

June 22, 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, June 22, 2023, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Craig Cultice, Deborah Johnson, Christopher Kline, Matt Miller, Kevin Overmyer, Terri Barnhart, Michelle Mieras and City of Plymouth Liaison Fred Webster. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

Minutes of the April 27, 2023, meeting was presented. Mrs. Barnhart 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-11 DAVIS, Ronald - A request by Thomas Landgrebe for a PUD of 30-60 shipping container homes; located at: 3919 Michigan Rd. Plymouth, IN Zoned A-3. Thomas Landgrebe of 514 Dittman St. South Bend, IN was present to represent his request. Mr. Adley presented the findings of fact.

Recommendation

Based on the information provided and review by the Technical Review Committee, TRC would recommend approval pending staff's review of the amended proposal including the following condition that the project meet; 1. Fire Department Fire Hydrant regulations and Turnaround spacing, 2. Stormwater utility ultimately addressed/clarified. Based on review of the amended proposal staff would recommend approval of the amended proposal with the conditions that; 1. Accessory structures and club buildings be addressed as internal conditional uses at the guidance of the Adventura Review Committee, 2. The front setback be clarified as 5' from edge of sidewalk (of private drive) and 60' from Michigan Road Right of Way, 3. Site plan be updated to include contours, 4. The land use matrix be updated to reflect associated conditional uses.

The applicant is seeking to develop a 33-lot gated residential lot in place of an existing 16 out of 30 lot mobile home community. The mobile home community has come under concerns with the state and the developer is seeking to purchase it and remediate the environmental issues. The proposed 33 homes would be made of a combination of shipping containers providing structural secure homes that will be signed off by engineer/architect ensuring Indiana Residential Code is met. The existing driveway will house a new water line and be regraded to make way for a brick road with 2 10' drive lanes and 2 4' sidewalks. The gated entrance feature will add security but will also allow for emergency vehicle access in case of need. The front of the development will provide open space as well as area for a community garden. To the rear of the homes a community building will be located adjacent to the woods. The woods will be

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preserved for recreational purposes.

The applicant's plan is to use post-consumer shipping containers to create a gated housing community with an HOA type atmosphere for possibly empty nesters. It will be set up similar to that of a condominium association. They will own the building itself and the entire community will be owned by Ventura. There will be buyback options spelled out by Ventura. Ventura's plan is to start out with five units.

In response to a question of finding 3 Mr. Adley stated that a mobile home park differs from this type of community because mobile homes are governed differently than a stick-built structures with advanced building materials because they require engineered and architectural plans.

When asked about the existing park the applicant stated that there are three still on the premises. He plans to do his best to help facilitate their transition to a new location.

Mr. Cultice has reviewed some of the storm water data and the high point is proposed at 700' west of Michigan Road. In between that point and Michigan Road is almost a 12' drop. Mr. Cultice requested that he provide information on how he plans to slow up that storm water and how he plans to keep it off of Michigan Road. In addition to that Mr. Cultice also recommends having a licensed surveyor to survey the land so everyone knows where the boundary lines are at.

There is an existing 4" well that has worked well in the past. However, it has been recommended that they upgrade to a 6" well that has a variable speed drive that will facilitate enough water for the proposed community. There is a plan to have fire hydrants and more information will follow once there is a meeting with the fire marshall.

During discussion of the layout, it was brought up if there are sidewalks and they meet requirements. Mr. Adley explained that the sidewalks meet all the requirements and with this being a gated community he doesn't see any issues.

The price range of the units range from \$165,000 to around \$200,000 ish. There will be many options available including an elevator. The target group for this community will be empty nesters and business professionals. There will be many amenities including built in vacation accounts and specialized delivery service of staff dropping off delivery in a drop box.

Mrs. Barnhart moved to open for public hearing, seconded by Mr. Miller. Motion carried by acclamation.

1. Ben Etter 3897 Michigan Rd. Lives directly north of the proposed property. Understands the need for low-income housing, but he believes this isn't the location for it. Is in construction and has seen shipping containers used for housing and doesn't believe it's economical. Has had difficulty with the current owners and their septic system routed on their property and had to have them correct it. Doesn't believe this is a good location for what the applicant is proposing.
2. Debra Leake 3884 Michigan Rd. Lives directly across the street from the proposed. She doesn't feel this is a good location for a multi home development

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with the curve.

3. Connie Nichols 3983 Michigan Rd. Isn't necessarily against everything, but believes once Marshall County allows these into the community it will grow rapidly. Doesn't believe the sewage has been addressed. Even with minimum capacity at the existing trailer park she had raw sewage backing up on her property for months. ISDH has been working on this and the violations for over 35 years. She doesn't believe container homes are the way to go as they don't usually last for over 30 years. She has a concern with people re-selling units and subletting and would eventually come of the proposed community. Has a concern of the safety with the curve in the road and increased property taxes.
4. Connie Nichols 3983 Michigan Rd. Read a letter into record restating the above.
5. Kyle & Jessica Rhodes 3838 Michigan Rd. Read a letter and is in strong opposition to the request and shipping container homes. Concern of low income housing that brings instances of theft violence and lowering property values. Not knowing what was stored in the container before questions corrosives and pollution when the units rust. They also don't have confidence in the Davis' to do a project like this.
6. Louann Etherton 3976 Michigan Rd. Is against the request as it's been an eyesore for years.

Responses to some of the questions:

- When the Davis' took over the property they overbuilt the septic system. It was originally planned for 45 three bedroom units. What the applicant is proposing is only 33 units that are 2 bedrooms each.
- The applicant will have two people living on the property with camera security that will take care of the facility.
- Most containers material are at least five times the thickness of steel roofing. The rusting people see on containers are due to saltwater environment. The applicants' plans are to purchase the best units and paint them.
- The plans for the front of the facility will include a cinderblock wall and a gate to limit traffic to a minimum and will help contain the noise as much as possible.
- There is no plan to grow beyond what has been proposed.

Mr. Miller made a motion to close the public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation.

Mr. Landgrebe wants to uphold his integrity and believes what he's proposing will be safe and most likely will be replicated across the United States.

Their plan is to get rid of an eyesore and use existing infrastructure that will be cost effective.

The applicant has not tried to push sales at this time until he is in line with the ISDH and IDEM.

There will be a fee similar to that of an HOA that will take care of the grounds, maintenance, taxes and vacation account.

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Mr. Overmyer asked if there was enough ground if the septic system fails. Mr. Landgrebe said that the current system sits on about one acre of property. As they move forward with the project he's going to take the original prints and make sure it's up to today's standards. It's his belief that their community will be using much less water. With this project being of commercial nature, ISDH will have to approve the request.

The Davis' are currently still the owners of the property. The purchase of the property will take place soon. If this request isn't approved Mr. Landgrebe plans to move forward with possibly another trailer park.

Mr. Webster asked about the efficiency of the units. The units will be welded together, and the insulation will be spray foam. When asked about individual solar Mr. Landgrebe said solar will be an option.

Mr. Kline made a motion to approve 23-PC-11 DAVIS, Ronald - A request by Thomas Landgrebe for a PUD of 30-60 shipping container homes; located at: 3919 Michigan Rd. Plymouth, IN Zoned A-3 that includes TRC's Recommendation:

- 1. Based on review of the amended proposal staff would recommend approval of the amended proposal with the conditions that; 1. Accessory structures and club buildings be addressed as internal conditional uses at the guidance of the Adventura Review Committee, 2. The front setback be clarified as 5' from edge of sidewalk (of private drive) and 60' from Michigan Road Right of Way, 3. Site plan be updated to include contours, 4. The land use matrix be updated to reflect associated conditional uses;**
- 2. Fire and turnaround spacing addressed; Stormwater utilities addressed; and Sewer issues addressed and clarified;**

with a favorable recommendation to the Marshall County Commissioner's, seconded by Mr. Cultice. Motion carried with a voice vote 5-3.

The second item of business was 23-PC-13 RICHARD, Steven & Beverly - A request for a one lot minor subdivision; located at: 11766 4A Rd., Plymouth, IN North Twsp., Zoned T-1. Mr. Steven Richard 11766 4 A Rd., Plymouth, IN was present to represent his request. Mr. Adley presented the findings of fact.

Recommendation:

Based on the information provided and review by the Technical Review Committee, staff and TRC would recommend denial of the proposal as submitted (may suggest the item be tabled to be amended) due to land suitability. The Subdivision Regulations indicate that "If the Plan Commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Plan Commission shall not approve the land for subdivision."

The applicant is seeking to subdivide 1.00 acre from their 10.8 acre parcel. The Town Residential district permits a minimum lots size without municipal water and sewer on the property to be 1 acre with a minimum lot width of 60'. The existing frontage along the road 164.98' and a proposed depth of 294.00'. 50' of the western property is encompassed by an ingress/egress

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easement. Under the Zoning Ordinance, "no structure with the exception of fences may be located in, or otherwise obstruct any easement." It is this easement that creates interest because the easement is taking up 33.75% of the parcels developable acreage.

Mr. Richard wanted to subdivide off this one acre piece in order to sell it in the future.

Currently the request includes the easement. The TRC would be more comfortable that the one acre does not include the easement space. If the septic were to fail the 33% that is easement would not be usable by the future tenant of that house.

Mr. Adley stated that as soon as the clear space would equal one acre that would be sufficient space.

Mrs. Barnhart made a motion to table this request to give the applicant time to update the proposed plat to meet the board's recommendations, seconded by Mr. Miller. Motion carried with a voice vote 8-0.

The third item of business was 23-PC-14 TOWN OF LAPAZ - A request for a minor subdivision to reconfigure ground into three parcels; which includes the following parcels: 50-52-95-204-375-000-010, 50-52-95-204-347-000-010, 50-52-95-204-374-000-010, North Twsp., Zoned T-1. Mr. Roger Ecker of 206 Walnut St. Lapaz, IN was present to represent the Town of Lapaz's request. Mr. Adley presented the findings of fact.

Recommendation:

Based on the information provided and review by the Technical Review Committee, staff and TRC see no issue with the proposal and would recommend approval of the proposed subdivision with the condition that final subdivision plat be inspected by the Plan Director and County Surveyor prior to signatures.

The applicant is seeking to adjust common property lines among 3 parcels to more appropriately align with their intended uses. Existing property lines cross through a variety of park fields and features and does not lead to ease of development. The proposal also addresses lack of access to a rear property that originally had not legal access. The Town of Lapaz, North Township and the Lapaz Volunteer Fire Department have each reviewed and given their respective support for approval of the project.

The township has been very supportive. Phase one of the project is \$280,000. They are looking forward to getting people back into the park and receiving health and wellness benefits from it.

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

1. Steve Barber 13391 5 C Rd. Is on the North Township Advisory Board. They voted to approve this request. The land behind the fire station had fallen into disrepair. They had the opportunity to update it with the support of the Town of Lapaz. Feels it's in the common good of the community. It will provide a place where people can come together and supports the project.

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2. Emily Haskins 14087 3rd Rd. Is the North Township Trustee. They have worked with the Town of Lapaz and the fire department for the splitting of the parcels. North Township owns the property and are donating it to the Town of Lapaz to make the park project a reality. The Town of Lapaz is also donating a portion of their property back to the fire department who is also surrendering some property. This will give the fire department space available if they ever need to add on. The buildings that were there were being vandalized and have since been tore down and are ready to move forward.
3. Robert Holowatuk 107 Church St. Questioned the location of the property compared to his property.

There will be no buildings on the property except for a bathroom facility. The plan is to have an expanded play ground area and pickle ball courts.

Mr. Miller made a motion to close the public hearing, seconded by Mr. Overmyer. Motion carried by acclamation.

Mr. Overmyer made a motion to approve 23-PC-14 TOWN OF LAPAZ - A request for a minor subdivision to reconfigure ground into three parcels; which includes the following parcels: 50-52-95-204-375-000-010, 50-52-95-204-347-000-010, 50-52-95-204-374-000-010, North Twsp.,Zoned T-1, seconded by Ms. Johnson. Motion carried with a voice vote 8-0.

Other Business

Ms. Deb Vandemark requested to come before the board to discuss solar farms and her concerns.

Ms. Johnson, representative from the county council stated that her board voted unanimously voted in favor of a moratorium. The council would like to see a change in the ordinance.

Mr. Overmyer, representative from the county commissioners, gave a brief run down of how the solar ordinance was presented, the moratorium, reviews back and forth between the commissioners and planning commission, a committee was formed and brought considerations from both sides to the planning commission and then brought to the commissioners for consideration and was approved. Last Monday a motion was made by commissioner Klotz for a moratorium and didn't receive a second.

Mr. Hostetler asked the plan director if there were any solar applications that have been submitted. Mr. Adley stated that there are no applications submitted for solar farms.

Mr. Adley commented to 15-17 solar panel projects in our county. After a conversation with Mr. Hildebrand of Marshall County EDC that information is from MACOG's online map showing projects across the state. That project list goes from 2008 – 2022. To his knowledge the only two that were missing were the Bremen IMPA project and the Plymouth Wastewater solar project. These projects in our definition of solar do not fall under Solar Farms of 10 acres or greater.

Debbie Vandemark 14750 Tulip Rd. Culver Provided the board with a binder of information that she and Mr. Levett put together. It includes research articles, ordinances,

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emails, damage study, minutes from the ordinance process that started in 2019 and the one that was signed in January 2021. She came before the board to explain her concern with solar farms and believes Marshall County's solar ordinance needs updated. It is her hope that this board would place a moratorium on solar farms to improve the existing ordinance.

Jeanette Surissi

An attorney but appearing in a personal capacity and not representing anyone. Ms. Surissi stated, "the next step this board has is to set the request for a public hearing and allow public input on a rapidly evolving changing issue regarding energy is a wise smart approach." At that point this board is advisory to the county commissioners. A couple excerpts from a local solar agreement that was signed and was given permission to share was read. Ms. Surissi commented that some of the things that are said in meetings are not actually written into the agreements. Ms. Surissi believes there's time for Marshall County to develop more comprehensive standards.

Paul Levette

16161 18th Rd.

Came to make three points in relation to the Marshall County Ordinance. 1. The setbacks in relation to solar farms are too short. The ROW is only 150', 75' from the property line and 250' to residential homes. 2. There is no fire safety plan in the present ordinance. 3. No property value guarantees for those homes surrounded by solar. They would like to see the setback the same as airports, 500', there be a value guarantee of local affected homeowners and put the burden of fire safety back on the solar company and not the Marshall County citizens. Mr. Levette wants to see the burden taken off Marshall County residents and back on the solar companies.

Dale Schultz

19818 Peach Rd.

Farms in Marshall and Pulaski County. Has heard that wells are going bad in Pulaski County. Is concerned and believes there needs to be a little more research before we put all of the precious farm ground into solar and find out later you made a mistake. Farm ground is where food is produced it needs to be thought about.

Bill Githens

210 Winfield St.

Since the moratorium the battery storage complexes that are attached to the transfer stations weren't even thought of back then. Thinks the Planning Commission should take a look at it.

Lauren Overmyer

17501 10 B Rd.

Doesn't believe this is good for the environment. Look at what is happening with this company in Christiana Wisconsin. There was a study in Rhode Island where homes were devalued by as much as 7%.

Russell Allyn

15315 Thorn Rd.

Was on the original solar committee and believe they did the best they could with the information they had. Has a lot of information and will try to give the board a recap later.

James Hart

20346 15B Rd.

Believes there's a conflict of interest.

Mike Fetterling

18036 16th Rd.

Doesn't believe that solar is the issue. Has a concern with the batteries hooked up to it. Also believes there is a concern with fire and contamination.

Kraig Mackey

15764 Thorn Rd.

Has a concern with the battery storage. He

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lives right next to where one is proposed. Has a concern with safety and property values.

James Vantwoud 19917 16th Rd. Has a concern about pollution of the water.

Becky Bechtel Indianapolis, IN Speaking on behalf of the Indiana Land and Liberty Coalition. Group of farmers, landowners, private property rights activists and conservatives. She is here to advocate for the private property rights of members who are protected from government encroachment. Believes the ordinance is fair, thoughtful, and well-crafted ordinance. Encouraging the board to stay with the ordinance to the betterment of the county.

Jan Lemler 1019 W. Jackson St. Believes Marshall County's acreage is precious. Plymouth is the home of the world's largest seed producing facility in the world. As Will Erwin said, we should leave our land better than we found it. Back in 2017 it was report that there are 3073 counties in the United States that produce ag products. Marshall County ranks 596 in production. We are 96 in hay production and 32 in grain production.

Mike Vandemark 10365 E. Toto Rd. The concern over solar farms is rapidly increasing. Thanked those in attendance regarding solar.

Will Patterson 1730 Dogwood Rd. Is a Marshall County Councilman. The council had a unanimous vote of support of a moratorium. Has a concern that batteries are not included in the ordinance. Is willing to work together with other forms of government to address this. He respects individual landowners rights, but has a concern for neighbors.

2024 Planning Commission Proposed Budget

The proposed 2024 Planning Commission budget was presented to the board. The Plan Commission is looking from transitioning out of a Code Enforcement Officer to a full time Planning Tech. This has been approved by the council and Mr. Adley will give the council an update at the next meeting. Along with that an additional we be asked for to complete the year 2023 and position funding for 2024.

There is a 3% recommended increase and there is a increase on the per diem from \$50 to \$75 that wasn't picked up last year and went through as an additional. It's now being put in for 2024 of 9 members at \$75.

The equipment lease will no longer be needed as the office now owns their own machine. Maintenance is still needed for copies and such.

The change in legal fees going up is because the funds were transferred from BZA to Planning Commission. The Planning Commission is the proper party to pay out those expenditures.

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

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Respectfully submitted.

Craig Cultice,
Secretary