

Minutes of the September 24, 2009
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 307
Plymouth, IN 46563

MINUTES

President, Deb Griewank, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, September 24, 2009, in Room 203 of the Marshall County Building. Present were: Commission Members, Tom Chamberlin, Stan Klotz, Larry Fisher, Don Morrison, Bob Yoder, and Deb Griewank. Plan Director Ralph Booker, Secretary Lorna Shively, and interested parties were present. Members Gary Davis, David Dinius, and Ron McCartney were absent.

The first item of business was the review of the minutes from the August 27, 2009, meeting. **Mr. Morrison moved and Mr. Fisher seconded the motion to approve the minutes as corrected. The motion passed by acclamation.**

The second item of business was 09- PC-11 Church of God of LaPaz – A request for approval of the LaPaz Garden Court Minor Subdivision, including two (2) lots located in the 2 ½, Sec. 5 MRL Town of LaPaz, on the corner of Cale Street and Church Street, Marshall County, North Twsp. Mr. Booker presented the findings of fact.

The Technical Review Committee met on September 17, 2009, the meeting and a copy of the Minutes and site plan review was passed out to each Board member. Mr. Yoder moved that the LaPaz Garden Court Minor Subdivision meets all requirements of subdivision ordinance, but the drainage requirements must be met before any building permit is issued. Motion seconded by Deb Griewank.

There was a favorable recommendation to the Board. Larry Fisher and Ralph Booker will review the drainage in more detail before the Plan Commission Meeting.

- Mr. Eggert was in attendance to represent the Church of God; Architect Brent Martin was also in attendance.

Mr. Klotz asked if the Church maintained ownership of this property. Mr. Martin stated, "At closing with HUD, the property ownership will transfer to LaPaz Garden Court, Inc."

Mr. Klotz asked if the 14-unit structure meets the lot size requirements. Mr. Booker replied, "Yes, it meets the requirements." Mrs. Griewank inquired about the lot size. The lot measures almost one acre.

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

- Mr. Robert Powers spoke in opposition of the project. While he is not "so much opposed to it, they're going to run water over on me—that's my property where the sewer pipe comes through. As I'm sure Larry knows, and Mr. Booker knows, that water runs across me, and I'm just wondering why this is allowed?" "I didn't know you could run water on other people." "That's one of my issues. Then, in the spring, that floods in the low land there anyway. I already get a lot from the Church itself, which is another issue, but the Town of LaPaz does not have a storm sewer system out my way. We're paying every month to have one put in sometime, but it's not in yet. I think they should have some kind of storm water sewer rather than running water on my property. That's my opinion." "The next issue, does anyone have any questions to me on that and how I feel about it?"

Mr. Fisher addressed the issue of the culvert. "Under the current condition, there is no impedance of water on you. Whatever comes out of the pipe now, whatever volume it can get there, with this proposal, there will be retention on the site, what they are actually doing is slowing the water down from what they actually could discharge by almost 1/3. The impact will be greatly lessened."

Mr. Powers replied, "I know that can be said now, but, the other fellow that isn't here tonight but should be here because he's going to get all the water that runs

off me runs down onto him.” “I just think when this is all said and done, they’re going to have a blacked out parking lot which is going to be a lot of water.”

Mr. Booker replied that, “with the calculations that they had in the storm drain ordinance, they are supposed to calculate for all this impervious areas and they are supposed to hold that water back in a 1% rain, so it retains on that property. According to Mr. Fisher’s figures, it’s going to be slower that what it does naturally now.”

Mr. Powers stated that another issue is there are already 24 or 26 apartments there. If each one of those apartments has two cars, you’re going to put in 14 more here, which is probably going to be 2 cars per family. We only have a 300’ span of road there, and right now, the traffic is real heavy on that little road, and the other road that isn’t improved, even if they do improve that road, there’s only one way they can get in and one way they can get out. They have to go north to get out, you can’t go south, and if you’re coming in, you have to go in from the south.

Mr. Martin stated that the Garden Court system for senior housing is limited to residents 62 and older. Their average age is close to 80. This is the 11th Garden Court, if it follows the pattern of the first 10 Garden Courts, approximately half of these residents will not drive. I believe 70-75% of their residents now are widows, and that is the typical occupant of the Garden Court.

Mr. Fisher stated that the drainage situation had been reviewed, and he was under the impression that he too didn’t like the pipe going through there, but after doing the calculations and seeing what they did, he felt better about it. He believes they have made a viable attempt to minimize....

Mr. Powers stated he appreciates this, and no one wants water running on them. He thanked the Board for listening.

Mr. Martin stated they are hoping to close with HUD in the next two weeks. Once the closing is complete, construction has to begin within 10 days.

Mr. Klotz moved the public meeting be closed and Mr. Morrison seconded the motion. The motion passed by acclamation.

Mr. Klotz asked if a problem occurs with water, if there was any recourse for the affected parties. Mr. Fisher said he didn’t believe against Garden Court. Mr.

Booker stated the recourse would be the issuance of the building permit, not the subdivision plat. The subdivision plat is one thing, this is only a plan. They say they do not build according to the plan, then they have not followed the requirements of the building permit, and thus, then the Plan Commission could pursue them legally. I don't see that happening, but that would be the recourse.

Mr. Yoder asked Mr. Powers to correct him if he was wrong, but he stated that this is a low spot, and in the wintertime, it probably is wet. Mr. Powers stated that it floods there. Mr. Yoder stated this is not likely to change by this project either. Mr. Yoder believes the same problems and concurred with Mr. Powers that they probably need help from the LaPaz community to do something about that issue, but Mr. Yoder felt it was not in the Commission's responsibilities to address that issue.

Mr. Yoder moved to approve this subdivision as it meets the Commission's requirements and standards. Seconded by Mr. Fisher with a clarification that all we are doing is approving a subdivision plat, we are not approving the plan; all the Commission is doing is approving a two lot subdivision. Motion passed by acclamation.

Other:

Mr. Dean Sarber introduced John and Judy Schmidt. Mr. Sarber asked who enforces the tower ordinances. Mr. Booker stated if a violation against the ordinance occurs, violations go to the Board of Zoning Appeals to enforce the violation penalties. The Plan Commission informed Mr. Sarber there is nothing the Commission can do. If Mr. Sarber wishes to proceed, he will need to contact an attorney.

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