

PLYMOUTH PLAN COMMISSION
OCTOBER 1, 2019

The Plymouth Plan Commission met in regular session at 124 North Michigan Street, Plymouth, Indiana on October 1, 2019 at 7:00 p.m. Commission President Doug Feece called the meeting to order for Commissioners Greg Compton, Alex Eads, Don Ecker, Rick Gaul, Mark Gidley, Beth Pinkerton, Angela Rupchock-Schafer, Bill Walters, and Fred Webster. Commissioner John Yadon was absent.

Commissioners Webster and Compton moved and seconded to approve the minutes of last regular meeting of September 3, 2019, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on September 20, 2019:

<p>NOTICE OF PUBLIC HEARING</p> <p>The Plan Commission of the City of Plymouth, Indiana will hold a hearing on October 1, 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:</p> <p>PC 2019-15: Tim Doud, 12236 Amber CT and Duane Mattix, 12573 Hillside DR., Plymouth, IN 46563: A re-plat of Lots 115, 116, and 117 along with Lots 120 and 121 in the plat of Oak Crest Addition Fourth Section, into Lot A of 1.60 acres and Lot 2 of .73 acres, parcels 503294000189000018, 503294000185000018, and 503294000188000018, and zoned R-2, Suburban Residential District.</p>	<p>PC 2019-16: Habitat for Humanity of Marshall County, P.O. Box 524, Plymouth, IN 46563: A re-plat of Lots 92 and 93 in Wheeler's Continued Addition, into Lots of .21, .21 and .22 acres located at 718 Pearl St. parcel 503293304220000019, and zoned R-3, Traditional Residential District.</p> <p>PC 2019-17: Kristina Felos, 15959 7th RD: A rezoning of parcel 504125000001001017 of 3.22 acres from I Industrial District to R-1 Rural Residential District.</p> <p>PC 2019-18: Mary Felos, 15959 7th RD: A rezoning of parcel 504125000001000017 of 36.78 acres from I Industrial District to R-1 Rural Residential District.</p>	<p>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.</p> <p>If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948.</p> <p>Abby Collins, Recording Secretary, Plan Commission, September 20, 2019</p> <p>September 20, 2019 PN306323 hspaxlp</p>
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PC 2019-15: Tim Doud, 12236 Amber CT and Duane Mattix, 12573 Hillside DR., Plymouth, IN 46563: A re-plat of Lots 115, 116, and 117 along with Lots 120 and 121 in the plat of Oak Crest Addition Fourth Section, into Lot A of 1.60 acres and Lot 2 of .73 acres, parcels 503294000189000018, 503294000185000018, and 503294000188000018, and zoned R-2, Suburban Residential District.

Plan Consultant Ralph Booker reviewed the findings of fact. He showed a map of the proposed changes and indicated that there are three lots, which if approved, will be changed to two lots by combining the Doud's two lots and altering the property line for the Mattix's.

Booker noted that the Technical Review Committee found no negative findings of fact during their review of this case.

There were no additional comments or questions from the commissioners.

Commissioners Walters and Rupchock-Schafer moved and seconded to open the public hearing. The motion carried.

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Feece opened the privilege of the floor to the public.

Ron Smith, 12567 Hillside Drive, asked Mr. Doud if they were planning to build anything on the small corner lot. Doud said yes, they are planning to building a 40 x 60 outbuilding. Smith noted that there is a high-power gas line that runs through the corner lot that feeds into the town of Culver.

Commissioner Gidley asked how close the outbuilding would be to other structures. Doud said there would be quite a distance to the closest structure. He noted that he purchased this corner lot, of only 0.5 acres, which is not buildable for a home. Doud would like to adjust the property lines so that his current property on Amber Court is contiguous with this corner lot. He said the Mattix's wanted to straighten out their property line instead of having it at an angle.

Rupchock-Schafer asked if re-platting the land as a single parcel is permissible through the city's zoning or subdivision ordinances. Booker said yes.

There was additional discussion regarding the need to meet the building permit requirements and avoid the utility easement through the property, in order to build on the corner lot. A driveway permit would be issued through Marshall County.

Gidley asked if there would be signage on the building. Doud said no, it is for personal use only.

There were no additional comments or questions from the public.

Commissioner Webster and Eads moved and seconded to close the public hearing. The motion carried.

Commissioners Walters and Webster moved and seconded to approve case PC 2019-15 as presented.

Vote: Motion passed (**summary:** Yes = 9, No = 1, Abstain = 0).

Yes: Alex Eads, Angela Rupchock-Schafer, Beth Pinkerton, Bill Walters, Don Ecker, Doug Feece, Fred Webster, Greg Compton, Rick Gaul.

No: Mark Gidley

PC 2019-16: Habitat for Humanity of Marshall County, P.O. Box 524, Plymouth, IN 46563: A re-plat of Lots 92 and 93 in Wheeler's Continued Addition, into Lots of .21, .21 and .22 acres located at 718 Pearl St. parcel 503293304220000019, and zoned R-3, Traditional Residential District.

Plan Consultant Ralph Booker reviewed the findings of fact. He discussed the property's history and current status. It is currently a vacant lot with no structure. He noted that Habitat would like to eventually build three homes on these lots if the property subdivision is approved.

Booker noted that the Technical Review Committee did review this case. The developer will be replacing and repairing the sidewalks along Pearl Street, as well as installing new sidewalks along Clark Street. There are currently no sidewalks in this area of Clark Street.

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Rupchock-Schafer asked for clarification regarding the sidewalks and wanted to ensure that they would be required to install and replace/repair sidewalks if this replat is approved. Booker said yes, they will be required to complete the work on the sidewalks.

Pinkerton asked when they are planning to build the houses. Applicant, Dean Byers with Habitat for Humanity, was present. He said they are planning to build one house per year over the next three years. Byers said they would like to start building the first home as soon as this replat is approved.

There were no additional comments or questions from the commission.

Commissioners Webster and Eads moved and seconded to open the public hearing. The motion carried.

Feece opened the privilege of the floor to the public.

Patricia Ganshorn, 321 Clark Street, said she is a neighbor to this property and is in favor of approval for this subdivision.

There were no additional comments or questions from the public.

Commissioner Webster and Compton moved and seconded to close the public hearing. The motion carried.

Commissioners Gidley and Rupchock-Schafer moved and seconded to approve case PC 2019-16 as presented.

Vote: Motion passed (**summary:** Yes = 9, No = 0, Abstain = 1).

Yes: Greg Compton, Alex Eads, Don Ecker, Rick Gaul, Mark Gidley, Beth Pinkerton, Angela Rupchock-Schafer, Fred Webster, Doug Feece

Abstain: Bill Walters

PC 2019-17: Kristina Relos, 15959 7th RD: A rezoning of parcel 504125000001001017 of 3.22 acres from I Industrial District to R-1 Rural Residential District.

PC 2019-18: Mary Relos 15959 7th RD: A rezoning of parcel 504125000001000017 of 36.78 acres from I Industrial District to R-1 Rural Residential District.

Booker reviewed the findings of fact for both of these cases together. He reviewed the history of the properties, noting that the applicants received Plan Commission approval for the replat and subdivision of this land, in addition to approval through the Board of Zoning Appeals to have a residence on an industrial lot. Booker read aloud the letters from the applicants to better explain the situation:

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I was recently given 3.22 acres of land to build a home on from my mother's 40 acre farm that I grew up on. During the process of preparing the land we found out that in 2008 it was rezoned to Industrial. None of the neighbors realized this as well as my parents. I was advised by the City of Plymouth Building Commissioner to apply for a variance of use for this to be legal to build on. After paperwork and meetings, my variance passed and I proceeded to plan my home.

I was in the final stages a few weeks ago, ready to close my loan and break ground when the bank notified me and said I could not get a fixed rate loan as the lot is industrial as is the land around me. They told me the lenders do not want to allow this because being zoned industrial means a factory could pop up around me and lower the value of my home. This is after my banker even said I would not have a problem as he knows the area and there is no industry in sight, but it's not up to him, it's the lenders who make the decision. Even my appraisal said the lot was "illegal" with a small sentence elsewhere that said "legal with a variance". I was informed the lenders did not like this wording either.

My mother is also applying to have the rest of her now 37 acre farm rezoned back to residential/agricultural, the way it was when she bought it over 30 years ago. This whole process has caused pushbacks and a lot of extra money that I was not expecting as I never would have imagined our 40 acre farm was zoned industrial. The 3.22 acres I received are in the middle of her 37 acre lot. These are in the most northwest corner of the area that was rezoned industrial, as well as the most northwest corner of what is considered the 2 mile radius outside the city limits. There is no industry in sight, to the west of the farm is actually 80+ acres of wildlife reserve, and to the east, 80 acres of farmland.

I ask you to please consider rezoning my lot to residential so I can move forward getting my fixed rate loan and build my home on my property. The bank told me if it is rezoned there is no issue getting the loan and we can close within 5 days of this.

Thank you,

Kristina Relos

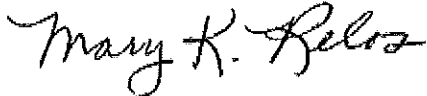
I am requesting that my property, located at 15959 7th Road, Plymouth, Indiana be rezoned back to agricultural which is what it was zoned as when I purchased it in 1987. It is my understanding that my property was rezoned industrial in 2008. The notification was placed in the paper and neither myself, or my husband at the time, Donald Relos, saw that the property was to be changed to industrial.

In the past few months my daughter, Kristina Relos, has had some difficulties securing a loan for building on acreage that she received from me. My property has been farmed since it was purchased, and I plan to have it farmed while it is in my possession. To the west of me is 120 acres of wildlife preserve and to the east is 80 acres of farm acreage. There is no industry on 7th Road, and I do not see any industry proposed in this area soon. My property is in the northwest corner of the section that was changed to industrial in 2008, and I believe that this would make it easier to change this section back to its original state.

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Thank you for your consideration with this matter.

Sincerely,



Mary K. Relos

Booker said the request is to rezone the property to rural residential.

Webster asked if the applicant remembers noticing a change in property taxes back in 2008 when the property was re-zoned. Booker noted that the property is classified as agricultural and the county does not tax based on the zoning district; they tax based on the property's use.

There were no additional comments from the commission.

Commissioners Webster and Walters moved and seconded to open the public hearing. The motion carried.

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

Commissioner Gidley and Pinkerton moved and seconded to close the public hearing. The motion carried.

Commissioners Ecker and Gidley moved and seconded to approve case PC 2019-17 as presented.

Vote: Motion passed (**summary:** Yes = 10, No = 0, Abstain = 0).

Yes: Greg Compton, Alex Eads, Don Ecker, Rick Gaul, Mark Gidley, Beth Pinkerton, Angela Rupchock-Schafer, Bill Walters, Fred Webster, Doug Feece

Commissioners Gidley and Ecker moved and seconded to approve case PC 2019-18 as presented.

Vote: Motion passed (**summary:** Yes = 10, No = 0, Abstain = 0).

Yes: Greg Compton, Alex Eads, Don Ecker, Rick Gaul, Mark Gidley, Beth Pinkerton, Angela Rupchock-Schafer, Bill Walters, Fred Webster, Doug Feece

City Attorney Surrisi notified the commissioners that he and Building Commissioner Keith Hammonds attended the Marshall County Unsafe Building meeting in September. He feels progress was made. There will be future representation for the residents in the 2-mile zone and the City of Plymouth with a city representative being added as a board member. Gidley asked if this has opened the floor to address additional issues outside the Manor Drive property. Hammonds said yes, they have begun talks regarding the enforcement of grass, cars, etc.

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Commissioners Webster and Walters moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:35 p.m.



Abby Collins – Recording Secretary