

Minutes of the November 15, 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, November 15, 2007, in Room 203 of the Marshall County Building. Present were: Commission Members, David Dinius, Larry Fisher, Don Morrison, Bob Yoder, Dennis Thornton, Julian Rouch, and Ronnie McCartney. Plan Director Ralph Booker, Secretary Lori Lowry, and interested parties were present. Mr. Chamberlin and Mrs. Griewank were absent.

The first item of business was the review of the minutes from the October 25, 2007, meeting. **Mr. Thornton moved and Mr. McCartney seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The third item of business was 07-PC-15 BS Man, LLC – A request to Amend Zoning from A-1 to C-2 on Parcel No. 50-42-97-0000-019-001-009, 3<sup>rd</sup> Rd., Plymouth, North Twsp. Mr. Roy Roush and Mr. Manring were present to represent their request. Mr. Booker gave the details and presented the findings of fact. The applicants are requesting a change in the zoning of the property from agricultural to commercial highway to put up storage units. The property is adjacent to a property which was re-zoned in December of 1991 to B-2 with the stipulation that the property be used for storage buildings. For some reason the “official” map was not updated and in the process of the new zoning map the adjacent property to the north was re-zoned back to A-1. I have enclosed the minutes from the Plan Commission and County Commissioner’s hearing on the adjacent property to the north. The Plan

Commission at the time gave an unfavorable recommendation. The County Commissioners rezoned it B-2 with the stipulation it only be used for storage units.

This property does have some commercial aspects to it now since it will be located next to existing storage units. Self storage units are a permissible use in a C-2 District. It is near a major transportation collector road.

Mr. Yoder was concerned about the impact of the ground and adjoining property owners as it is a very swampy area. Mr. Fisher explained that the applicant's proposed building would be commercial and would require a drainage plan.

Mr. Roush commented that the parcel with the storage buildings had a drainage plan and that is why they have a retention pond at the rear of that parcel. The applicant understands that a retention area will be needed to accommodate both parcels.

Mr. Roush stated, "As part of purchasing this parcel there was some discussion with Mr. Booker about it being a split off a parcel that may have been split under the old ordinance as much as it could be without having a minor subdivision. At that point in time, Mr. Booker wanted the existing developed parcel and this parcel to go into one entity so that it is commonly owned by the same legal titled owner. That was when BS Man LLC was created and the parcel that was developed was transferred into that as was the parcel that was split off and recently purchased and is subject to this re-zoning. At this time we have documentation where the existing parcel was designated commercial highway development (B-2) and did not know that was being changed under the adoption of the new zoning ordinance. It may be under two deeds, but it is under common ownership and the intent was to make it all one parcel. One parcel that is under the old B-2 and intending to use the adjacent parcel as an extension of that and through the timing got caught with the adoption of the new zoning ordinance. It is a contiguous parcel that appears to have two zoning classifications. They are asking that the whole contiguous parcel be zoned as C-2."

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

- Richerdine Nordemeyer – A neighboring property owner is concerned with the impact of the salability of their property in the future.

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

Mr. Dinius questioned the distance between this site and Tri-Way Golf Estates. Mr. Booker brought up the map showing it was a fairly short distance to the north.

The topic of traffic was brought up. Board members stated that it was re-aligned to give better visibility and is a quarter of a mile each way.

Mr. Manring stated that the existing driveway entrance would be used. The reason a second entrance is not planned is very much a cost factor as they have secured fencing with high tech cameras.

**Mr. Roush moved to approve the re-zoning of the above lot to C-2 with the provision of written commitments be to only allow storage units and both lots be combined to one and have one legal description, seconded by Mr. McCartney. Motion carried with a voice vote 7-0.**

The re-zoning of tonight's lot will go to the Marshall County Commissioners on December 3, 2007. Then at the next Plan Commission meeting on December 20, 2007, we will have to re-zone the parcel with the buildings back to C-2 to fix an error.

Other Business:

Two Mile Zone Meeting – Mr. Booker's recommendation is to hold off on this meeting until after January, 2008.

Spruit Case – Is still in front of the Supreme Court.

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