

Minutes of the December 16, 2004
Regular Meeting of the
Marshall County Plan Commission
112 West Jefferson Street, #307
Plymouth, Indiana 46563

MINUTES

President David Dinius called the meeting to order at 7:30 p.m. on Thursday, December 16, 2004, in Room #203 of the Marshall County Building. Present were: Commission Members Clifford Allen, David Dinius, Larry Fisher, Fred Lintner, Ronnie McCartney, Wayne Neidlinger, Harold Van Vactor, Max Watkins and Robert Yoder, Doug Feece, City Officio, Plan Director Troy Kiefer, Secretary, Leesa Kolter, Planning Assistant Dave Rockaway and interested parties.

The first item of business was the review of the minutes from the November 18, 2004 meeting. Mr. Lintner moved and Mr. Watkins seconded a motion to pass the minutes as written. The motion passed by acclamation.

The second item of business, case 04-PC-21, Chris Mahony, A request for a Vacation of an unnamed Right-of-Way between Lots 36, 37, 43 – 46 of Pleasant Point Beach, Lake of the Woods, in an L-1, Lake District Section 7 of German Township. Mr. Mahony was present to represent the request. Mr. Kiefer gave the details of the request and presented the Findings of Fact. He stated that the Plan Commission would forward a recommendation to the County Commissioners who would make the final decision. Mr. Kiefer stated that the Right-of-Way is in an interior lot and does not run to the lake. He stated that there was no alley built within the right-of-way. Mr. Kiefer stated that there are no apparent utilities or sewer lines buried within the right-of-way.

Mr. Mahony stated that he would like to split the right-of-way between the neighbors. Mr. Allen asked if any of the neighbors were present. Mr. Mahony stated that there were.

Mr. Allen moved and Mr. Van Vactor seconded a motion to open the public hearing. The motion passed by acclamation.

- William Harner, 4309 East Shore Drive, spoke regarding the request. He stated that he would like all of the area vacated. He stated that he was representing the neighbors; Rich Andrzejewski, Rosemary Harner, they are all in favor of the request.
- Lowell Michaels, 4243 East Shore Drive, stated that he is in favor. He asked what the procedure would be.

Mr. Kiefer stated that if approved by the Commissioners, an ordinance would be created.

He stated that the property owner's would need to have the property surveyed to know exactly where the property lines would be. Mr. Mahony asked if they would need to attend the Commissioner's meetings. Mr. Kiefer stated that he would need to attend the first meeting.

Mr. Dinius stated that this is currently public property not being taxed. He stated that if approved the property would become taxed. Mr. Mahony asked if Mr. Kiefer wrote up a statement stating that the community is in agreement for approval. Mr. Kiefer stated that he works as a representative for the Plan Commission. Mr. Mahony asked if the meeting minutes would be available for the Commissioners with the neighbor's public comments. Mr. Kiefer stated that they would be forwarded to the Commissioners.

- Mrs. Capron stated that she has taken care of the alley for 45 years and is in favor of the request.

There was no one else to speak either for or against the request. Mr. Van Vactor moved and Mr. Watkins seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Kiefer read correspondence from:

Richard & Florence Andrzejewski, 2438 187th Place, Lansing, IL
60438 in favor of

the request, if approved for all adjoining property owners.

Kenneth & Margaret Tucker, 213 W Plymouth St, Bremen, IN
46506 in opposition of the request.

Mr. Allen stated that there are pros and cons to closing the right-of-ways. He stated that he has never been in favor of giving away County property. He

stated that it might be needed in the future. Mr. Niedlinger asked if the right-of-way goes to the lake. Mr. Kiefer stated that it did not. Mr. Dinius stated that when the right-of-way accesses the lake, the board is not inclined to grant those requests. Mr. Fisher asked if any utilities were buried within the right-of-way. Mr. Kiefer stated that he checked and could not find any indication that there were any utilities buried there.

Mr. Mahony stated that the right-of-way has mature trees growing through it and it has never been used.

Mr. Lintner moved and Mr. Fisher seconded a motion to forward to the County Commissioner's with a favorable recommendation. The motion passed with Mr. Fisher, Mr. Lintner, Mr. Neidlinger, Mr. Van Vactor, Mr. Yoder and Mr. Dinius voting in favor; Mr. Allen and Mr. Watkins voting against and Mr. McCartney abstaining.

The third item of business, Case 04-PC-22, The Country Church, A request for a Special Exception to permit an addition to an existing church; Preschool and Fellowship Hall, on property located at 2951 9B Road, in an A-1, Agricultural District, Section 6 of Bourbon Township. Mr. Richard Lemler, 405 Rose Lane, and Mr. Terry Alderfer, 7125 9B Road, church members were present to represent the request. Mr. Kiefer gave the details of the request and presented the Findings of Fact. He stated that the Plan Commission would forward a recommendation to the Board of Zoning Appeals, who would make the final decision. He stated that there would be plenty of parking.

Mr. Lemler stated that the addition would house two rooms, fellowship hall and a permanent room for the preschool. Mr. Lintner asked if they conducted the programs now. Mr. Lemler stated that is correct. Mr. Alderfer stated that the program has been in existence for 6 years. He stated that they have to set up and tear down constantly. Mr. Lintner asked how many children are currently in the preschool. Mr. Alderfer stated that currently there are 26 to 30. Mr. Yoder asked if it were licensed. Mr. Alderfer stated that he would assume that they have met all of the requirements. He stated that it is not a daycare.

Mr. Dinius asked if there was plenty of room to meet the setbacks. Mr. Kiefer stated that was correct.

Mr. Van Vactor moved and Mr. McCartney seconded a motion to open the public hearing. The motion passed by acclamation. There was no one to speak either for or against the request. Mr. Allen moved and Mr. McCartney seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Allen moved and Mr. Watkins seconded a motion to forward the request with a favorable recommendation. The motion passed with a unanimous vote of approval.

The fourth item of business, Case 04-PC-23, North Central Pallets, A request for a Zoning Map Amendment to change the Zoning Classification of a property located at 13990 State Road 10, in Section 7 of Green Township from A-1, Agricultural District to I-1, Industrial District. Mr. Ron Gifford, Attorney and Mr. Shawn Hanley were present to represent the request. Mr. Kiefer gave the details of the request and presented the Findings of Fact. He stated that the Plan Commission would forward a recommendation to the County Commissioners for final decision. Mr. Kiefer gave some history on the operation. He stated that the operation was originally approved by the BZA for sawmill and pallet manufacturing in 1978, expansions for the business were approved in 1987 and 1994. He stated that they are in the process in building the 1994 expansion. He stated that it is a 26 acre parcel, is located on a state highway and along side a railroad track. He stated that it is in the middle of the agricultural district, although the parcel is large in size. He stated that an important issue for consideration would be future uses that would be allowed within an industrial district. Mr. Kiefer read into the record uses allowed within an I-1, Industrial District, and an I-2, Industrial District.

Mr. Gifford added to the details. He stated that the currently, as well as in the past thirty years, the property has been a nonconforming use. He stated that the BZA had also approved an expansion in 1985. Mr. Gifford stated that in all of the times North Central Pallets had appeared before the board there have been no adjoining property owners appear in opposition of their requests. He stated that the company has continued to grow at this location, and currently employs 35 people. He stated that on three different occasions, one recently they have been approved tax abatements by the County Council. He stated that the owners are in the process of gaining some financing. He stated that the property has a much lower value zoned as agricultural property, they would like to have it rezoned to be able to utilize the full value of the property. He stated that if the property is not rezoned, it would hamper their growth. Mr. Gifford stated that the new comprehensive plan encourages this type of growth. He stated that

there is a lot of manufacturer's would not be able to locate at this property because it does not have proper sewage and water. He stated that there is no way that the property could be returned to agricultural as the costs would be too high.

Mr. McCartney asked where the drainage runs from the property. Mr. Hanley stated that it runs to the South, it has been tiled to two ponds. He stated that the water is tested once a year for there storm water permit.

Mr. Neidlinger moved and Mr. Fisher seconded a motion to open the public hearing. The motion passed by acclamation.

- David Rockaway, 12465 Hillside Drive, Planning Assistant, stated that he wanted to point out that the long range transportation plan for the County is to straighten out Highway 10.

Mr. Lintner stated that in 1953, he was a councilor at the Wood Craft Camp he was warned that they were planning to straighten out 10. He stated that it was just repaved at great expense.

Mr. Lintner stated the real reason to rezone is to increase the borrowing limits. Mr. Haney stated that was correct.

- Pat Hanley, 10347 Olive Trail, owner, stated that he would like to pass the company to his grandchildren.

There was no one else to speak either for or against the request. Mr. Neidlinger moved and Mr. Van Vactor seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Dinius read letter a letter in favor of the request from:
Mr. & Mrs. Eric Ferguson, 13988 State Road 10.

Mr. Fisher asked what is done on site. Mr. Hanley stated that they manufacture and recycle wood pallets and recycle non usable pallets into mulch, and store lumber. He stated that they use to be in the sawmill business, but that has ceased. Mr. Yoder asked what the half circle area was used for. Mr. Hanley stated that is where they do mulch coloring and storage.

Mr. Fisher asked what they do with the saw material. Mr. Hanley stated that they sell it for animal beds. Mr. McCartney asked how the rezoning would affect the taxes for the property? Mr. Hanley stated that they are currently taxed by the use. He stated that he asked and was told that zoning does not affect taxation.

Mr. Neidlinger moved and Mr. Watkins seconded a motion to forward with a favorable recommendation. The motion passed with a unanimous vote of approval.

The last item was other business. Mr. Kiefer stated that last month there was a request from Edward Yutzy for a Special Exception to expand on Birch Road. He stated that Mr. Yutzy was unable to attend the meeting, but a neighbor came and made public comments regarding the operations and expansion. He stated that Mr. Yutzy has rented facilities and will be moving the operation, although at this time he is unsure whether he would move the entire operation. Mr. Kiefer stated that he met with Mr. Yutzy the week prior and stated that he was very forth coming regarding the operation, additional employees and expansions to the facility that were not approved. Mr. Kiefer stated that he told Mr. Yutzy that if he were going to stay in the current facility in full or in part, he would need to return and receive permission for the expansions. He stated that if Mr. Yutzy returned the building to agricultural use, he would not need to do anything further.

Mr. Kiefer presented a draft of the 2005 meeting schedule. Mr. McCartney moved and Mr. Watkins seconded a motion to approve the meeting schedule. The motion passed by acclamation.

Mr. Kiefer read a letter from Mr. Neidlinger giving his resignation from the Plan Commission as of December 17, 2004.

Mr. Kiefer expressed his appreciation to the exiting members for their dedication and leadership. Mr. Dinius stated that Mr. Allen, Mr. Lintner and Mr. Neidlinger would be missed.

There was no further business before the board. The meeting was adjourned.

Respectfully
submitted,

Harold
VanVactor
Secretary