

Minutes of the January 27, 2005
Regular Meeting of the
Marshall County Plan Commission
112 West Jefferson Street, #302
Plymouth, Indiana 46563

MINUTES

President David Dinius called the meeting to order at 7:30 p.m. on Thursday, January 27, 2005, in Room #307 of the Marshall County Building. Present were: Commission Members Ralph Booker, Thomas Chamberlin, Gary Davis, David Dinius, Larry Fisher, Ronnie McCartney, Harold Van Vactor, Max Watkins, Robert Yoder, Plan Director Troy Kiefer, Secretary Leesa Kolter, and interested parties. .

The first item of business was the election of officers. Mr. Fisher moved and Mr. Van Vactor seconded a motion to nominate David Dinius as President. Mr. Booker moved and Mr. Watkins seconded a motion to close the nominations. Mr. Dinius was elected President with a unanimous vote of approval, Mr. Dinius abstained.

Mr. Watkins moved and Mr. Van Vactor seconded a motion to nominate Mr. McCartney as Vice President. Mr. Fisher moved and Mr. Watkins seconded a motion to close the nominations. Mr. McCartney was elected Vice President with a unanimous vote of approval, Mr. McCartney abstained.

Mr. Van Vactor moved and Mr. Watkins seconded a motion to nominate Mr. Booker as Secretary. Mr. Davis moved and Mr. McCartney seconded a motion to close the nominations. Mr. Booker was elected Secretary by a unanimous vote of approval, Mr. Booker abstained.

Mr. Booker moved and Mr. Watkins seconded a motion to nominate Mr. Van Vactor as liaison to the City of Plymouth Plan Commission. Mr. McCartney moved and Mr. Fisher seconded a motion to close the nominations. The motion passed by a unanimous vote of approval, Mr. Van Vactor abstained.

The second item of business was the review of the minutes from the December 16, 2004

meeting. Mr. Van Vactor moved and Mr. McCartney seconded a motion to pass the minutes with corrections. The motion passed by acclamation.

Mr. Dinius stated that if there were no objections, he would like to combine cases 05-PC-01 and 05-PC-02 for discussion, since they were adjacent properties with virtually the same request. There were no objections.

The third item of business was case 05-PC-01, Donald & Frances Byrer, A request for a Zoning Map Amendment to change the Zoning Classification of a property located in the South half of the Southeast Quarter of Section 30 of German Township from I-2, Industrial District, to A-1, Agricultural District. Mr. & Mrs. Byrer were present to represent the request. And the fourth item of business, case 05-PC-02, Edward & Cindy Parks, A request for a Zoning Map Amendment to change the Zoning Classification of a property located at 2363 US 6, Section 30 of German Township from I-2, Industrial District to A-1, Agricultural District. Mr. & Mrs. Parks 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 the request to the County Commissioners, who would make the final decision. He stated that the property is adjacent to Bremen's jurisdiction boundary. He stated that there were some industrial buildings within the I-2 District. He stated that the Parks reside on the property which is over four acres in size. Mr. Kiefer stated that there are no industrial uses within the requested area.

Mr. Booker asked what the Comprehensive Plan stipulates for the area. Mr. Kiefer stated that because the area was zoned I-2, the Comprehensive Plan shows industrial zoning in the area, but not specifically for the properties in questions.

Mr. Parks added to the details he stated that the buildings on the property that would be considered industrial has been closed for several years, the other just recently closed. He stated that the industry at the East is null. Mr. Kiefer stated that he is aware of business that will be moving into the area in the spring.

Mr. Byrer stated that they have owned the property prior to 1974, it has always been used for agriculture. He stated that they were unaware that it had been zoned for industrial use. He stated that he felt that it should be returned to agricultural zoning as it was before. Mrs. Parks stated that if their home were to be destroyed, they would not be able to rebuild it given the current

zoning. She stated that was her biggest concern. Mr. Parker stated that they are hoping to pass it on to their children. He stated that it has been in the family for 45 years, and they have no desire to sell it to industry.

Mr. Yoder asked how far the infrastructure was from Bremen? Mr. Kiefer stated that it was two miles outside the city limits.

Mr. Booker moved and Mr. Watkins seconded a request to open the public hearing. The motion passed by acclamation. There was no one to speak either for or against the request. Mr. Yoder moved and Mr. Fisher seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Davis asked if Mr. Kiefer stated that there was interest in an industry relocating to that area. Mr. Kiefer stated that there was someone who was going to relocate to the area that currently had buildings further to the East. Mr. Fisher asked what the zoning would be on Bremen's side. Mr. Kiefer stated that he did not know. Mr. Fisher asked if there had been any thought in adding additional area, as to only change the two properties would constitute spot zoning. He stated that it appears that the area always has and will continue to be agricultural in use. Mr. Kiefer stated that it would be up to the Plan Commission if they would like to pursue additional changes.

Mr. Fisher stated that in the past they have pursued zoning changes for an entire area at one time, rather than change each parcel one at a time. Mr. Dinius asked how many property owners would be affected? It was determined that there would be approximately three property owners. Discussion was held regarding how to pursue the zoning change. Mr. Kiefer stated that the current request could be voted upon and the rest could be addressed with the introduction of the new Zoning Ordinance, and zoning maps. He stated that he anticipated that it would be presented to the Plan Commission in the summer.

Mr. Yoder moved and Mr. Fisher seconded a motion to forward the request, 05-PC-01, Donald & Frances Byrer, to the County Commissioners with a favorable recommendation. The motion passed with Mr. Booker, Mr. Chamberlin, Mr. Davis, Mr. Fisher, Mr. Van Vactor, Mr. Watkins, Mr. Yoder and Mr. Dinius voting in favor, and Mr. McCartney voting against.

Mr. Fisher moved and Mr. Davis seconded a motion to forward request, 05-PC-02, Edward & Cindy Parks, to the County Commissioners with a favorable recommendation. The motion passed with Mr. Booker, Mr. Chamberlin, Mr.

Davis, Mr. Fisher, Mr. Van Vactor, Mr. Watkins, Mr. Yoder and Mr. Dinius voting in favor, and Mr. McCartney voting against.

The fifth item of business, case 05-PC-03, Raymond Houin, A request for a Final Plat Amendment to Forest Hills Subdivision. Mr. Raymond Houin and Mr. Marvin Houin were present to represent the request. Mr. Kiefer gave the details of the request. He stated that usually the procedure for a Final Plat Review for a property that falls within the City of Plymouth's jurisdiction, would be for the request to come before the City Plan Commission for a recommendation that would then be forwarded to the County Plan Commission. He stated that has not been done in this case. Mr. Kiefer stated that Mr. Houin felt that there were time restraints, and he requested to be placed on the County agenda. Mr. Kiefer stated that his recommendation would be to table the matter pending a recommendation from the City Plan Commission. He stated that on the surface, it may seem like a simple request, but the County has an obligation to take recommendations from the City.

Mr. Booker stated that before the case was discussed, he would suggest that a decision be made by the board as to whether they would review the request before the City was presented with it. Mr. Houin stated that if the County did not act upon the request, they would lose their buyer. Mr. Booker stated that he did not want to set a precedent for skipping the procedures.

Mr. Feece, City Officio, stated that if the County Plan Commission would make a decision without following procedure, it would send a message to the City that it does not value its input.

Mr. Booker asked Mr. Kiefer if procedure were not followed, could a case be made to protect the board in the future. Mr. Kiefer stated that he could not guarantee that the board would not be challenged in the future. He stated that it could also affect the relationship with the City Plan Commission.

Mr. Feece stated that he feels that procedure is very important, and it would gives the public a misconception of the board. He stated that he could not speak for all members, as to what could come up from the Cities point of view. Mr. Kiefer stated that he feels that people would agree that he goes out of his way to accommodate special circumstances, although he did not feel that there was any special circumstance in this instance.

Mr. Fisher stated that there are zoning issues, which only the city could call since they have separate subdivision ordinances from the County's.

Mr. Fisher moved and Mr. Chamberlin seconded a motion to table the request until the City of Plymouth Plan Commission was able to forward a recommendation. The motion passed with a unanimous vote of approval.

The last item was Other Business. There was no other business.

There being no other business before the Plan Commission, it was moved and seconded to adjourn. The motion passed by acclamation and the meeting adjourned.

Respectfully
submitted,

Ralph Booker,
Secretary