

PLYMOUTH PLAN COMMISSION

August 1, 2023

The Plymouth Plan Commission met in regular session in the Council Chambers of the City Building, 124 North Michigan Street, Plymouth, Indiana on August 1, 2023, at 7:00 p.m.

Commission President Doug Feece called the meeting to order for Commissioners Alex Eads, Mark Gidley, Beth Pinkerton, Angela Rupchock-Schafer, Linda Secor, Paul Wendel and Fred Webster answering roll call whom were physically present. Commissioner Don Ecker Jr. attended virtually. Commissioner Randy Longanecker was 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 Webster and Eads moved and seconded to approve the minutes of last regular meeting of July 5, 2023. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on July 20, 2023:

**NOTICE OF
PUBLIC HEARING**
The Plan Commission of the City of Plymouth, Indiana will hold a hearing on August 1, 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 2023-09: 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 (tabled).
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 Sec-

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Legals
retary, Plan Commission, July
20, 2023

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 a continuation of the hearing we had last month. He provides a new definition after the discussions last month. He explains this could be a lot longer as some of the other jurisdictions have pages for this and his attempt is to have something simple that can be understood. He reads aloud the definition below.

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The use of land for animal production is limited to 4-H projects and home consumption with sales limited to the sale of unprocessed agricultural commodities grown on the same ranch or farm that provides such sale. The breeding and raising of livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per one-quarter ($\frac{1}{4}$) acre of lot area. Poultry must be kept in a fully enclosed secure pen of no more than 128 square feet that includes an enclosed coop providing a minimum of two square feet and an open run area providing a minimum of eight square feet.

Booker explains this is what he has now and if revisions need to be made then they can. He states if this were to pass tonight then this would go to the city council.

Pinkerton asks if this pretty much covers the lady that sells the eggs.

Booker responds by stating he would say it would.

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

Cornell states she believes this pretty well covers it. She asks if the 128 square feet means they have to stay in that or are they allowed to free range. She explains they have a fenced in acre where they roam during the day. She states they do not go into their neighbor's yard as that was the reason, they put the fence in and to keep animals out. She states their coop is fully enclosed and they have plenty of room. She states during the day they allow them to get out and roam around the yard and when they are gone for a weekend or something they are able to stay in the coop.

Pinkerton asks for clarification that she explained the roosters took care of them. Cornell agrees.

Booker responds by stating it says, "no more than 128 square feet" and she has an acre so he does not see a problem with that.

Gidley asks Booker for clarification because he thought most subdivision lots were half an acre.

Booker responds by stating they are but he got some pushback about putting that subdivision thing in there so he took it out.

Gidley assumed we were leaving it in there.

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Booker responds by stating we can.

Gidley states most covenants do not get enforced as a subdivision fills up. He states most covenants are written to limit livestock and poultry in a subdivision. He states he understands the rest of the areas but he thinks it ought to be a half-acre. He understands not wanting to refer to a subdivision then he will at least match the typical subdivision lot in Marshall County which is a half-acre.

Booker responds by stating the minimum is an acre.

Gidley states the subdivisions in the two-mile zone are typically half an acre.

Booker responds by stating they have to be an acre.

Gidley states there are a lot of them on a half-acre lots in old subdivisions.

Booker responds by stating you were platted as Planned Unit Developments (PUD) in the past with other rules but he believes the minimum lot acreage whether it is a subdivision or not is that it is an acre. He explains you can go to the Board of Zoning Appeals (BZA) and get that reduced.

Wendel adds they would say no.

Booker states he is just one member. He states he can put the no large livestock back in there to have no large livestock permitted in large subdivisions except by Special Use Approval.

Gidley states he is unsure about everyone else but he would want to leave it as a half-acre.

Rupchock-Schafer asks if the current version of this would allow for four horses on one acre.

Booker asks if she wants to change the horse, donkey and etc. to per one-half acre area.

Secor states over at Hillcrest she believes those are all half-acres at least unless you have a double lot.

Rupchock-Schafer asks if this would be kept to one per half-acre.

Booker responds by stating his question was the density in the subdivision is different than the density out in the rural areas. He states that was the reason he put the other in order for those people to have some sort of question when you have these houses so close together. He states if they do not limit it in some ways that it is his thought that somebody could end up with some cattle or hogs in this subdivision that is relatively half acre lots without any substantial review.

Gidley asks if he is saying the quarter acre in that is more limiting than the half-acre in that.

Booker responds by stating that was his intent but it looks like you could have to hogs on a half-acre. He states that was his original intent to put no large livestock are permitted in platted subdivisions.

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Gidley states as someone who lives in the two-mile zone where a lot of those half-acre lot subdivisions or PUD's are that he would prefer it to be a half-acre. He states if someone wants to come and get a variance like they did out at Nutmeg.

Booker asks if he would rather have a half-acre or have the people in the subdivisions come in for a special use.

Surrisi asks if it is confusing because of the breeding. He reads, "The breeding and raising of livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per one-quarter (1/4) acre of lot area."

Rupchock-Schafer states she read that to be you can only produce one horse, donkey or mule via the breeding.

Booker responds by stating you can raise them too because it says breeding and raising. He states it is the intent if some 4-Her wanted to bring a couple livestock in from 4-H then they usually buy them from a breeder. He states they raise them and then sell them at the sale.

Rupchock-Schafer states if you will be breeding then you will have more than one horse.

Booker responds by stating that is their problem then. He states he doesn't know if he would want a horse farm in a small lot anyway. He explains if they have six to ten acres then that is a little different.

Pinkerton states it can be for a nice little pony for someone to ride or something like that.

Surrisi states he believes the breeding confuses him because it makes him think you can have two and only raise one more.

Booker responds by stating the way he reads that is that it is limited to each one of those whether you are breeding livestock or raising livestock. He states we could just take the breeding and raising out.

Feece states you can't breed more with just one.

Booker responds by stating it is a new age and you can use AI.

Pinkerton clarifies by stating artificial insemination.

Booker states they have used that at Dairy Farm's already in Marshall County.

Eads asks how the special use you mentioned on the previous one work.

Booker responds by stating it would be used as a Special Use and then it would have to go before the BZA to see whether that use is acceptable in that area. He explains notices will be sent out to neighbors so they have a chance to come in and state their opinions for or against and then the BZA would make a decision.

Eads states it would be the same thing they already do then.

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Booker responds by stating that is already what they do now because a Variance of Use is still a public hearing. He states they do have special uses now for larger livestock operations. He states if you wanted to have a regular animal production that you would have to go to the BZA.

Rupchock-Schafer states we could just take out the whole breeding and raising of the large livestock. She states we could just make this an ordinance about chickens if people already have to go to the BZA.

Booker responds by stating that would be confusing because people would think you could only raise chickens.

Rupchock-Schafer states it wouldn't be confusing because we would be saying you could raise chickens without having to go before the BZA. She states if you are wanting to have a single cow or a single horse that you would still have to go before the BZA.

Booker responds by stating his intent for this ordinance to not have people go to the BZA as they have had several hearings on these and they usually get passed.

Gidley states they have four or five acres when they get passed.

Booker responds by stating not necessarily because the one east of town did not have four or five acres. He states on 9A Road there was a lady that wanted to have a horse and a goat for her daughter on just a small little lot.

Gidley believes that ended up being a violation because there were way more animals there than the two.

Booker states she still had to go to the BZA. He states if the breeding part is a problem for you then we can say, "The livestock shall be limited to one (1)" and take the breeding and raising out.

A consensus seemed to like that.

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

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

Cornell states her only comment is larger animals need more than a quarter acre. She states she agrees with Gidley that they need at least half an acre. She states leaving it in there she believes is important because they have Amish neighbors and they have horses and depend on them but they usually have more space.

Booker believes the reason that was put in there was to make it as to where most people with a small lot could not have livestock. He restates it was to limit them to not having livestock.

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

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Surrisi asks for clarification they are wanting to remove the breeding and raising and changing it from a quarter acre to half an acre.

Pinkerton responds by stating they like the quarter acre.

Commissioners Pinkerton and Rupchock-Schafer moved and seconded to approve PC 2023-09 as written with the removal of the wording "breeding and raising of." The motion passed by roll call.

Yes: Eads, Ecker, Pinkerton, Rupchock-Schafer, Webster, Wendel and Feece

No: Gidley and Secor

Absent: Longanecker

Discussion of Support for Zoning Legislation:

Booker read aloud the following letter below.



August 1, 2023

Senator Mike Bohacek
200 West Washington Street
Indianapolis, IN 46204
Sent By Email To: Senator.Bohacek@iga.in.gov

Plan Commission
Kyle Williams, *Recording Secretary*
124 N. Michigan Street
Plymouth, Indiana 46563
Telephone: (574) 936-2124
Email: deputy@plymouthin.com

Representative Jack Jordan
200 West Washington Street
Indianapolis, IN 46204
Sent By Email To: h17@iga.in.gov

Dear Senator Bohacek and Representative Jordan:

I write on behalf of the Plymouth Plan Commission to express support for legislation to amend Indiana Code § 36-7-4-1103 to allow for more local control over the regulation of mining operations in residential areas.

In recent months, the proposed development of a gravel pit within the City of Plymouth's extra-territorial zoning jurisdiction has been a topic of local concern. The development came before the Plymouth Board of Zoning Appeals for consideration of a special use application to allow the gravel pit on land zoned as rural residential. Many neighboring homeowners voiced their objections to the development, citing health concerns (inhalation of dust and other contaminants), the unsightly appearance, and the potential for diminished property values. After weighing all the evidence presented, the Board of Zoning Appeals members concluded that locating the gravel pit adjacent to a large residential subdivision and other nearby homes wasn't the right fit for the Plymouth community. However, they learned that under Indiana Code § 36-7-4-1103 they lacked the authority to fully prohibit mining operations, except for in locations designated as "urban areas".

It has come to our attention that Plymouth residents have contacted you about introducing a bill in the next session of the General Assembly to amend Indiana Code § 36-7-4-1103 to provide more local control of mining regulation in residential areas. The Plymouth Plan Commission is in favor of such an amendment. Mining and the extraction/harvesting of other natural resources is very important to our continued economic growth. Also important though is the preservation and expansion of desirable housing options. We think that local decision makers are best positioned to balance these interests.

Sincerely,

Doug Feece
Plan Commission President

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Surrisi states most of you are aware of what was before the BZA and they will be wrapping up hopefully this evening. He states John and Ruth VanVactor had shared with them they have been having discussions with the legislative representatives for this area and it sounds as though that bill will be introduced next year and he believes showing them there is local support for that legislation it would go a long way to help advance the bill. He states in his opinion he understands why those protections were written into the statutes because gravel pits in the past probably had a harder time finding a location but it seems as though there has been a lot of concern if it is the right fit if it is right beside a subdivision. He explains it would make sense to him that the people who actually live there would be able to make the decisions. He would encourage either sending this letter or something like this.

Commissioners Ecker and Gidley moved and seconded to send this letter to Senator Bohacek and Representative Jack Jordan. The motion passed by roll call vote.

Yes: Eads, Ecker, Gidley, Pinkerton, Rupchock-Schafer, Secor, Webster, Wendel and Feece

No: None

Absent: Longanecker

Other Business:

Feece states they have been dragging their feet on this Oak Drive sidewalk deal and he thinks it has been drugged out long enough and there needs to be some conclusion of the whole thing. He explains he cannot remember in the past since he has sat in this board that they have let anyone else start a construction like that and not finish it. He believes they are giving them favoritism and that is what he thinks. He states he wants to see Plymouth grow and he does consider that but they do have to watch because if they let them have leeway that it doesn't look good to the public, they are leading things out or stretching things out.

Gidley agrees because we are pushing ninety days now. He states they are supposed to be granting a variance or something so they can begin construction and they have already begun construction. He believes before they are issued a permit to build the office building that they need to get this resolved.

Surrisi states when this was first brought before the board, they made their application and it was just asking for you to give a variance but then you will recall right before your meeting there was discussions coming out of the Complete Streets Committee about the concept of whether they would be able to grant 10 feet of right-of-way to the City for the City to eventually build the sidewalk there. He states that was actually approved by the Board of Public Works and Safety and there was a Memorandum of Understanding between the Collins Company and the City. He states he believes they have resolved that part of it. He believes there was discussion last month when Burke Richeson was here that they would eventually come back to you when there was a drawing put together that showed that right-of-way on there to sign off to accept the dedication that we present that to you to finally close everything out here. He believes they are on the path to do that in the next couple of months but they already do have that agreement. He states since your last meeting there had been some discussion about the digging of the retention area and GIS Coordinator Chris Marshall had reached out to the developer and Al Collins responded with whatever they need to do to make sure the 10 feet is there that they would take care of it which could involve filling in and compacting a lot of dirt.

Gidley states it is four feet wide by four feet deep over that whole area there. He explains that is a lot of work and asks if we have that in writing that it will be replaced.

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Surrisi responds by stating it is in a written email from Al Collins and they have a formal memorandum of understanding about the dedication of the 10 feet of right-of-way. He believes it is on the right track and it will get finalized in the next couple of months. He explains he really likes the idea that the Complete Streets Committee came up with and once they get this completed, they can roll it out to neighboring property owners to see if they have the right-of-way available and would be willing to dedicate a strip of right-of-way so eventually, they can accumulate enough so it makes it easier to build a trail or sidewalk there. He states it is right where they had the fatality last year and he thinks it will go a long way to make it more affordable for the city sooner rather than later get a trail put in there.

Gidley states since it was brought up about the man that was killed at that intersection. He states he brought up the fact there are two mast heads there with no fixtures on them to light that intersection. He asks if anyone has followed up at the Street Department about that.

Surrisi responds by stating he is aware that Street Superintendent Jim Marquardt has and he cannot remember what the result was.

Gidley asks if you can report back on that.

Surrisi responds by stating he can get back to you before that.

Gidley explains he is not saying that kid would still be alive if those lights were there but it can go a long way to making that a safer intersection.

Surrisi explains that Marquardt did investigate that but he cannot recall what the report was but he will let you know. He states they are making advances on the Harrison Street Trail Project as they had an open house at the Life Enrichment Center with good turnout. He states WSBT covered it so you can look that up online as they had a video on that. He explains he spent his day today completing another grant application to Next Level Trails for the Harrison Street Trail Project. He states they hope to get by Fall the preliminary engineering complete and then roll right into the construction engineering and hopefully by the Spring or Summer of next year they could start the buildout of that.

Gidley asks if the trail would go all the way out to Oak Drive.

Surrisi responds in agreement and clarifies it won't connect to anything. He explains the layout of the trail will go from Oak Drive down Harrison Street over the railroad track, down Plum Street south to Jackson Street, Jackson Street across Michigan Street to the Conservation Clubhouse where it will connect to the Greenways Trail there.

Webster states he happened to be here when the latest Coffee Shop had to put their sidewalks in. He states they happened to be sitting in the back during the BZA and he heard some of the comments about them not being overly happy about having to put those in. He states they look very nice out there now and he understands they seem to be serving the purpose they are supposed to be for. He states his other comment is he realizes Collins is in the front burner right now but if we are going to push them to put the sidewalks in that we have to push the Langfeldt's to do it and the Beacon Credit Union to do it because we have all given them a pass until somebody else starts the ball rolling up there. He explains if they have to do it that they have to do it to all of them and that is all he has got to say.

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Mike Delp (3746 W. Shore Drive, Bremen, IN 46506)

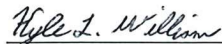
Delp wished to express this issue has been concerning to him for quite a few years and he understands he has not been up here to bring it up before. He explains he has had discussions with Gidley and he understands it also concerns him. He states on Pennsylvania Avenue and he won't give out the address right now but it is about 5-6 houses back from Michigan Street on the south side of the road along the railroad track. He states they redid the house 5-8 years ago and he doesn't remember how long but the only thing for siding is the old yellow siding in some spots. He states all it has now for siding is the silver insulation board around the house now. He states it had duct tape holding the joints together and most of the duct tape is gone now. He explains his concern is something he brought up to the previous Building Commissioner and he didn't feel like we could do anything about it. He explains after they did the remodeling on the house, they put a pool in behind the house with a real nice deck all the way around it. He explains his point is that it is not fair to the rest of the people in that neighborhood or anywhere else in the city where this may happen that a house can be remodeled and not resided but they can put in a nice pool behind it. He states maybe the Building Commissioner or someone could do something to tighten that up so it can't happen in the future. He states he means no disrespect for the people living there currently but that it needs to be addressed so they do not get places like that. He expresses if he lived next to that place that it would upset him that he has a house unfinished next to him with insulation board as it's perimeter. He asks them to consider whatever you need to do to tighten that up or maybe Manuwal needs to look into something.

Gidley believes Delp was still on the City Council when that remodel started.

Delp responds by stating that may be right as it has been a long time so he apologizes that he has not came in already.

Gidley states he sees the place whenever he drives down that way and he agrees.

With there being no other business to come before the Commission, Commissioners Webster and Wendel moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:34 p.m.



Kyle Williams, Recording Secretary