January 27, 2022
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, January 27, 2022, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, Craig Cultice, Chris Kline, 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 Matt Miller and Bob Yoder.

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

- **President** Mr. Hostetler made a motion to retain Stan Klotz as President of the Marshall County Plan Commission, seconded by Mr. Cultice. Motion carried by acclamation.
- **Vice Pres** Mrs. Barnhart made a motion to nominate David Hostetler as Vice President of the Marshall County Plan Commission, seconded by Mr. Cultice. Motion carried by acclamation.
- **Secretary** Mr. Hostetler made a motion to retain Bob Yoder as the Secretary of the Marshall County Plan Commission, seconded by Mrs. Barnhart. Motion carried by acclamation.
- **TRC** Mr. Cultice made a motion to retain Terri Barnhart, Jon VanVactor and Bob Yoder as members of the Technical Review Committee, seconded by Mrs. Barnhart.
- **BZA Appt** Mrs. Barnhart made a motion to replace Jim Berger's seat on the Board of Zoning Appeals with David Hostetler, seconded by Mr. Kline. Motion carried by acclamation.
- **BZA Alternate** Mr. Hostetler made a motion to nominate Chris Kline, Bob Yoder, Dan Voreis as Board of Zoning Appeals alternates, seconded by Mrs. Barnhart. Motion carried by acclamation.
- **Board Atty** Mr. Hostetler made a motion to retain Derek Jones with Jones Huff & Jones as board attorney, seconded by Mrs. Barnhart. Motion carried by acclamation.
- **Plymouth Liaison** Mr. Hostetler made a motion to retain Stan Klotz as the Liaison for the City of Plymouth, seconded by Mr. Kline. Motion carried by acclamation.

Minutes of the November 18, 2021, meeting was presented. Mr. Hostetler moved, and Mr. Cultice seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The second 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 Commissioner's original motion was: Stan Klotz moved, seconded by Mike Burroughs to approve 20-PC-15 Marshall County Plan Commission – Shipping Containers on First Reading with clarification to be provided on pre-existing containers, container homes and fire department training centers. Motion carried 3-0.

Based on the information provided staff and TRC would recommend approval of the proposed ordinance update. UPDATE: Staff and TRC continues to support the original proposal as it provides a starting point for shipping containers to be permitted within the County's jurisdiction. The ordinance would still be open enough to allow for individuals to apply for variances with their specific context.

The ordinance would be open for individuals to apply for variances if their existing shipping containers do not meet the conditions stated. Grandfathering does not occur when a use of property was not permitted previously to an ordinance. Grandfathering only applies when an object was in compliance when put in and then the ordinance changed no longer allowing it.

In relationship to existing shipping containers the Plan Commission Office is not going out hunting for them across our community. Now if someone calls in and reports a shipping container and it's not in compliance in relationship to setbacks for instance we would work with that individual to go through rectifying the issues or possibly walk them through the variance process.

The intent behind the ordinance is to prevent shipping containers within smaller communities or on smaller lots that wouldn't make sense around subdivisions or around lakes that are more protected areas.

In reference to the question on the fire training facility that is located in Plymouth it is within the City of Plymouth's jurisdiction which wouldn't fall under our zoning regulation. The other fire stations in the County include, Polk, Tippecanoe and North Township. If one of those three fire stations wish to have a container for storage they would be instructed to file for a variance as their zoning district wouldn't permit . This scenario shouldn't be a problem. If these areas are looking for training facilities, working together with the City of Plymouth's Fire Department would be advantageous. Interlocal agreements have been used for instances such as this.

The majority of storage container uses are used for temporary job site storage facilities (a/k/a large tool box) for institutional and commercial projects and when they are done they move it to the next site. They are short term uses in relationship to a specific building permit.

Mr. Klotz stated that the calls he has received about shipping containers pertain to the placement in the front yard. Mr. Klotz agreed with the concern as there are some containers 40' long and it could block a neighbors view. They feel a better location would be in the back yard.

Anchoring and foundation of all storage containers is a building code function.

Mr. VanVactor stated that if we are going to limit shipping containers in the front yard, we are going to have to limit all structures. Mr. Klotz stated that he's not for or against he's just passing along some of the complaints he's had.

The TRC committee met, and the consensus was that they couldn't support what the commissioner's wanted them to recommend. At that point Mr. VanVactor reached out to the two commissioners and at that time they didn't understand this is the future of Marshall

County. Having no stipulations on shipping containers could allow them at lake lots or residential areas. We have come up with basic requirements and Mr. VanVactor and the board believes it's a good place to start.

When Mr. Klotz was asked if he would support what the board is proposing he feels we need to leave them, but there does need to be some guidelines. It's his opinion that the county does need to protect the line of sight. With the amendments that have been made Mr. Klotz is okay with the proposal.

When asked if storage containers could be used for residential purposes Mr. Adley responded saying they would have to meet all residential building codes.

Mr. Hostetler 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. Hostler moved and Mr. Kline seconded the motion to close the public hearing.

Mr. VanVactor made a motion to approve the request and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Kline. Motion carried with a voice vote 7-0.

Mr. Klotz asked the Plan Director to respond to the three concerns when presenting to the County Commissioners.

Mr. Voreis turned in his resignation to the board. The board commended him on his years of service as well as the value he added to the board.

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

April 28, 2022
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, April 28, 2022, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, Jon VanVactor, Matt Miller, Bob Yoder and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Terri Barnhart, David Hostetler, and Chris Kline.

Minutes of the January 27, 2022, meeting was presented. Mr. VanVactor moved, and Mr. Miller seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 22-PC-01 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance/Signs of Expressions Article 6.

Indiana Code 36-1-3-11 was recently updated/added and has contradicted the existing Marshall County Zoning Ordinance 6.200.C.8 and this is in the name of reconciling the two. The Zoning Ordinance was not allowing the same time frames that the State Code was permitting (30 days vs 60 days prior to an election). The existing County Ordinance indicates: Signs of Expression Political signs and other signs of expression, provided that no such sign exceeds six (6) square feet in area or four (4) feet in height from ground level. a. Each sign shall be permitted on any property for a maximum of four (4) months per calendar year. However, signs related to a particular event or date, such as political signs placed in anticipation of an election, may be placed no sooner than thirty (30) days prior to the event and shall be removed a maximum of one (1) week after the event. b. The sign shall not be illuminated. C. The sign shall not be located in a public right-of-way or otherwise create a safety hazard The Indiana Code indicates: IC 36-1-3-11"Election"; "sign"; certain sign ordinances unenforceable, time period; public safety exception Sec. 11. (a) As used in this section, "election" refers to an election described in IC 3-5-1-2. (b) As used in this section, "sign" refers to a sign, the surface area of which is not greater than thirty-two (32) square feet. For purposes of determining the surface area of a sign under this section, if a sign consists of two (2) faces, only the surface area of one (1) of the faces is considered if both of the following apply: (1) The faces are mounted back to back. (2) The measure of the angle between the faces is not more than fifteen (15) degrees. (c) Subject to subsection (d), an ordinance or a regulation of a political subdivision relating to the number or size of signs is unenforceable during the following period: (1) Beginning sixty (60) days before an election. (2) Ending at the beginning of the sixth day after the election. (d) This section does not prohibit a political subdivision from enforcing an ordinance or regulation relating to the number or size of signs at any time if necessary to ensure public safety. As added by P.L.211-2017, SEC.1. Staff would suggest the ordinance 6.200.C.8 to be written as follows: Political signs and other signs of expression shall adhere to IC 36-1-3-11 and below conditions. a. Each sign should not exceed 32 (thirty-two) square feet. b. Signs shall not be placed greater than 60

(sixty) days before an election. c. Signs shall be removed 7 days after the election. d. The sign shall not be illuminated. e. The sign shall not be located in a public right-of-way or otherwise create a safety hazard.

The board discussed that they thought there used to not be a time frame to pick up political signs. After discussion the plan director stated since the legislators passed this law allowing for 60 days of sign removal; we would be in violation of restricting it to those 30 days. This proposal will make us come into compliance with the state. The enforcement of this would be the road maintaining authority.

When asked about help wanted signs in the right of way the plan director responded that should fall under the same purview as signs of expression and shouldn't be in the right of way.

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

Mr. Yoder moved to approve 22-PC-01 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance/Signs of Expressions Article 6 and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Cultice. Motion carried with a voice vote 5-0.

The second item of business was 22-PC-02 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance/Data Centers, Articles 3, 6 and 13.

The existing ordinance does not have an existing use denoting data centers nor a comparable use within the land use matrix. The term Data Center brings up a variety of inclusive uses such as server farms, mining operations and other technology warehousing matters. As the need for technology and data capacity increases, a greater requirement for related infrastructure rises. These upgrades continue to find their desire to reach out into the rural areas. For most data centers, the greatest impact for their business is going to be the utility infrastructure and potential exterior mechanics to service the business, not the usual traffic generation as impact. Items of interest during the review included utility grid impact, accessory vs. primary use in relationship to scale, noise generation and screening. There are not many communities in the state that have data center ordinances, so national ordinances were sought. Through the research of Boulder, CO, Hawaii County, Hawaii, Missoula County, MO, Moses Lake, WA, and Dayton, OH the following ordinance is proposed: Article 3 – A-1 Special Use, I-1 Permitted, I-2 Permitted Article 6 – Development Standards to include; 250 Data Center 1. Scale of Data Center 2. The applicant shall provide written approval from local utilities stating the following for major data centers: a. Adequate capacity is available on the applicable supply lines and substations to ensure the capacity available to serve the other needs of the planning area. b. Utility supply equipment and related infrastructure are sufficiently sized and can safely accommodate the proposed use. c. The use will not cause interference on and off the premises. 3. A screening plan shall be provided for major data centers. 4. No use on a property shall create an objectionable production or operational noise, or combination of noises, detectable at the boundary line of any residential or commercial zoning district. Article 13 – Definition; Data Center is a facility where the primary operation is the compiling, processing and/or storage of documents, records and other types of information. Such uses may include server farms, mining operations, and other associated technology warehouse.

This request is coming forth due to data centers not always being planned for infrastructure or the use as it relates to neighbors. This proactive approach should help guide the process.

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

Mr. Yoder made a motion to approve 22-PC-02 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance/Data Centers, Articles 3, 6 and 13 and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Miller. Motion carried with a voice vote 5-0.

Annual Report

The 2021 Marshall County Planning Commission and Board of Zoning Appeals Annual Report was presented. Permits are continuing to increase to over 1,100 permits in 2021 with an increase in valuation of over 77 million dollars in investment in Marshall County.

Regional Sewer District Letter

The Plan Director proposed to send a letter in support of the regional sewer district from the board. The board affirmed the plan director's proposal.

The board briefly discussed the long-term regional sewer plans.

Mr. Cultice made a motion that the Plan Commission signs the Regional Sewer District letter as requested by the plan director, seconded by Mr. Yoder. Motion carried with a voice vote 5-0.

Comprehensive Plan

The Comprehensive Plan was written 20 years ago. A lot has happened over the past twenty years. Begin to think about if what we have is sufficient from twenty years ago or do we want to possibly use the quality-of-life program that the crossroads community has put together and move towards updating our comprehensive plan.

Subdivision Ordinance

There really isn't an issue with the content; but could use an update to make it more user friendly for staff as well as the community.

House and senate Bills of Interest

APA IN Legislative Report Synopsis

HB1103	DNR Wants us to use best available mapping
HB 1245	Connections to water and sewers
SB 85	Interest of farm ground and the drainage
SB 139	Mfg home parks are now exempt on the age of the home

Marshall County Plan Commission
January 31, 2022
SB 411 Set up standards for solar and wind energy ready communities

Local Code Case

In the northeast section of the county there was a lagoon dug and nearly 100,000 gallons of manure dumped. The proper authorities have been notified and the dumping has been stopped. After discussing this incident, the board discussed whether they need to update our ordinances and after discussion they felt that IDEM should be the governing authority of the enforcement on cases like this.

Shipping Containers

The Plan Director asked for clarification of whether the board constitutes the box portion of a box truck the same as a shipping container. The ordinance identifies semi-trailers not as accessory structures. If it is plated it would be considered a vehicle, but if not plated would the semi-trailer be considered junk and what would the box of a box truck be considered.

The board agreed that a box of a box truck would be considered junk. If a semi-trailer is not plated it is considered as junk.

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

June 23, 2022
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, June 23, 2022, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, Jon VanVactor, Matt Miller, Bob Yoder, Terry Barnhart, David Hostetler, Chris Kline, and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

Minutes of the April 28, 2022, meeting was presented. Mr. Hostetler moved, and Mr. Cultice seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item up for business was 21-PC-07 HOUIN, Herman & Connie - A request for a 29 lot primary major subdivision (East Shore Estates, LLC) on parcel # 50-43-07-000-014-000-005, East Shore Dr., Bremen, IN Zoned L-1. Mrs. Connie Houin of 547 Ballantyne, Gross Pointe Shores, MI and Tom Hardy of John Kimpel & Assoc. of 902 S. 325 E. Warsaw, IN was present to represent her request. Mr. Adley presented the findings of fact.

The East shore Estates subdivision has gone through several iterations, beginning with a 18 lot subdivision exclusively along East Shore Drive, transforming into a 25 lot L-shaped subdivision then ultimately in the 28 lot U-shaped subdivision that is before the Planning Commission. The subdivision spans 17.49 acres with an average lots size of 18,327 square feet (4/10ths of an acre). The U-shaped proposal provides 10 interior lots wrapped in a 60' Right of Way public road called Lakeview Drive. The drive is wrapped by 18 additional lots creating a boarder to the subdivision. There are 3 outlots designated for open space and future roadway. The developer does not have any intentions of turning Outlot C into an access road for future development, but the access is required under Subdivision Ordinance. The 60' right of way will provide for 2 5' sidewalks, 2 11' driving lanes, and roadside ditches. The lots will be served by the Lake of the Woods Sewer District and a capacity letter has been received by their Engineer. A detailed review of the Sanitary Plan is anticipated upon approval of the preliminary plan per the developer. The lots will all be held under the Zoning Ordinance District L-1 Lake Residential. The L-1 District includes the following development standards; minimum lot area 6,000 square feet, minimum lot width of 60', minimum single family residential area of 1,281 square feet, minimum front yard setback of 30', minimum rear yard setback of 20', minimum side yard setback of 10' or 10% of lot width. There will be sidewalks on both sides of Lakeview Drive as well as a 5' walkway that coincides with the sewer easement going to Elmira Street that will be able to connect to a future network around Lake of the Woods. Each lot within the subdivision will be required to have landscaping including 2 trees and shrubs prior to certificate of occupancy. The Southwestern corner of the property will be further screened with additional trees due to East Shore Drive being identified as a Collector Road. The two primary open spaces

outlot A and outlot B are set aside as natural spaces for the residences of East shore Estates to enjoy privately. The area set aside is over 50,000 square feet for the residents to enjoy, although staff does not believe the design of the open space meets the intentions of the ordinance, the space as drawn meets the minimum requirements as set forth within the Subdivision Control Ordinance.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, staff and TRC would recommend approval of the 28 lot subdivision with the conditions that the comments that were discussed during the meeting and found in the comment letter sent after the TRC held on June 9th. Those comments include but are not limited to; adding sidewalks to both sides of Lakeview Drive, typographical fixes, and adjustments to plat and plan statements.

The original proposals didn't receive waivers for road access so they walked away from a small subdivision and felt forced into a larger subdivision to support the roads that were needed. The next plan was T shaped and later found out it was economically not feasible due to the fill that was needed. The current proposed subdivision is on top of a sand hill and slopes to the Mattingly Ditch. It is not economically feasible to develop this subdivision any further.
The Houin's have other farm ground that will stay farm ground. They don't have any intentions to create additional subdivisions.

The applicants agree with the TRC recommendation with one modification to the plan being that no sidewalks be required in the subdivision for the following reasons:

1. Sidewalk provision 6.12 Subdv Ord. It is a permissive provision in the ordinance not a mandatory requirement. Therefore, there is no waiver needed. The Planning Commission has the ability to do that.
2. The purpose of the sidewalk plan states "reasonable access to sidewalk connecting all the communities facilities, commercial enterprises and other residential subdivisions near or adjacent thereto." Requiring sidewalks in this rural subdivision does not achieve any of those purposes set forth in the ordinance.
3. School buses do not enter subdivisions to pick up children. They will pick them up on East Shore Drive.
4. They are trying to provide reasonably priced lots and the additional cost would be $4,000 per lot just for sidewalks and believes its an undue burden with no benefit.

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

1. Michael Zimmerman Lives in Englewood Park Subdivision and head of Englewood Park Association that was formed to fight the rights of the easements. Believes the ordinance was put in place to better the quality of subdivisions and sidewalks are included. There is currently legal discussions between the Houin's and Englewood Park Subdivision attorney regarding easement to the lake.
2. Scott Callantine Are these properties going to be marketed as lake access as they are concerned about the lake conservancy.
3. Jeff Saucier 3771 E. Shore Dr. The current condition of 4th Road is not good and if the egress is coming out on that road there is a concern. Questioned if these houses in the proposed subdivision will be tying into Lake of the Woods Sewer District. A lot of people walk daily around the lake and believes sidewalks would be an advantage.

4. Betty Spruit 4450 E. Shore Dr. Have enough out of town people that use the lake access. Will all these houses be using that same access? Will 4th road be re-done or made wider?
5. Larry ? 4041 W. Shore Dr. Runs and walks around the lake. Believes it's important to have sidewalks for safety.
6. Gary Montague 7460 Ply Goshen Will this raise property taxes?
7. Mary Lee Vanvactor 1106 Michigan Rd Mom owns a house in this area and the siblings are in charge of it. Will this affect property taxes? With all the additional houses will the towns fire department cover these additional houses? Will sewer bills be going up?
8. Joan Gunterman (letter) 3615 Lakeshore Strongly oppose this subdivision for increase in traffic, safety of children and pedestrians especially if there are no sidewalks. Concerned about increase in costs of utilities and taxes. Also questions whether they will propose another subdivision down the road.
9. Mildred Sullivan (letter) 8403 North Shore Opposes the request due to increase in traffic, safety of children and pedestrians especially if there are no sidewalks. Concerned about increase in costs of utilities and taxes. Also questions whether they will propose another subdivision down the road.
10. LOW Sewer District P O Box 455 Lake of the Woods Sewer District has reviewed the districts available capacity. Based on their review the addition of 29 homes to the districts system will increase the average daily volume by less than 9,000 gallon per day. The system was planned for 135,000 gallons per day. Currently the volumes are below 50,000.
11. Paul Wehrman Opposes the request as it will bring increased traffic and congestion near their home that is not wanted.
12. ? letter with no name or address

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

Mr. Yoder questioned the board if they should allow letters that don't have names or addresses and the board president was in agreement that they shouldn't be read as part of record.

Mrs. Houin had the following responses to comments:

1. The sewer district is not even at 50% with the additional 28 house lots that doesn't even bring it up to its 50% capacity.
2. Herman and Connie Houin have not been paid for any water issue around Lake of the Woods.
3. The easements are not part of this subdivision project nor has anything been put in writing of such. The easement lots are for sale. The neighbors have all been informed that they are for sale. A neighboring property has contacted her about purchasing one. Which leaves three yet for sale. Has no intention of buying the lot at the lake that's up for sale for either.
4. The marketing of the proposed lots say nothing about deeded access to the lake.
5. The drainage runs south and east. A large drain system has been put in place that should shed water away from the lake to the detention pond.
6. Mr. Hardy stated that the Houin's are going to pay for their own sanitary sewers connections which will then be paying into the sewer district. Believes it should help the tax base in the county.

7. With regard to sidewalks the purposes set forth in the ordinances are not met here there is nothing to walk to such as commercial enterprises, parks or other subdivision areas. All it would be is a loop of sidewalk connected to nothing that would cost the future owners $4,000 per lot with no benefit. If the Plan Commission would consider an alternative of increasing the size of the road by 5' to allow for additional walk area. It would address having ditches a little deeper, better access for firetruck access and the driveway issue as an alternative to sidewalks. They would go from 22' to 28' wide pavement. Doing away with sidewalks will help the side ditches and the slops on the street.

When asked to comment on the ordinance requirement Mr. Adley stated that the ordinance says it's a permissive standard and is up to the TRC to make that determination/recommendation as far as to have or not to have the sidewalks. The TRC is recommending sidewalks. This proposal of widening the road came after the TRC met and made that recommendation.

Mr. Yoder felt that having children walk in the roadway to wait for the bus amongst cars going in and out is unacceptable.

Mrs. Houin said that the children will be picked up by the bus on East Shore Rd. from the pedestrian walkway between lots #2 and #3. Mr. Yoder replied that the children will still have to walk in the roadway to get to this walkway.

Mr. Cultice said if you have a wider street there will be people parking in the street will require children to be walking out and around the cars to continue your path.

The lots are long which is approximately 50' of driveway. This will allow plenty of parking in the driveway. The Houin's are willing to post no parking in the streets if the board desires.

Mr. Klotz brought up that the County Commissioner's aren't required to accept this road. Mr. Adley stated that there are standards and a maintenance period to ensure the construction of the facility is up to standard. If the road is not accepted by the County Commissioner's, it would be considered a private road and the property owners would be required to maintain it.

Mrs. Houin stated that there is a HOA provision, but the plan is to have the roads public at this point in time. They will be built to code and meet code.

Technically the County will not have responsibility of the road until the road meets the requirements and the developers will be responsible for the roads until that time whether its 3 or 5 years whatever is required by the MCHD.

Mr. Klotz stated there was two years' worth of road work done in one year around the lake. It is looking like it will be another couple years before work will be done to 4th Road.

There was a confirmation by Mr. Adley that Jason Peters, Marshall County Highway Department Official said he preferred there not be sidewalks and be put outside the right of way within the lot space of individual homes.

Mr. Yoder made a motion to approve <u>21-PC-07 HOUIN, Herman & Connie -</u> A request for a 29 lot primary major subdivision (East Shore Estates, LLC) on parcel # 50-43-07-000-014-000-005, East Shore Dr., Bremen, IN Zoned L-1 including the recommendation of the above

mentioned TRC with special attention to the requiring of sidewalks, seconded by Mr. Cultice. Motion carried with a voice vote 8-0.

2023 Proposed Planning Commission Budget

Mr. Adley proposed the budget with the recommendation of wage increase per the MC Auditor, an additional $7000 for the Code Enforcement Officer to go from 2 days a week to 3 days a week, and an additional increase for longevity. In addition to the above there will need to be an increase in the per diem request as the original budgeted amount didn't reflect the 2022 rate jump from $50 per meeting to $75.

An update was given on permits, cases and projected income.

The board discussed the plan directors job description has him working from 8-4 which is 35 hours per week. With that being said he is not being compensated for the additional hours he works for the evening meetings. It was discussed his average hours worked would average out to be more like 37 hours plus per week rather than 35. The board was all in agreement to propose an increase in his job description from 35 to 37 hours per week.

Mr. Yoder made a motion to request the County Council to adjust his job rating from 35 to 37 hours per week because that is what he consistently does work throughout the year, seconded by Mrs. Barnhart. Motion carried by acclamation.

Mr. Hostetler made a motion to amend the proposed budgeted amount from $50 to $75, seconded by Mr. Miller. Motion carried by acclamation.

Comprehensive Plan

Updating the comprehensive plan will provide a greater opportunity to look at what direction we want to take Marshall County to. The last approximately ten years ago and a lot has changed since. Updating the comprehensive plan also allows for additional grants for funding into the county.

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

August 25, 2022
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, June 25, 2022, in Room 203 of the Marshall County Building. Present were: Commission Members Jon VanVactor, Matt Miller, Bob Yoder, Terry Barnhart, David Hostetler, and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

Minutes of the June 23, 2022, meeting was presented. Mr. Hostetler moved, and Ms. Barnhart seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 22-PC-04 VALDEZ, Zonia & Arturo - A request for a zoning change from C-1 to T-1 to allow the rebuilding of apartments; located at: 101 S. Michigan St. Lapaz North Township Zoned C-1. Arturo Valdez and Jose Gonzalez were present to represent their request. Mr. Adley presented the findings.

The applicant is seeking to redevelop a lot in Lapaz at the intersection of Michigan Street and Randolph Street on the North side of the downtown business district. The corner lot is currently zoned C-1 General Commercial District which his what occupies the majority of the zoning in that area along the Michigan Street Corridor. To the west and the southeast there are properties that are zoned T-1 Town Residential. The proposal to redevelop the lot into 4-6 apartment has already been presented to the Lapaz Town Council who sold the property to Mr. Valdez with the terms that he would have the existing build demolished quickly after sale. The Town Council further supports the request based on the properties previous use and the lack of housing in Lapaz. The C-1 district does not permit multi family structures, but they are permitted by right within the T-1 district.

Mr. Valdez' plan is to develop 4 apartments with 2 bedrooms in each unit.

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

Mr. Yoder made a motion to approve 22-PC-04 VALDEZ, Zonia & Arturo - A request for a zoning change from C-1 to T-1 to allow the rebuilding of apartments; located at: 101 S. Michigan St. Lapaz North Township Zoned C-1 with a favorable recommendation to the Marshall County Commissioners, seconded by Mrs. Barnhart. Motion carried with a voice vote 6-0. This is a small community that needs improvements, and this will be a true asset to the community.

Mr. Yoder wanted to commend the Valdez family to help the town out by doing the demolition and rebuilding.

Other Business

Due to Mr. Adley being out of the office ill the day of budget presentations Mr. VanVactor explained to the county council the board's proposal of moving the plan directors hours from 35 to 37 to compensate the plan director more equitably for the hours he is working. The council seemed to understand and didn't have any questions.

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

November 17, 2022
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, November 17, 2022, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, Jon VanVactor, Matt Miller, Bob Yoder, Terry Barnhart, David Hostetler, and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Member absent was Chris Kline.

Minutes of the August 25, 2022, meeting was presented. Mr. Hostetler moved, and Ms. Barnhart seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 22-BZA-05 MILLER, Kaitlin - A request to vacate the alleyway surrounding lots 5 & 8 in the Addition to Tyner City on Walnut and French Streets; located in Polk Twsp. Zoned T-1. Ms. Kaitlin Miller was present to represent her request. Mr. Adley presented the findings of fact.

The applicant is seeking to vacate the alleys to the North and to the West of the two properties that she owns. The "Addition to Tyner City" was platted in Spring 1860. The alley to the North and Miller Street West of Walnut was vacated previously. Lots 5 and 8 both have access to either Walnut or French Streets, so they would not lose their means of access. The only concern would be the access to lots 2 and 3 of Block 18 due to the proposed alley removal. Lots 2 and 3 are owned by the same owner of lots 1 and 4 also known as 17915 Walnut Street. The only catch though is that they have not been combined by replat or for tax purposes. There are no obvious utilities observed within the space.

Within the next couple of years, the applicant would like to build a garage. Since she's owned the property, she's maintained it as a yard. The neighbors both were aware of the request and neither had concerns.

Mr. Adley confirmed that once a vacation is approved the applicant will acquire up to the centerline of the alley and the neighboring property will acquire the other half.

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

Mr. Hostetler made a motion to approve 22-BZA-05 MILLER, Kaitlin - A request to vacate the

alleyway surrounding lots 5 & 8 in the Addition to Tyner City on Walnut and French Streets; located in Polk Twsp. Zoned T-1 with a favorable recommendation to the Marshall County Commissioners, seconded by Mrs. Barnhart. Motion carried with a voice vote 7-0.

The second item of business was 22-PC-06 MARSHALL COUNTY MEMBERSHIP CORPORATION- A Petition for a PUD to update covenants and bylaws; located at: 7719 Redwood Rd., Plymouth IN, West Twsp., Zoned A-1. Jeff Miser, Manager of Plymouth Jellystone, 7719 Redwood Rd., was present to represent their request. Mr. Adley presented the findings of fact.

Over the course of the history of Yogi Bear Park, there have been numerous revisions to the PUD which acts as the covenants and by-laws. These revisions along with major improvements to the park (community buildings, park drainage, etc. have all been approvals through the Marshall County Plan Commission. There have been several updates to the regulations that govern the park, that have not been approved by the Plan Commission in association with the PUD approval. Amendments to the PUD require 2/3 to pass (207) There were amendments in 2016 and 2109-2021. For 2022 there were only 3 amendments that were passed/approved by the membership. Those 3 amendments were: Article 4 Sheds: Changed A and Deleted E; Article 4 L Gazebos was added; Article 16 B Passed deleting 2 + 3. Article 4 under section A was edited to remove "A gazebo is open on all four sides with a roof and made of materials commonly approved by Marshall County Building Commission. (Revised August 2021)". Then to also delete section E. Gazebos must follow size and building material requirements of sheds, must be open on all sides, cannot be permanently affixed to site, and follow rules under "STRUCTURES". (Revised (August 2021)" Under Article 4 a new section was created L "GAZEBOSA. Definition: a roofed structure that offers an open view of the surrounding area, typically for relaxation or entertainment. B. Made of materials commonly approved by Marshall County Building Commission. C. Size restrictions: 1. Square/rectangular – 192 square feet maximum floor space outside edge to outside edge. 2. Round/octagonal – cannot exceed 16' diameter. 3. Height – no taller than 12' from floor to top of highest point. D. Gazebos must be open on all sides." Then under Article 16, Section B for Violations of Covenants was amended to read: "Violators to appear before the violation committee. 1. Park Manager 2. Board of Directors" The proposed amendments should have no adverse effect on the PUD as it was originally intended.

There was discussion on the number of lots and attendance at the meetings.

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

Mrs. Barnhart made a motion to approve 22-PC-06 MARSHALL COUNTY MEMBERSHIP CORPORATION- A Petition for a PUD to update covenants and bylaws; located at: 7719 Redwood Rd., Plymouth IN, West Twsp., Zoned A-1, seconded by Mr. Cultice. Motion carried with a voice vote 7-0.

Marshall County Plan Commission
November 17, 2022

2023 Proposed Plan Commission Meeting Calendar

Mr. Hostetler made a motion to approve the proposed 2023 proposed Plan Commission meeting calendar, seconded by Mrs. Barnhart. Motion carried by acclamation.

2023 Proposed Plan Commission's TRC Meeting Calendar

Mrs. Barnhart made a motion to approve the proposed 2023 proposed Plan Commission's TRC Meeting Calendar, seconded by Mr. Cultice. Motion carried by acclamation.

US 30 & 31 Planning Committee Update

Commissioner Burrough's is overseeing US 30 Coalition and Commissioner Overmyer is overseeing the US 31 Coalition. Over the last two meeting Mr. Adley has met with Ralph Booker and Macog and made the first round of proposals for interchanges, bridges and cul-de-sacs as well as accessory improvements to roadways and intersections.

It spans every intersection from East County Line on US 30 to West County Line then from 30/31 intersection going south to 17th/Dewey.

This proposal is being presented for the board's greatest interest on where to have bridges and/or interchanges. The Plan Commission Office would like the board to review the proposals and come back with thoughts and suggestions.

The board briefly discussed the map presented.

Subdivision Ordinance Revision

The Subdivision Ordinance needs some clarity and ease of use. The plan director and surveyor have met and discussed this on several occasions. The Plan Commission office would like to move forward in two parts. First would be to reorganize the chapters to flow simpler. Second part would be to bring it up to a clearer standard within the requirements as well as updating several sections. Our plan would be to pull a few individuals together and go through the ordinance. The board was all in agreement to move forward.

BZA Letter Amendment

The Plan Commission office is looking to amend the letter that goes to the applicant after the BZA hearing with the board's decision. The plan director presented two options. After a discussion the board agreed to the one sentence.

- A special exception or variance ceases to be authorized and expires if an Improvement Location Permit for the execution of the approval has not been obtained within one (1) year of the date the variance or special exception is granted.

If the construction process has already started, but not completed before the two years the board agrees to leave it at the discretion of the plan director.

Marshall County Plan Commission
November 17, 2022

Other Business

As customary in January is when the board meets one hour prior to the meeting for an executive session for personnel review.

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