

Minutes of the October 28, 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, October 28, 2004, in Room #203 of the Marshall County Building. Present were: Commission Members Clifford Allen, David Dinius, Larry Fisher, Ronnie McCartney, Wayne Neidlinger, Harold Van Vactor, Max Watkins and Robert Yoder, Plan Director Troy Kiefer, Secretary, Leesa Kolter, Planning Assistant Dave Rockaway and interested parties. Absent was board member Fred Lintner.

The first item of business was the review of the minutes from the September 23, 2004 meeting. Mr. Neidlinger moved and Mr. Fisher seconded a motion to pass the minutes with corrections. The motion passed by acclamation.

The second item of business, case 04-PC-18, Ralph Costello, A request for a Zoning Map Amendment to change the Zoning Classification of a property located at 2403 Michigan Road, in Section MRL 6 of North Township from A-1, Agricultural District to B-2, Business Interchange District. Mr. & Mrs. Costello 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 who would make the final decision. Mr. Kiefer stated that the area that is requested to be changed to B-2 would include the Jerry Reichard property, 2271 US 31. He stated that the request came before the Plan Commission in November of 2001. He stated that the Plan Commission forwarded a favorable recommendation and the County Commissioner's denied the request. Mr. Kiefer stated that in the Comprehensive Plan it was left for the Plan Commission to interpret placement.

Mr. Costello stated that if his request were granted it would extend the business zoning. He stated that since Mr. Richart's property would also be rezoned it would not be spot zoning. He stated that they placed a building on the property that was used as a daycare; since it was not successful, they are now

not able to use it. He stated that if the property were rezoned they would be able to utilize the building.

Mr. Neidlinger moved and Mr. Van Vactor 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. Neidlinger moved and Mr. Watkins seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Kiefer read a letter in favor of the request from Doug & Vicki Harmon, 2445 US 31.

Mr. Kiefer read the permitted uses for the property if the zoning were to be changed to B-2, Business Interchange. He stated that any use would need to be submitted to the Plan Commission for Site Plan Review.

Mr. Dinius asked if the Manufactured Home Park was classified as A-1. Mr. Kiefer stated that was correct, at least a portion of the mobile home park was grandfathered as it was in operation since 1974. Mr. McCartney asked how the change in classification would impact assessment. Mr. Kiefer stated that it was his understanding that the taxation is based on the use. Mr. Watkins agreed that the tax would not change unless the use of the property changed.

Mr. McCartney asked what plans the Costellos' would be for additional access? Mr. McCartney stated that they have a forty foot drive and he would like to add an access road. Mr. McCartney stated that he would have a concern with heavy traffic mixing with the residential traffic. Mr. Kiefer stated that he suggested that there is a large enough access to incorporate an access road. He stated that he would be worried about adding an additional entry off U.S. 31 because of stacking distances. He stated that a decision would need to be made during site plan review.

Mr. Fisher asked what would happen to the mobile homes. Mr. Costello stated that the homes would not be within the requested B-2 area. Mr. Fisher asked if there would be a legal description that would accompany the property. Mr. Kiefer stated that there would need to be a legal description. Mr. McCartney asked how many acres would be incorporated? Mr. Kiefer stated that from the measurements that Mr. Costello provided there would be approximately thirteen acres.

Mr. McCartney asked Mr. & Mrs. Costello if there are any plans for the property? Mrs. Costello stated that there is a possibility of self storage facility. Mr. Costello stated that they have had interest in renting the daycare facility, but no one can wait for approval from the Plan Commission and they rent some where else. He stated that the rezoning will help them be able to rent the building.

Mr. Dinius asked if Mr. Kiefer knew the reason that the Commissioner's denied the request in 2001. Mr. Kiefer stated that there was some neighbor opposition.

Mr. Fisher moved and Mr. Allen seconded a motion to forward to the County Commissioner's with a favorable recommendation. The motion passed by a unanimous vote of approval. Mr. Kiefer stated that the Costello's will need to provide a legal description to the County Commissioner's.

The fourth item was other business. Mr. Kiefer stated that he received resignation from Mr. Andy Lemler; Zoning Ordinance Sub-committee member. Mr. Kiefer stated that Mr. Lemler cited the time commitment as the reason he was unable to continue serving. Mr. Kiefer asked if the Plan Commission would like to appoint someone to take Mr. Lemler's place. Mr. Dinius stated that they are almost half way through the process. He stated that a new member would have a lot of catching up to do. He also stated that the current members have had regular attendance and are getting along well. He stated that he would propose that Mr. Lemler's vacancy not be filled.

Mr. Allen moved and Mr. Neidlinger seconded a motion to not fill the vacancy left by Mr. Lemler on the Zoning Ordinance Sub-committee. The motion passed by acclamation.

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

Respectfully
submitted,

Harold
VanVactor
Secretary