

September 26, 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, September 26, 2019, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, David Hostetler, Jack Roose, Dan Voreis, and Stan Klotz. Plan Director Ty Adley, Secretary Lori Lowry and interested parties. Members absent were Mr. Miller and Mr. Yoder.

The first item of business was the review of the minutes from the May 23rd, 2019, meeting. **Mrs. Berger moved and Mr. Voreis seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 19-PC-12 LIDDAWI, Fouad - A request for a zoning change from A-1 to C-1 to allow additional permitted used located at 19892 US 6, Zoned A-1. Mr. Fouad Liddawi was present to represent your request. Mr. Adley presented the findings of fact.

The applicant is seeking to rezone an A-1 Agricultural parcel that has historical had commercial uses on the property. In 1985 the motel was permitted to add up to 100% of the motel area for a restaurant addition with the condition that the West drive be an entrance and the East drive be the existing, thus taking into consideration the safety of entering and exiting the facility. In 2015 Mr. Liddawi requested to have a used car lot, vehicle storage and storage units. The 2015 request was approved 3-2, with a list of conditions involving: hours of operation, car limit, no employees, CDR should there be remodeling, and INDOT approval. The rezoning of a property would change the option that the property could be developed as by right, in comparison to the variance of use which could permit the proposal, but may come with conditions.

Mr. Liddawi has been in business since 1955. This property has been used commercially since that date. He would like to be able to sell it commercially as well. It was said that his property is the only commercial property from Lapaz to Walkerton. Mr. Liddawi stated that our current C-1 zoning district allows for used car sales. The assessment of the property is commercial as well. With used car sales being seasonal he would like to have additional income during off season such as the sale of sheds. Doesn't want all the restrictions that a variance would be.

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Surveyor, Craig Cultice, asked what was meant by “all the restrictions.” Things like telling him how many cars he can have on the lot. Mr. Cultice’s concern is if the property were to be re-zoned it would allow the full list of permitted uses within a district that is primarily used for residential purposes.

There are currently 1 or 2 customers on the property. There are more people pulling in doing a U turn than doing business.

Mrs. Barnhart moved and Mr. Cultice seconded the motion to open for public hearing. Motion carried by acclamation.

1. Mary Ellen Lett – 19883 1 C Rd. Walkerton – The requirement by the board was that Mr. Liddawi was only supposed to have 20 cars. Right now, there are 51 cars on the lot. That is double of what you allowed. What makes anyone think that he would follow any of your rules if this is approved. Moved to the country for a reason. It is all farmland.
2. Marcia Kingman – 19942 1C Rd., Walkerton – Moved out of the South Bend area to be in a rural area. Were told by the Realtor when purchasing their property that this location couldn’t have more than 20 cars. Agreed that there are more than 50 cars in the lot. It is on a curve and a very busy road. Also has a concern what else the owner may bring on the property.
3. Laura Anderson – 19960 1C Rd., Walkerton – Major concern if this property were zoned commercial and he sells someone else could build a Truckstop. Decreased property values. The applicant has already set a precedence of not following the rules.
4. Andrew Kosinski – 19763 1 C Rd., Walkerton – Attended the previous meeting in 2015 and was against the request. Moved in that location for less traffic and a lesser densely populated area. Questioned if the property were to be rezoned if the rules set forth earlier would be null and void. Looked at the list of permitted uses and notice that there are probably a hundred different uses for that zoning district. Doesn’t believe this property should be re-zoned commercially. There aren’t any properties zoned commercially for miles.

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

Mr. Liddawi responded that when he purchased the property there were criminal nuisance going on and now there is not. Doesn’t make any noise on the property or harming anyone. Doesn’t understand the concerns stated.

Mr. Roose asked if there is any intent on using the rooms in the old hotel for anything? Mr. Liddawi said no.

Mr. Hostetler motioned for a unfavorable recommendation to the Marshall County Commissioners 19-PC-12 LIDDAWI, Fouad - A request for a zoning change from A-1 to C-1 to allow additional permitted used located at 19892 US 6, Zoned A-1, seconded by Mr. Cultice. Motion carried with a voice vote 6-0 with Mr. Klotz

abstaining because he will be voting as a Commissioner at that meeting.

Solar Ordinance

Mr. Adley requested that before he brings back the proposed solar ordinance for public hearing, he would like individual board members input on the decommissioning/bonding requirements. Requested that members email him their suggestions. After that he will compile all the information and bring it back before the board in a public hearing.

Mr. Klotz requested that decommissioning/bonding requirements be addressed before the solar ordinance is approved.

A large concern of the board is the decommissioning down the road when companies could be out of business. Maintenance Bonds were discussed, but more information was requested on how they work.

Along with the SolSmart Initiative MACOG will be reviewing the proposed ordinance. Once we receive it back, we will bring it back before the board in October or November.

MACOG

Recently recommended approval for the change of scope at the railroad crossing with US 31 between 13th and 14th roads where the bus accident was last year. The original scope recommended a pull over lane; however, the state has elected to upgrade it to a bridge project. Engineering to begin in 2020 and then construction in 2022-23.

The board discussed their surprise with the state putting in a bridge.

Brownfield Coalition

Marshall County has received another grant this year in the amount of \$600,000.

Michiana on the move

Michiana on the move 2045 is the long-range transportation plan identifying potential projects between now and the next 25 years. Encouraged the board to look at it and address concerns to MACOG.

Laurie Hayn

Mrs. Hayn was celebrated at the Commissioner's Meeting with Jack Jordan the "Upstanding Citizen Award".

US 30 Interchange Improvements

The interchange improvements proposed by the state will be completely funded by the State. Queen Road is proposed to have a "J Turn". King Road will also receive a "J Turn"

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along with a re-alignment of King Road.

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