

Minutes of the March 22, 2007
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 307
Plymouth, IN 46563

MINUTES

President, David Dinius, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, March 22, 2007, in Room 307, of the Marshall County Building. Present were: Commission Members Thomas Chamberlin, David Dinius, Larry Fisher, Don Morrison, Deb Griewank, Dennis Thornton, Robert Yoder, Ronnie McCartney, member absent was Julian Rouch, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the February 22, 2007, meeting. **Mr. Chamberlin moved and Mrs. Griewank seconded the motion to approve the minutes as amended. The motion passed by acclamation.**

The second item of business was 07-PC-02 Langdon, Thomas – A request to combine three lots into two lots, located at 16392 Pretty Lake Tr., Plymouth, IN Zoned L-1. Mr. Thomas Langdon appeared before the board to present his request. Mr. Booker gave the details and presented the findings of fact. The applicant is applying for a replat of lots 11, 12 and 13 of Koch's South Side Addition Subdivision located on the south side of Pretty Lake.

Mr. Langdon wishes to remove basically one house from Pretty Lake. His desire is to take three and a half lots and combine them into two lots. One of the lots will be for a personal residence.

There is an easement along Lot 14 that is private, but doesn't affect this at all.

Mr. Thornton moved and Mr. Morrison seconded the motion to open the public hearing. The motion passed by acclamation. There being no one to speak for or against Mrs. Griewank moved and Mr. Fisher seconded the motion to close the public hearing.

Mr. Fisher made a motion to approve the Final Plat of Lot 11 and Lot 12, seconded by Mrs. Griewank. Motion passed by a voice vote 8-0

The third item of business was 07-PC-03 Vandemark, Paul & Deborah – A request for a final plat approval of three lots. The applicant is applying for a three lot subdivision with each lot consisting of 1.67 acres. Previously two lots less than five acres had been divided from the parent tract and thus subdivision procedures are required to develop additional building lots. Mr. & Mrs. Paul Vandemark were present to represent their request. Mr. Booker gave the details and presented his findings of fact.

Mr. Yoder asked if there was a septic approval for the three lots. The Vandemarks stated that they have preliminary septic approval.

Mr. Fisher moved and Mr. Morrison seconded the motion to open for public hearing. The motion passed by acclamation. There being no one to speak for or against Mrs. Griewank moved and Mr. Fisher seconded the motion to close the public hearing. The motion passed by acclamation.

Mr. Thornton stated that he would rather see splits such as this.

The board discussed road cuts.

Mr. Dinius stated that when there are more than two lots we do suggest the driveways of a pair of the lots be contiguous. At this time the board cannot require this, but we would suggest it.

Mr. Thornton moved and Mr. Morrison seconded the motion to approve this three lot minor subdivision with the requirement of an approved septic system on all three lots. The motion passed with a voice vote 8-0.

The fourth item of business was 07-PC-04 Vermillion, Chad and Barb Wilhelm – A request for a final plat approval for a three lot subdivision. The property is located at 13857 12th Rd., Plymouth, Zoned A-1. Mr. Chad Vermillion and Barb Wilhelm were present to represent their request. Mr. Booker gave the details and presented the findings of fact. The applicant is applying for a one lot subdivision. The situation is

that they have exhausted the ability to subdivide without doing a subdivision. They wish to accommodate a family member by creating a new parcel from their existing parcel. They are taking an existing home and placing it on the newly created Wilhelm's Subdivision.

Mr. Vermillion stated that they did receive septic approval on the lot where there is a house. An easement also has been created on the adjoining property in the event there is ever a septic system problem and that document will be recorded.

Mr. Morrison moved and Mr. Thornton seconded the motion to open for public hearing. The motion passed by acclamation.

- Alice Everly – 13742 12th Rd. – Are they going to remove any of the other homes? The homes in questions are not on the applicant's property.
- Mike Trump – 13729 12th Rd. – Asked to see what the new lots will look like.

Mr. Chamberlin moved and Mrs. Griewank seconded the motion to close for public hearing. The motion passed by acclamation.

Mr. McCartney suggested that this easement be recorded along with Mr. Vermillion's plat.

Mr. Chamberlin made a motion to approve the final plat of the one lot subdivision, seconded by Mrs. Griewank. The motion passed with a voice vote 8-0.

The fifth item of business was 06-PC-26 DJDC Inc., Donald Kinney Jr. – A request for a preliminary plat approval of this 27 lot residential Planned Unit Development. Mr. Roy Roush, Attorney for the applicant appeared before the board to represent the applicant. Mr. Booker gave the details and presented the findings of fact. The applicant's are applying for a 27 lot, 1 outlot, Golf Course/Planned Unit Development. This is a residential subdivision in which the lots are .79 acres and larger. Since this is a Planned Unit Development, the Plan Commission can permit small lot sizes and shorter setbacks as long as the overall density does not exceed 1 dwelling unit per acre. These lots would be served by private well and septic. Septic approval would be required for the Final Plat of this project. There are about 6,113 feet of new county road and four cul de sacs proposed in this development. This has now been reduced to one cul de sac. Access to this development will be gained through two locations off Michigan Road or SR 17. On site drainage per the Marshall County Drainage Ordinance is being provided to the County Surveyor for his review.

Mr. Booker stated that the applicant's representative was present to discuss the roads and wants guidance from the Plan Commission.

Mr. Roush stated, "At our previous meeting in November we thought we had a plan that was workable and found it wasn't for safety and traffic concerns. That put us back to square one. Mr. Kinney is out of state for a couple of months, so that is why there has been a delay. A change in engineers has also taken place. A new plan has been developed and we want to know if this plan is more acceptable to the board and meets more of the safety concerns." Mr. Booker stated that before a final plat is completed the applicant wants an idea from the board as to whether their new ideas will work.

Mr. Fisher stated that this is a PUD and allows more flexibility than a subdivision. Mr. Fisher feels that this may be a more workable plan than the original proposal. A revised drainage plan is in the works.

The City of Plymouth's liaison, Mr. Feece, asked if the south entrance will be open or gated. Mr. Roush stated that it will be gated to prevent people from using it as a public access. The board questioned the gated closure and how it could be accessed for emergency use.

The board stated that since the south entrance will not be built to county standards it will not be maintained by the county. Therefore, this exit cannot be an emergency exit.

Mrs. Griewank asked about the radius of the cul de sac. The board stated that they will follow county standards of 60 feet.

The present plan is for 27 residences and a possible condominium.

The board asked if all of the roads will be put in at once. Larry Fisher stated that Phase One is on the north end and Phase Two will be on the south.

Mr. McCartney asked if the roads other than the south entrance will be built to county standards. Mr. Booker stated that they will follow the county standards and a bond will be issued to Marshall County to protect the county from incomplete or substandard roads.

Mrs. Griewank asked why the private drive will not be considered into county standards. One of the reasons is funding and the other reason is the soils.

The board discussed possible options to relocate the south exit to make it accessible.

Mr. Thornton expressed that he would have a hard time approving such a plan with only one access road.

Mr. McCartney discussed the possible option of an exit onto the current US 31. Mr. Fisher said that with the new highway no one knows what their future plans are.

Mr. Thornton and Mrs. Griewank agree that there needs to be two entrances. A non-public road is not sufficient.

Mr. McCartney moved and Mrs. Griewank seconded the motion to open for public hearing. The motion passed by acclamation.

- Ron Landis – Discussed where the new highway plans to be.
- Daniel Towles- The north entrance is within 1,000 feet of the US 31 ramp. The whole area is just waiting for an accident. He is concerned about traffic and safety.
- Ken Coates – Lives on the west side of Michigan Road. Is desperately concerned with the traffic and drainage issues.
- Mr. Booker presented a letter from Debra Johnson and is not in favor of the project because of traffic and the possible raising of taxes.

Mr. Thornton moved and Mr. McCartney seconded the motion to close the public hearing. The motion passed by acclamation.

Mr. Yoder agrees that there is some traffic issues on this heavily traveled road.

Mr. McCartney asked if golfing people will use this road access. Mr. Roush stated that the golfers would only start at the current golfing facility.

Mr. Booker did remind the board of Section 503.1 of our Subdivision Ordinance, "Only one street, driveway or vehicle access shall be permitted from a subdivision onto a major street or arterial street or road. Two or more streets, driveways or points of vehicle access may be permitted by the commission only if they are needed for the safety and traffic in the area." Mr. Booker also stated that most of the subdivisions south of town only have one entrance into their subdivision.

Mr. Dinius stated that one of the concerns is safety and traffic circulation and they want to minimize it.

Mr. Roush stated that it's important for people to expect traffic in one area so they can be more cautious. If you have two entrances you have twice the potential for an accident.

Mr. Fisher favors a second access, but for emergency only.

Mr. Booker suggested setting up a small meeting before we come back to a public hearing to discuss the new changes.

Mr. Dinius suggested to Mr. Roush that he and his client continue to work with their engineer and get back with Mr. Booker, Mr. Fisher and maybe a few more members to discuss this matter before another public hearing is scheduled.

Mr. Booker explained that letters have been sent out to area farmers discussing a possibility of A-2 zoning. There were approximately eight landowners that were in agreement to the A-2 zoning. Many others sent "no" letters stating that they didn't want to give up their rights.

Mr. Thornton agreed that it is time to move ahead with public hearings. It was his opinion that the committee has done a good job at compromising and the proposal will help protect agriculture. He also believes that A-3 is not needed as it will only complicate things. His recommendation is to stick to A-1 and A-2.

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

- Mr. Stone – Asked who authorized the survey and who paid for it. He also asked for a clarification of the proposed split rule.
- Marvin Houin – Asked about the splits. Believes if this proposal isn't passed this county might as well not be agricultural anymore.
- Bob Flora – In reference to the comprehensive plan, A-3 will not reflect our plan and protect agriculture.
- Jon Rettinger – Has mixed emotions as a farmer. Doesn't know what the future is. Agrees that the 40 acre plan is better than the 80 acre plan.
- Russ Young – Believes that most of the public doesn't want this.
- Lamar Kuntz – Is a farmer. Has seen how small farmer's children have had to split up property to make it. Wants to see it get back to the family farm.

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- Unknown – Respects the farmers and their opinions. Doesn't want things to be rushed.
- Fred Miller – Believes that large corporate farms are the problem.

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

Mr. Thornton discussed the 5 acre density. He also commented on a letter that was written from fellow board member, Judd Roush, that couldn't attend the meeting. Mr. Thornton stated that he was unaware of Mr. Roush's qualifications in zoning and area planning. His letter stated that he recommends A-1 zoning and A-2 zoning be voluntary.

Mr. McCartney was concerned about the possibility of the 5 acre parcels being able to be split as long as the requirements are met.

Mr. Thornton made a motion to accept the presentation of A-1 and A-2 Control into the Subdivision Ordinance, seconded by Mrs. Griewank. Motion passed with a voice vote 8-0. (Exhibit Attached)

Mr. Yoder made a motion to change building frontage to road frontage, the motion died for a lack of 2nd.

Mr. Dinius instructed Mr. Booker to contact Mr. Keifer to construct the final document and schedule public hearings.

Other business:

Miller PUD court papers will be signed tomorrow.

Lake of the Woods case discussed.

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 was adjourned.

Respectfully submitted,

Robert Yoder
Secretary

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