

Minutes of the April 27, 2006
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, April 27, 2006, in Room #203 of the Marshall County Building. Present were: Commission Members Thomas Chamberlin, Gary Davis, David Dinius, Larry Fisher, Ronnie McCartney, Don Morrison, Harold Van Vactor, Max Watkins, Robert Yoder, Plan Director Ralph Booker, Secretary Leesa Kolter, and interested parties.

The first item of business was review of the minutes from the March 23, 2006 meeting. Mr. Davis moved and Mr. Morrison seconded a motion to approve the minutes with corrections. The motion passed by acclamation.

The second item of business, case 06-PC-12, Wenzel Builders, A request for a Final Plat of South Pointe, Fourth Phase, a subdivision located in fractional section 15, MRL, Center Township, Marshall County Indiana. Mr. Wenzel was present to represent the request. Mr. Booker gave the details. He stated that the Plan Commission would make the final decision. The preliminary plan had been approved by both the Marshall County Plan Commission and the City of Plymouth Plan Commission.

Mr. Wenzel stated that there were a total of five phases. There would be two additional retention areas. All of the streets had curbs and gutters. Out of 60 lots there were about thirty which had been completed. He explained the nature of the neighborhood and the homes.

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

- Pat Starkey, 11651 Michigan Road, asked questions about the retention area, would it affect his property. He noted that Mr. Wenzel did excellent work. He asked if the retention area would be fenced and hold water.

Mr. Wenzel stated that the retention areas belong to the property owners once they have been sold. He stated that he would maintain them until that time. There would be standing water in them with gravel fill. He stated that he did not foresee any damage to their property.

- Ty Ligon, Ridgeview Drive, asked if there was to be a sign put up to announce the subdivision. He asked when the final coating would go on the roads, was there a time limit. He stated that the address for the homes on Ridgeview Drive were wrong, the numbers fell on the wrong side of the road.

Mr. Wenzel stated that he planned to complete those items this summer. He stated that he wanted to be sure the road was going to be settled before the final coat was placed to make sure they would be good roads. Mr. Booker stated that there was a bond on file for finishing the roads in case the roads would not be done. He stated that he would look into the addresses.

- Denny Emmons, 11862 Redbud Trail, asked if the subdivision would be getting an association.

Mr. Wenzel addressed the subdivision issues. He stated that he had requests for an association. He would look into developing one.

Mr. Fisher asked if there was a temporary cul-de-sac at the end of Redbud Drive. Mr. Wenzel stated that it was not on the plan, but he would be making one for trucks to turn around.

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

Mr. Fisher moved and Mr. Morrison seconded a motion to approve the request. The motion passed with a unanimous vote of approval.

The third item of business, case 06-PC-10, Marshall County Plan Commission and Board of Zoning Appeals, Present a proposal of an increase in the application fee schedule for the Marshall County Plan Commission and Board of Zoning Appeals. Mr. Booker presented his ideas. He stated that the final decision would be made by the County Commissioner's. No review of the fees had been made since 1999. He stated that it costs the county more to process the requests than the fee collected. He stated that he felt the increased fees were reasonable. He read various fees charged by other counties; most were larger even with the proposed increases.

Mr. Davis asked if Mr. Booker felt that by doubling the fees it would cover the costs associated. Mr. Booker stated that it would not make the office self sufficient. He stated that they should be reviewed annually. Mr. McCartney stated that he would caution that the services serve the public, but he could understand how the rate of inflation would be cause for an increase. Mr. Yoder asked if there was any penalty for people who built before they had received permission. Mr. Booker stated that normally the BZA would try to work with the applicants, the penalty would be taking them to court, if they could not work something out. He stated that the courts are an expensive route for the county. In the new ordinance there was a proposed fine schedule that could be administered.

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

Mr. Van Vactor moved and Mr. Davis seconded a motion to forward to the County Commissioner's with a favorable recommendation with the matter to be reviewed annually. The motion passed by acclamation.

The fourth item of business, 06-PC-11, CAFO Amendment to the Marshall County Zoning Ordinance, Section 438, Concentrated Animal Feeding Operations (CAFO). Mr. Booker stated that the committee had worked hard together to come to some compromises. Mr. Booker presented the CAFO Development Standards. He stated that the proposed requirements would not be for CFO's which would have smaller numbers of animals. One new proposed requirement was a route permit from the Marshall County Highway Department before a building permit could be issued. Mr. Booker went through the proposal. Discussion was held regarding the proposed setbacks. There was some confusion about some of the wording. Mr. Booker made a correction stating in Section 437.9; Setbacks will increase by 200 ft. for every additional 1,000 animal units for those operations which do not employ an additional of the above odor control technologies.

Additional discussion was held. Mr. Thorton read into the record a letter he wrote to the board regarding animal density and suitability of soil for animal operations. Mr. Dinius stated that he thought that there was not enough open land in Marshall County to be concerned with large animals operations. He also stated that the new setback requirements would also take care of most of the concerns. Mr. Yoder stated that there was a clause in the new ordinance that would keep out the businesses that had a history of running bad animal facilities. Mr. Booker stated that there were new management styles coming into play that are not necessarily bad, and from a land use aspect the zoning ordinance should not restrict them. Mr. Thorton asked that the board consider his ideas keep them in mind for the future. Mr. McCartney stated that we want rules that make good neighbors of the people who locate in our county. He stated that he would like to see operations of a certain size have a hearing before the BZA. Mr. Yoder stated that he thought that Marshall County did not have a spot where a large operation could locate.

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

- Jeanne Starkey, 11651 Michigan Road, asked if someone added 995 animals, they would not need to add an additional step for odor control?

Mr. Yoder stated that they would not. Mr. Dinius stated that a line would need to be drawn somewhere.

There was no one else to speak. Mr. McCartney moved and Mr. Morrison seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Yoder moved and Mr. Fisher seconded a motion to forward to the Marshall County Commissioner's with corrections and a favorable recommendation. The motion passed by unanimous vote of approval.

The last item was Other Business. Mr. Booker stated that all members should have received a packet regarding the Peterson litigation. Mr. Booker had spent time listening to the tape looking for additional information. Mr. Booker stated that in the future there would need to be concrete Findings of Fact established for items that are approved.

There was a special hearing regarding the Appeal of Building Permits 8544 & 8545. The Board of Zoning Appeals voted to uphold his decision.

Mr. Booker stated that Mrs. Kolter had given her resignation and this would be her last meeting. Mrs. Lowry would fill in and an advertisement had been sent for a part-time secretary.

Mr. Booker stated that the Subdivision Ordinance had met for the first time. They would continue to meet. He stated that he also read in the newspaper that the City of Plymouth had intention of doubling the rates in the two mile zone. He stated that he was upset by that. He wanted to meet with them and see if they could work something out. Mr. Yoder stated that he agreed, he thought that everyone should be working together as a team.

Mr. Booker stated that there was a meeting in Bremen and one scheduled in Culver on May 4, 2006 for the Zoning Ordinance. He stated that there were about 40 people in attendance. He asked the board if they would like additional meetings set up. Mr. Yoder stated that he did not see a need to set up additional meetings.

Mr. Booker stated that he would like suggest that there be an additional zoning area called Agricultural Industrial, in the RenTown district. He stated that it would be patterned after LaGrange County. Mr. Booker stated that if the Zoning Ordinance was effective, the BZA and PC would not have heavy case loads. He thought that it would be a way to address the pattern that has been happening in the Northeast portion of the county. Mr. McCartney stated that he thought that it would be useful in many portions of the county as well.

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

Respectfully submitted,

Robert Yoder,
Secretary