

PLYMOUTH PLAN COMMISSION
SEPTEMBER 3, 2019

The Plymouth Plan Commission met in regular session at 124 N Michigan Street, Plymouth, Indiana on September 3, 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, and Fred Webster. Commissioners Bill Walters and John Yadon were absent.

Commissioners Webster and Pinkerton moved and seconded to approve the minutes of last regular meeting of August 6, 2019, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on August 23, 2019:

**NOTICE OF
PUBLIC HEARING**
The Plan Commission of the
City of Plymouth, Indiana will

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hold a hearing on September 3, 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 2019-14: Curt and Katherine Anders, 1908 Felix Place, Plymouth, IN 46563: A re-plat of Lot 1 of Berry Meadows Minor Subdivision into two (2) parcels, Lot A of 20.75 acres and Lot B of 3.06 acres, located at 221 Oak Drive, parcel 503206204167001019 and zoned R-2, Suburban Residential District.

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 Coordina-

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tor at 574-936-2948.
Abby Collins, Recording Secretary, Plan Commission, August 23, 2019

August 23, 2019 PN304220 hspaxlp

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Plan Consultant Ralph Booker reviewed the findings of fact. He noted that there is a designated wetland on the current parcel that is used for drainage for Pratt's Flooring and Dollar General. The lots would be zoned residential and if a building were to go up on either property, city water and sewer services must be used.

Commissioner Compton asked if the road between Pratt's and Dollar General is an easement. Booker said yes. Compton asked what the two businesses (Pratt's and Dollar General) are zoned. Booker said he believes they are zoned commercial and the cut off between commercial and residential is behind those properties.

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Applicant Curt Anders was present to discuss the subdivision request and answer questions. He said James Stone is interested in purchasing the 3-acre lot for use as overflow parking for some equipment that he has recently purchased for his business.

Booker made a correction to an earlier statement. Pratt's Flooring and Dollar General are both zoned residential, not commercial. Both businesses received Variances of Use in the past.

Feece asked if Mr. Stone would need a variance to store equipment on the property. Building Commissioner Hammonds said he does not think he will need a variance for that use. Booker said there are two separate issues to consider: one is dividing off the ground which is what this commission is reviewing and the other is use. Mr. Stone may have to go before the Board of Zoning Appeals in the future depending on how he ends up utilizing the property. He could also get the property re-zoned.

Gidley asked if there is a provision for the use of the easement because there could be an issue if heavy equipment will be traveling down this easement that it might not have been designed to handle. Anders said Dollar General required complete control over the easement when they bought the property from him. Bidley asked if they were notified about the potential use. Booker said that they were notified, just as the other residents in the area, of the public hearing for this case.

Gaul noted that the Technical Review Committee discussed the easement. Dollar General does own the easement and the only thing the city would be accepting if we kept the deed of dedication in the plat would be a small, isolated strip due to the wetland. However, he said there should not be any deeded dedications on the plat because the city does not want them. Gaul said they are also keeping the storm drainage detention on the plat because Pratt also uses it as a detention area.

Ecker said he discussed the case with Mr. Anders upon receipt of the adjacent property public hearing notice and his understanding is that Mr. Stone does not intend to build on the lot and it would only be used as needed for equipment storage.

Feece said he is comfortable with the subdivision request, but has concerns about allowing someone to store heavy equipment on a residential lot.

There were no additional comments or questions from the commissioners.

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

Feece opened the privilege of the floor to the public.

John Caine, on behalf of his mother Marcia owns the property at 208 N Oak Drive, voiced concern about water runoff. He said in the past, the field behind her house was dry and now the area always has standing water. She has had issues with water in her basement. Gaul asked if the water is coming from Dollar General up in the front. Caine said yes. Anders noted that this area is protected wetlands and nothing can be done with it.

There were no additional comments or questions from the public.

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

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carried.

Gaul asked if the deed dedication was still on the plat. Booker read the following Deed of Dedication from the plat:

“...This subdivision shall be known and designated as: Ander’s replat. Roadway easements and public open spaces shown and not heretofore dedicated are hereby dedicated to the public for the uses designated herein. The front setback lines are hereby established as shown on this plat, between which lines and the right-of-way lines of the streets there shall be erected. This is a general statement. The areas of ground designated on the plat and marked “easement” are reserved for the designated area by the public utilities, including but not limited to the installation of water and sewer mains, poles, ducts, lines and wires, drainage facilities, and access for present or for future development subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said easement of land, but owners of lots in the subdivision shall take their titles subject to the rights of the public utilities and to the rights of the owners of the other lots in the subdivision.”

Gaul said that he thinks the city is accepting the strip of easement if the mayor signs the plat. Booker said they took that section off the plat, so the mayor will not be signing it. Booker does not think the city is accepting anything and this will not go before the Board of Public Works and Safety. He said the statement is just protecting the easement for future development.

Gidley asked for clarification as to whether or not a variance would need to be in place for the property’s use.

City Attorney Surrisi said that this topic should not have any bearing on the decision to grant or deny this request for a subdivision. He said the request does meet the criteria in regards to the subdivision. In response to the possible future use of the land, Surrisi thinks placing heavy equipment on the property is probably not in the general spirit of a residential area. He said this was discussed at the Technical Review Committee meeting and the general consensus was that this is such an isolated property that it might not be an issue, but if the commission brought forward concerns, then it might need a variance or re-zoning.

Booker reviewed the uses for this zone, R-2 Suburban Residential:

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Permitted Uses	Special Uses
Residential Uses <ul style="list-style-type: none">• Accessory Structure• Single Family Residential• Modular Home• Manufactured Home - Type B• Child Day Care Services (in home)• Home Occupation	Residential Uses <ul style="list-style-type: none">• Home Based Business
Agricultural Uses <ul style="list-style-type: none">• Crop Production• Forestry and Logging	Public Administration <ul style="list-style-type: none">• Community Center / Building for Govt Service
Public Administration <ul style="list-style-type: none">• Government Parks and Recreation	Services <ul style="list-style-type: none">• Bed-and-Breakfast Inns• Caterers• Cemeteries and Crematories• Child Care Center• Churches• Colleges, Universities, and Junior Colleges• Elementary and Secondary Schools• Libraries and Archives• Nature Parks and Other Similar Institutions
Transportation, Communications, Utilities <ul style="list-style-type: none">• Rooftop, micro, and small ground mount solar installations	Transportation, Communications, Utilities <ul style="list-style-type: none">• Wind Turbine

Compton said he is in favor of dividing the lots, but does encourage the property owner to seek a variance if they plan to store heavy equipment on the property. He noted that people who live in residential neighborhoods do not want large equipment stored near their homes.

Commissioners Compton and Gidley moved and seconded to approve case PC 2019-14 as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

Commissioners Webster and Eads moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:31 p.m.


Abby Collins – Recording Secretary