

Minutes - Goshen Plan Commission  
Tuesday, March 20, 2007, 4:00 p.m.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I. The meeting was called to order with the following members present: Kelly Huffman, Bill Bloss, Mary Cripe, Lovina Rutt, Jim Smith, Connie Garber, Jim Wellington and Dennis Koehn. Also present were City Planner Joe Hauflaire and City Attorney James Kolbus.
- II. The minutes of 2/20/2007 were approved - Bloss/Rutt, 8-0.
- III. The Zoning/Subdivision Ordinances were unanimously filed into Record, Rutt/Bloss, 8-0.
- IV. **Postponements/Withdrawals** – Gateway South PUD case remained on the table at the request of the petitioner, Barry Pharis of Brads-Ko Engineering & Surveying.
- IV. **Final PUD Site Plan Approval** - not a public hearing item  
*Manor House Assisted Living at Waterford Crossing, Phase II*

*Petitioner Presentation*

Petitioner was not present for today's hearing.

*Staff Reports & Discussion*

Mr. Hauflaire advised that he is recommending final PUD site plan approval. He advised that Phase I was completed in 2001 with 55 units and they are now planning an additional 26 units. Overall, the property will contain a total of 81 units on 6.6 acres having a density of 12.25 per acre. The plan is consistent with the previously approved Preliminary PUD. This will complete the last section of the assisted living apartments and is identical to the previous phase approved in 2001.

Ms. Huffman inquired as to whether or not there will be any landscaping requirements. Mr. Hauflaire advised that there will not be any.

*Action*

A motion was made and seconded, Koehn/Bloss, to approve Final PUD Site Plan Approval for Manor House Assisted Living, Phase II with the conditions recommended in the Staff Report. The motion passed unanimously, 8-0.

- V. **Secondary Plat Approval – Lot 1 and Final PUD Site Plan Approval – Building 2, Lot 1** - not a public hearing item  
*Plymouth Avenue Professional Park*

*Petitioner Presentation*

Barry Pharis, Brads-Ko Engineering & Surveying, 1009 S. 9<sup>th</sup> Street, Goshen, spoke on DJ Construction's behalf. (There was no one present from DJ Construction.) Mr. Pharis pointed out that they were before the Plan Commission last month and have modified their request from Lots 1, 2 and 3 to only Lot 1 as requested by the Commission.

Mr. Smith inquired as to the location of the sidewalks in the development. He stated that he does not see the sidewalks connecting to Building 2. Mr. Pharis explained that it is his

understanding that the plan is to have sidewalks along both sides of the street and that all sidewalks will connect. Mr. Pharis also advised that the existing bike path will be continued on as planned.

### *Staff Reports & Discussion*

No further discussion among the Commission regarding this matter.

### *Action*

A motion was made and seconded, Huffman/Koehn, to grant Secondary Plat Approval for Lot 1 with the conditions recommended in the Staff Report. The motion passed unanimously, 8-0.

A motion was made and seconded, Huffman/ Bloss, to grant Final PUD Site Plan Approval with the conditions recommended in the Staff Report. The motion passed unanimously, 8-0.

**VI. Replat** (public hearing item), **Minor Change and Final PUD Site Plan Approval** - not a public hearing item

**06-13 SUB** Geenen DeKock Properties requests a replat of County Home Subdivision, 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.

Mr. Smith stated that the Replat is the only public hearing issue at this time.

Mr. Haufaire advised that the Replat is only asking for shifting of some lot lines but all lots will meet the requirements of the B-3. In addition, the minor changes are for the relaxation of the parking setbacks and driving aisle setbacks along County Home Road. He stated that they are requesting a 5' setback where a 30' setback is required. Mr. Haufaire stated that he is suggesting a 20' setback instead.

### *Petitioner Presentation*

Ken Jones, Wightman Petrie, 4703 Chester Drive, Elkhart, spoke on behalf of the project. He advised that they have worked very hard to come back before the Commission with an acceptable plan. Mr. Jones stated that they are happy with the recommendations included in the Staff Report except for the issue of the setbacks. He pointed out that they have done several things to off-set the setback concern such as providing ample landscaping and free space. He advised that the setbacks would not be an issue except that they are addressing the storm water situation on the property, as well, and are required to utilize areas for the water storage that could normally be used for additional parking. Mr. Jones advised that he feels they are meeting all other requirements of the Ordinance and stated that they will be including a sidewalk along US 33 on their final PUD site plan.

Mr. Smith requested clarification as to the petitioner's position on the sidewalk recommendation in the Staff Report. Mr. Jones confirmed that they are in agreement with the report's recommendations regarding sidewalks.

Gordon Lord, 130 N. Main Street, Goshen, spoke on the petitioner's behalf. He advised that the County Home Subdivision project dates back to 1998 and pointed out that the landowners have invested a substantial amount of time and money into improving the area to ensure that it meets all of the requirements in order to be developed. He pointed out how well Geenan DeKock Properties has done at keeping their other local projects such as the Target/Kohl's/Office Max

plaza appealing for the community and stated that they plan to do the same for this property. Mr. Lord provided a handout to the Commission of the initial site plan from 1998 and pointed out how much the plans have been changed and reconfigured to meet what has been asked of them.

Mr. Lord advised that they are in agreement on all points of the Staff Report except for the issue of setbacks. He advised that they are proposing a compromise in that they will meet the 20' setbacks in all locations except for the SE corner near the Aldi's site where they are requesting a 10' setback instead. He advised that there will be insufficient parking otherwise.

Mr. Haufflaire also recommended that the setbacks for the driving aisles shall be no less than 10'. Mr. Lord agreed that this would be acceptable.

Mr. Lord advised that the building heights are all in accordance with the PUD ordinance except for the architectural elements of the Aldi's and Petco sites. He advised that the ordinance sets a maximum height at 28' but the elements at those two sites are at 35'. He stated that all of the other buildings in the subdivision are at 28' or below. He asked that the ordinance be relaxed as recommended by the Staff Report to allow the two exceptions.

Ms. Rutt inquired as to what will happen to the amount of green space in the areas where the setback will only be 10'. Mr. Lord advised that they will still be providing more green space than most other places.

Mr. Jones advised that they are planning to cover 40% of their property in green space and additional tree lawns.

Mr. Koehn asked if it will be maintained green space or simply fenced off. He also inquired as to whether or not there will be any attractive waterscapes. Mr. Jones advised that it will be maintained and considered landscape features. He stated that fencing will not be allowed. Due to the water storage requirements on the property, he stated that waterscapes may be prohibited.

Mr. Bloss inquired as to how much additional traffic this will add to Ferndale Road and Midway Road. Mr. Jones advised that they are expecting a 30% increase in traffic once the development is complete. He also provided a handout to the Commission showing comparison figures for traffic amounts from the original plan to the current plan.

*Audience Comments* – There was no one to speak to the petition.

*The public hearing was closed.*

#### *Staff Reports & Discussion*

Mr. Bloss pointed out that he is unsure about sidewalks being constructed along US 33 as he feels that it is a safety issue with the amount of traffic.

Mr. Smith advised that he feels that speed is bound to be reduced as the area along US 33 continues to develop. He stated that he sees people on bicycles along US 33 and feels that the sidewalks would provide a safer route for them and potentially prevent any fatalities. Mr. Wellington agreed.

Mr. Koehn inquired as to whether or not the City has any leverage on what type of retail goes into new development. Attorney Kolbus stated that those standards need to be set up in the original PUD. He stated that cities try to leverage through incentives.

For the purpose of Final PUD Site Plan Approval, Mr. Hauflaire pointed out that all plans and elevations need to reflect the changes from today's meeting.

Ms. Cripe advised that the Engineering Department does have a concern with the roads surrounding the subdivision at this time. She advised that they see a future need for a center curb island down Ferndale Road beginning at US 33 and ending at Midway Road. She advised that they foresee this project being done with TIF money once available.

Mr. Smith inquired as to how that affects today's meeting and she advised that it does not and that her intention is to inform the developer and Commission regarding future traffic concerns.

Ms. Huffman inquired as to whether or not there is anything wrong with the current traffic situation on Ferndale Road and Ms. Cripe advised that the current plan is acceptable for the current situation.

#### *Action*

A motion was made and seconded, Huffman/Wellington, to approve petition 06-13SUB with the conditions recommended in the Staff Report. The motion passed unanimously, 8-0.

A motion was made and seconded, Wellington/Huffman, to continue to consider changes as minor changes. The motion passed unanimously, 8-0.

A motion was made and seconded, Rutt/Wellington, to approve the minor changes with the conditions recommended in the Staff Report and with the following amendments:

1. No driving aisles shall have a setback of less than 10'.
2. No parking setbacks of less than 20' will be permitted except along the east side of the Aldi's site adjacent to County Home Road where 10' will be permitted.
3. A building height of 35' will be permitted for the architectural details of the Aldi's and Petco sites only. A maximum building height of 28' will be permitted for the remaining buildings.

The motion passed unanimously, 8-0.

A motion was made and seconded, Koehn/Bloss, to grant Final PUD Site Plan Approval with the condition that a final site plan be submitted reflecting today's minor changes. The motion passed unanimously, 8-0.

#### **VII. Vacation** – public hearing item

**07-02V** Goshen Community Schools requests the vacation of a portion of School Street, south from the south right of way line of Summit Street to the south property line of 408 School Street

#### *Petitioner Presentation*

Dr. Bruce Stahly, Superintendent of Goshen Community Schools, 714 Bainbridge Place, spoke on behalf of the school system. He advised that they have previously purchased two properties on the other side of School Street and he advised that the purpose of the vacation is to now join

the recently purchased properties to the existing school property with playground space. He pointed out that they are only requesting that a portion of School Street be vacated. He advised that the vacated area will be fenced and that they will use it to provide a flatter playground area for the students.

Mr. Smith inquired as to how they will deal with the grade of the land in the area. Dr. Stahly advised that they will be moving earth to make it a gentler slope than what currently exists.

*Audience Comments* – There was no one to speak to the petition.

*The public hearing was closed.*

#### *Staff Reports & Discussion*

Mr. Koehn stated that he feels that it is important to preserve the older areas of town and feels that this will benefit the old school and the neighborhood.

Ms. Garber requested clarification on the location of the Boys & Girls Club relative to the portion of the street to be vacated. Dr. Stahly described the location of the Boys & Girls Club and also added that they are in favor of the vacation.

#### *Action*

A motion was made and seconded, Rutt/Bloss, to send petition 07-02V to the City Council with a favorable recommendation with the conditions recommended in the Staff Report. The motion passed unanimously, 8-0.

### **VIII. Major Subdivision Primary Approval** - public hearing item

**07-02 SUB** TEAM Construction Company requests the primary approval of a nineteen (19) lot major residential subdivision. The subject property is Pickwick Village Fifth and zoned residential R-3 PUD.

#### *Petitioner Presentation*

Barry Pharis, Brads-Ko Engineering & Surveying, 1009 N. 9<sup>th</sup> Street, appeared on the behalf of TEAM Construction. He advised that he has worked on the four other phases of Pickwick Village and explained that this section will complete the subdivision. Mr. Pharis pointed out the location of the fifth section of the subdivision for the Commission members. He advised that they are planning to construct 19 single family dwellings despite the fact that this is zoned R-3 and could be used for multi-family units. He stated that they feel this is in the best interest of the subdivision and will compliment the existing homes.

Mr. Koehn inquired about sidewalk and landscaping requirements for this project. Mr. Pharis advised that there are currently no sidewalks in the other four sections of the subdivision and stated that they are asking that they not be required in the last section. He advised that there will be a landscaping mound between the homes and Wilden Avenue as a buffer and that there will be green space at the entry to the new section to present a park-like effect. He also added that all homes will be required to have front yard trees.

Mr. Smith inquired further into why there are no sidewalks. Mr. Pharis stated that the entire subdivision was constructed with curvilinear streets throughout that promote walking in the streets. He advised that it's a safe neighborhood where people watch out for one another and again requested that sidewalks not be required for the last section of the subdivision.

*Audience Comments*

Marty Juel, 3204 Village Court, stated that he is a current resident of Pickwick Village and approves of the concept and site plan for the fifth section. He stated that, as a resident, he does not feel that sidewalks are necessary in the subdivision. He inquired as to who will maintain the proposed green space at the entrance into the new section. He advised that the other green spaces throughout the subdivision have been deeded over to the Homeowner's Association and would like for this one to be, as well. Mr. Jewel also requested clarification on the plans for the bike path.

Ms. Huffman pointed out that the green space will be deeded over to the Homeowner's Association per what is written on the plat.

Gordon Dyck, 2212 Wakefield Road, spoke in favor of the fifth section of the subdivision. He advised that he was chair of the neighborhood association for year and stated that they have a very good working relationship with TEAM Construction. He advised that TEAM has granted them architectural control and they feel, as an association, that it works well. He stated that they look forward to the continued construction to complete their neighborhood.

Don Mockler, 3307 Village Court, questioned whether or not there will be more than one entrance into the new section of the subdivision. He advised that he is in favor of there being only one way in to ensure that it remains a quiet neighborhood.

Miller Staybrook, 2105-A Cambridge Drive, stated that he is the current president of the Village Court Condo Association. He advised that he would like to see the new section numbered differently as he feels that the way their section was numbered is too confusing. He also stated that they would like to see more on-street parking options within the new section. He stated that he is in favor of the last phase of the subdivision overall.

Mr. Pharis advised that there will be only one entrance for the proposed 19 homes and that they will be using the existing curb cut. In response to the parking issues, he advised that these will all be single family dwellings with two-car garages as well as room to park four vehicles in the driveways. He stated that there will be room for on-street parking if necessary. As for the address questions, he stated that all the new construction will have addresses on either Village Park Court or Village Park Circle and stated that City Planning will assign the numbers.

Pat Rhude, 2113-A Cambridge Drive, inquired as to which side of the street the new bike path is to be constructed on. Ms. Cripe advised that she will check the plans and get back in touch with Ms. Rhude to better answer the question.

Marty Juel, 3204 Village Court, spoke again requesting that the word "village" not be used in any of the new addresses. He also requested that the new addresses be kept short. He advised that the current numbering is too confusing.

Mr. Hauflaire stated that the new street names will be reconsidered.

*The public hearing was closed.*

*Staff Reports & Discussion*

Mr. Smith requested that there be a requirement for landscaping. Mr. Hauflaire advised that there is a requirement in the ordinance requiring a minimum of one street tree.

*Bill Bloss left the meeting at 5:38PM.*

*Action*

A motion was made and seconded, Huffman/Wellington to approve petition 07-02 SUB with the conditions recommended in the Staff Report. The motion passed unanimously, 7-0.

**IX. Rezoning** - public hearing item

**07-03R** LMA-HUF Development, LLC requests the rezoning of property from Agricultural A-1 (County) to Industrial M-1 PUD. The subject property is generally located on the north side of CR 40, east of CR 27.

*Kelly Huffman recused herself at 5:40 PM.*

*Petitioner Presentation*

Fred Ramser, LMA-HUF Development, 19824 Peach Ridge Drive, requested that point #6 on the Staff Report be deleted.

Mr. Haufflaire agreed that it could be deleted as it was redundant with point #7. He pointed out the necessity for landscaping in parking areas, even in an M-1 zoning district, and stating that we will only require that they meet the requirements set forth in the ordinance.

Mr. Ramser pointed out the subject property's location on the map for clarification. He advised that they agree with all the recommendations set forth in the Staff Report. He stated that there is currently a residence on the property and advised that they plan to leave it residential until there is a plan in place for construction. He advised that there are several aspects of the plan that are subject to change once they secure a tenant for the facility. He stated that they will, however, ensure that their construction compliments that of Nappanee Window. He stated that their goal is to provide space for industry to move into Goshen. He confirmed that they are willing to meet all of the requirements of the landscape ordinance and stated that they will do whatever is necessary to be a good neighbor to those around them. He advised that they held a meeting with all of the neighbors within 600' to address any questions or concerns that they had.

Mr. Ramser read a letter written by Evan Bontrager, President of Nappanee Window, stating that they are in favor of the rezoning of the subject property.

Mr. Wellington requested clarification on the location of the trees that are to be planted. Mr. Ramser pointed out the future landscaping locations on the map.

Mr. Koehn requested clarification on what other properties in the area are currently zoned M-1. Mr. Ramser pointed out the surrounding properties and stated that much of the undeveloped area will become M-1 in the near future.

Mr. Koehn inquired as to whether or not the area is served by City water and sewer and was advised that it is.

Mr. Smith inquired as to future expansion of Corrie Drive and was advised that it will most likely be extended up to Sourwood Drive eventually. Mr. Haufflaire stated that the goal will be to keep a majority of the traffic on Corrie Drive and off of CR 40.

Ms. Cripe requested that the subject property have no direct access to CR 40. In addition, she requested that any adjoining parcels coming in at a later date be required to have an ingress/egress access to Corrie Drive.

#### *Audience Comments*

David Dougherty, Goshen Chamber of Commerce, spoke in favor of the new development. He agreed that Goshen is currently limited in industrial space and feels that this rezoning and new construction will be an asset to the city.

*The public hearing was closed.*

#### *Staff Reports & Discussion*

Mr. Hauflaire reiterated that the petitioner agrees with all recommendations in the Staff Report except for #6 and advised that it will be amended to state that parking lot landscape will be in accordance with the landscape ordinance. He stated that there will also be an addition stating that there will be no direct access to the property from CR 40. Mr. Hauflaire explained for the Commission that all provisions of the rezoning will become part of the annexation ordinance.

Mr. Garber inquired as to whether or not there will be any sidewalks required. Mr. Hauflaire stated that there will be sidewalks along CR 40 and that they will attach to the Nappanee Windows property. He advised that there will also be a bike path.

#### *Action*

A motion was made and seconded, Rutt/Garber, to send petition 07-03R to the City Council with a favorable recommendation with the conditions recommended in the Staff Report and with the amendments as follows:

6. Parking lot landscape will be in accordance with the landscape ordinance.
9. No direct access to the property from CR 40.

The motion passed unanimously, 6-0.

**X. Audience Items - none**

**XI. Staff/Board Items – none.**

**XII. Adjournment – 6:15 pm.**