

PLYMOUTH PLAN COMMISSION
AUGUST 6, 2019

The Plymouth Plan Commission met in regular session at 124 N Michigan Street, Plymouth, Indiana on August 6, 2019 at 7:00 p.m. Commission President Doug Feece called the meeting to order for Commissioners Alex Eads, Don Ecker, Rick Gaul, Mark Gidley, Beth Pinkerton, Fred Webster, and Bill Walters. Commissioners Greg Compton, Angela Rupchock-Schafer, and John Yadon were absent.

Commissioners Webster and Eads moved and seconded to approve the minutes of last regular meeting of July 2, 2019, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on July 27, 2019:

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Legals

**NOTICE OF
PUBLIC HEARING**

The Plan Commission of the City of Plymouth, Indiana will hold a hearing on August 6, 2019 at 7:00 p.m. in the Council Chambers of the City Building, 124 N. Michigan St. (Garro St. entrance), Plymouth, Indiana on the following matters:

PC 2019-13: City of Plymouth, P.O. Box 492, Plymouth, IN 46563: A request for an amendment of the Plymouth Subdivision Control Ordinance of Plymouth, Indiana, Section 1.11 regarding Resubdivision of Land by adding a new subsection addressing Additions Not Requiring a Hearing.

Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN and telephone #574-936-2124. Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be heard. The hearing may be continued from time to time as may be found necessary.

If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948.

Abby Collins, Recording Secretary, Plan Commission, July 27, 2019

July 27, 2019 PN303064 Rspaxlp

Commissioners Webster and Ecker moved and seconded to open the public hearing regarding the Proposed Amendments to the Subdivision Control Ordinance. The motion carried and President Feece

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declared the public hearing open.

Plan Consultant Ralph Booker reviewed the following proposed changes:

The following language shall be added to the Subdivision Ordinance as part of Section 1.11
– Resubdivision of Land

Additions Not Requiring a Hearing – An Addition may be approved by the Zoning Administrator, without the need for a hearing before the Plan Commission, if it meets or complies with the following requirements.

- (1) An Addition may occur between any two (2) or more parcels with are contiguous to each other. Two (2) or more parcels shall be considered contiguous if they share at least twenty-five (25) feet of uninterrupted border.
- (2) The deed that adds the property together shall have the following paragraph on the deed:
“Hereafter, the within described real estate shall not be conveyed other than in conjunction with the _____-acre tract of real estate described in a certain deed dated _____, _____, recorded in Deed Record _____, page _____, of the records of Marshall County, Indiana unless approval to do otherwise is first obtained from the Plan Commission or its successor(s)”.
- (3) An Addition shall not leave any previously conforming affected parcels, which, after the Addition, fail to satisfy the existing lot size, road frontage, and setback requirements for a property in such zoning district as prescribed in the Zoning Ordinance for the City of Plymouth. However, the requirement set forth in this subsection shall not prohibit an Addition involving one (1) or more legal, non-conforming parcels. Moreover, such an Addition would not cause any legal, non-conforming parcel to lose its grandfathered status.

Booker said these metes and bounds requests would be adjusting the deed and will not have to go through the whole replat process. He believes the Technical Review Committee should be required to review the proposed requests prior to approval from the Zoning Administrator. Booker reviewed these proposed changes with the Marshall County Surveyor, who said the deed changes can be done this way and it would be legal, however it would be cleaner and the preferred method would be a replat of the property.

Gidley asked who would write the legal descriptions for the deeds. Booker said a surveyor would be ideal, however some attorneys will attempt to write them. The Marshall County Recorder’s office will review the verbiage changes to the deed at the time of recording and can reject the document if the legal description is not accurate.

There was additional discussion about requiring proof from the applicant that the updated legal description and deed are recorded at the Marshall County Recorder’s office. It was said that the building commissioner, as the zoning administrator, could be the one to confirm that the document was recorded.

Eads asked if there is a square footage limit for these metes and bounds requests. Surrisi said no, the only limit is that it will not leave a parcel as non-conforming, unless grandfathered as already non-conforming.

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It was discussed that a copy of the recorded deed would need to be provided to the zoning administrator. Surrisi asked the consequences if someone does not provide this documentation. Gidley said that this an accommodation and requiring the simple task of providing a recorded copy of the deed is not an imposition.

Gaul suggested that the proposed amendment change “acre” to “square feet”. Acre would be more appropriate for the county, but closer to the city center, square feet would make more sense.

It was decided to add a #4 bullet point to the updated subdivision ordinance with the requirement that applications will go before the Technical Review Committee and applicants will be required to supply the zoning administrator with a copy of the recorded deed.

Feece opened the privilege of the floor. There were no comments from the commission or the public.

Commissioners Ecker and Eads moved and seconded to close the public hearing. The motion carried and the public hearing was closed.

PC 2019-13: City of Plymouth, P.O. Box 492, Plymouth, IN 46563: A request for an amendment of the Plymouth Subdivision Control Ordinance of Plymouth, Indiana, Section 1.11 regarding Resubdivision of Land by adding a new subsection addressing Additions Not Requiring a Hearing.

Commissioners Walters and Pinkerton moved and seconded to approve case PC 2019-13 with the previously discussed changes and submit it to the City of Plymouth Common Council, as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 10).

Yes: Alex Eads, Don Ecker, Doug Feece, Rick Gaul, Mark Gidley, Beth Pinkerton, Fred Webster, Bill Walters

Next, Booker reviewed his recommendations regarding the establishment of rules and procedures for the Plymouth Plan Commission:

**Plymouth Plan Commission
Rules & Procedures**

Filing of Proposals

Proposals to the Plymouth Plan Commission shall be submitted to the Plan Commission Office, City of Plymouth Clerk’s Office, 124 N. Michigan Street, Plymouth, Indiana, 46563, until the end of the day on the 15th day of the month or the previous business day prior to a regularly scheduled Plan Commission meeting. The Proposal shall be submitted on the appropriate forms as provided at the Plan Commission Office for:

Amend Zoning or Subdivision ordinances
Planned Unit Development (PUD)
Subdivision or Minor Subdivision
Vacations

Proposals must include a site plan, legal description of the property, and any other

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pertinent information necessary to review the matter. The commission shall hear each proposal filed within 60 days of its filing.

Fees for the proposals shall be as stated in the latest fee ordinance

Notice of Hearing

The Plan Commission shall give notice of public hearings at least 10 days prior to the date set for the hearing by legal notice in the Pilot Newspaper. The Planning Office shall also send a notice of a public hearing to abutting property owners and other persons he deems to have an interest in the matter by regular mail prior to the hearing. The cost of the legal advertising shall be paid for by the commission.

Staff Report

The Plan Office shall prepare the agenda for the regular Commission meetings and submit a written staff report on each proposal at least 5 days prior to the Commission members.

Conduct of Hearing

1. Appeals before the Commission will be heard in the order of filing, except, at the discretion of the Plan Director, cases involving the same property or owner may be heard in sequence.
2. The President or presiding officer shall introduce each proposal and may request a report from the Plan Director on the proposed matter. The President shall then allow the petitioner, or his representative, to present the proposal. The Commission shall not take action on a proposal if the petitioner or an agent of the petitioner is not present. The presentation of the proposal shall be limited to 5 minutes, unless otherwise permitted by the Commission.
3. If there are any questions by the Commission, they may ask the petitioner prior to the opening of the public hearing.
4. The President will entertain a motion to open the public hearing, and if approved, will open the hearing.
5. The President will recognize persons interested in speaking in favor of the granting of the proposal. Those persons will be given 5 minutes each to speak unless otherwise permitted by the Commission.
6. The President will then recognize persons interested in speaking against the granting of the proposal. Those persons will be given 5 minutes each to speak unless otherwise permitted by the Commission.
7. Statements by a group representative of an area or interest in the matter shall be given by a representative of that group. Additional comments by members of that group will only be heard if they represent another point or new information.
8. The President may permit the petitioner to answer any questions or offer rebuttal to comments made by the public. The petitioner will be given 5 minutes to do so unless otherwise permitted by the Commission.
9. The President may permit additional comments from the public as necessary to clarify any issues. Those persons will be given 5 minutes each to speak unless otherwise permitted by the Commission.
10. The President will entertain a motion to close the public hearing, and if approved, will close the hearing.
11. The President will then allow the Commission to discuss the proposal and entertain motions for approval, denial, or other recommendations.
12. The voting by the commission shall be in alphabetical order by last name except for the President, who shall vote last.

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13. A majority vote by at least 6 commission members is required to act on a case.

Remonstrances

Persons wishing to remonstrate a proposal before the Commission may do so in writing to the Plan Commission Office or present their statement during the public hearing. Written remonstrances will be presented by the Plan Director to the Commission at their regular meeting.

Petitions

Persons wishing to submit signed petitions in favor or against a proposal before the Commission may do so by submitting it to the Plan Commission Office or to the Commission during the public hearing. Petitions should include the street addresses of the persons signing it.

Findings of Fact

On each proposal that requires certain written findings by Ordinance or State Code, the Commission will complete the appropriate Findings of Fact form as required. For a proposal to be approved, at least 6 members must find that all requirements for that request have been met. The Plan Director will keep all signed Findings of Fact forms in that case file.

Action by Commission

Action on proposals before the Plan Commission will be in accordance with Indiana Code, 36 series, and other appropriate laws. Approvals, action, and recommendations require the vote of at least 6 members. If a petition is denied, it will not be considered again by the Commission for a period of 1 year from the date of denial by the Plan Commission or City Council, whichever was the final voting authority.

There was clarification made to the section regarding the filing of proposals to reflect that applications are due by the end of the business day on the 15th or the previous business day. Booker will also clarify that notices are sent to property owners within 300-feet of the parcel in question or two distinct property owners over. This section will also remove "he" and change the verbiage to "...other persons deemed to have...". Bullet point 2 under the Conduct of the Hearing will correct "his representative..." to "his or her representative...". Booker noted that he will put together a Findings of Fact form.

Commissioners Ecker and Webster moved and seconded to approve the Rules of Procedures, with corrections as discussed at this meeting. The motion carried.

Commissioners Ecker and Gidley moved and seconded to appoint Fred Webster as the Plan Commission's representative for the Complete Streets Committee. The motion carried.

Commissioners Webster and Walters moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:49 p.m.



Abby Collins – Recording Secretary