

Minutes - Goshen Plan Commission  
Tuesday, April 17, 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: Connie Garber, Bill Bloss, Bob McCoige, Lovina Rutt, Jay Rounds and Jim Smith. Also present were City Planner Joe Hauflaire and City Attorney James Kolbus.
- II. The minutes of 3/20/2007 were approved – Rounds/Rutt, 6-0.
- III. The Zoning/Subdivision Ordinances were unanimously filed into Record, Rutt/Rounds, 6-0.
- IV. **Postponements/Withdrawals – none.**
- V. **Approval of** “Report of the Goshen Economic Development Commission Concerning the Proposed Financing and Refinancing of Economic Development Facilities for Goshen College, Inc.” - not a public hearing item

*Petitioner Presentation*

Greg Hartzler, 130 N. Main Street, spoke on the behalf of Goshen College. He advised that they are ready to construct Phase II of their dormitory project. He stated that the new construction will be consistent with the work that has already been done. He stated that they will also be doing rehab work on various other structures throughout the campus.

*Staff Reports & Discussion*

Mr. Hauflaire advised the Commission that statute dictates that such reports are to be approved by both Plan Commission and the Council. He stated that their proposal is agreeable with their comprehensive plan and confirmed that the property is correctly zoned.

Mr. Smith read a draft copy of the approval letter regarding the report into the record.

*Action*

A motion was made and seconded, Garber/Rounds, to move forward with an approval letter regarding the “Report of the Goshen Economic Development Commission Concerning the Proposed Financing and Refinancing of Economic Development Facilities for Goshen College, Inc.” The motion passed unanimously, 6-0.

- VI. **Secondary Plat Approval – not a public hearing item**  
*Gateway South PUD*

*Petitioner Presentation*

Barry Pharis, Brads-Ko Engineering & Surveying, 1009 S. 9<sup>th</sup> Street, Goshen, spoke on the developer’s behalf. He advised that they are before the Plan Commission requesting secondary plat approval. He advised that all plans are consistent with those accepted at primary subdivision approval. He stated that they have reviewed the Staff Report and have no concerns with Mr. Hauflaire’s recommendations.

*Staff Reports & Discussion*

Mr. Hauflaire reviewed for the Commission the fact that Gateway South Drive will be a private road and that Lot 3 will not have any frontage on a dedicated road but that this was covered at primary approval. He advised that Brads-Ko Engineering & Surveying will be coming back for Final PUD Site Plan Approval for each individual lot as they are ready to be developed.

*Action*

A motion was made and seconded, Rounds/Rutt, to grant Secondary Plat Approval with the conditions recommended in the Staff Report. The motion passed unanimously, 6-0.

**VII. Final PUD Site Plan Approval** - not a public hearing item*Market Center (Wal-Mart) PUD*

Mr. Hauflaire advised this is the last phase of this project. He informed the Commission that all necessary documentation has been submitted.

*Petitioner Presentation*

Gordon Lord, 130 N. Main Street, spoke on the project's behalf. He briefly reviewed that the subject property was rezoned in early March to expand the PUD that was previously in place. He stated that they have met all required criteria to finalize the project and move forward. He stated that representatives from both the architectural firm and Weihe Engineers are present for today's meeting if there are any questions.

*Staff Reports & Discussion*

No further discussion among the Commission regarding this matter.

*Action*

A motion was made and seconded, Rounds/Garber, to grant Final PUD Site Plan Approval with the conditions recommended in the Staff Report. The motion passed unanimously, 6-0.

**VIII. Secondary Plat Approval** – not a public hearing item*Pickwick Village Fifth*

Mr. Hauflaire informed the Commission that he has one additional recommendation. He stated that he would like to recommend that "Village Park Circle" be eliminated as the street name for the cul-de-sac within this section of the subdivision and that "Village Park Court" be used for the entire section of road to be constructed with all numbers running consecutive.

*Petitioner Presentation*

Barry Pharis, Brads-Ko Engineering & Surveying, 1009 S. 9<sup>th</sup> Street, Goshen, spoke on TEAM Construction's behalf. He advised that they have no complaints with removing "Village Park Circle". He also stated that they have no complaints with the Staff Report.

*Staff Reports & Discussion*

Ms. Rutt suggested having the street named "Village Park" as the neighbors' concerns from the last meeting seemed to be that the names were too long. Mr. Pharis stated that they would be open to that name if it is, in fact, a valid street name option. Mr. Hauflaire advised that the Planning Department will look into the name and will work with Brads-Ko to confirm an acceptable name. Ms. Garber agreed that a new name should be considered due to the public's concern at the last meeting.

*Action*

A motion was made and seconded, Rounds/Rutt, to grant secondary plat approval with the conditions recommended in the Staff Report and the following amendments:

5. The name "Village Park Circle" will not be used for the approved cul-de-sac. The new road to run throughout the fifth phase of the subdivision will have one name and the addressing of the properties will run consecutively, including throughout the cul-de-sac.
6. The Goshen City Planning Office will work with the Post Office to find an acceptable name for the new road within this section of the subdivision and will notify the developer once a name has been agreed upon.

The motion passed unanimously, 8-0.

**IX. Major Subdivision Primary Approval & Rezoning- public hearing item**

**07-03SUB & 07-04R** GRC Investments & Brads-Ko Engineering & Surveying request the primary approval of a seventy four (74) lot major residential subdivision and the rezoning of property from Agricultural A-1 (County) to Residential R-3 PUD. The subject property is The Crossing and generally located on the south side of SR 119, east of CR 19.

*Petitioner Presentation*

Barry Pharis, Brads-Ko Engineering & Surveying, 1009 N. 9<sup>th</sup> Street, spoke on the behalf of GRC Investments. Mr. Pharis pointed out for the Commission the approximate location of the proposed subdivision on a diagram. He pointed out that there are three sections that are all color-coded to explain their proposed uses. He stated that the lots marked in yellow are planned as single family attached dwellings that will look like duplexes. He stated that the orange section will be the condominium section and stated that there will be 10 lots for these with three to four unit condominiums. The white section he pointed out will all be single family. He stated that the R-3 classification was needed to be able to provide all three types of dwellings.

Mr. Pharis pointed out for the Commission that city water and sewer will both be extended to the subdivision. He stated that they are planning for 5' sidewalks along all dedicated roads. He also advised that there will be approximately 3.5 acres of green space in the section of the subdivision that houses two power station towers. He advised that the green area will total 14% of the total coverage for the subdivision.

Mr. Pharis explained that this development will be attached to Plymouth Avenue Professional Park by Lighthouse Lane. He advised that this development will begin on Greene Road/CR 19 and head east while Plymouth Avenue Professional Park will begin on Plymouth Ave/SR 119 and work its way south and he advised that they will eventually meet. He stated that all sidewalks and the bike path to be constructed will also meet up with the other development.

Mr. Pharis advised that they only have one issue with the Staff Report. He stated that they are opposed to changing the name "Lighthouse Lane" as recommended by Mr. Haufaire. He advised that there will be no further expansion of this road across Plymouth Avenue/SR 119 to cause any problems as there is a golf course there. He stated that the assigning of acceptable addresses should not be a problem. He also stated that the Fire Chief, Dan Sink, has advised that they would prefer for it to have one name throughout to avoid confusion on emergency calls. He also stated that Bob McCoige, head of the City Engineering Department, does not see a problem with the name remaining the same throughout. He stated that he is asking that the Commission deviate from Mr. Haufaire's recommendation and allow the name to remain "Lighthouse Lane" from Greene Road/CR 19 to Plymouth Ave/SR 119.

Mr. Smith inquired as to why they are opposed to a name change. Mr. Pharis explained that it will be easier for the residents. He stated that both the commercial developer for Plymouth Avenue Professional Park and the residential developer for this development have agreed upon the name, as well.

*Audience Comments*

William Cork, 63640 CR 19, Goshen, stated that he lives next to the proposed development. He stated that it is already a busy area and he feels that putting 74 lots within a 27 acre area is putting a lot of people into a small, condensed area. He stated that he values his home and doesn't want for the area to become even busier that it already is. He pointed out that he is already experiencing drainage issues with standing water in his front yard and is concerned that there will now be a retention pond just past his back yard, as well. He inquired as to the effect that the retention pond will have on their well. Mr. Cork pointed out the location of his property on the diagram provided by Mr. Pharis.

James Jackson, 63658 CR 19, Goshen, stated that he is also a property owner along CR 19. He stated that he has lived there since 1986 and is leery of a new subdivision. He stated that he went from one neighbor to potentially having six surrounding him. He stated that he feels that the proposed lots are awfully small and inquired as to why there can't be fewer lots with bigger yards. He stated that the diagram shows two retention ponds behind his residence and asked whether or not there is going to be a required mound or buffer to set the new development apart from the existing homes.

Ms. Garber inquired as to when the developments plan to meet in the middle as described by Mr. Pharis. Mr. Smith pointed out that there will obviously be a time period of disconnect but also pointed out the importance of making the connection of the proposed road as quickly as possible.

Mr. Pharis responded to the audience and Commission members' questions. With regards to the road, he stated that there was one option other than the connecting road and that was to have two cul-de-sacs as opposed to a through street. He stated that the option of a through street appears to be the better option for a number of reasons. He stated that the major benefit is that INDOT will be requiring significant improvements to Plymouth Ave/SR 119 and that the improvements will be done at the cost of these developers. Mr. Pharis also advised that the water system will be looped with the Clover Trails development with the existing plan and stated that it is a very good system.

Mr. Smith inquired as to whether or not Mr. Cork will be able to connect to city water and sewer. Mr. Pharis stated that he believes it will be a possibility at some point but was unable to state exactly when.

Mr. Pharis addressed the issue of lot size. He stated that the existing properties along Greene Rd/CR 19 were part of county subdivisions and had to be larger lots to accommodate their wells. He stated that of the 27 acres of the proposed subdivision, 3+ acres is unable to be developed and pointed out the necessity of having a more densely filled area to make the area affordable. He stated that their plans more than meet the standards that are required and he pointed out that they are asking for no deviations from what is required.

Mr. Smith inquired as to the size of the homes that are proposed for the different sections. Mr. Pharis stated that the single family homes will be roughly 1400-1800 square feet with two-car, attached garages. He stated that the single family attached homes (duplexes) will be approximately 1400-1500 square feet and will also include garages. He stated that the condos are proposed as being two-story with roughly 900 square feet per floor.

Mr. Pharis explained for the audience and Commission that the developer understands that drainage is their issue to resolve. He stated that they are not planning for "wet lakes" but "retention lakes". He stated that they have tested the ground and have discovered that it is not all clay as they anticipated. He stated that there are only 3-4' of clay and that there is sand beneath the clay. He pointed out that the water will drain once it is below the clay. He also pointed out that the purpose of the retention in the rear of the existing homes is to prevent the drainage from reaching their properties.

Mr. Pharis stated that this property was previously deemed as a best fit for industrial development due to the power line issues. He pointed out that GRC Investments wants to create a better fit for the neighborhood with a nice, residential subdivision.

Mr. Smith inquired as to how the lot sizes for this development compare to the lots within Clover Trails. Mr. Pharis stated that the lot sizes are comparable but that the structures within the new development are potentially a little larger.

Ms. Garber inquired as to landscaping requirements. Mr. Pharis pointed out that the landscaping ordinance will apply within the section labeled in orange on the diagram (condominium section).

Mr. Smith asked whether or not there are any health concerns with the location of the electrical towers in the development. Mr. Pharis reassured the audience and the Commission that all research has shown *no* health risks and stated that it is not unsafe for the potential buyers.

William Cork, 63640 CR 19, Goshen, asked an additional question for the developer. He inquired about who will be responsible for spraying for mosquitoes at the retention ponds. He asked if there is anywhere else to divert the water and also whether or not there is any way to slow down the traffic along Greene Rd/CR 19 as all the subdivision traffic will be entering from that section of road as there will not be a connection right away for the road within the development.

Mr. Smith asked Mr. Cork whether or not he has had trouble with water in his basement. Mr. Cork advised that they do have water issues and have had to deal with mold issues twice.

James Jackson, 63658 CR 19, Goshen, inquired as to whether or not the retention ponds will be built deep enough to get to the sand beneath the clay. He also stated that he is still not clear as to how duplexes will fit onto the small lots.

Mr. Pharis clarified that it will be the developer's responsibility to treat the mosquitoes for the retention ponds. He also informed the concerned neighbors as well as the Commission that their intention is to have one central contact, which would be the developer, to address problems with until a homeowner's association is in place.

Mr. Pharis stated that their intention is to build affordable homes, under \$200,000, to fit the needs of the community. He stated that they are willing to work with the existing neighbors to make it as easy as possible. He stated that they are willing to construct a mound along the west side of the development if the neighbors would prefer. He stated that the retention areas would then be to the east of the mound. Mr. Pharis also stated that they are already planning on requiring trees within the front yards of the lots. He pointed out that they are not, however, wanting them to be placed within the right of way.

Mr. Smith inquired as to the location of the approximate 3.5 acres of green space and whether or not it will be back yards or public area. Mr. Pharis clarified that it will be located within individual's back yards.

Ms. Garber inquired as to how deep the retention ponds will be constructed. Mr. Pharis stated that they do not want them to be any deeper than is necessary. He stated that they will plan accordingly for them as they develop.

Mr. Hauflaire inquired as to whether or not there is a phasing plan in place. Mr. Pharis stated that they are hoping to connect by Phase III. He stated that they are ultimately planning for 4-5 phases but stated that it may change depending on the plans of the commercial end of the development. Mr. Hauflaire stated that he feels it would be in the best interest of the Commission to require some type of phasing plan and Mr. Pharis agreed that it can be done.

Mr. Rounds stated that he currently lives in an area with a retention pond built by a good developer. He stated that there is never any standing water within the retention pond and that it is mowed every Friday. He also stated that it is not deep.

*The public hearing was closed.*

#### *Staff Reports & Discussion*

Ms. Rutt inquired as to whether or not the developers would be able to come back for the next phase with all multi-family units if R-3 is approved for the development today. Mr. Kolbus stated that such an action would be considered a major change and that it would require them coming back before both the Plan Commission and the Council for approval prior to that happening.

Mr. Hauflaire stated that he would like to make some type of decision requiring a connection between the two developments no later than Phase III. He stated that, if not done by that time, the developer would need to come back before the Commission. Mr. McCoige pointed out that we have no way of controlling the other developer at this time.

Mr. Rounds inquired as to why a cul-de-sac is out of the question. Mr. Hauflaire clarified that it would be too large for the subdivision ordinance for the size of the development.

Mr. McCoige stated that he feels that the connection of the road will be made between the two developments within a timely manner. He stated that a lot of money is being invested in the roadways and that this is proof of their willingness to make them connect. He stated that he agrees that the sooner, the better but does not feel that a timeline is necessary.

Mr. Hauflaire recommended adding a point #6 to the Staff Report conditions requesting a phasing plan with a variable timeline. He stated that it has been required in the past and is useful in having an idea of what is planned.

Mr. Hauflaire pointed out that the second issue before the Commission is the primary subdivision approval for the development. He advised that the street name change is required by the Subdivision Ordinance and not a personal choice on his part. Mr. Hauflaire explained for the Commission how the address grid is set up and explained the potential problems that are faced with roads that have a 90 degree turn. He pointed out that the addresses along this proposed road will jump from the 700 block to the 1100 or 1200 block. He stated that it is up to the Plan Commission to decide whether or not to approve the road maintaining one name throughout.

Mr. Rounds inquired as to why the numbers cannot run consecutive from one end of the street to the other and deviate from the grid system. He made the example of angled streets. Mr. Hauflaire stated that the grid still applies and that addresses are never simply randomly assigned.

Ms. Garber pointed out that there are only 11-12 homes in question here. She inquired as to whether or not an exception could be made. Mr. Smith pointed out that Mr. Hauflaire is simply pointing out what is required by ordinance. He reminded the Commission that it is their decision to decide whether or not to grant an exception in this case.

#### *Action*

A motion was made and seconded, Rutt/McCoige, to approve petition 07-03SUB with the conditions recommended in the Staff Report and the following amendment:

6. A Phasing Plan created at an appropriate scale showing the successive phases and estimated time frame for construction shall be submitted to the Plan Commission.

The motion passed unanimously, 6-0.

A motion was made and seconded, McCoige/Rounds, to allow the street name to remain "Lighthouse Lane" from Plymouth Avenue/SR 119 throughout the development all the way to Greene Road/CR 19. The motion passed unanimously, 6-0.

A motion was made and seconded, Rounds/McCoige, to grant primary subdivision approval with the conditions recommended in the Staff Report minus #6. The motion passed unanimously, 6-0.

*Bill Bloss left the meeting at 5:20 pm.*

#### **X. Replat (public hearing item), Minor Change and Final PUD Site Plan Approval (non-public hearing items)**

**07-04SUB** 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.

*Petitioner Presentation*

Gordon Lord, 130 N. Main Street, Goshen, spoke on the behalf of the petitioners. He provided a brief history of the project and clarified why it was necessary to be before the Commission again after last month's approvals. He informed the Commission that there was a meeting between the City Engineering Department and the engineers for the developer following last month's meeting and explained that there was a decision made to include a 50' easement into their plans for a potential future road. He advised that the new easement is depicted on Concept #28, provided to the Commission with the Staff Report, and he pointed out that failure to act upon the easement by 1/1/2018 will void it. He pointed out that the addition of the easement caused a slight shift in the lot lines from last month's meeting in addition to a new curb cut. Mr. Lord advised that they are asking that all three changes be approved today.

Ken Jones, Wightman Petrie, 4703 Chester Drive, Elkhart, further explained the new plan for the Commission. He advised that the goal of the new plan is to eliminate a lot of traffic congestion. He pointed out that they still meet all the requirements for lot size, lighting, landscaping, etc...even with the new 50' easement. He advised that they are requesting one minor change today as the shifting of lot lines did change the setbacks in a few places. Mr. Jones pointed out the location of the changes for the Commission on a diagram.

Mr. Lord pointed out for the Commission that the petitioners are in agreement with all of the conditions and recommendations of the Staff Report.

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

*The public hearing was closed.*

*Staff Reports & Discussion*

Ms. Rutt questioned what will happen to the existing Midway Road if the 50' easement is used for a future road that exits onto US 33/Elkhart Road. Mr. Lord pointed out that there is a possibility that Midway Road would eventually be closed but stated that it would not be this Commission's decision to be decided upon today.

Mr. Smith pointed out that he sees the new potential road as being a safer option that the existing Midway Road because of the angle of the intersection onto US 33/Elkhart Road.

*Action*

A motion was made and seconded, Rounds/Garber, to grant approval for the Replat with the conditions recommended in the Staff Report. The motion passed unanimously, 5-0.

A motion was made and seconded, Rounds/Rutt, to approve the minor change with the conditions recommended in the Staff Report. The motion passed unanimously, 5-0.

A motion was made and seconded, Rounds/Garber, to grant Final PUD Site Plan Approval with the conditions recommended in the Staff Report. The motion passed unanimously, 5-0.

**XI. Audience Items** - none

**XII. Staff/Board Items** – none.

**XIII. Adjournment** – 5:35 pm.