

April 25, 2019  
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 Tuesday, April 25, 2019, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, Matt Miller, Stan Klotz, Bob Yoder, and Dave Hostetler. Plan Director Ty Adley and interested parties. Members absent were Jack Roose and Dan Voreis.

The first item of business was the review of the minutes from the February 28, 2019, meeting. **Mr. Hostetler moved and Mr. Cultice seconded the motion to approve the minutes as amended. The motion passed by acclamation.**

The second item of business was 19-PC-06 COX, William Jr. - A request to change zoning from C-1 to T-1 to allow for residential use; located at: 106 S. Michigan St. Lapaz, IN North Twsp. 50-52-95-202-162-000-010, 50-52-95-202-166-000-010, 50-52-95-202-170-000-010, 50-52-95-202-174-000-010. Mr. William Cox was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to rezone C-1 property to T-1 zoned property for residential purposes. The adjacent area has a mix of Commercial and Residential property. Based on discussions with the Town of Lapaz, there seems to be some uncertainty to the proposed use of the property. One being a Private Club and the other being Multi-Family Residential. The proposed use and should be clarified for the Plan Commission.

The staff recommendation was as follows: Based on the information provided to staff, discussion during a Technical Review Committee Meeting and talks with the Town of Lapaz; staff will support the latest opinion of the town to recommend in favor of the rezoning. Though with that being said there has been confusion in the proposal presented by Mr. Cox to both staff and the Town of Lapaz. It is important to note that the Comprehensive Plan recommends the area to be C-1 Downtown Commercial.

Mr. Cox explained that he has cleaned up the property since the pictures were taken. The plan is to use the main area as a club house and would like to refurbish the upstairs for a single-family dwelling. The property has been vacant for at least ten years. He believes if someone wanted it for commercial use it would have been purchased before now. Allows some of the neighbors to use his parking place. The club house will be used by a group of individuals who drive motor cycles and raise money for people who need money.

Part of the reason for changing the zoning is to help reduce costs. For instance, gas is higher for a commercial use than residential use. Sometimes its 30-40% higher. Went to the Town of Lapaz earlier and was able to establish a lower sewer rate.

Mr. Cox's stated that the town's attorney called Mr. Adley and explained all of the details and didn't hear that there was a concern.

Some from the board commented that since the new bypass business has suffered in the town and believes the proposal of going residential could be a positive. Others stated that rezoning the whole block made more sense.

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

1. Anthony Wagoner- Attorney for the Town of Lapaz – 5413 3<sup>rd</sup> Rd., Bremen, IN – Mr. Cox came to the most recent Town Council meeting. He emailed the Plan Director and said the town didn't really see an issue. At that time he explained to the town that a motor cycle club would be using it along with the one rental unit. If the use is private the sewer department would probably charge like a church. The confusion was initially it was discussed that there would be apartments there. The town's sewer rates are based on the use not the zoning.
2. Jackie Haines - 210 S. Michigan, Lapaz. Buying house from Ms. Carol Westin. Has no problem with the request.

Mr. Hostetler moved and Mr. Berger seconded the motion to close the public hearing. Motion carried by acclamation.

The board explained that this hearing is only a recommendation to the Marshall County Commissioners where they will make the final decision.

**Mr. Yoder made a motion to give a positive recommendation to the Marshall County Commissioners 19-PC-06 COX, William Jr. - A request to change zoning from C-1 to T-1 to allow for residential use; located at: 106 S. Michigan St. Lapaz, IN North Twsp. 50-52-95-202-162-000-010, 50-52-95-202-166-000-010, 50-52-95-202-170-000-010, 50-52-95-202-174-000-010, seconded by Mr. Berger. Motion carried with a voice vote 7-0.**

The third item of business was 19-PC-05 MARSHALL COUNTY PLAN COMMISSION - Amend the Marshall County Ordinance, Article 6 Section 250 add a new section on Visibility Standards.

... Street, Alley and Driveway Intersection Visibility Requirements Corner Lot - All Districts -No fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2.5 feet and 8 feet above the established grade level of the

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intersecting streets or streets and alleys, in the area bounded by the property lines of such corner lots and a line joining points along said property lines 50 feet from the point of the intersection; except that the location of principal buildings, traffic control devices and public utility fixtures shall not be affected by this requirement. All Lots-All Districts - At the intersection of driveways, streets, sidewalks, or trails; no fence, hedge, wall, sign or other structure shall be erected, placed or allowed to grow in such a manner as to impede vision between a height of 2.5 feet and 8 feet above the established driveway grade level in the area bounded by the driveway, or sidewalk and lot lines and a line joining points along said lines 10 (is this sufficient) and (should this be larger for commercial and industrial lots or uses) feet from the point of intersection of such driveway, or sidewalk and lot lines.

Staff recommendation was as follows: Staff would recommend approval of the above creation of Article 6 Section 250 Visibility Standards.

Mr. Yoder commented that in his situation he would have to cut down four trees and because his house is on a hill, he as to creep down the hill to check for traffic. Cutting down trees wouldn't help his visibility at all. Much of the board had similar concerns.

Tiffany Bohm – 18558 10 B Rd. – Lives an 1/8 of a mile back on a deeded easement. How will this affect houses on a deeded easement? Would like the board to consider her situation and the need for the trees and their privacy.

Mr. Adley explained that his proposal was just that a proposal/draft for the board for them to review. This is a draft following what the Town of Culver adopted.

Mr. Yoder would be more inclined to discuss this option for areas within T-1 zoning as this proposal might be more beneficial for them.

Several members on the board commented that there is no sense to create a rule that cannot be enforced.

The biggest concern of the board seemed to be the right of way not being maintained and not knowing where the right of way is to administer a rule such as this.

**Mr. Miller made a motion to deny the third item of business was 19-PC-05 MARSHALL COUNTY PLAN COMMISSION - Amend the Marshall County Ordinance, Article 6 Section 250 add a new section on Visibility Standards, seconded by Mr. Yoder. Motion carried by acclamation.**

Additional Alternates for BZA

Due to recent meetings of going through both alternates and still not having a full attendance. The Plan Commission Office would like the board to consider adding additional BZA alternates. Due to much of the board not being able to be part of the board there were only two members that would possibly be considered. Ms. Barnhart agreed to be an alternate to the alternate. **Mr. Miller made a motion to appoint Ms. Barnhart as an alternate to the alternate for the BZA, seconded by Mr. Berger. Motion carried by acclamation.**

Impervious Surface Coverage

There has been discussion between the County Surveyor as well as the Plan Director on how impervious surface area coverage is calculated to encompass not just the 4,000 square foot permit, but going beyond that. Currently when someone applies for a permit just under 4,000 square feet our ordinance doesn't allow us to include existing impervious surface area into the calculation. The board had mixed thoughts.

Currently reviews are done on a case by case basis. Each property is unique; therefore, they need to be handled differently. It's important that Plan Director receive some ideas and

feedback from the board to help narrow down what everyone wants. The ultimate goal behind this is to be able to slow down water.

The board asked that Mr. Adley come up with a couple of different concepts without going into too much detail before the board makes a decision to move forward with a public hearing.

### Solar

The other ordinance the Plan Commission Office is proposing a discussion on are solar farms. Ones that cover several hundred acres when our ordinance stops at 40,000 sq ft. Our standards and fees don't cover this scale of installation.

Mr. Klotz asked that Mr. Adley come up with a few concepts without going into too much detail before the board makes a decision to move forward with a public hearing.

### Recent and Upcoming Events

Recent:

Stellar Community – Marshall County has been designated as a finalist this year.  
Complete Streets Policy- Working with MACOG  
Water Task Force-Attended a couple meetings in terms of development interest  
Regional Trail Branding-Process has been headed up by MACOG for the 4 county region due to Stellar and other safety's for the community.

Upcoming:

Stellar Workshop and Other Meetings  
Community Development for the Future  
TTAC

INDOT STIP Open House, Wednesday, May 8<sup>th</sup>, Laporte District

### INDOT 2020-24 STIP

Notable Projects

1. US 30 Preventative Maintenance – US 30 Preventative Maintenance – SR 17 to SR 19 2020
2. US 30 Intersection Improvements – Queen, Pioneer, and King Rd. 2022/2023
3. US 30 Preventative Maintenance – SR 17 to Approx. SR 23, 2022
4. US 31 New Interchange – SR 10, 2022/2023

Quarterly Tracking

Permit count has increased by our busiest year as well as our valuations.

Violations

Soon there will be five cases going to court. This is largely in part because of having a Code Enforcement Officer. Without this position we wouldn't be this far along. There are more on the horizon. The process includes a warning letter and then a fine letter explaining the accruing fine of \$50 per day until the property is cleaned up. If there is still no contact or refusal to clean up notice is sent to the board's attorney for further action.

Lori Howshaw – 16945 12<sup>th</sup> Rd. Plymouth – Was at the BZA meeting when the campground was approved as well as the fencing requirements. They turned the fence around by the date, but didn't meet the requirements as far as setbacks. As far as the campground itself they were required to move a camper and apply for permits if anything additional is built or brought into the property. They haven't moved the trailer and built on another deck to the trailer that was supposed to be moved. That was done two days ago. From what the state says it doesn't look like anything is being done their either. Requested a time frame as to how long they will have to meet compliance.

Mr. Adley stated that a letter has been sent to the Berg's regarding the setback issue with the fence that was stipulated in the variance. As far as the other information they will be looking into that with the information that was provided by Ms. Hoshaw.

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