

Minutes of the June 28, 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, June 28, 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, and Julian Rouch, Plan Director Ralph Booker, Secretary Lori Lowry, Plan Intern Kevin Einspahr and interested parties. Plan Commission member Ronnie McCartney was absent.

The Plan Commissions summer intern, Kevin Einspahr, was introduced to the board. Kevin explained his ideas and plans to integrate the Plan Commission Office. The database he plans on building will certainly assist in making the office more efficient.

The first item of business was the review of the minutes from the May 24, 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 07-PC-08 DJDC, Inc. – The applicants are requesting a Final Plat approval of 8 lots of a 54 lot residential planned unit development. The applicants are applying for an 8 lot, Section 1 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 reviews

this Final Plat to see if it meets all the conditions of the preliminary plat given approval in April 2007. 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 1,204 feet of new county road and one half cul de sacs proposed in this development. Access to this development will be gained through one location off Michigan Road on SR 17. On site drainage per the Marshall County Drainage Ordinance is being provided to the County Surveyor for his review.

The following provisions were approved in the preliminary hearing in April of 2007.

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

Mr. Feeney and Mr. Roush were present to represent their applicant. Mr. Booker gave the details and presented the findings of fact.

Mr. Fisher reviewed the latest drainage plans and finds that everything meets the requirements.

Mr. Dinius asked if there were any plans to widen the road. Mr. Booker explained that Mr. Haeck of the Marshall County Highway Department has studied the area and finds that the current road is sufficient and would only need striping done.

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

- Connie Nichols – Neighboring property owner wanted to know where the entrance will be in comparison to her property. Questioned the drainage in that area as they already have insufficient amount of drainage. Mr. Feeney explained that the drainage will flow to US 31 and not Michigan Road. Questioned the traffic and wanted to know if there has been a study. Mr. Fisher stated that no traffic study has been done. Wanted to know if property taxes have been discussed. Mr. Booker stated that taxes haven't been discussed, but was his opinion that it would only raise the values.
- Dan Toles - Doesn't understand the turn lanes and still feels strongly about the entrance plans.
- Roscoe White – Understands neighboring property owner concerns.

- Linda Dinsmore – The traffic in the area at 4:00 a.m. is great and sometimes has to wait ten to fifteen minutes.
- Ken Coates – Neighboring property owner is against this PUD due to traffic.
- Dan Toles – There was an accident in the area tonight, please re-think this.
- Connie Nichols – Questioned the NEW US 31.
- Unknown – Traffic is terrible.

Mrs. Griewank made a motion to close the public hearing and Mr. Roush seconded the motion to close the public hearing. The motion passed by acclamation.

Mrs. Griewank asked about the curve and the distance from the entrance.

Mr. Yoder stated that he voted against it at the preliminary hearing. He believes that traffic is still an issue.

Mr. Chamberlin asked if the current accident was from talking on a cell phone or a traffic issue. Mr. Yoder commented that this is standard in this area.

Larry Fisher stated that he lives on the south side of town and has the same issues of crossing the lane. He believes that this board needs to be consistent in making decisions.

Mr. Dinius stated that he understands that the Marshall County Highway Superintendent has approved their plans, but still wishes for a specific turn lane. Four other Plan Commission members agreed.

**Mr. Roush moved for approval of the Final Plat of Section 1 of the Tri Way Golf Estates, seconded by Mr. Chamberlin. Motion carried with a voice vote 8-0.**

The third item of business was 07-PC-09 FAHL MODEL HOMES – The applicants are requesting preliminary and final plat approval of this two lot subdivision. Jackie represented Fahl Homes. Mr. Booker gave the details and presented the findings of fact. The applicant is applying for a two lot subdivision. The situation is they have exhausted the ability to subdivide without doing a subdivision. They wish to divide off a one acre area to a southern parcel and then develop a two lot subdivision containing 3 acres each. This is an area where two new homes have recently been constructed in the last year.

The Marshall County Health Administrator did offer a letter stating that they are willing to approve the septic permits for said lots.

The applicant stated that they are being approached by land owners to sell their property.

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

- Kent Ellinger – Neighboring property owner is not in favor of the split.

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

Fahl Homes stated that they have never had problems with the septic systems in that area. They have been given a temporary approval and upon selling a new home a final drawing will be submitted to the Health Department for a final Septic Permit.

**Mr. Thornton moved and Mrs. Griewank seconded the motion to approve the above request. The motion passed with a voice vote 8-0.**

The fourth item of business was 07-PC-10 KLINE, J. Keith & Joan R. – The applicant requests a two lot subdivision including 1 lot of 14 acres more or less and one lot of 3.6 acres more or less. Mr. Feeney was present to represent the applicant. Mr. Booker gave the details and presented the findings of fact. The applicant is applying for a two lot subdivision. The situation is they have exhausted the ability to subdivide without doing a subdivision. They wish to divide a one acre parcel off their present parcel. This is an area north of US 6. It is mixed agricultural and residential area in which residential is being more prominent.

Mr. Feeney stated that he was present to represent the Kline's. They are requesting to split off one acre to build a house on.

Mr. Yoder asked if there was an approved septic system. Mr. Feeney did state that he had approval for the original soil borings.

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

- Mr. Wallenga - A neighboring property owner is against a modular home going in the area as it might devalue the area.

There being no one else to speak Mr. Chamberlin moved and Mrs. Griewank seconded the motion to close the public hearing. The motion passed by acclamation.

Mr. Thornton is familiar with the property and doesn't feel that it would devalue the property.

**Mr. Yoder moved and Mrs. Griewank seconded the motion to approve the above request with the contingency that the septic permit be approved by the Marshall County Health Department. The motion passed with a voice vote 8-0.**

Mr. Booker presented the 2008 Plan Commission Budget. Mr. Booker stated that there was an approximate 2.9% increase across the board. Mr. Chamberlin moved and Mr. Fisher seconded the motion to approve the 2008 Budget. Motion passed by acclamation.

Spruit Case – The Petitioner's in the case have asked for a re-hearing.

Miller PUD – One party has paid their taxes and one party hasn't. Mr. Lukenbill will send a letter asking that party to pay their taxes so we can proceed with the filing of the plat.

Southpointe Subdivision Phase III – Mr. Booker advised the board that the roads final coat has not been completed as required by the Subdivision Ordinance. A letter was read by Mr. Wenzel of his intent.

- Richard Ecker – A property owner that has dealt with Mr. Wenzel for quite some time and he always seems to have an excuse. All he wants is to see the job done.
- Mr. Booker has talked with the Marshall County Highway Superintendent and feels that he should be given one month to complete. Mr. Booker also

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agrees to give one month and if not done it should go to the commissioners for a bond to be drawn on.

Mr. Chamberlin asked that Mr. Booker contact E & B prior to the next meeting to confirm that he is on their schedule.

**Mr. Dinius moves and Mr. Roush seconds the motion to allow Mr. Wenzel four weeks to complete the road and if the road was not complete to standard, the Plan Director would be required to go in front of the Marshall County Commissioners to ask for the bond to be drawn on and the Highway Department finish the project. The motion carried with a voice vote 8-0.**

Mr. Booker reminded the Plan Commission that the Proposed Zoning Ordinance, Subdivision Ordinance and proposed map will be heard by the County Commissioners on July 2, 2007.

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