

PLYMOUTH PLAN COMMISSION

July 5, 2023

The Plymouth Plan Commission met in regular session in the Council Chambers of the City Building, 124 North Michigan Street, Plymouth, Indiana on July 5, 2023, at 7:00 p.m.

Commission President Doug Feece called the meeting to order for Commissioners Alex Eads, Don Ecker Jr., Mark Gidley, Beth Pinkerton, Linda Secor and Fred Webster answering roll call whom were physically present. Commissioners Randy Longanecker and Paul Wendel attended virtually. Commissioner Angela Rupchock-Schafer were absent. Others present were Advisory Member David Hostetler, Building Commissioner Manuwal, City Attorney Surrisi and Plan Consultant Booker. The public was able to see and hear the meeting through Microsoft Teams.

Commissioners Pinkerton and Webster moved and seconded to approve the minutes of last regular meeting of June 6, 2023. The motion carried.

Deputy Clerk-Treasurer Williams administered a Plan Commission Oath of Office to Don Ecker Jr.

The following legal notice was advertised in the Pilot Newspaper on June 23, 2023:

116 Legals	116 Legals	116 Legals
<p>PC 2023-07: ADDD Equities LLC, 1906 N. Oak Drive, Plymouth, IN 46563: An exception to Article 6, Section 190, Paragraph B.2 and 3. requesting a six (6) foot setback to build a five (5) foot sidewalk and an agreement to install said sidewalk at a time when the contiguous neighbors install sidewalks on 1619 N. Oak Drive, Plymouth, IN 46563, parcel 50-42-31-402-025.002-019, Zoned I, Industrial District. (tabled)</p> <p>PC 2023-08: Garden Court c/o Bradley Company, 112 W. Jefferson Blvd, South Bend, IN</p>	<p>46601: An application for a Zoning Map Amendment to rezone parcel 50-32-93-201-236.000-019 from C-1 General Commercial District to R-4 Multi-Family Residential District to build three (3) buildings with thirty-six (36) apartments and one (1) office building.</p> <p>PC 2023-09: An amendment to the Zoning Ordinance Article 3, R-1 Rural Residential District and Article 13, Definitions to add the use and definition of Agriculture Limited.</p> <p>PC 2023-10: An amendment to the Zoning Ordinance Article 6, Section 070, Flood Hazard</p>	<p>Area Standards. 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. Kyle Williams, Recording Secretary, Plan Commission, June</p>

NOTICE OF PUBLIC HEARING
 The Plan Commission of the City of Plymouth, Indiana will hold a hearing on July 5, 2023 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 2023-07: ADDD Equities LLC, 1906 N. Oak Drive, Plymouth, IN 46563: An exception to Article 6, Section 190, Paragraph B.2 and 3. requesting a six (6) foot setback to build a five (5) foot sidewalk and an agreement to install said sidewalk at a time when the contiguous neighbors install sidewalks on 1619 N. Oak Drive, Plymouth, IN 46563, parcel 50-42-31-402-025.002-019, Zoned I, Industrial District. (tabled)

Burke Richeson (14559 5C RD, Plymouth, IN 46563)

Richeson states he is here to report that he does not have much to report. He states they have everything designed in for that 6-foot setback with a five-foot sidewalk but he and Jeff Houin have not had an opportunity to sit down and discuss what a plan would be from the Complete Streets Committee. He states just to the north of them, the storage facilities have the same arrangement that they will install a sidewalk when it makes sense for the community when they put in a planned sidewalk and how it all fits together. He states they are fine to table it again and move on until they can talk with the Complete Streets Committee and a plan is put together. He states he unfortunately believes that is going to be passed when they will be looking at getting a certificate of occupancy and he is okay with tabling this

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until they get closer to that period of time and work with the Complete Streets Committee to see how that sidewalk will be. He states there may come a time when they will say they still want to work together and put a continuous plan together that fits the whole road but they do need a certificate of occupancy so maybe they fully approve their request until they fully have that comprehensive plan put together. He states as of now they are moving along with the design of that setback that they believe is reasonable and fits in with what is just north of them.

Surrisi states the Board of Public Works and Safety has approved the acceptance of the swap of right-of-way from ADDD Equities, LLC so eventually they will get to the point where they have a description of that and it can be recorded. He states they can probably leave this off your agenda until sometime when all that gets finalized in the future.

Pinkerton asks if you can contact our office and secretary there when it is ready so it is not put on every month.

Richeson responds by explaining they contacted them to make sure we were here tonight. He states he was happy to do whatever the board needs them to do to report of construction and those types of things until they get a little bit closer to finishing things up where they have a plan with the Complete Streets Committee. He states he is also fine with saying he will notify the team when they are ready to go and have something more when they are at the point where they need the certificate of occupancy.

Gidley states he was out there today with his tape measure and if you read the minutes when this was recently talked about as a ten-foot piece of property and now it is a six-foot piece of property with a five-foot sidewalk in it. He states he may be wrong but when you measure from the back of the curb six feet that it is already in or at the edge of the retention pond that has already been built. He states you have already built the retention pond even though it has not been approved here yet.

Richeson responds by stating what is supposed to be there is a six-foot setback and a five-foot sidewalk.

Gidley asks where that is going to go.

Richeson responds by stating what is dug is not what has been completed yet as he understands.

Gidley states it is clear up to the fence and the fence is 74 inches from the curb. He states if fill is going to be put back in and a sidewalk put there that he is okay with it but if this extra five feet they are talking about or whatever ultimately makes it become ten doesn't happen then the problem becomes a utility pole halfway down your frontage. He states it is in the middle of the six feet and now you got to get a five-foot ADA compliant sidewalk in there and you cannot get an ADA compliant sidewalk around that utility pole without ten feet.

Richeson states the pole could also be moved.

Gidley states you are not going to get NIPSCO to move every one of those poles. He states if you believe this board is tough to deal with then deal with NIPSCO. He states he is sure he has dealt with them before.

Richeson states the intent is to have 11 feet from back of curb to the end of the sidewalk.

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Gidley states it is not saying that anywhere and it is not being properly described. He states in the minutes it states ten feet.

Richeson responds by stating the ten feet number came from the Complete Streets Committee which stated they would like to have ten feet of right-of-way dedicated from back of curb ten feet in. He states theirs was always 11 feet and he was fine with ten feet as that was one foot less then what they had said. He states he will go back to the construction team and make sure they understand this is to be 11 feet from back of curb.

Gidley appreciates that as a lot of fill will have to be put back into that hole.

Richeson states he is not a construction expert.

Gidley states he isn't either but he saw how it wasn't even sloped on the back side. He states unfortunately the rain washed out a bunch of your slope on the back side but up along the curb it is a vertical cut there. He states is going to take a lot of fill to put all that back in there and he does not know where he is going to get it. He asks if he has a pile behind the building.

Richeson responds by stating there is a pile behind TCU. He states he thinks they have a cut on the full site and not fill so they have more dirt than what they need. He explains there is plenty of soil out there to back fill anything and why they may have dug it that way is outside of his purview. He states he is sure a lot of those slopes and things are going to change as they come in with final grades and all of that stuff. He states he is not sure why they would have cut out that much more than what they necessarily needed but he will go and check.

Gidley states that it looks to him that he is going to have to put four to five feet of fill all along that retention pond.

Richeson states there could be some type of utility that goes through there so they cleared it out as it made sense to them but he is uncertain. He states the plans did go before the Technical Review Committee and were approved so it will be filled to what the plan says. He believes the language for the request may not be right. He states it should be a six (6) foot setback to build and a five (5) foot sidewalk.

Gidley asks for clarification that it is 11 feet total. Richeson agrees. Gidley clarifies it is six feet from the curb to the edge of the sidewalk and then the sidewalk is going to be five feet wide.

Richeson states that technically the statute requires a five-foot green space.

Gidley states that's called the tree lawn between the curb and the sidewalk.

Richeson states according to the section it is ten feet plus an eight-foot sidewalk.

Gidley clarifies he is asking for a variance from that.

Richeson states that is correct and their request was to have a six feet setback with five-foot sidewalks.

Gidley asks for the next time they have this if they can get that corrected so that wording is correct.

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Booker & Surrisi agree.

Richeson states it was always the intent to have the 11 feet.

Gidley states he knew he read the ten feet in the minutes and was wondering why they were back to the six and five when they were talking about ten. He states he remembers he said 11 but the Complete Streets Committee said ten feet.

Richeson states if that became the agreement then that is fine.

Gidley states as long as they can get the six-foot setback and the five-foot sidewalk.

Richeson agrees and states as far as he understands that has always been reiterated to the design committee and went through the Technical Review Committee and they approving it knowing that their request is going to be 11 feet.

Ecker asks if they can do a six-foot setback and a five-foot sidewalk making it 11 feet total and if that can be incorporated into the description so everybody understands they are talking about 11 feet.

Richeson responds in agreeance and states that is where he is asking to change the language on this to say it is a, "six (6) foot setback and a five (5) foot sidewalk." He believes it is just that one word put in there to clarify that.

Gidley states his only other concern is depending on the slope of that retention pond is that you will have a sidewalk on the slope of that retention pond. He states you are going to have a sidewalk right up against a pretty steeply sloping retention pond.

Richeson states as long as it is not deeper than three feet then you are okay.

Gidley asks if it is similar to a handrail on a deck.

Richeson responds in agreeance and states they did not want that. He states he would like to have box woods planted along there so they do not have trash blowing in there. He states the plan is to have some type of landscaping there to prevent stuff from being blow in.

Gidley states when he saw the utility pole that was when he thought this was not going to work.

Richeson explains it is not their desire to have NIPSCO move their poles. He states the idea too was changing the cutout and taking that away so they do not have to move that electrical box that is there on the corner right by TCU. He states they do not want to mess with any of that.

Commissioners Gidley and Webster moved and seconded to table PC 2023-07 subject to the correction of a "six (6) foot setback and a five (5) foot sidewalk." The motion carried by roll call vote.

Yes: Eads, Ecker, Gidley, Longanecker, Pinkerton, Secor, Webster, Wendel and Feece

No: None

Absent: Rupchock-Schafer

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PC 2023-08: Garden Court c/o Bradley Company, 112 W. Jefferson Blvd, South Bend, IN 46601: An Application for a Zoning Map Amendment to rezone parcel 50-32-93-201-236.000-019 from C-1 General Commercial District to R-4 Multi-Family Residential District to build three (3) buildings with thirty-six (36) apartments and one (1) officer building.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud. See attached letter below.

Booker states in this procedure the Plan Commission is only making a recommendation to the City Council and no matter what recommendation you make that it goes forward. He adds even if it is a negative recommendation, a positive recommendation or no recommendation. He states the city council could send it back to you but he wants to be sure everyone understands how the procedure goes.



120 South Buffalo Street • Warsaw, IN 46580 • 571-269-1596 • info@srkmach.com

June 15, 2023

Plan Commission
City of Plymouth
124 N. Michigan St.
Plymouth, IN 46563

Re: Garden Court Multi-Family Housing
Berkley Street Cottages

To whom it may concern,

Garden Court wishes to apply for a re-zoning of the site currently owned by Market Development Corporation, Grand Rapids, Michigan, lying between Jefferson Street and Berkley Street just west of the current Martins' Store location. The site is currently zoned C-1 (General Commercial) and we would like to change the zoning to R-4 (Multi-Family).

Garden Court wishes to build a series of buildings that contain 1-, 2-, and 3-bedroom apartment units for low income and permanent supportive housing individuals. They also wish to build an office to house supportive services and a new medical clinic operated by Bowen Center on site.

Type 1 – Building 100 – Support services office and Bowen Center medical clinic
Type 2 – Buildings 200-400 – each have (2) 1-bedroom, (4) 2-bedroom and (6) 3-bedroom apartments (only – 12 apartments per building)
Total – 36 apartment units
All 1- and 2-story buildings
50-62 Parking spaces can be provided (1.5-2 spaces per apartment)
3 accessible apartment units will be provided (1 for each unit size)
City water will be accessed from Berkley Street
City sanitary will be accessed from Jefferson Street
Electrical and gas utilities will be accessed as well

The project will be funded by multiple sources, all in accordance with the Corporation for Supportive Housing (CSH) Institute and Indiana Housing and Community Development Authority (IHCDA). Namely, the funding sources are Low Income Housing Tax Credits, IHCDA Development Funds, Housing Trust Fund, and HOME funds.

The property will be managed by Bradley Corporation, which currently manages all Garden Court apartment units in Marshall County.

The project will provide much needed housing in Plymouth and will develop a commercial site that has sat vacant since the original store next door was built in 1989.

Kind regards,

A handwritten signature in blue ink that reads 'Jeff Kumfer'.

Jeff Kumfer, Project Manager
SRKM Architecture

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Booker explains they found out at the Technical Review Committee that most of the drainage is all private. He states that will have to be worked out on their end. He adds the fire hydrant is also private and is not on the city system.



Pinkerton states she is on the Bowen Center Board of Directors and she does not believe they are going to put an office in there or a clinic. She believes they are going to serve people from their Bowen Center.

John Myers (8302 SR 17, Plymouth, IN 46563)

Myers introduces himself as the president of Garden Court's, Inc. for less than a year now because Jim Causley retired for some personal reasons. He states to answer Pinkerton's question is that they are unsure if that is going in there. He states they have been in discussion with two members from Bowen Center here and they have indicated to them that they would like to put a small clinic in there but they are at the very beginning stages of it because there are a lot of questions if they were to do that. He states those are questions that he is sure would go before your board and his board before it was done. He states that part is minor as it would provide additional services but one of the things, they try to do at Garden Courts, whether it is where they house their senior citizens or Serenity House, is to provide services to people who need it. He states the thought is this would provide a service there and if they had a clinic they wouldn't have to go across town. He states one of the other reasons they picked this site was because of the convenience for the people who live there. He explains there is a grocery store with a pharmacy in it and they are very close to the parks for their children to play in. He lists three schools being the intermediate school, junior high school and high school as being within walking distance. He states the only thing would be a grade school with Jefferson Elementary being the closest and it wouldn't be walkable. He expresses that is one of the reasons they picked this location as they looked at eight sites total. He states of those eight sites that four of the owners were not interested in selling. He adds in one case the price was so high that it was not something they could afford to do for this project. He states they really had two sites they came down to but this was probably the one that

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provided the best for families and individuals who might live there and it was for sale. He explains they would like to go ahead with this and they would basically want to continue to provide needed housing for those who can't afford normal rent. He states of the 36 apartments they would have 12 as permanent supportive housing which is what they did at Serenity Place. He states the other 24 would be normal subsidized housing for families and individuals who fall below certain levels of the poverty line. He believes it is a good project for Plymouth and they believe Garden Courts has done a good job of building, maintaining and keeping their properties up. He states this would be a plus for Plymouth.

Webster asks for clarification that Serenity House is the facility by Centier Bank.

Myers responds by stating that is correct and it is just to the west.

Webster asks how many police and fire calls have been out there since the place has been opened up because all he has heard about is police and fire calls that have went out there. He states people are pulling fire alarms and our police and fire go out there and have to settle things.

Myers responds by stating he is aware at the beginning they had some problems. He states they particularly had two families with kids that were living in there and they are no longer living there because of the way they treated the place and the things they were doing. He states he would think they have pretty well taken care of that but he does not know for sure. He states the person that could probably tell you off the top of her head is not here tonight. He states they have worked very hard to correct that and if it is not, they will work to have that corrected. He states it was a big problem at the beginning and they apologize for that.

Webster states apologies need to be made to someone other than himself. He asks if this is low-income housing. Myers agrees. He states they already have a Garden Court over there behind Oliver Ford. He states there is another facility that handles disabled people. He states next to him is the Heminger House which used to handle drug & alcohol rehabilitation. He asks why they need another one to saturate that neighborhood.

Myers responds by stating the two he is talking about is the Hurford House which is for the disadvantaged. He states they take all ages and it does not have to be senior citizen. He states the other one there which is Neidlinger is for senior citizens. He states what they are doing here will take people of all ages and not just the senior citizens. He states they will have apartments in here that will take disabled people but it wouldn't be for people who cannot take care of themselves. He explains it would have to be for individuals who are independent.

Webster asks for clarification that they did have another location besides this.

Myers responds by stating it was a location they were unsure would have met the State requirements as there are certain things for them to get the funding and stuff, they have requirements to meet. He states he does not believe that other location would have met those requirements. He explains it also would have been in a primarily single-family residential area and it did not have the availability or convenience that this location offers.

Webster states his two biggest concerns is one, this sits on commercial corridor that comes in and out of Plymouth. He states he has sat in the Plan Commission for years, sat in on the Comprehensive Plan and they are trying to rewrite that to the year 2040. He states the City Attorney could agree with him on

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this that they have looked at the gateways in and out of the City of Plymouth. He states his concern is this is commercial property and it is really difficult to take commercial property in this town and get it converted to residential. He states he does not like the change from commercial to residential and he does not believe this is the best place for this. He states this strip needs to remain commercial and he is not in favor of saturating the neighborhood over there with low-income housing.

Myers states he does know in talking to the owners that they have had a number of offers from commercial entities and they have turned them all down. He explains he does not know why they have but they have used their right of first refusal to access who wants to buy it and look at it the way it is and whether they want it next to them. He states they looked at what they were planning to do and thought it was a great project.

Gidley asks at Serenity House that he has heard some of the residents are not from Plymouth and that they were assigned to live at Serenity House by Area 2 Council.

Myers responds by stating the list that they take and use to pick people off from is Area 2 but all the residents are from Marshall County. He explains they are not all from Plymouth but they are from Marshall County.

Gidley states he had heard there were two from Elkhart and asks if there was ever anyone from Elkhart.

Myers responds by stating the person who looks through the list and picks them and interviews them is here.

Gidley asks if Area 2 supplies the list to Garden Court. He asks who at Garden Court makes the decision.

Myers responds by stating Area 2 provides the list to Zach Cook at Bowen Center and he is the person that handles the input. He adds that he acts as a conduit and states he has to pick off that list. He states the list for Area 2 is Elkhart County, Kosciusko County, Marshall County and Fulton County.

Gidley asks if you can have people on the list outside of Marshall County.

Myers responds by stating they are on that list but they have not taken them.

Gidley asks how the decision of 36 units was made. He asks if that was purely the density for how much the lot could support.

Myers responds by stating they have a person that has looked at the financial availability of the project. He states that Anne McKinley is their tax credit consultant and she has crunched the numbers based upon their estimated budgets and feels that this will be able to cash flow itself. He states that is very important as they wouldn't want to get involved with something where they have financial trouble.

Rod Ludwig (10590 King's Court, Plymouth, IN 46563)

Ludwig explains this project is different from Serenity Place as it is called an integrated community. He states in other words only 25% of the units are required to be for permanent supportive housing. He states for the others, even though they are income qualified, are higher income then what you would normally see at the other Garden Courts. He would prefer to look at this more as workforce housing

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similar to Riverside Commons north of Newsong Church. He states you could serve the same population, there is no disability requirement but you do have to meet or be below 60% of the area median income. He explains that is still high enough that you are renting to people that are working in Plymouth and need housing that can't afford \$1,200-\$1,400/ month rent. He wished to clarify that this is more than just another Serenity Place as it is a different philosophy of integrating it and not having it all condensed into one building.

Gidley asks if the other 75% come off that same list.

Ludwig responds by stating just like any other apartment community but you have to meet the income requirements. He states they will do background testing but it will be similar to the other garden courts other than the income level is much higher.

Webster asks if this is based off the income level of Plymouth, Indiana or Marshall County.

Ludwig responds by stating Marshall County.

Webster asks what the average household income is in Marshall County. He states it is about \$40,000.00 so they are looking at about 60% of that. He asks if that is correct. He states we are looking at people under \$25,000 in income.

Ludwig responds by stating it is higher than that and asks McKinley if she has that info. Ludwig states it depends on the household size.

Webster states he understands how all that works.

McKinley responds by stating for one person it looks like 60% of the median income is about \$33,000.

Ludwig states the new income levels just came out.

Webster responds by stating that is not the numbers they are seeing for the Comprehensive Plan meetings.

Ludwig states they just published the new income limits and they went up quite a bit because of inflation. He states for a family of four he would guess it would be \$40,000 or so. He states it is lower income but it is workforce style housing.

Gidley states he has a question for the architectural firm. He states the area used to be all wooded and would stand with water all the time. He quotes it as a wooded swamp. He states even after they opened the grocery store the parking lot used to seep water. He asks if he has done any borings on that lot to know what the water table is there yet.

Jeff Kumfer (7170 S. Washington Road, Columbia City, IN 46725)

Kumfer responds by stating they have not because they are still in the preliminary stages. He states they are trying to secure this site and approval to build there before they start going intensely into the design investigating soil borings and the like. He states he has heard there used to be a swamp there.

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Gidley asks if there is anyone here from the Water Department. He states he is unsure if there was a storm sewer put in there to drain that water away from there.

Surrisi responds by stating all he could share is at the Technical Review Committee meeting there was discussion about when Martin's expanded a number of years ago that they were required to provide additional stormwater detention and that was when the manholes seen in the pictures and that detention basin on this property was created. He states it was created to handle additional hard surface and runoff from Martin's Supermarket. He explains in those discussions he knows that Chris Marshall and Donnie Davidson had provided any information they had from that time frame to SRKM Architecture but he does not believe there was any discussion about the woods or the soil condition at that time.

Booker states we are asking for a rezoning to multi-family residential and they are not necessarily asking whether or not this goes there. He states if it was zoned multi-family residential then somebody else could put something else there. He states he has seen some rezonings that were done with written commitments that explained only certain things could go in that zoning which could be this. He explains the real issue is whether they want multi-family residential housing in that area or do they want to keep it commercial.

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

Dave Morrow (920 Angel Street, Plymouth, IN 46563)

Mr. Morrow states they own the insurance office building directly across the street from the Martin's parking lot and directly across the street from where the facility will be built. He states he has several concerns and one is that it is zoned commercial for a reason. He states they have a beautiful commercial corridor that has developed to the east and to the south. He explains they have professional veterinarians, accountants, dentists, Oliver Ford, Lake City Bank, etc. He states they have a host of nice offices and commercial usage. He states it was mentioned in the application process that the property has been vacant or unoccupied since 1989 but it has just been recently listed for sale. He states he has no idea what the owner's intention is but the offers that were made may have been made could have been low ball offers. He states he does not have that information but beside that if you put a residence there especially with people who may have handicap needs that you would need sidewalk access. He states he is unsure how the residents are going to access the parks or Martin's Supermarket especially if they have mobility issues. He states there is no sidewalk east on Berkley Street going to Columbus Drive. He states there is not a sidewalk on Jefferson Street all along that corridor.

Booker states if anything is built there commercial with the regulations they have now that the entity would have to put in sidewalks.

Morrow states he understands that but it would be a sidewalk to nowhere. He states that is his point that they wouldn't have access to get past their own property. He is worried about people with mobility issues coming out onto Jefferson Street and certain times of day that street is heavily traveled especially before and after school. He states the same is true with Berkley Street and high school kids will be high school kids so they are going to go bombing down that street so he would fear for safety as part of the reason for not doing this but mainly because that lot should be commercial and they do not have to settle for the first thing that comes along their way.

Sean Surrisi (455 Liberty Street, Culver, IN 46511)

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Surrisi states he is speaking on behalf of the Mayor's office. He states he was a member of the delegation that participated in the Indiana Housing Community Development Authority. He states they put on their Indiana Housing Institute which is a competitive program for projects that are looking to develop one of these integrated supportive metaphorical housing developments compete to get admitted. He states Plymouth's team including Garden Court leadership with folks from Bradley Company who is the property manager, Bowen Center who provides services, Linda Yoder on behalf of the Marshall County Community Foundation and United Way, Jeff Kumfer from SRKM Architecture and himself participated in the institute. He explains it is a series of three-day sessions that were held once a month in February through May of this year. He states there were other communities that competed to get into this and Plymouth was identified by the Indiana State Department of Health as a rural community. He states as part of a grant they were undergoing about the effects of Covid on both the health and economic effects on rural areas they identified Marshall County as one of three counties as for how they could help with housing. He adds he believes Cass and Fulton were the other counties. He states they lifted us up as a project to IHCD and helped them get into this. He explains once you completed this institute process that it is a competitive competition with other projects and not just these integrated supportive and affordable housing projects to get these tax credits which help fund these projects. He states IHCD commits if you go through the institute, they will set aside the tax credits to make the project happen. He explains that project funding deadline is at the end of July of this year and it will probably be a similar time next year if funding is not approved. He states they have seen going through the Comprehensive Plan process and over the last number of years that Indiana has been in great need of housing in general at all different price points and needs. He explains as soon as it gets built it gets gobbled up whether it is affordable housing or middle-income housing. He states they see a need for it and he can understand the discussion about gateways and commercial corridors but he would like to point back to what Myers said about the folks at Martin's Supermarket who owns the land see this as a good use here. He states for some of the discussion he is not in full understanding of it but during the Comprehensive Plan meetings is a concept of the future not fully embracing this but moving toward what is called, "form-based zoning," and that is the idea you don't always look at the use of property but what you put on it and what it looks like. He states one example that sticks out to him is if it is a residential neighborhood but you build something that looks like a house but you have light manufacturing in there and that could be someone with a 3D printer doing stuff and two people working there. He states it would not have any more impact than someone living there or look any different but maybe adopting some traits and zoning that would allow for more integrated uses for properties versus the way we strictly think about zoning use classifications. He states that is some of the debate going on but none of that will be coming with the Comprehensive Plan but rather changes to the zoning ordinances that you would be involved with and with future city councils. He states he just wished to share that the Mayor's Office is supportive of this project and he hopes it moves forward with your recommendation.

Booker wished to add to that. He states in some of the other planning circles there is more of a push to have multi-uses in a particular community like they used to. He explains they used to have neighborhood communities where they worked, had a grocery store and it was all together. He states this may not be the same situation here but there is a lot of movement to go from one zone with all you can do to another zone with all you can do. He states it has been discussed in the Comprehensive Plan that there may be mixed uses and actually in the Comprehensive Plan it does mention that in this commercial district it could have multi-family housing. He adds not in the zoning but in the Comprehensive Plan.

Kevin Berger (8886 SR 17, Plymouth, IN 46563)

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Berger states he is helping Garden Court consulting on this because of his experience with IHCD and the tax credit housing. He states he was helping them with the selection of this site and there are a couple things he had not heard mentioned and one is they are not purchasing the outparcel at the front so you are preserving the commercial corridor along there and that is not be rezoned so it will stay commercial. He states if there is question about making access to Jefferson Street that it would not really be needed because they can go out onto Berkley Street and that whole street is residential. He explains they would be tying into that because that is where the trailer park is and further residential in that direction. He states the other thing is to go along with what Booker was saying that the Complete Streets and everything else is trying to get more of a walking neighborhood and this is workforce housing, similar to what he is building at Riverside Commons, and they are trying to make it to where people can walk to work. He states many of these people could be working at Martin's Supermarket and walk there. He states he has already had discussions with Kumfer at SRKM about a sidewalk connecting to the parking lot at Martin's Supermarket so they can walk across to that point. He states they are not that far from the trail systems just across from the schools so they can tie into there and get to the bigger commercial areas. He explains this is a good project and Garden Court are good people and he is proud to be working with them.

Chris Morrow (920 Angel Street, Plymouth, IN 46563)

Mrs. Morrow states to speak to Booker's point that they are not debating whether Garden Court is or is not a good project. She expresses it is a wonderful project and they all want what is best for their families. She states the question is whether or not this is the best place for it and to change this zoning to residential that it does not go with the plan as there is lovely commercial businesses around it. She mentions there will be that parcel left in front and she can't imagine someone would buy that for commercial use if there is a residential property right behind it. She restates the issue isn't whether Garden Courts is wonderful or not because Garden Courts is wonderful and is a wonderful program but she does not believe this is the place for it.

Brandon Richie (805 Bailey Street, Plymouth, IN 46563)

Richie states one of the things he is not hearing a lot of talk about and he would like to echo that this is a wonderful plan but wrong location. He states it is an entranceway into Plymouth and he has worked in the social work field for years. He explains he worked as a therapist at Westville Prison, worked for teens and troubled families and for the sake of the library had to go collect things from Serenity Place that have either gone missing or had not been returned. He states his concern is where they are putting it which could be a place for commercial and a new place for business. He states in placing it there his concern would be what measures would be taken to prevent it from becoming similar to Serenity Place. He states it was mentioned earlier the number of times the Police and Fire Departments have been called out there. He explains he has gone out there, been out there and even represented one of the clients who lived there in court at one point and she was struggled to get a buzzer to get in because she has a wheelchair. He states to go out there and see and talk to her that the environment out there is contusive. He understands they can not necessarily control the clientele they are attracting out there and these are two separate types of housing but similar clientele to some degree in those areas. He states it is going to be tough to track a business that would want to go in there on the property that is left if the police are being notified or called out there and people are shouting and yelling. He states these are things that happen at Serenity Place and he has been out there to witness it firsthand. He states the program is wonderful but is it the program we want in an entranceway to Plymouth. He asks if it will hinder

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property there that is left to attract business that is still zoned commercial. He asks if it will hinder any business that wants to go in there if there are issues that are going on there. He states to the concerns of the businesses in the area that they have all seen areas where businesses like this can go in and then people stop going due to the issues there with some of the clientele. He doesn't believe it is the proper place to put that out there on front street like that.

Feece asks if the front half of the property is going to be empty.

Myers responds by stating there is 6 acres there. He states there are two parcels there. He states all of this was actually for sale and they asked them to just sell them the north parcel that is four acres as that is enough for them. He states he believed the two-acre parcel there was a good buffer area and he is unsure if someone wants to buy it. He states he would assume at some point someone will buy it and hopefully they put in something that would be nice. He states as a matter of fact they do not need this entrance out onto Jefferson Street and he did not realize they had that little strip until he saw that tonight.

Commissioners Gidley and Webster moved and seconded to close the public hearing. The motion carried.

Webster wished to clarify a couple things before he makes his recommendation. He states from 1983 to 1990 he was Center Township Trustee and he has dealt with many of the clients you are going to deal with in these apartments you want to put in. He states he was also the Chairman of the County Housing Authority for twenty years when they had it so he is also aware of everything you are dealing with as they dealt with all the vouchers in the county. He states he does not like the idea of saturating that area with low-income housing and it is commercial corridor and he hopes it remains a commercial corridor when the city council acts on this.

Commissioners Webster and Gidley moved and seconded to provide an unfavorable recommendation of PC 2023-08 to the city council. The motion carried by roll call vote.

Yes: Eads, Gidley, Longanecker, Webster and Wendel

No: Ecker, Secor and Feece

Abstain: Pinkerton

Absent: Rupchock-Schafer

Booker asks how many positive votes they have.

Williams responds by stating there are five positive votes.

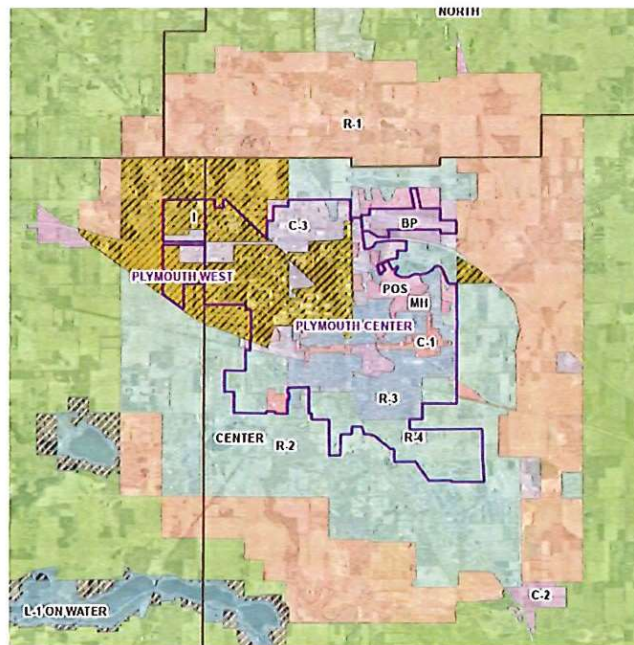
Booker states you would need to have six votes for majority.

Surrisi explains unless there was another motion for something different that it would move on with no recommendation to the city council. He clarifies under the State Law for the board to take any kind of action they have to have a vote of a majority of the total membership so that would be require 6 votes one way or the other to do anything so it was as if no action was taken based off the motion. He states it is a technicality but when it goes to the city council there will be discussion about what the vote really was and what the discussion was here.

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PC 2023-09: An amendment to the Zoning Ordinance Article 3, R-1 Rural Residential District and Article 13, Definitions to add the use and definition of Agriculture Limited.

Plan Consultant Booker states this would be an amendment to the R-1 Zoning and this is their lowest density area. He states in his memory this used to be the Agricultural Area which there were some scattered farms around there and livestock farms. He states the rural residential category is intended to preserve the rural nature of land while allowing limited residential growth. He explains the R-1 zone is the area light red area that you see and that is mostly the extra-territorial jurisdiction. He states there is some to the north and some to the east along King Road and goes down south towards 12th Road and then goes to the west. He states this is the only area it would affect and it would not affect any of the other zoning districts. See attached map below.



Booker states right now in the R-1 Zone the only livestock that is allowed are horses and other equine production. He explains that means no chickens and no ducks which we all know in his opinion chickens and ducks in these areas. He lists the permitted agricultural uses of an R-1 Zone as well as the Special Uses if you are wanting to do anything extra. He reads aloud his definition for agriculture limited as seen below. He explains whatever recommendation is made that it would go before the city council.

Permitted Uses

Agricultural Uses

- Crop Production
- Forestry and Logging
- Horses and Other Equine Production
- Nursery and Greenhouse
- Sawmill (Portable)

Special Uses

Agricultural Uses

- Animal Production
- Confined Livestock Feeding
- Dangerous and Exotic Animals
- Farm Implement Sales and Service
- Livestock Auction
- Livestock Composting (accessory use to livestock production or confined feeding)
- Livestock Distribution
- Livestock Incineration (accessory use to livestock production or confined feeding)

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“The use of land for animal production is limited to 4-H projects and home consumption with no retail or outside sales. The limits for large livestock (cattle, sheep, goats, and hogs) are at least one (1) acre for home consumption. No large livestock are permitted in platted subdivisions. The maximum number of livestock should not exceed two (2) per each 4H-er in the household. Poultry is limited to no more than 10 hens or ducks.”

Pinkerton asks if roosters were put into this.

Booker responds by stating he did forget to put no roosters.

Gidley explains he was called on Saturday by someone who lives way out on King Road and they already have chickens and they are deeply concerned they are going to have to get rid of their chickens. He states as he said that we have not been enforcing these rules for decades and he had a very civil conversation with this woman over the phone. He explains she was concerned she was going to have to take down her chicken house and cut down all her trees. He states her concerns really boiled down to land taking and he told her he didn't really believe that was going to happen and they were going to end up approving something tonight that basically allowed her to continue to do what she is doing. He states if she has excess eggs that she would like to sell them out the front door of her property. He explains she went to the point of getting an egg license that he was unaware existed. He states she is actually legal to sell eggs and she has gone to that extent. He explains he is unaware if we want everyone to go to that requirement but this woman at least did that and he appreciates that. He adds he appreciated the conversation he had with her. He states the one part of this that he personally does not like is that he lives in a subdivision and believes there should be a subdivision exception that they still have to get a variance if they want to get chickens in a subdivision so they will still have to come in and apply. He states for the rest of these cases he knows sitting on the Board of Zoning Appeals (BZA) that they are getting more and more requests to get a variance to have these animals and almost all cases in which they have had people request it that they requested before they actually started which he appreciates unlike other people who do it and never ask. He states most of the people who come before the BZA ask before they even get the animals. He states he is stating his position here that he is not opposed to allowing people to have some chickens and some livestock based on one acre for home consumption but he would like to see an exception for subdivisions.

Booker states they could add, “no large livestock are permitted in platted subdivisions except by special use approval.”

Feece asks what the definition is of a platted subdivision.

Booker responds by stating it is one that has gone through you at one time and was platted with different lots.

Eads states if they took a 10-acre farm and split it down the middle that it would be considered a platted subdivision.

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Booker responds by stating today it would be. He states if it was done before 9-10 years ago that it would not be. He states if it is just a metes and bounds description that it would not be a platted subdivision as most of those would just be metes and bounds.

Gidley states if you think about all the subdivisions that are right around the edge of Plymouth just outside the city limits that those are not one-acre lots and most of those are a half-acre or less. He states he hasn't thought about the exception of taking a 10-acre split and create a minor subdivision. He states maybe they make it a size requirement that you have to have nothing smaller than an acre.

Booker states he was the one that put that in there and they could just take that out. He states if you have one acre in a platted subdivision then these rules would apply. He states in some of their subdivisions the minimum lot size is an acre for anything that is newly created. He explains Southfield as an example for lot sizes are less than an acre.

Surrisi states the change Booker is describing to take out is even though their subdivision control ordinance requires a plat document to take that 10-acre farm and divide it into two parcels. He states it is not what you think about when you think of a subdivision but as long as it is not a two-acre lot divided into 0.5 acres and 1.5 acres that they would be able to have their animals.

Booker asks if he would take the platted subdivisions out.

Surrisi states that was what he was describing and just have the one-acre standard.

Booker agrees and states he put that one in because if you had a small lot and your neighbor got chickens that you would probably not be happy. He states given there won't be a rooster that would help. He states they could have ten hens or ducks.

Eads asks if hens is limited to chickens because hen just describes a female poultry bird.

Booker responds by stating you could just have it say 10 poultry period.

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

Sandra Cornell (8089 King RD, Plymouth, IN 46563)

Cornell states she is the one Gidley spoke too. She states you misread his email and that she was not worried you were going to rip out her trees. She asks what was allowed in the old agricultural zone.

Booker responds by stating just about any agriculture. He states if yours was in before the zoning ordinance was placed then you are grandfathered.

Cornell states she is unsure as she has lived there for six years. She states when she moved there her neighbor told her she was outside the zone so we did not have to worry about it. She states it wasn't until her daughter came to a meeting about a month ago and saw on the map that her parent's house was right there. She states if she lived across the road that she would be outside in the county. She states there is a couple things she would like to speak on as there are three parts of this ordinance that she is concerned about. She states one of them is the only 10 hens. She expresses that none of you have raised

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chickens. She states that chickens do not start laying eggs for about six months so you have to raise them for six months before you even get your first egg. She states they lay eggs for about a year and a half after that and then they start teetering off. She explains if you have ten hens that you will get no eggs in the first six months and she is assuming you would start with chicks as that is what you can easily buy. She restates you will then get eggs for about a year and a half and you may get 6-8 eggs per day for a year and a half and when they start teetering off you will start getting a couple of eggs a week. She states the way you get past this is every year you add so many chickens and on the other end you are butchering every year about the same number or you have to have enough of a leeway to allow your older ones to live out their life. She explains she has two older ones that are five years old and one of them keeps getting into the nesting box and she assumes she is leaving an egg in there because they usually do not get into the nesting box unless they are doing something. She states if you only allow for ten hens then you would be really limiting things. She states you need to have room for an ebb and flow because livestock is that way. She explains she does not have a milk animal but if you do they have to have a baby once a year so you can keep the milk production up so that means you have an extra baby around. She states most of them sell the extra because if you have an extra baby, you sell the extra but this says you can't sell anything. She states that makes this difficult. She states the other thing is that someone says no roosters. She states she lives on five acres and someone said we have to ask people who live within 300 feet.

Gidley states that's what you would have to do if you get a variance.

Booker states it is 300 feet or two property owners over, whichever one is greater.

Gidley adds that her neighbors are pretty close.

Cornell agrees and states they have neighbors on either side of them, the houses are in a line and their property is five acres. She states they are near to two houses so you would have four if you count two properties that they would have to ask and at this point three of them have bought eggs from them. She states the idea they are not allowed to make use of what they have in order of sales is very limiting then all of a sudden, they can't produce milk. She states if she doesn't have goats then she can't produce goat milk soap. She states her husband has bees so they can't sell the honey or the beeswax candles. She states these are all things they can't produce and all of a sudden, we are being told we can't sell when her guess is if you live in the City of Plymouth and you are making quilts that you are allowed to sell them in some of these stores here. She asks why they are punished because they live out in R-1. She states she would like to tell you about her three roosters. She explains she has Fred and he is constantly watching. She states he knows if something odd is coming into the fenced in backyard where the chickens are and if something comes into the back yard whether it be a neighbor dog that slipped under the fence or the gate or a hawk that flies overhead, he knows it. She states he makes this sound and she can't make it but she knows it when he makes it. She states he makes this sound while Chester and Jacob make a different sound and the sound that they make calls the hens to them. She states they move them into the covered coop. She expresses that she has lost one chicken to a hawk in six years because her roosters are on duty. She states that yes, they crow but the dogs in her neighborhood make far more noise than her roosters. She states that Chester is the one who crows while the other two mostly keep to themselves. She states her roosters and her neighbor's roosters have a constant conversation most of the day but they stay quiet at night. She states before she moved here, they lived on half an acre and they did get a variance and raised 12 chickens. She states they did not have roosters and if she had neighbors that close that she would not have roosters. She states partly because in town in a subdivision that you do not have the coyotes, hawks and a lot of the other things they deal with out there. She asks for them

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to please allow her to keep her roosters as they protect her flock. She states she is not outside all the time and her dogs are not outside all the time but the roosters are with the flock. She states she has watched her roosters take care of snakes. She states it is a symbiotic relationship and they work together. She states those are her main concerns and she asks that you think about those of us who live out there and are doing this before you make rules that really limit what they can do. She also wished to add that Purdue University is trying to encourage people like them to do what they are doing and they have a conference in the first week of March that is called the Small Farm Conference. She states they teach little people how to make a big difference on their economy and they are teaching people on five acres on how to grow lots of food, greenhouses and how to raise animals on small acreage and how to do a good job doing it. She states modern homesteading is a thing and you have got them out her in your county.

Surrisi wished to add that he appreciates all those comments and that the thought process they were having about any of this was not to chill agriculture that is at work out in the community but rather thinking on the other side for the people who wanted 4-H animals that were coming in for variances all the time and to allow that. He states he can understand what she is saying that if now there is a rule that would allow your neighbors to come and instruct her that what she is doing is not allowed that it was not anyone's intention in trying to come up with a solution for not allowing 4-H animals.

Donald Schultz (1527 Lake Avenue, Plymouth, IN 46563)

Schultz states his farm is a mile and a half west of the hospital on SR 17. He states for years and he is unsure how long ago they changed the variance.

Booker states 2008.

Schultz states for a long time the zoning boundary was at their fence line so it has not been a problem and he hopes it never does become a problem. He states now they are within that zoning boundary and they have a cattle farm and the numbers vary. He states they raise cattle, sell breeding bulls and from he understands from talking to Booker, that they were grandfathered in as they have been there 60 years raising cattle. He adds they actually have a subdivision right next door to them and they were there long before they were too. He states one thing you have to take into consideration too is with changing the zoning boundaries you are encompassing more and more small farms and farming operations that didn't used to be in there. He states he grew up a farm boy and he misses hearing the roosters crowing in the morning.

Feece states you should come over to Harrison Street where he lives and right in town, they have some roosters there. He states he does not think anyone on this board is here to squelch these farming operations. He explains to Cornell if we do not come up with something that he believes she should come in and try to get a variance from the BZA and that her chances are pretty good living right on the border.

Gidley states he does not want to put her on the spot but he remembers her telling him that she thought she spoke to a county commissioner that told her she was in the county. He states her property has been in the two-mile zone for over 50 years and when he drove out there that there is no sign out there north of town on King Road. He states one of the things he thinks we need to do as a community is put those zoning signs back up. He states he does not know if they need to go to the county and get cooperation with them to do it because it would be on their roads but the public needs to know where the extra-

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territorial jurisdiction is as it needs to be better described. He states it is not always the two-mile zone because it is not always two miles from the city. He states we need to put those signs back up because he could only find one on King Road and that is south at about 11th or 12th road.

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

Booker states his intention with this was to open this up a little bit so you can allow some of these things and he does not know how much they wish to allow as he couldn't find a major study on it. He states maybe he can look at some other ordinances as the rooster thing comes from city ordinances in the city. He states he knows Bloomington doesn't allow it and he believes the ten hens also came from those types of cases in the close very dense areas. He states he would go along with Surrisi and ask you to table this until they get additional information.

Commissioners Webster and Gidley moved and seconded to table PC 2023-09 as presented. The motion carried.

PC 2023-10: An amendment to the Zoning Ordinance Article 6, Section 070, Flood Hazard Area Standards.

Plan Consultant Booker reviewed the findings of fact and states the DNR visited with Manuwal last month and looked at what is in our zoning ordinance. He states he dealt with this in the county and every once in a while, they want to make adjustments to it in order to make it legal. He states if the zoning ordinance is not made legal, they would not allow the city to have flood insurance in our area. He states they made several changes and he didn't put all thirty pages in but if anyone wants to look at the thirty pages, he has them. He states in his opinion this is top-down government and they do not have any choice if they want to keep flood insurance and flood protection in the city and the two-mile area. He states he had dealt with this in the county two or three times when he was there.

Wendel asks if we have to discuss this ad nauseam or could they just approve it now.

Booker responds by stating you can approve it ad nauseam.

Gidley asks Manuwal, Booker and Surrisi if they have all reviewed this. All agree. Gidley states their three professionals have approved it.

Surrisi states they already have a version of this on the books and it is just making a couple of tweaks here and there. He states he agrees with what Booker had to say about how it is a take it or leave it situation.

Booker responds by stating he will probably change what is in the ordinance as ours is designed a little differently but he is going to try to make it exactly their words throughout our ordinance verbatim. He states when he was with the county, they used to say it was not quite the same and with what they have it would be hard to figure out with him so he is going to put what this is other than a couple details.

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

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There were no comments from the public at this time.

Commissioners Webster and Gidley moved and seconded to close the public hearing. The motion carried.

Commissioners Wendel and Ecker moved and seconded to make a favorable recommendation of PC 2023-10 to the city council. The motion carried by roll call vote.

Yes: Eads, Ecker, Gidley, Longanecker, Pinkerton, Secor, Webster, Wendel and Feece

No: None

Absent: Rupchock-Schafer

Resolutions No. 2023-1059, 2023-1060 and 2023-1061:

City Attorney Surrisi introduces:

- Resolution No. 2023-1059, A Resolution by the Plan Commission Which Approved Resolution No. 2023-1056, A Declaratory Resolution by the Plymouth Redevelopment Commission Amending the Economic Development Plan for the US 30/ Oak Road Economic Development Area (TIF #1).
- Resolution No. 2023-1060, A Resolution by the Plymouth Plan Commission Which Approved Resolution No. 2023-1057, A Declaratory Resolution by the Plymouth Redevelopment Commission Amending the Economic Development Plan for the East Jefferson/ Central Business District (TIF #2).
- Resolution No. 2023-1061, A Resolution by the Plymouth Plan Commission Which Approved Resolution No. 2023-1058, A Declaratory Resolution by the Plymouth Redevelopment Commission Amending the Economic Development Area for the US 30/ Pine Road Economic Development Area (TIF #3).

Surrisi explains this is the process where the Redevelopment Commission has to follow to add new projects to their project list. He states they approved resolutions at their meeting last month to start the process of amending the list. He states this then goes to you to review if these projects are in line with the goals of the Comprehensive Plan and then to the City Council and back to the Redevelopment Commission for a public hearing. He states the three projects are ones that were initially considered last year for the State's READI grant program and only two of them went forward with that application and one of them received READI grant funding which is the Water Street Townhomes Project. He states the city is partnering with Kevin Berger's company to develop some townhomes on Water Street. He states the Redevelopment Commission would be providing matching funding required under that READI grant. He states the other project is the proposed Entrepreneurship Center which could host some other community organizations in the same facility. He states that project is still up in the air when it was pitched last year at the old Downtown Discounts building as the Montgomery Ward Commerce Center but nothing has been finalized in terms of what that project may actually look like. He explains this will just get it on the project list. He states the third project is the proposed restaurant and brewery located at 101 S. Michigan Street or the old NIPSCO building right across from the REES Theatre. He states it is currently in the process of being renovated and going to have a riverside deck along with a lot of other amenities there. He states in going through the Comprehensive Plan the Entrepreneurship Center touches a lot on working with the redevelopment and promoting economic development. He states the townhomes promote diverse housing options and drawing housing to the downtown. He states the brewery offers plenty of amenities for the downtown to make it more thriving.

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Gidley asks if this just affects city taxpayer dollars or if this also affects county and schoolboard dollars in a TIF district.

Surrisi responds by stating it will just affect city taxpayer dollars. He states the basics of TIF are once you establish a district; they take a snapshot of what the assessed value of that area is at that time and any new assessed value that is created after that date will be collected by the Redevelopment Commission. He states that will not be collected by the county or the school district. He states TIF #2 is where the brewery and the townhomes will be located while the entrepreneurship center was originally located in TIF #2 but it has also been added to the project list for TIF's #1 & #3 just because the site is not actually firmly located. He states it is envisioned that project would have a community wide benefit where funding may be utilized from those other districts to help support it.

Webster states the brewpub and the housing will be down here and we are going to take money from TIF's #1 & #3.

Surrisi states they will not for those two projects. He states those are only added to the TIF District #2 list but the entrepreneurship center will be added to TIF's #1-3.

Webster asks how many TIF Districts are in the City of Plymouth currently.

Surrisi responds by stating they have seven and he qualifies that with three of them being single site districts that were only developed to incentivize a single development.

Webster asks what ones those would be aside from the old Del Monte building.

Surrisi responds by stating the old Pretzel's Inc. and the other is the River Gate South Apartments.

Gidley asks if all three can be approved at the same time.

Surrisi responds by stating if they are willing to do so that it would be fine.

Commissioners Ecker and Pinkerton moved and seconded to approve all three resolutions as presented. The motion carried by roll call vote.

Yes: Eads, Ecker, Gidley, Longanecker, Pinkerton, Secor, Webster, Wendel and Feece

No: None

Absent: Rupchock-Schafer

Other Business:

Surrisi states the last thing that formally did not make the agenda is that John & Ruth VanVactor requested to take some of your time to talk about the zoning ordinance and some of the issues with the case that was heard at the BZA last month with IMI and the gravel pit.

Ruth VanVactor (11410 King Road, Plymouth, IN 46563)

Mrs. VanVactor states they are here this evening to discuss the events of the BZA meeting on June 6,

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2023. She states at that meeting Irving Materials requested a special use application to have a gravel pit with extraction of sand and gravel on 73.63 acres at the southwest corner of King Road and 11th Road which is zoned R-1 Rural Residential district. She states at the June 6th hearing there was confusion about what the BZA could and could not do regarding the application. She states it was finely stated that under I.C. 36-7-4-1103 the BZA could only deny the request for the northern part of the 73.63 acres under this code because it has eight residences within a quarter mile square which would be an urban area. She states the remaining property was ruled outside an urban area because there are only five residences in the southern part of that parcel. She states the motion was made to deny the request for the quarter mile area that the BZA had jurisdiction over. She states nothing else was stated in regards to the northern portion of that parcel. She states the State of Indiana has taken control of gravel pit operations out of the hand of local officials and it appears under the current statute the only time the local authorities have control is when there are eight residences within that quarter mile square. She states if you have less than eight residences then those residences do not have the same quality of life opportunities and protection under the local regulation as the area with eight residences. She states the large corporation is using this Indiana Code to say they can't be regulated by the Plan Commission by any ordinance or action of any kind that would prevent the complete use of and alienation of any mineral resources or forest by the owner or alienee of them. She states the City of Plymouth Plan Commission planned for this property to be developed as residential within the two-mile jurisdictional area on May 12, 2008 when it zoned it R-1 Residential from A-1 Agriculture. She states they most recently have received an email from the City Planning Director indicating that IMI can operate in the southern portion of the 73.63 acres. She states he indicated the development standards are 100 feet from the property line, a development plan, road plan from the county and that it would be up to the city to enforce those standards. She states however this was never discussed at the June 6th BZA meeting. She states he further went on to say parking for employees and the issue of customers coming to the business and hours of operation had not been addressed other than what was offered in the meeting. She states we would like to know when these issues would be addressed and who would address them. She states they are here this evening to ask for your help and support to repeal I.C. 36-7-4-1103 and return that control over the extra-territorial zoning jurisdiction back to the City of Plymouth Plan Commission under I.C. 36-1-3-1 Home Rule Act. She states they are asking for that support to write a letter to Senator Mike Bohacek and Representative Jack Jordan requesting the appeal of that Indiana Code and the support for our effort for Subsection B of that code from the requirement of having eight residences within any quarter mile square area to one residence in any quarter mile square area and to amend other lands or lots that have been or planned for residential areas contiguous to the municipality to include zoned residential within the two mile area. She states the purpose of having a Plan Commission is to ensure proper development, to ensure the development will not be injurious to the public health, safety, morals and general welfare of the community. She states one resident should have the same expectation of being protected by the Plan Commission and the Board of Zoning Appeals as eight residences. She states they have spoken Representative Jordan and Senator Bohacek and the Senator is preparing a draft to repeal or amend the Indiana Code. She states tonight we ask you these questions;

1. Who will address the standards of the southern portion of this subject parcel?
2. When will the standards be addressed?
3. Vote yes to write a letter to Representative Jordan and Senator Bohacek for your support to either repeal or amend the Indiana Code and return control back to the local officials.

John VanVactor (11410 King Road, Plymouth, IN 46563)

Mr. VanVactor states one thing they would like to stress is to return this control back to the local officials

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who know what planning needs to be in our area and not just a blanket policy by this State Law that says a gravel pit can do whatever it wants to do. He states when you showed that white portion that is your two-mile zone to just take a look at that and see how many acres that are there that do not have eight residences that could be a gravel pit tomorrow and you would not have any control over it. He asks if that is what they want here because the best government is the local government. He states it isn't the State who isn't here and does not care or sees what goes on. He states he would like the power to be returned back to you all. He states if you all are not interested then he can guarantee we won't be successful with the State to try to get anything changed because they have already been told it is an uphill battle. He states they are fighting big dollars, big attorneys and everything to try to get this law changed. He states just because there is a law that it does not mean that is right and the people should have representation from the local officials. He states it is going to take you to decide if you want to take control of that two-mile zone and not let the State dictate to you what is going to happen with it.

Surrisi states he would just like to add and if Jacobs would indulge this for the next meeting that they have at the end of the agenda on the BZA to talk about this issue and since there are people here for that issue to bump it up so it will be a continuation of this talk. He believes they can address some of the questions about the southern portion of the property in that meeting and in fairness to you since this was dropped on your lap and it has been a long meeting that we can see to it that this is formally on your agenda next meeting to talk about any action you would want to take as it is not of an urgent nature since the general assembly does not go back into session until January.

Pinkerton asks if this law is something new that has been taken away from them automatically.

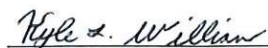
Mr. VanVactor responds by stating this law has been in effect since back in the 1970's and in fact there is a case law where the Plymouth Board of Zoning Appeals was the defendant on a case back in 1974 and that is where this number of eight residences came in. He states it had to do with the gravel pit out here on 10th Road just off of King Road. He states they understand they are going to have a gravel pit out there because even if the State Legislature does something that they cannot make it retroactive but what they are looking at is the future of the two-mile zone and what is going to happen around Plymouth and for the Marshall County Residents. He states if they do not fight to change this then they are going to have gravel pits everywhere.

Feece asks if any action needs to be taken on this.

Surrisi responds by stating no action is needed tonight but he can put this on your agenda next time and after you have had some time to reflect you can talk about it some more.

Webster states in all the years he sat here he has never brought a complaint up or anything but Garden Court has been giving him an earful about the backyard of 114 Liberty Street being knee high with grass and they would like to see it cut. He states the front yard is done enough that you don't notice the backyard. He states he is just passing on what he has been told.

With there being no other business to come before the Commission, Commissioners Webster and Gidley moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:51 p.m.



Kyle Williams, Recording Secretary