart Road in Market Center Planned Unit Development and zoned Commercial B-3 PUD.

Petitioner Presentation

Gordon Lord, 130 N. Main St., attorney with Yoder, Ainlay, Ulmer & Buckingham, is representing the petitioners, Wal-Mart, and Jack Tuff, who is in attendance, seller of the acreage. He introduced R. Matt Brown, PE, A & F Engineering Co., LLC, Indianapolis, Jason Wetzel, Senior Manager of Public Affairs for Wal-Mart, Plainfield, Indiana, and David Hostetler, Director, and Richard Villanueva, Project Designer, Weihe Engineers, Inc., Indianapolis, who were there as a resource for any Commission questions.

Lord reiterated the information on the petition. Traffic and parking arrangements are excellent, exceeding the requirements of the Planning Ordinance. There will be no time lapse between the current and planned stores. The exterior appearance will blend with the existing commercial development, with additional landscaping in accordance with the Landscape Ordinance.

A descriptive binder was given to each Commissioner present, and a corresponding PowerPoint presentation was made.

Audience Comments

Smith opened the public hearing. Jack Tuff spoke in favor of the three Wal-Mart requests. He is The Willows developer and is pleased with the parking and landscaping plans. Smith closed the public hearing.

Action

A motion was made, seconded and passed to pass a favorable recommendation to City Council for Rezone 07-02R, with recommendations stated in the staff report, for reasons stated in the staff report and discussion. Rutt/Huffman. 6-0

A motion was made, seconded and passed to pass a favorable recommendation to City Council for a Major PUD Change 07-02MA, with recommendations stated in the staff report, for reasons stated in the staff report and discussion. Koehn/Cripe. 6-0.

A motion was made, seconded and passed to approve the Preliminary PUD Site Plan, with recommendations stated in the staff report, for reasons stated in the staff report and discussion. Huffman/Koehn. 6-0

X. Final PUD Site Plan Approval and Secondary Plat Approval – not a public hearing item
Plymouth Avenue Professional Park

Petitioner Presentation

J.C. Schrock, Vice President of Business Development, D.J. Construction, 3414 Elkhart Rd., Goshen, presented the petition. Barry Pharis, Bradsko Engineering & Surveying, 1009 S. 9th St., Goshen, was also in attendance. Schrock asked for clarification on the staff recommendations in the information given to Commissioners in preparation for today's meeting. This discussion includes a plat showing a street and two building lots.

Final PUD Site Plan Approval

2. Before a building permit is issued, the following conditions shall be met:
 - a. A modification to the landscape requirements approved by the plan staff that includes changes to the off-street parking lot landscaping. Hauflaire clarified that the area between the parking lot and the right-of-way line needs shrubs – this is called Parking Lot Landscaping. This is in addition to the tree landscaping along the street.
 - b. All engineering requirements be approved including but not limited to:
 - i. Construction plans involving the extension of public infrastructure (sewer, water, streets, sidewalks). Schrock stated the plans have been sent to the Engineering Dept. Cripe has not seen these. Hauflaire reminded the Commissioners that they may make their motion conditional on Engineering Dept. approval.
 - ii. Storm water drainage plan. Schrock says it will be provided.
 - iii. INDOT approval. Schrock says that INDOT approval was received last week.

Schrock presented plans for Lot No. 2 for possible consideration at this meeting. Kolbus reminded him that he has to go through the application process for Lot 2 as it has not been through any part of the planning discussion/study.

A current map of the project was shown to the Commissioners by Schrock . Cripe asked why this newest map shows the road ending at the drive entry to Lot 1. Previous plan discussions have shown the road built to Lot 2. If Lot 2 is dropped, requirements are that the road be extended to the far (south) end of Lot 1 so that when Lot 2 is developed it can be extended from the Lot 2 boundaries. Schrock stated that cash flow issues deter them from building the entire road, or even to the south line of Lot 1. Pharis stated that if Plat is approved, Lot 2 may be sold and developed.

Audience Comments

Smith opened the public hearing. No one spoke either for or against the petition. Smith closed the public hearing.

Staff Reports and Discussion

Hauflaire offered three ways to solve this question: 1. reconfigure the subdivision so that it goes as far south as the developer chooses; 2. remove Lot 2 from today's request; and, 3. build street only to the entry of Lot 1 and require a Renewable Performance Bond from the developer to protect City from having to pay for that road extension to the south lot line, or 4. Get one building permit for the lot and not subdivide.

Pharis recommended that D.J. Construction take Lot 2 off of the project. He will take the current Plat and return one showing only Lot 1 with the road extended to the south edge of Lot 1. This would remove the Plat Approval from consideration at today's meeting. Schrock agreed that this would be the choice that works best for him.

Action

After discussion a motion was made, seconded and approved to approve the Final PUD Site Plan with the listed staff recommendations 1, 2a, 2b, and 2c based on discussion and staff report. Huffman/Garber. 6-0.

A motion was made, seconded and approved to remove the Secondary Plat Approval from consideration without prejudice. Rutt/Huffman. 6-0.

XI. Final PUD Site Plan Approval and Minor Change – not a public hearing item
Waterford Crossing

Petitioner Presentation

John Kolb, 1506 S. 8th St., Goshen, Pres., Waterford Crossing, asked for Commission approvals. This will be the final phase of the project.

Audience Comments

Smith opened the public hearing. No one spoke either for or against the petition. Smith closed the public hearing.

Staff Report

Hauflaire recommended approval with the conditions listed in the written staff report.

Action

A motion was made, seconded and approved to approve the Final PUD Site Plan Approval and Minor Change for Waterford Crossing. Rutt/Garber. 6-0.

XII. Audience Items - none

XIII. Staff/Board Items

Hauflaire presented a letter from Redevelopment Director Puro informing the Commission of the possible expansion of the TIF District. Smith received the letter and noted that no action was required by the Commission.

Koehn asked Hauflaire for an update from the Redevelopment Commission; it has been a long time since the last one.

Hauflaire explained that his assistant, Allysa Diman, has resigned since the last time the Commission met. Rebecca Hershberger has been hired and will begin work in the Planning & Zoning Office this Friday, February 23.

XIV. Adjournment – 6:35 p.m.