

Minutes of the April 26, 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, April 26, 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, and 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 March 22, 2007, meeting. **Mrs. Griewank moved and Mr. Thornton seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second 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, and Mr. Bernie Feeney of Lang & Feeney appeared before the board to represent their applicant. Mr. Booker gave the details and presented the findings of fact. The applicants are applying for a 27 lot, 1 outlet, 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. Roush stated that they are proposing some variances from the county standard. They are as follows: 1.) A 25mph speed limit is proposed for the purpose of golfing patrons needing to cross the roads and also safety. 2.) There is also a request for a reduced lot size. The lots are .65 acres with some to exceed 1 acre. Even with this reduction, the Health Department has approved them for septic systems. 3.) A request for a reduction in lot width from the required 165' to the smallest lot being 95'. 4.) A request for a reduction in ROW setback from the required 50' to 25 or 30'. 5.) The original plan showed no median at the ingress and egress point. The revised plan allows a median and also allows a median division; which means a dual lane at the exit point. 6.) The second ingress and egress point will continue to be emergency use only and will be somewhat gated.

Mr. Roush asked if the emergency exit will be in place with phase 1. Mr. Feeney stated that it would make more sense to do this exit in phase 2.

Mr. Yoder asked if there was going to be adequate space for a second septic as originally talked about. Mr. Feeney stated, Tim Monahan, a soil scientist, has been working with the Health Department to make sure that each lot has a primary and secondary system.

Mrs. Griewank asked if the lots that border two roads will have a limitation of road cuts. Mr. Roush stated that in the covenants it will make that provision.

Mr. McCartney would like to see some type of commitment of snow removal; such as removal within 24 hours.

Mr. Thornton would like to see a definite plan of the emergency exit.

Mrs. Griewank asked if there was a plan for a subdivision sign. Mr. Roush stated that he was unsure.

Mr. Fisher suggested that the median island be moved back to the right of way line. Mr. Fisher also asked if there was a plan to have a homeowners association. There was no comment.

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

- Daniel Towles – Concerned about the traffic and wanted to know if the county has done a traffic study. The current ingress and egress will not make a difference. Mr. Towles wanted to confirm that he is not against the subdivision, but is concerned of the safety.
- Ken Coates – Is desperately concerned about the traffic on Michigan Road and the safety. Lighting is also a concern. Also, doesn't agree with the smaller lot sizes; they should be county standard.
- Tom Whiteman – Feels that it would be a great addition to the community.
- Carl Domkowski – Asked about school buses and them turning around.

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

Mr. Dinius asked what has been allowed for lighting. Mr. Roush stated that they will follow the county ordinance. Mr. Booker stated that the current subdivision ordinance doesn't offer any lighting requirements.

The topic of ingress and egress was brought forward. Due to safety issues the board agreed that acceleration and deceleration lanes on Michigan Road would be more advantageous compared to the three lanes at the entrance of the PUD. Some of the board members prefer both.

The board asked who would do the work on Michigan Road. Mr. Chamberlin stated that the applicant would need to have his own contractor complete the road at county standards.

Mr. Feeney stated that the current section of road was built to state standard and not county standard. His opinion is that state standard is better quality than what the county would require. So, why would the county require the applicant to rip out a state standard birm and replace it with a road of lesser standards? Their compromise is to re-stripe the entrance in the configuration of an acceleration and deceleration lane.

Mr. Dinius stated that the proposal might be possible; but the issue would be the south bound lane that wants to turn into the development. The board agreed that the Marshall County Highway Superintendent would need to approve the plan.

Mr. Thornton again asked about the second emergency access plan. Mr. Dinius stated that he personally was not concerned with the second access road if they are putting adequate amount of stone.

Mrs. Griewank asked the applicant to clarify the start of the 2<sup>nd</sup> entrance. Mr. Fenney stated that the second entrance will be started on phase 2.

**Mr. McCartney made a motion to approve the preliminary plat approval and seconded by Dennis Thornton with the following conditions 1) Marshall County Highway approval of arterial lanes on Michigan Road 2) Reduction in lot sizes 3) The emergency entrance to be completed with phase 2. The motion passed with a voice vote 8-1 with Mr. Yoder voting nay.**

Mr. Booker stated that a few years ago a special re-write committee was formed to complete the re-write of the Zoning and Subdivision Ordinances which was based upon Marshall County's Comprehensive Plan. Mr. Booker gave a presentation of the proposed changes of the Marshall County Zoning and Subdivision Ordinance.

Mr. Dinius explained the procedure of public comments and questions. 1.) The questions are to be directed to the Plan Director or any Plan Commission Member 2.) Give your name and address 3.) Try to keep comments three minutes or less.

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

- Mrs. Doris Kepler – Asked whether agri-tourism has been discussed. Mr. Booker stated that as it is presently written you will probably need to go through the plan commission.
- Lysle Samuelson – Asked about the affect on current 165' lots that have not been developed. Mr. Booker stated that they would be grandfathered in. Mr. Samuelson also asked if there is something in the ordinance that mandates perimeter drains on some septic systems. Mr. Thornton stated that he believes it is the Health Department's job to maintain. Mr. Fisher stated that the Health Department has been more sensitive on this issue over the past two months. Now they are requiring easements to public drains or at least to an outlet.
- Brian Montgomery – Asked about more specifics on the minor and major subdivision requirements.

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

**Mr. Rouch made a motion to table this matter to the following meeting, seconded by Mr. Yoder. The motion passed with a voice vote 5-4 with Mrs. Griewank, Mr. McCartney, Mr. Thornton, and Mr. Dinius voting nay.**

Mr. Dinius asked that a follow-up letter be sent to all positive A-2 inquiries. This letter is to confirm their request along with a request that they talk to neighboring property owners to see if they wish to re-zone to A-2.

Pending court case:

Miller PUD – Mr. White still has not signed the plat.

Mr. McCartney – Asked about fines in the ordinance. Wondered if a three person review committee would be beneficial.

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