

March 23, 2023
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, March 23, 2023, in Room 203 of the Marshall County Building. Present were Commission Members Craig Cultice, David Hostetler, Deborah Johnson, Christopher Kline, Kevin Overmyer, Bob Yoder, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Terri Barnhart, Michelle Mieras, and Matt Miller.

Minutes of the January 26, 2023, meeting was presented. Mr. Overmyer moved, and Mr. Cultice seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 23-PC-08 MILLER, Homer & Freda - A request to include a split of land from his neighbor to be combined with his to create Homer Miller Second Minor Subdivision; located at: 2141 Beech Rd., Nappanee, IN German Township, Zoned C-2. Mr. Bernie Feeney of Whiteman & Associates 1405 N. Michigan St. Plymouth was present to represent the request by Homer Miller. Mr. Adley presented the findings of fact.

The proposal is to expand an existing 2.27 acre parcel by purchasing and subdividing off 10.54 acres from the Whetstone property to create a 12.81 acre parcel. The parcel is zoned C-2 Highway Commercial. The parent parcel is used for mostly for agriculture. The Board of Zoning Appeals on March 14th approved the width to depth ratio variance due to the size and shape of the proposal.

Mr. Cultice asked if the new lot 1A will be owned by two different people. Mr. Feeney stated that once the plat is approved the property will all be conveyed into one ownership and later be quitclaimed to the current owner of lot 1.

Mr. Yoder made a motion to open for public hearing, seconded by Mr. Kline. Motion carried by acclamation.

1. Renee Dubay 1580 US 6 Questioned whether their request would affect her property. After clarifying the location of her property and the proposed she agreed it wouldn't affect her.

Mr. Cultice moved to close the public hearing, seconded by Mr. Overmyer. Motion carried by acclamation.

Mr. Cultice made a motion to approve 23-PC-08 MILLER, Homer & Freda - A request to include a split of land from his neighbor to be combined with his to create Homer Miller Second Minor Subdivision; located at: 2141 Beech Rd., Nappanee, IN German Township, Zoned C-2, with a favorable recommendation to the Marshall County Commissioners,

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seconded by Mr. Overmyer. Motion carried with a voice vote 6-0.

The second item of business was 23-PC-09 BALKA, GOOD & ALBERT - A request to combine and create a one lot Albert Michigan Road Minor Subdivision; located at: 505295404418000010, 505295404417000010, and part of 505295404416000010, 750 S. Michigan St. Lapaz IN North Twsp., Zoned C-2. Mr. Bernie Feeney and Tim Good of P O Box 850 Lapaz were present to represent the request for applicants. Mr. Adley presented the findings of fact.

The applicant is seeking to combine 2 existing parcel and the portion of another to create a 2.60 acre parcel. The applicant at this point does not have plans for the proposal aside from taking the land to auction. The interesting aspect of the future redevelopment of the parcel will be the access due to limited turns for the majority of the frontage area. Most traffic though will return east to US 31.

All the property owners are combining to create one larger piece. The prospective purchasers will be required to obtain their own driveway permits from the respective entities for access onto either road.

The environmental investigation and remediation has taken place and is now completed.

Mr. Kline made a motion to open for public hearing, seconded by Mr. Overmyer. Motion carried by acclamation. There being nobody to speak for or against Mr. Overmyer made a motion to close the public hearing, seconded by Mr. Kline. Motion carried by acclamation.

Mr. Kline made a motion to approve 23-PC-09 BALKA, GOOD & ALBERT - A request to combine and create a one lot Albert Michigan Road Minor Subdivision; located at: 505295404418000010, 505295404417000010, and part of 505295404416000010, 750 S. Michigan St. Lapaz IN North Twsp., Zoned C-2, seconded by Mr. Overmyer. Motion carried with a voice vote 6 -0.

Other Business

On March 6, 2023, Superintendent Peters and Surveyor, Bernie Feeney presented an alley vacation on behalf of the Jason Sturman Family that runs through 2550 East Shore Lane, Culver. This specific alley runs between one parcel of land. This vacation does not restrict access to the lake and has been recommended by the Culver Town Plan Commission.

The Commissioners requested that this request should be made to the Marshall County Plan Commission and upon their recommendation will return to the Commissioners for a public hearing.

The only proposal of roadway vacation is adjacent to the 2550 East Shore Lane. It will not affect the property to the north.

After a lengthy review Mr. Adley stated that there is no public nor private indication that this is a dedicated roadway. It's always been referenced as a 20' alleyway or roadway.

Mr. Feeney stated there are surveys dating back to the 1970's indicating that particular section

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as a 20' public alley.

There were no objections of staff presenting the abovementioned alley vacation to usher along Culver's recommendation of approval to the County Commissioners.

2022 Plan Commission Annual Report

The 2022 Annual Planning Commission Report was presented to the board. The valuation of permits was up while the count was down by 3%.

Subdivision Committee

The subdivision committee has met for the past two months. This committee has set up the main goals and best practices. The plan from here is to go through the ordinance line by line and providing indications of what it says today and providing options.

The plan is to continue to review the ordinance for the next couple of months. Then the committee will take a break while staff pulls all the information together into a cohesive document. Then the committee will re-read the final document.

The committee needs a couple planning commission members to participate on the committee. Mr. Kline and Ms. Johnson offered to join the committee.

Bob Yoder Retirement

The board wished Bob well in retiring and thanked him for his service and representing the county well.

Robert Demis

Mr. Demis of 20993 8th Rd. came before the board to discuss his requirement of providing the County with an engineered report to allow him to be able to install a 30" entrance door in his storage container. He felt that he was being singled out. The board explained that the integrity of every container can be different. It's the county's duty to make sure you provide the proof from an engineer that the container is safe. In addition to the alteration of this structure, the use is going from cold storage to an actual workspace. The board stands behind it's decision.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,

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Secretary