

Minutes - Goshen Plan Commission
Tuesday, August 21, 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: Bill Bloss, Bob McCoige, Lovina Rutt, Kelly Huffman, John King and Jim Smith. Also present were City Planner Joe Hauflaire and City Attorney James Kolbus.
- II. The minutes of 7/17/2007 were approved – Bloss/King, 6-0.
- III. The Zoning/Subdivision Ordinances were unanimously filed into Record, Rutt/Huffman, 6-0.
- IV. **Postponements/Withdrawals** – none.
- V. **Rezoning** – public hearing item
07-05R Randy Johnson & Randy Stutzman request the rezoning of two properties from Commercial B-1 to Residential R-1. The subject properties are generally located on the east side of Riverside Boulevard and north of Pike Street with the common addresses of 1311 W. Pike Street and 304 N. Riverside Boulevard.

Mr. Smith advised that the Commission would be making a recommendation to Council on this matter.

Petitioner Presentation

Neither petitioner was present to speak to the Commission regarding the request.

Mr. Hauflaire provided background on the request to the members. He stated that Johnson Construction & Associates recently purchased 1311 W. Pike Street with the intentions of improving the home as it has been run down for several years and reselling it. He stated that it is currently a non-conforming use as it has been used as residential since constructed but is zoned B-1. As part of the Ordinance, day-to-day maintenance would be permitted but they would like to further improve the property by tearing down an attached carport and constructing a detached garage. Mr. Hauflaire advised that this could either be done through a variance or a rezoning and, as the property to the north is also zoned B-1 while used as residential, the decision was made by both property owners to pursue a rezoning for the properties to allow them to be zoned residential.

Mr. Hauflaire stated that he was aware of the fact that Mr. Stutzman would not be present but was unaware of why Mr. Johnson was not in attendance. He stated that both petitioners are in agreement, however, with the Staff Report recommendations as they are straightforward and suggested that the Commission decide on the matter despite the absence of both petitioners.

Audience Comments

There was no one to speak to the petition.

Staff Report and Discussion

Mr. McCoige inquired as to whether or not the alley to the east of the properties has been vacated. Ms. Hershberger stated that, according to the legal descriptions, the alley between the two properties has been vacated and belongs entirely to 304 N. Riverside Boulevard. The alley to the east of both properties is still public right-of-way.

The public hearing was closed.

Action

A motion was made and seconded, King/McCoige, to send petition 07-05R to the City Council with a favorable recommendation. The motion passed unanimously, 6-0.

VI. Overlay District Rezoning – public hearing item

07-06R MapleNet Wireless, Inc. & Lippert Components request permission to create an overlay district for a Wireless Communication Facility for subject property generally located at 2703 E. College Avenue and zoned Industrial M-1. (The parcel numbers for the subject properties are 20-11-14-477-001 and 20-11-13-300-002.)

Mr. Hauflaire reminded the Commission that this matter will also be a recommendation to City Council. He stated that the Ordinance was amended to include a section regarding Wireless Communication Facilities. He stated that it would be considered an administrative decision if they chose to co-locate on an existing tower. They, however, would like to construct a new tower which requires the addition of an overlay district and a public hearing.

Mr. King requested clarification on co-locating. Mr. Hauflaire stated that it is permitted and encouraged to reduce the number of towers necessary throughout the City. He stated that there are currently four others and this will make the fifth.

Petitioner Presentation

Gene Crusie, MapleNet Wireless, 4561 Pine Creek Road, Elkhart, stated that they are proposing a 160' communications tower. He stated that it will be primarily for Lippert Components to enable them to communicate with their Middlebury plant. He stated that they have already received approval from the County to place a tower in Middlebury. He stated that there will be an opportunity for up to three other companies to co-locate on the tower once it is constructed.

Audience Comments

There was no one to speak to the petition.

The public hearing was closed.

Staff Report and Discussion

Ms. Huffman inquired as to who will maintain the landscaping around the tower. Mr. Crusie stated that the tower will be placed on an asphalt slab and will not be landscaped as it is located in the middle of the industrial property between two buildings. He stated that MapleNet will maintain the area if needed.

Action

A motion was made and seconded, King/Rutt, to send petition 07-06R to the City Council with a favorable recommendation. The motion passed unanimously, 6-0.

VII. Secondary Plat Approval – not a public hearing item

Westoria, Section 4

Petitioner Presentation

Barry Pharis, Brads-Ko Engineering & Surveying, 1009 S. 9th Street, Goshen, stated that he is representing Windshire Corporation. He stated that they are in agreement with the Staff Report and had no additional information to present to the Commission.

Staff Report and Discussion

Mr. Hauflaire stated that he had nothing to add and the Commission had no questions or comments regarding the petition.

Action

A motion was made and seconded, Bloss/Huffman, to grant secondary plat approval for Westoria, Section 4 with the conditions listed in the Staff Report. The motion passed unanimously, 6-0.

VIII. Secondary Plat Approval – not a public hearing item

The Crossing, Section 1

Petitioner Presentation

Barry Pharis, Brads-Ko Engineering & Surveying, 1009 S. 9th Street, Goshen, stated that he is representing GRC Investments. He stated that they are in agreement with the Staff Report and had no additional information to present to the Commission.

Staff Report and Discussion

Mr. Hauflaire stated that Section 1 of the subdivision will consist of twenty-nine single-family homes and two single-family attached units. The Commission had no questions or comments regarding the petition.

Action

A motion was made and seconded, Bloss/Huffman, to grant secondary plat approval for The Crossing, Section 1 with the conditions listed in the Staff Report. The motion passed unanimously, 6-0.

X. Audience Items - none**XI. Staff/Board Items**

07-05SUB Dennis Beadle & Wightman Petrie, Inc. request the approval of a three (3) lot minor industrial subdivision. The subject property is generally located at the southeast corner of Eisenhower Drive North and Dierdorff Road and zoned Industrial M-1.

- *Condition #6 of the subdivision approval from the 7/17/07 hearing stated the following:*

“The gravel drive along Eisenhower Drive is to be removed.”

- *The petitioner is requesting permission to preserve the gravel drive located near the intersection of Eisenhower Drive North and Dierdorff Road as an exit only.*

Michael Miller, Wightman Petrie, 4703 Chester Drive, Elkhart stated that the City Engineering Department has requested additional information regarding the field system information on the property and they have been unable to obtain the information at this time. He stated that, because of this, Engineering has asked that this decision be delayed until able to provide the necessary information.

A motion was made and seconded, McCoige/Huffman, to table the request to consider the preservation of the existing gravel drive on the subject property until further information can be provided and to clarify whether or not this item should be considered a Staff Board Item or a public hearing item. The motion passed, 6-0.

XII. Adjournment – 4:30 PM

Respectfully Submitted:

Becky Hershberger, Recording Secretary

Approved By:

Jim Smith, President

Lovina G. Rutt, Secretary