

PLYMOUTH PLAN COMMISSION
JULY 2, 2019

The Plymouth Plan Commission met in regular session at 124 N Michigan Street, Plymouth, Indiana on July 2, 2019 at 7:00 p.m. Commission President Doug Feece called the meeting to order for Commissioners Alex Eads, Greg Compton, Rick Gaul, Mark Gidley, Beth Pinkerton, Angela Rupchock-Schafer, Fred Webster, and Bill Walters. Commissioners Don Ecker and John Yadon were absent.

Commissioners Webster and Pinkerton moved and seconded to approve the minutes of last regular meeting of June 4, 2019, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on June 21, 2019:

116 Legals	116 Legals
<p>124 N. Michigan St. (Garro St. entrance), Plymouth, Indiana on the following matters:</p> <p>PC 2019-11: CTS Reality, 14556 Lincoln HWY, Plymouth, IN 46563: A request for a one (1) lot subdivision on parcel 504231000018000018, 14556 Lincoln Hwy, Plymouth, IN 46563, zoned I, Industrial District.</p> <p>PC 2019-12: City of Plymouth, P.O. Box 492, Plymouth, IN 46563: A request for an amendment of the Plymouth Zoning Ordinance Solar regulations amending Article 6, Section 210 Solar Energy Systems; Lot Coverage; Historic Neighborhood Overlay District, Emergency Access, Permits, and Site Plan, Amend Article 6, Section 010 Accessory Structures definition, Article 3, all zoning district standards to allow rooftop and micro and small ground mounted solar energy systems, and amend Article 4, C. Review Criteria, d. No solar installations must be visible from the street.</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</p>	<p>special accommodations, please call the ADA Coordinator at 574-936-2948.</p> <p>Abby Collins, Recording Secretary, Plan Commission, June 21, 2019</p> <p>June 21, 2019 PH301627 hsp&mp</p>

**NOTICE OF
PUBLIC HEARING**
The Plan Commission of the City of Plymouth, Indiana will hold a hearing on July 2, 2019 at 7:00 p.m. in the Council Chambers of the City Building.

PC 2019-11: CTS Reality, 14556 Lincoln HWY, Plymouth, IN 46563: A request for a one (1) lot subdivision on parcel 504231000018000018, 14556 Lincoln Hwy, Plymouth, IN 46563, zoned I, Industrial District.

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Plan Consultant Ralph Booker reviewed the findings of fact. He said this is a two-lot subdivision. The plat includes the two lots and an easement from Lincoln Highway. Booker said that the lots meet all setbacks and regulations for this zone.

Feece asked if this meets the regulation in the event that the tower falls over. Keith said the regulation is 1.5 times the height. Gidley asked if the tower fell over, would it all land on this property. Building Commissioner Hammonds said yes.

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

Commissioners Webster and Walters moved and seconded to approve case PC 2019-11, as presented.

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

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

PC 2019-12: City of Plymouth, P.O. Box 492, Plymouth, IN 46563: A request for an amendment of the Plymouth Zoning Ordinance Solar regulations amending Article 6, Section 210 Solar Energy Systems, Lot Coverage, Historic Neighborhood Overlay District, Emergency Access, Permits, and Site Plan, Amend Article 6, Section 010 Accessory Structures definition, Article 3, all zoning district standards to allow rooftop and micro and small ground mounted solar energy systems, and amend Article 4, C. Review Criteria, d. No solar installations must be visible from the street.

Plan Consultant Booker reviewed the proposed changes to the zoning ordinance, including information on lot coverage, adjustments for neighborhood district overlay, emergency access, suggested changes to permits, and some clarifications throughout the solar portion of the ordinance. He discussed the following recommended changes:

Article 3, Standard Zoning District Intent, Uses, & Standards, is amended to allow rooftop, micro, and small ground mounted solar energy systems within all zoning districts, and is further amended by adding to the R-1, Rural Suburban District, medium and large-scale solar energy systems to Special Uses.

Article 4, Overlay Zoning Districts Intent, Uses, & Standards, Section 030, HN, Historic Neighborhood Overlay District, Subsection C., Review Criteria, Subsection 1., Alterations and New Construction, is amended by adding a new Subsection d., stating that, No solar installations may be visible from the street.

Article 6, Development Standards, Section 010, Accessory Structures and Use Standards, Subsection A, Definition, is amended to include solar energy systems to the definition's list of examples of accessory uses.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection D, General Approval Standards, Subsection 3, Lot Coverage, Subsection a., is amended to state that, Lot Coverage cannot exceed the impervious lot surface requirements, except where the ground beneath the ground mount solar energy

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system is vegetated and shall not be included in calculations for lot coverage or impervious cover.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection D, General Approval Standards, is amended by adding a new Subsection 5, stating:

5. Historic Neighborhood District Overlay
 - a. Solar installations shall not be visible from a public street other than an alley.
 - b. All solar energy systems within the Historic Neighborhood District Overlay must be approved by the Technical Review Committee.
 - c. No ground mounted solar energy systems are permitted.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection D, General Approval Standards, is amended by adding a new Subsection 6, stating:

6. Emergency Access
 - a. Roof mounted solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof according to the Indiana Fire Code.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection E, Permit, is amended, stating:

- E. Permit
 1. Rooftop, micro, and small ground mount solar installations are permitted in all major zoning districts.
 2. Ground mount solar energy systems are permitted as an accessory structure or as a primary use as provided in the Use Table. Micro, and small ground mount solar energy systems are permitted in all districts. Medium and large-scale ground mount solar energy systems require a special use in districts C-1, C-2, C-3, BP, I, and PUD, and will require Technical Review Committee site plan approval prior to building permit approval.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection F, Site Plan, Subsection 1, is amended, by replacing the first sentence with the following, A Technical Review is required for medium and large-scale ground mount solar energy systems prior to building permit approval.

Compton voiced concern regarding the verbiage stating that no solar system can be seen from a public street. He feels this will impede some homeowners from the ability to capture the solar rays if they have to put the system on the north or south side of their homes rather than east or west.

Gidley said he is concerned about the tree canopy. He noted that he is not opposed to solar power, but does not want people to start taking down trees in order to have solar panels. Booker said this was not discussed.

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Feece asked if this would be taxed as an accessory structure. Webster said that he attended a meeting in Culver and was told solar systems would not be taxed because there is a federal statute that prohibits the taxing of solar systems. Booker did recall that discussion, as he also attended the meeting. Webster said they also discussed the tree canopy at that meeting. Surrisi said there will be another meeting on July 30th at 6:30pm in the County Commissioners room to continue the solar energy discussion for anyone that would like to attend.

Webster asked about the size difference between small and micro systems and how the square footage is calculated. Surrisi said the square footage is based on the size of the cells. Booker explained that a small system would be 1,750 ft² or less and micro would be less than 120 ft².

Feece offered the privilege of the floor to the commission and the public. There were no comments.

Commissioners Rupchock-Schafer and Pinkerton moved and seconded to approve PC 2019-12 as submitted and recommend approval to the Plymouth Common Council.

Compton noted that he thinks the Board of Zoning Appeals will be inundated with cases because virtually all systems will be seen from the street. Feece said he thinks this is a good place to start and the standard can be tweaked in the future.

Vote: Motion carried by roll call vote (**summary:** Yes = 9, No = 1).

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

No: Greg Compton

City Attorney Surrisi discussed the proposed changes to the Subdivision Ordinance for the Plan Commission to review:

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 no leave any conforming affected parcels that fail to satisfy the

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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.

Surrisi said this will be reviewed at the August Plan Commission meeting.

In other business, Marshall County Prosecuting Attorney Nelson Chipman addressed the commission regarding comments that were made by a citizen, Mike Faylor, at the June 4, 2019 Plan Commission meeting. He reviewed the timeline and information regarding the criminal investigation conducted by IDEM, as well as by the prosecuting attorney. He concluded that following a thorough investigation, the evidence did not support a criminal charge on any of the complaints leveled. This documented conclusion was provided to the commission and can be seen as exhibit A in the files at the Clerk-Treasurer's office.

Chipman read aloud the following conclusion:

“Protecting our environment must always be a priority of good government. IDEM has the statutory authority, staff resources and enforcement mechanisms to meet that objective. The decision, however, to enhance government's response from the civil enforcement realm to one of criminal prosecution is a fundamental public policy shift, to be utilized in only the most blatant circumstances reflective of reckless disregard or intentional misconduct. It is particularly sensitive within a commercial and industrial enterprise, as here, that is intrinsically of such significant social utility. The evidence in this case simply does not meet the standard to justify a transference from the wide array of civil enforcement tools aimed to accomplish compliance with environmental objectives to one of punitive sanctions of the most serious extreme in a free society --- imprisonment. Consequently, after thorough consideration, I must respectfully decline to accept this case for criminal prosecution.

Respectfully,

E. Nelson Chipman, Jr., Prosecuting Attorney”

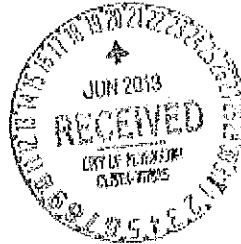
Several commissioners thanked Mr. Chipman for attending the meeting and explaining the comments made by Mr. Faylor at the June 2019 meeting, from his perspective.

Plan Consultant Booker presented the following correspondence sent via email to all the commissioners:

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June 20, 2019

VIA HAND DELIVERY

City of Plymouth Plan Commission
Attention: Director or Chairman
City Hall
124 North Michigan Street
Plymouth, Indiana 46563

Re: City of Plymouth, Indiana, Taxable Economic Development Revenue
Bonds of 2019 (Pretzels, Inc. Project)

Dear Plan Commission:

Enclosed is a Report with respect to the financing of an economic development project located within your jurisdiction for the City of Plymouth, Indiana.

Pursuant to the provisions of I.C. 36-7-12-23(b), you may transmit to the City of Plymouth Economic Development Commission (the "Commission") within five (5) days of receipt of this report any written comments you may have concerning the proposed economic development project. Any responses should be addressed to the attorney of the Commission at the following address:

Sean Surrisi, Esq.
Plymouth City Attorney
124 N. Michigan St.
Plymouth, IN 46563

Sincerely,

Richard C. Starkey,
On behalf of the Plymouth Economic
Development Commission

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**REPORT OF THE CITY OF PLYMOUTH
ECONOMIC DEVELOPMENT COMMISSION CONCERNING
THE PROPOSED FINANCING OF ECONOMIC DEVELOPMENT
FACILITIES FOR PRETZELS, INC.**

The City of Plymouth Economic Development Commission (the "Commission") proposes to recommend to the Common Council of the City of Plymouth, Indiana (the "City"), that it provide the proceeds of certain economic development revenue bonds to Pretzels, Inc., or its subsidiaries, affiliates, successors or assigns (the "Applicant") for the financing of certain economic development facilities in the City.

In connection therewith, the Commission hereby reports as follows:

A. The proposed economic development facilities consist of certain necessary utility costs so that the Company will expand its facilities so that the Company will continue in its operations and expansion, sustaining and creating jobs in the community workforce, which will lead to further economic development in the US 30/Pine Road Economic Development Area, and commonly referred to now as TIF # 3 (the "Project").

B. The Commission estimates that no public works or services, including public ways, schools, water, sewer, street lights and fire protection, will be made necessary or desirable by the Project, because any such works or services already exist or will be provided by the Project itself or by Applicant or other parties.

C. The Commission estimates that the total cost of the Project will be approximately \$70,000,000, of which no more than \$13,125,000 will be financed through the issuance of economic development revenue bonds of the City.

D. The Commission estimates that the Project in the near term will create new jobs and retain existing jobs, thereby creating and saving annual payroll, and in the longer term will result in the creation and retention of more jobs in the City.

E. The Commission finds that the Project will not have a material adverse competitive effect on similar facilities already constructed or operating in the City.

Adopted this 10th day of June, 2019.

Secretary, City of Plymouth
Economic Development Commission

City Attorney Surrisi noted that this document is a legal requirement for the new TIF allocation area for the Pretzels, Inc. development.

President Feece asked about a flag in the city's right-of-way at the new South Gateway Apartment Complexes and the large portable sign on West Jefferson Street. Building Commissioners Hammonds said the business on West Jefferson Street does have a permit for that sign. There was also mention of signs for Family Video on North Michigan Street. Hammonds has asked them to remove those signs.

Commissioners Webster and Pinkerton moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:51 p.m.



Abby Collins – Recording Secretary