

January 28, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, January 28, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, David Hostetler, Matt Miller, Jon VanVactor, Dan Voreis, and Stan Klotz. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Member absent was Bob Yoder.

The first item of business was the election of officers for the Marshall County Plan Commission for the year 2021.

Mr. Klotz welcome new Plan Commission member, Jon VanVactor.

President – Mr. James Berger made a motion to nominate Mr. Stan Klotz as President of the Marshall County Plan Commission for 2021, seconded by Mr. Dan Voreis. Motion carried by acclamation.

Vice President – Mr. James Berger made a motion to nominate Mr. David Hostetler as Vice-President of the Marshall County Plan Commission for the year 2021, seconded by Mr. Craig Cultice. Motion carried by acclamation.

Secretary - Mr. Craig Cultice made a motion to nominate Mr. Yoder as the Secretary of the Marshall County Plan Commission for the year 2021, seconded by Mrs. Terri Barnhart. Motion carried by acclamation.

Technical Review Committee - Mr. Dan Voreis made a motion to nominate Mrs. Barnhart, Mr. VanVactor, and Mr. Yoder as members of the Technical Review Committee for the Plan Commission for the year 2021, seconded by Mr. James Berger. Motion carried by acclamation.

Alternates for the BZA - Mr. Craig Cultice made a motion to nominate Mr. Dan Voreis, Mr. Bob Yoder, and Mr. David Hostetler as alternates for the Marshall County Board of Zoning Appeals for the year 2021, seconded by Mr. James Berger. Motion carried by acclamation.

Plymouth Plan Commission Liaison – Mr. Matt Miller made a motion to nominate Mr. Stan

Marshall County Plan Commission
January 28, 2021

Klotz to the Plymouth Plan Commission Liaison for the year 2021, seconded by Mr. James Berger. Motion carried by acclamation

Board Attorney – Mrs. Terri Barnhart made a motion to nominate Mr. Derek Jones as Attorney for the Marshall County Plan Commission, seconded by Mr. David Hostetler. Motion carried by acclamation.

The second item of business was the review of the minutes from the December 17, 2020, meeting. **Mr. Hostetler moved and Mr. Cultice seconded the motion to approve the minutes as written. The motion passed by acclamation with Mr. VanVector abstaining.**

Board Attorney Presentation

Mr. Fred Jones appeared before the board to discuss Indiana Code procedures for Zoning Ordinance Amendments. Due to the length of the amount of information Mr. Jones asked the board if he could provide them with documents to read and come back to next months meeting to discuss. The board was in agreement.

The next item on the agenda was 20-PC-14 Marshall County Plan Commission – Article 6 010 A and Article B Shipping Containers.

UPDATE FROM COUNTY COMMISSIONERS- At the December 21st, 2020 meeting, the County Commissioners initially elected to propose an amendment to the proposal from the Plan Commission to permit exceptions for Emergency Services. This was revised at the January 19th County Commissioners meeting due to the public reaching out to elected officials whom then recommended denial of the proposal. The Technical Review Committee after discussion has come to the agreement with staff to affirm the Commissioners recommendation of Denial and pursue the matter at a later date after additional research and determination of what conditions would be appropriate for shipping containers.

Since the board discussed this at great length at many meetings Mr. Hostetler asked what was so unfavorable about what the Plan Commission recommended that the Commissioners kicked it back to the Plan Commission.

Mr. Klotz stated that there was a lot of push back from the southern part of the county. A lot of fire departments are using them and they didn't see how they could tell one they could use them and someone else they can't. Mr. Klotz told the other Commissioners that the Plan Commission office has the option to handle it as a violation on a case by case basis and that's how the other two commissioners wished to proceed.

The wishes of the Commissioners would be to put a pause on this discussion and approve their denial to amend the ordinance and reevaluate over the next six months to year and bring it back after additional research has taken place looking at other jurisdictions and what they are doing and how they are regulating shipping containers. Or if there are any conditions that might be appropriate for a county like Marshall. These are the wishes of the Commissioners.

Another comment by Mr. Klotz was that if shipping containers are banned and they are used to

store personal items do we want all that stuff out in people's yards for everybody to see.

Mr. Miller made a motion to open for public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation. There being nobody to speak for or against Mr. Hosteler moved and Mr. Cultice seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Cultice made a motion to do more research on this and address at a later date, seconded by Mr. Berger. Motion carried with a voice vote 7-1 with Mr. Hostetler voting against.

The next item of business was 21-PC-01 NORTH CENTRAL COOPERATIVE - A request for a 2 lot Minor Subdivision Tract I 8.64 ac and Tract II 18.73 ac; located at 8550 Lincoln Hwy Plymouth, IN Center Twsp., Zoned C-2. Mr. Brian Wuthrich of North Central Coop 1203 E. Market St. Nappanee was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to subdivide the existing parcel into 8.61 and 18.73 acre parcels. Tract I has an existing series of buildings on the property.

The person purchasing the building has a construction company and fencing business. The other parcel will be owned by someone else.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mr. Berger. Motion carried by acclamation.

1. Pat Kuskey – Representing her mother who owns the property just west of the co-op. Questioned the acreage amount. She has documentation between the co-op and her parents. There is one tile that runs from east to west and that tile is for their retention system that if there is an overflow and her parents gave them permission to cross their property and drain into the ditch. Otherwise, that washes out all the crops they have. Mr. Cultice asked if that document had ever been recorded and Ms. Kuskey said she didn't think so. Ms. Kuskey stated that she gave a copy of this agreement to Mr. Adley for the record. Believes any new building done will cause problems that will affect them.

The board explained to Ms. Kuskey that if the new owner decides to build, they will have to meet all requirements for construction before any building can take place. Also, all this board is here to do on this case is to approve or deny the splitting of the property not whether they can build on the property.

2. Brian Clayton – Ceres Solutions formerly North Central Coop- Hasn't had a long-time experience with the property but what he does know is there is a retention area that surface water goes to where the buildings are in the corner of the lot and stays there until it evaporates away. If it connects to a tile, he is unaware of it.

Mr. Cultice commented that if there is a tile it could be to everyone's benefit to put a retention pond they could overflow to that pipe. To find it and identify it and maybe put an easement on there for a mutual drain would be to everyone's best interest.

3. Adam Motz – 11180 Gumwood Rd. Bourbon – Wanted clarification of the request. Asked if the splitting will change the zoning.

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

The board discussed ground contaminants and drainage. The board was reminded that the property was sold "as is" plus this request is only about the splitting of the land.

Mr. Miller made a motion to approve 21-PC-01 NORTH CENTRAL COOPERATIVE - A request for a 2 lot Minor Subdivision Tract I 8.64 ac and Tract II 18.73 ac; located at 8550 Lincoln Hwy Plymouth, IN Center Twsp., Zoned C-2, seconded by Mr. Hostetler. Motion carried with a voice vote 7-1 with Mr. Voreis voting against.

Violation – Clean up of 9283 4th Rd.

This violation case has gone through the proper channels of the request to clean up, failure to comply, notifications and court. The court awarded the Plan Commission the rights to move forward with clean up.

We receive two bids for cleanup. They are as follows:

- | | | |
|-------------------------|----|-------------|
| 1. Langfeldt Excavating | \$ | 4,666 |
| 2. Chain O Lakes | \$ | 1,800-2,000 |

The clean up will take place on all three parcels.

Mr. Miller made a motion to accept the bid from Chain O Lakes Services LLC, seconded by Mrs. Barnhart. Motion carried with a voice vote 8-0.

**Rick Keller 3908 W. Shore Bremen
Mathew Vansoest 3751 Lakeshore Dr., Bremen**

Wanted to present to the board the planned activities for the area around Lake of the Woods and how they plan to prosper that area and their quality of life. Annual clean up in the spring around the roadways, trash pick up at the Lake Community Center, community dinners, annual walk run and roll event for health and wellness issues, fireworks show around the lake, game night and trunk or event. Would like the support of the Plan Commission as well as other county entities to help deal with numerous blighted properties around the lake along with abandoned cars etc.

Thanked the county for the work being done on 4th Road and pavement areas around the lake.

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

Respectfully submitted

Bob Yoder