

October 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 7:30 p.m. on Thursday, October 28, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, Craig Cultice, Matt Miller, David Hostetler, Jon VanVactor, Dan Voreis, and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were James Berger and Bob Yoder.

Minutes of the August 26, 2021, meeting was presented. Mr. Miller moved, and Mr. Hostetler seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 21-PC-07 HOUIN, Herman & Connie - A request for a 24 lot primary major subdivision (East Shore Estates, LL) on parcel # 50-43-07-000-014-000-005, East Shore Dr., Bremen, IN Zoned L-1.

**The applicants requested that this application be tabled. Motion carried.**

The second item of business was 21-PC-14 MARSHALL COUNTY MEMBERSHIP CORP - A request for an amendment to the MCMC Jellystone Park PUD modifying lots 142 & 143 and adding lots 1430, 1431 and 1432, located at: 7719 Redwood Rd., Plymouth, IN West Twps., Zoned A-1. Chris Welter 16494 Lincoln Hwy, Plymouth, IN and Dan Sellers were present to represent Marshall County Jellystone. Mr. Adley presented the findings of fact.

This is the latest in a long line of PUD amendments to Yogi Bear Park (Marshall County Membership Corporation). The applicant has recently tore down the office that was located on Redwood Road, and with that structure down, the desire is to adjust the lot sizes for Lots 142 and 143 then extend the road and add 3 new lots. The access to relocated lot 143 and the 3 new lots would all be internally and would not be accessed from Redwood Road.

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

**Mr. Hostetler made a motion to approve 21-PC-14 MARSHALL COUNTY MEMBERSHIP CORP - A request for an amendment to the MCMC Jellystone Park PUD modifying lots 142 & 143 and adding lots 1430, 1431 and 1432, located at: 7719 Redwood Rd., Plymouth, IN West Twps., Zoned A-1, seconded by Mr. Cultice. Motion carried with a voice vote 7-0.**

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The third item of business was 21-PC-15 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance Article 6 010 A and Article 13 Shipping Containers.

Mr. Adley presented the findings of facts and the surrounding areas ordinances.

2021 Proposal Option

- Allow 1 car container within A-1, C-1, C-2, I-1 and I-2 districts regardless of parcel size with the conditions that it would be maintained as the same color as adjacent structure, kept in good repair (ie no rust, holes, or worn paint, etc) and a second container is permissible for lots greater than 5 acres.
- 6.010 A: A use, building, or structure, the use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use building, or structure is located. By way of example only, some type accessory uses, buildings, and structures include: garages, carports, porches, decks, awnings, canopies, mini barns, storage sheds outdoor fireplaces outdoor furnaces, children's playhouses swings, game courts, fences, swimming pools, hot tubs grain bins, grain dryers, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures include mobile homes, manufactured homes, construction trailers, recreational vehicles, and semi-trailers.
- ***G. Shipping Containers – Allow 1 cargo container within A-1, C-1, C-2, I-1 and I-2 districts regardless of parcel size with the conditions that it would be maintained as the same color as adjacent structure, kept in good repair (ie. No rust, holes or worn paint, etc.) and a second container is permissible for lots greater than 5 acres. Containers are to only be used for cold storage.***
- 13.010: A use, building or structure, then use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use, building, or structure is located. By way of example only, some typical accessory uses, buildings, and structures include garages, carports, porches, decks, awnings, canopies, mini barns, storage sheds, outdoor fireplaces, outdoor furnaces, children's playhouses, swings, game courts, fences, swimming pools, hot tubs, grain bins, grain dryers, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures include mobile homes, manufactured homes, construction trailers, recreational vehicles, and semi-trailers.

2021 Proposal Breakdown

1. Zoning districts A-1, C-1, C-2, I-1, I-2
2. Allow (1) shipping container regardless of parcel size
3. Maintained as the same color as adjacent structures & kept in good repair
4. A second container is permissible for lots greater than (5) acres
5. Used for cold storage only

The board asked for clarification if the size of the storage shed matters and if the container could be in the front yard. The Plan Director stated that the size of the container doesn't matter and the location would require the container location meet current setback requirements for that zone type.

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During discussion it was asked how we address existing shipping containers. The Plan Director stated that this ordinance clarifies the permissibility of having those structures. He considers the existing storage containers to be in violation of the ordinance and this ordinance would allow them to be there provided they meet the above requirements. If they don't meet the requirements, they would have to comply or apply for a variance.

As far as foundation requirements the plan director stated that they would have to meet applicable building codes.

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

1. Robert Demis spoke to the board about the proposed statute of the shipping containers in regard to the one he has on his property. Mr. Demis said setbacks will affect his property and the fact they will be for cold storage only hurts his business.

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

**Mr. Hostetler made a motion to approve 21-PC-15 Marshall County Zoning Ordinance Article 6 010A and Article 13 Shipping Containers and forward to the Marshall County Commissioners with a favorable recommendation. Mr. Voreis seconded the motion. Motion carried with a voice vote 7-0.**

The fourth item of business was 21-PC-16 MAHER, Michael - A request from Goeglein Homes for a 2-lot minor subdivision; located at 17622 Vine St., Plymouth, IN Polk Twsp. Zoned T-1. Mr. Brad Goeglein 3062 US 30 Warsaw was present at the meeting for the case. Mr. Adley present the findings of fact.

Mr. Geoglein said it will be 2 new homes. The applicant is seeking to subdivide a 5.784 acre parcel into two parcels 3.135 and 2.649 acres more or less. The parent tract had previously subdivided off a smaller tract with an existing residence west of the subject property. The parcel is currently zoned T-1 Town Residential and will meet associated development standards.

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

1. Chris Chastain 17549 4B Rd., addressed the board and asked type of building was going into the area.

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

Mr. Geoglein informed the board that it is a single family home modular. Mr. Geoglein is asking for two lots incase he wants to put another home. Mr. Geoglein will be doing soil testing after approval to check for availability of two septic systems.

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Mrs. Barnhart made a motion to approve as presented 21-PC-16 Maher, Michael request from Geoglein Homes for a 2-lot minor subdivision located at 17622 Vine St., Plymouth, IN Polk Twp., Zoned T-1. Motion seconded by Mr. Miller. Motion carried with a voice vote 6-0-1 with Mr. Hostetler abstaining.

Mr. Adley read a letter that came into the office a few days after the meeting regarding case 21-PC-07 Houin so it can be put into record and filed.

2022 Proposed Plan Commission Meeting Schedule

Mr. Adley gave the board a copy of 2022 schedule. Mr. Adley reminded the board the meetings are the 4<sup>th</sup> Thursday except for a few months changed due to the holiday at 7:30 p.m. Mr. Hostetler moved to approve the 2022 calendar with the amendment of December being the 15<sup>th</sup>. Motion was seconded by Mrs. Barnhart. Motion carried by acclamation.

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