

Minutes of the September 22, 2005
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, September 22, 2005, in Room #203 of the Marshall County Building. Present were: Commission Members Thomas Chamberlin, Gary Davis, David Dinius, Larry Fisher, Ronnie McCartney, Don Morrison, Max Watkins, Robert Yoder, Plan Director Ralph Booker, Secretary Leesa Kolter, and interested parties. Absent was member Harold Van Vactor.

Mr. Dinius opened the meeting by welcoming Mr. Booker as Plan Director and Mr. Morrison as new member to the Plan Commission.

The first item of business was the review of the minutes from the July 28, 2005 meeting. Mr. Davis moved and Mr. Watkins seconded a motion to approve the minutes with corrections. The motion passed by acclamation.

The second item of business was case, 05-PC-19, Jack Edison, A request for a Final Plat Approval of Lauren's Subdivision, Lot #1 on property located on 12th Road, Section 17 of Center Township. Mr. Edison was present to represent the request. Mr. Booker gave the details of the request. He stated that the property was in the two mile jurisdictional zone of the City of Plymouth. The request had been given approval by the City Plan Commission in August. All splits had been exhausted by the property owner, it was the wish to divide the home on the property from the main parcel. Mr. Booker stated that no new dwelling would be built on the property.

Mr. Edison stated that the home was on the farm and would be sold to his son.

Mr. Chamberlin moved and Mr. Davis 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. Fisher moved and Mr. Watkins seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. McCartney asked if the home was the original home on the parcel? Mr. Edison stated that it was moved there four years ago to the seventy acre parcel.

Mr. Fisher moved and Mr. Yoder seconded a motion to approve the request. The motion passed with Mr. Chamberlin, Mr. Davis, Mr. Fisher, Mr. Morrison, Mr. Watkins, Mr. Yoder and Mr. Dinius voting in favor; and Mr. McCartney voting against.

The third item of business, case 05-PC-20, Verle Miller, A request for a Zoning Map Amendment to change the zoning of property located at 2141 Beech Road, from A-1, Agricultural to B-2, Business District, in Section 32 of German Township. Mr. Miller was present to represent the request. Mr. Booker gave the details of the request. He stated that the request would receive a recommendation from the Plan Commission and would be presented to the County Commissioner's for the final decision. The property was located in proximity to an existing B-2 District. Mr. Booker read the 18 different uses that could take place within the B-2 District. Mr. McCartney asked if the zoning change would be an extension to the existing zoning. Mr. Booker stated that was correct.

Mr. Dinius asked what the intentions would be for the property. Mr. Miller stated that his intention was for light manufacturing of wood products. Mr. Feece asked if there were designated areas for this type of process. Mr. Booker stated that the location had been proposed for manufacturing as of 1970's. The Comprehensive Plan designated the adjoining property as B-2. He stated that it would be his opinion that it would be better to incorporate the growth next to an area already designated.

Mr. Yoder stated that it was a busy area, would they need direct access to US 6? Mr. Yoder stated that he would prefer to see Mr. Miller purchase the property on Beech Road, which was currently zoned B-2. Mr. Miller stated that there were houses there, he did not realize that it was zoned B-2. He stated that he thought it would be easy to be granted an extension of the B-2 zoning. Mr. Yoder stated that he was concerned about rezoning the property because of the heavy traffic and the proximity to the curve. Mr. Miller stated that he did not think they could get approval to have highway access at the curve. Mr. Yoder stated that they would also have to consider future uses, as all approved uses could take place on the property once approved.

Mr. Booker stated that he had hoped that they could access the property via the existing drive. Mr. Yoder asked if they had purchased the property. Mr. Miller stated that they were still in the negotiation process. Mr. McCartney stated that it would be in the best interest of the applicant to petition the state regarding ability for access. Mr. Fisher asked how the adjoining properties were accessed. Mr. Booker stated that there were individual driveways.

Mr. McCartney asked if the highway exposure was critical to his business. Mr. Miller stated that it was not. Mr. McCartney asked if the parcel on US 6 and Beech Road were owned by the same person. Mr. Miller stated that it was. Mr. Dinius stated that the Beech Road property was already zoned B-2. Mr. Booker stated that was correct. Mr. Dinius stated that if Mr. Miller were to purchase the property on Beech Road, he would not need to petition for rezoning. Mr. Dinius asked Mr. Miller if he had questioned the seller about the Beech Road property. Mr. Miller stated that he had not. Mr. McCartney stated that he had a difficult time voting on the request not knowing if they could get access to US 6. Mr. Dinius stated that he would ask that the petitioner to inquire about the ability to purchase the Beech Road property, or at least be certain of the ability for highway access.

Further discussion was held.

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

- Steve Geise, stated that he worked with the state. He gave Mr. Miller a phone number and stated he would help him get in contact with the appropriate persons for state highway permits.

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

Mr. McCartney moved and Mr. Watkins seconded a motion to table the request until it would be brought back by the petitioner. The motion passed by acclamation.

The fourth item of business, case 05-PC-21, Jim & Deborah Hostetler, A request for a Special Exception to permit a Pool Supply Business on property located at 4293 Breezy Point Lane, Koontz Lake, in an L-1, Lake Residential District, Section 7 of Polk Township. Mr. Hostetler was present to represent the request. Mr. Booker gave the details of the request. He stated that Specials Exceptions are to be reviewed by the Plan Commission and a

recommendation would be forwarded to the Board of Zoning Appeals, who would make the final decision.

Mr. Hostetler stated that he would keep the business within the confines of the garage. He stated that he would only propose a sign on the mailbox. He did not wish to make the neighborhood commercial. Mr. Yoder asked if he had an idea of volume. Mr. Hostetler stated that customer traffic would be minimal, maybe two cars a day. Trucks would be one straight axel truck a week; according to the current owner of the business.

Mr. Davis asked if there was a place for customers to park. Mr. Hostetler stated that visitors to the property park on the South side of the house. Mr. Feece asked if the home were sold nothing else could move in. Mr. Booker stated that was correct. Mr. McCartney stated that the approval would go with the owner and not the property. Mr. Booker stated that usually when a property was sold the use would leave as well, but if it were to continue it would be under the same restrictions. Mr. Feece stated that a restriction could be that the use would no longer be allowed if property owners change. Mr. Yoder stated that he felt that the bigger hurdle would be limiting the scope of the business.

Mr. McCartney stated that he was concerned as to what Mr. Hostetler would do if the traffic of the business were to change. Mr. Hostetler stated that he would not intend for the business to interfere with the nature of the community, he would move it to an appropriate location.

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

- Steve Geise, next door neighbor, spoke regarding the request. He stated that he would have no problem with the business.
- John Goodrich, 4420 Breezy Point Lane, spoke regarding the request. He stated that he would have no problem with the business. He stated the business does not appear to be generating that much business currently.
- Bryan Miller 4430 Breezy Point Lane, spoke regarding the request. He stated that he would have a concern with trees that need to be removed. He stated that he had no problem with the business. He stated that access and parking was an issue in the area.

Mr. Booker read correspondence from:

Roger and Helen Miller, 20905 N. Lake Drive in opposition of the request.

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

Discussion was held regarding the access to the neighborhood. Mr. Davis stated that they consider that when brought before the Board of Zoning Appeals.

Mr. McCartney moved and Mr. Davis seconded a motion to forward the request to the Board of Zoning Appeals with a favorable recommendation with consideration to be given to restrictions that could keep the character of the neighborhood. The motion passed by a unanimous vote of approval.

The fifth item of business, case 05-PC-22, Ancilla Domini Sisters, A request for a Special Exception to permit an Assisted Living Addition to be constructed on property located at 9601 Union Road, Donaldson, in an A-1, Agricultural District, Section 6 of West Township. Mr. Michael Strang, of Strang and Associates, and Mr. Law, of Domini Sisters, were present to represent the request. Mr. Booker gave the details of the request. He stated that the Plan Commission would give a recommendation which would be forwarded to the Board of Zoning Appeals who would make the final decision.

Mr. Strang stated that the current facility was grandfathered in, as it was built before the adoption of the Zoning Ordinance. The facility was started in the 1920's, and is older than most of the other residences in the area. He stated that the property has a large water facility, gas and electric would be provided by Nipsco. Sewage would be processed at the new sewage treatment facility, it is monitored by IDEM. The drainage plan had been approved by the County Surveyor, the water would be drained to the lake on the property, after it has been treated. He stated that approximately one dozen parking spaces would be added. The addition would be part of a long range plan.

Mr. Law stated that the facility would be built to house the retired sisters, attached to the current facility by a solarium. He stated that they propose a second home to be completed in the future.

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

- A woman questioned how it might affect her property.

Mr. Booker stated that everyone within 300 feet were notified to have an opportunity to express their opinion.

Mr. Booker read a letter received from Edith Boys Enos in favor of the request.

There was no one else 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. Yoder moved and Mr. Davis seconded a motion to forward the request to the Board of Zoning Appeals with a favorable recommendation. The motion passed with a unanimous vote of approval.

The sixth item of business, case 05-PC-23, Interstate Forestry, A request for a Special Exception to permit a Sawmill Operation to be constructed on property located on County Line Road, in an A-1, Agricultural District, Section 6 of West Township. Mr. Gary Messer and Mr. William Carpenter, owners were present to represent the request. Mr. Booker gave the details of the request. The Plan Commission would give a recommendation that would be forwarded to the Board of Zoning Appeals who make the final decision. Mr. Booker stated that sawmills are allowed in Agricultural Districts as special exceptions. He stated that the sawmill was currently in existence just South of the proposed property.

Mr. Carpenter stated that they would like to move the facility to build a streamline building to suit their needs. He stated that they use a wood miser system and band saw. They would like to use the current facility for storage. He stated that they own or family own most of the properties in the area and keep noise to a minimum. He stated that he spoke with the neighbors, and no one had issue with the facility. Mr. Carpenter stated that they have some truck traffic, but the area is already heavily traveled because of Ancilla. Mr. McCartney stated that they are back off the road quite a ways and has good tree screening. He stated that he would suggest additional screening in the front.

Mr. Yoder moved and Mr. Morrison 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. Fisher moved and Mr. Morrison seconded a motion to close the public hearing. The motion passed by acclamation.

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

The last item was other business. Mr. Booker stated that there had been a proposal made by Mr. Kiefer that the County might like to contract his services to complete the draft of the Zoning Ordinances. Mr. Kiefer was present. Mr. Booker stated that he would suggest that the ordinances were 65 – 70% complete. He stated that there was presently \$4,000 in the intern budget and \$3,000 in the 2006 budget. Mr. Booker stated that Mr. Kiefer had stated that he would be willing to do the work for \$7,000 for the draft, would produce products and would attend and direct public hearings before adoption. There was a contract provided that the County Attorney had not reviewed. Mr. Booker stated that he could complete the ordinances eventually, but Mr. Kiefer had written what was done so far. The County Commissioner's would have the final decision.

Mr. Kiefer stated that the Zoning Ordinance Committee has been meeting over the past year and he stated it has drug out. He proposed writing the draft which would be ready for review in 6 to 9 months. There would then be public hearings and adoption. Mr. Kiefer presented the working draft outline and completed portions for review.

Mr. Dinius stated that he made a plea during the 2006 budget hearings, with this type of proposal in mind.

Discussion was held regarding the contract. Mr. Fisher asked if the contract should be reviewed and brought back next month. Mr. Booker stated that the contract would be between Mr. Kiefer and the County Commissioner's. Mr. Kiefer stated that specifics would be added to the contract. Mr. Booker stated that he would like to have specific dates for delivery. Mr. McCartney asked about the pay schedule. Mr. Booker stated that it was broken up into percentages.

Mr. Yoder asked about the committee. Mr. Dinius stated that the committee is ready to wrap up. There would no problem with working with Mr. Booker; but committee members would agree that Mr. Kiefer could finish up faster. Mr. Booker stated that the Plan Commission is a busy office and has plenty to keep him busy without the addition of writing the Zoning Ordinances.

Mr. McCartney stated that the Zoning Ordinances need to hold up legally if challenged. He stated that he would like a bond or guarantee of validity. Mr. Feece asked if they could be reviewed by the County Attorney. Mr. Dinius stated that they would be. Mr. Kiefer stated that even if the County hired a firm with an attorney on staff, there would always be legal holes. He stated that Ratio Architects, does not have an attorney on staff.

Mr. Fisher stated that this process is taking a long time and he would like a deadline that they need to be completed by. Mr. Dinius stated that a recommendation should be made for the Commissioner's.

Mr. McCartney asked if the monies could be paid out of the intern budget. It was decided that the monies would be transferred from the intern account to contracted services. The contract was to be fined tuned to include completion dates and benchmarks for pay.

Mr. Dinius moved and Mr. Fisher seconded a motion to recommend hiring Mr. Kiefer as consultant to the County Commissioner's. The motion passed by acclamation.

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

Respectfully submitted,

Robert Yoder,
Secretary