

PLYMOUTH PLAN COMMISSION

September 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 September 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, Paul Wendel and Fred Webster answering roll call whom were physically present. Commissioner Randy Longanecker attended virtually. Commissioner Angela Rupchock-Schafer was absent. Others present were Advisory Member David Hostetler, City Attorney Surrisi and Plan Consultant Booker. Building Commissioner Manuwal attended virtually. 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 August 1, 2023. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on August 24, 2023:

<p>NOTICE OF PUBLIC HEARING The Plan Commission of the City of Plymouth, Indiana will hold a hearing on September 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:</p>	<p>116 Legals 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 and 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 2023-09: 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. 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. Write</p>	<p>116 Legals ten 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, August 24, 2023</p>
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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 and 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)

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He explains he is uncertain on the drainage and he has heard that Burke Richeson will not be here tonight.

Feece asks for clarification that this means they will have an 11-foot setback with the six (6) foot plus the five (5) foot.

Surrisi responds in agreeance and states he had spoken with Richeson today and he has children with sporting events so with all those things he told him that he did not believe it was necessary for him to attend. He believes a good explanation was provided to you all with Councilman Houin's letter and the minutes from the Board of Public Works and Safety. He believes they had everything ironed out and hopefully it is in a place with this clarification that they will have the full width for a trail to be constructed and with the Board approving the amendment to their Memorandum of Understanding (MOU) that it would be in line for you all to take action approving the request if you are inclined.

Booker adds you could approve the requested as amended by the agreement.

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Gidley asks for clarification that the MOU was dated June 12th. Surrisi agrees. Gidley asks if something has changed between now and then because they have had July and August. He asks why this has not been finished up sooner instead of waiting until September before they learned about an agreement that was signed June 12th.

Surrisi responds by stating it was his recollection when Councilman Houin came before you when this was first presented that they had told you this was going to happen but at that time they said when this is all said and done that, they would come back to you. He believes that then, as the construction is right out in the open with everyone seeing what was going on, that it came back to your attention and they have had other discussions before they said everything is over and done with.

Gidley asks from the original MOU that was prepared if there were any amendments to that or is it as written originally.

Surrisi responds by stating that it was amended. He asks if the amendment was sent out in the packet.

Recording Secretary Williams responds by stating he does not believe so.

Surrisi states there was an amendment that was approved at the last Board of Public Works and Safety meeting on August 28, 2023.

Williams adds they have been waiting on a signature from Al Collins as he was out of town until next week.

Surrisi agrees and states it will be signed as soon as he is back. He explains the Clerk-Treasurer asked him if this is something they need to make arrangements to mail to him but he said it was not to that level of urgency as it will be signed as soon as they get back as everyone is in agreement to the terms of it which changes the measurements. He states it was really an oversight in the way it was drafted the first time that it did not reflect the full 11-feet.

Webster asks if Complete Streets has had any meetings since June and if they have come up with any hard ideas on what they want to do out there. He asks if they have narrowed things down as they asked to have some time to work on this. He explains it wasn't just for Collins but for Langfeldt and Beacon Credit Union. He clarifies his question by asking where they are all at with all of that.

Surrisi responds by stating he believes Councilman Houin's letter referenced that the amendment to the MOU reflecting the 11-feet had been distributed to all the Complete Street Committee members by email. He states their consensus was that this was good and they support this change. He states the only thing he is aware of is that a few months ago there was talk about hiring a consultant to do a high-level plan.

Robert Listenberger from Complete Streets was in attendance and explained this agreement was laying the groundwork so in the future they know they have some control over that corridor with easements and right-of-way. He states there has been nothing else past that but they know it is coming in the next couple years.

Webster asks if there is a timeline in place.

Listenberger responds by stating it could be five to eight years from now.

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Webster states they had a kid get hit out there and we are all aware how the traffic situation is.

Listenberger expresses that he agrees that the sooner the better but right now they are working on completing the plans for Harrison Street to get you there.

Surrisi states the next step would hopefully be to hire a consultant to do a conceptual plan that would be pretty basic where they would take the GIS to do some measurements and run a trail down the west side and see where it is feasible to have a full ten feet or eight feet and hang a price on it to see what the amount would be today. He throws out the number of potentially \$2 million and then they would have a baseline going forward they can adjust with inflation to try to program that into a year where it can be accomplished or they can start grant funding to help assist with the cost of that. He states they have been rather successful in attaining grant funding as with Harrison Street Trail they have received READI grant funding and they have a pending application for the State's Next Level Trails Grant. He explains he just came from the Park Board meeting earlier today and they were successful in attaining a grant for the extension of the Greenways Trail around Price's Pond and out to Michigan Street. He states they are working on getting the preliminary engineering for that done. He states once they get a better handle on this then he believes they can go after some of that grant funding. He states they are looking at this as the first domino to fall and they can encourage other property owners along Oak Drive to follow this lead and give a little bit of their land in order for them to pay to install the sidewalk.

Booker believes you could get MACOG to help with that.

Surrisi states they have had some discussions with them and adds that Dustin New, who is their Active Transportation Planner, is also a part of the Complete Streets and has been very helpful.

Feece wishes to add that he has been begging for sidewalks out on Jefferson Street for so many years and it has been put on the backburner for so long. He states he would like to see the rest of the board be able to keep the fire burning because this needs to be done. He expresses he has seen people cross the bypass out there to get to Walmart and it is a scary sight. He states he hates to drive through that intersection with a car, let alone walk across there. He asks the rest of the Plan Commission to keep the fire going because some of the older members won't be here for too many more years but they want keep a fire going to get that done. He states it is all stuff that has been overdue for the city for a long time.

Surrisi adds that he just used the Dollar General sidewalk and the Biggby Coffee sidewalk yesterday to walk the parade route and they were both very helpful.

Gidley asks who is responsible for painting the sidewalk at the Coffee Lodge for the Greenways Trail. He asks if that is the Street Department or the Parks Department.

Surrisi responds by stating that would be the Street Department and that was actually a topic of discussion at the Park Board meeting earlier. He states that would be taken to the Complete Streets Committee next week to discuss that.

Gidley states he had talked with a member of the Complete Streets Committee and that person brought it up to him that they need to get that repainted.

Booker adds there should also be a sign that says trail there.

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Surrisi states there is the post there with the Lincoln Highway information but there could be an opportunity for that. He states there is the easy and cheap method of getting that crosswalk repainted but in the long term there is a project in the pipeline that would take engineering and design work to build a better crossing. He states they could narrow the lanes there, put an elevated speed table or have a pedestrian activated flashing light there to improve the crossing there.

Listenberger explains he is pretty confident with what you have in front of you right now.

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

There were no comments at this time.

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

Commissioners Wendel and Ecker moved and seconded to approve PC 2023-07 as presented with the Memorandum of Understanding between the City of Plymouth, ADDD Equities, LLC and Construction-Management and Design, Inc. The motion passed by roll call vote.

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

No: None

Absent: Rupchock-Schafer

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 reads aloud some of the concerns that were brought up at the last City Council meeting. They were as followed.

1. No large livestock in a platted subdivision.
2. Increase the acreage for large livestock to five (5) acres per individual animal.
3. Increase the coop and run space for poultry.

He states he has tried to put this into another amendment for you to consider. He reads aloud the definition of agriculture limited below.

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. Livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per five (5) acres of lot area. No large livestock are allowed in a major platted subdivision. Poultry must be kept in a fully enclosed secure pen of 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.

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Wendel believes it should say any subdivision.

Booker explains there are major and minor subdivisions. He states a minor subdivision is four lots or less and a major subdivision is five lots or more.

Pinkerton asks if the acreage was taken out of there.

Booker responds by stating the acreage is there and you would need to have five (5) acres to have one of these livestock.

Pinkerton asks what the acreage was before.

Booker responds by stating he had a quarter acre per species. He states this is what he has suggested now.

Gidley asks how this is presented if this would allow poultry in a subdivision. He understands it does not allow large animals but if it is allowing poultry as it is written.

Booker responds by stating it probably would be. He asks if he wants it changed to, "no large livestock or poultry allowed in a major platted subdivision."

Gidley states he would want that but he is unsure if everyone else wants that as well.

Wendel believes that would be best.

Gidley states the reason he says that is because if you have a half-acre lot with 20,000 square feet of land. He states if the house covers 5,000 square feet, then you only have 15,000 square feet available. He states with the way it is written then what stops them from having a portable chicken coop in their front yard. He asks who wants to have a poultry operation in someone's front yard in a subdivision where houses are worth \$500,000. He states if they are going to allow it then it would have to say they could only have it in the backyard but he would prefer we just say no and instruct them to come in and get a variance like the one out on Nutmeg. He states she has a nice little building all painted up and decorated but what keeps that from being in somebody's front yard.

Booker believes tonight you could amend it to put, "no large livestock or poultry allowed in a major platted subdivision."

Gidley states that would be his preference.

Pinkerton states that would cover it all.

Williams adds that the wording "unprocessed" should be removed and the wording "per bird" should be added to the end.

Booker states that is fine.

Gidley asks for clarification on what words he wants removed.

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Williams responds by stating the word unprocessed.

Surrisi states that was a comment that was made by the woman that already operates out on King Road. He states what she spoke about is that there were very few agricultural products that are unprocessed. He explains she provided the example of her eggs that by state regulation she is required to wash them and that is a process so it was decided that it would be clearer if they removed the wording.

Gidley states it seems to him that she is very informed on it.

Booker states the two changes he has is the removal of the wording “unprocessed” and the “no large livestock or poultry in a major platted subdivision.”

Williams adds the addition of per bird at the end just so they do not put all the chickens into a one enclosed coop. Booker agrees.

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

Feece states with some City Council members here tonight he would like to get their input on this.

Listenberger believes it is fair now.

Ecker states he agrees that the large animals were a concern to him. He states personally speaking his mother owns a horse and it is fenced in. He states it lives on a six-acre lot out in the county. He states the fenced in pen is about .53 acres and the horse is boarded. He explains when the horse goes out to graze that the pasture turns completely to dirt so space is critical for large animals as they are going to graze all day. He states in the research he has looked at that it says you need a minimum of 1 ½ acres for a large animal like that.

Booker states that’s if you are going to provide all the feed for an animal like that. He states if you have less than that you would have to bring in feed.

Ecker states his mother does provide feed but the five acres to him is reasonable as they are going to continue to consume.

Listenberger states he needs to have a better understanding on roosters. He asks if a rooster is absolutely necessary for the safety of the flock.

Wendel believes if they are free range or out in the open that it is necessary.

Gidley adds if they stay in a coop then they wouldn’t be in the open.

Wendel states if they are in a coop then they wouldn’t need a rooster.

Listenberger states he would like to have chickens in his area.

Wendel states it would never get approved as he lives in the city.

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Feece adds there is still a rooster on Harrison Street and he hears him every morning.

Surrisi adds if they are talking about five-acre properties that it doesn't sound like they would be that big of a deal as far as noise but he is not sure as he lives in town.

Webster asks Longanecker his opinion.

Longanecker responds by stating he had similar concerns to what Ecker did mostly. He states he is still not sure and is unsure if he fully agrees with everything yet.

Art Jacobs from the Board of Zoning Appeals (BZA) states he is not sure most people in the two-mile area realize this is even there as he sees stuff go up all the time. He states there is one on Muckshaw Road and he knows it hasn't come up before them. He states he is not sure if people realize they are in the county but they still have to get approval. He states that is why they end up with so many that do it and then have to come in. He states he does not mind educated but if you have five or ten acres that the person would probably think nothing of it as they live outside of town.

Webster adds they will find out about it once the neighbors get mad at them.

Gidley explains that is usually how the BZA finds out about it.

Manuwal states the gentleman on Muckshaw Road has been informed that he is within our jurisdiction and he has supposedly filled for a variance on the next meeting for a chicken coop.

Jacobs states he is not sure how they educate people more in that area as it isn't exactly their fault for not knowing.

Manuwal states a proper way of educating would be informing the realtors that way when they sell a house, they realize it is in our jurisdiction then they are aware of what our zoning is. He explains for the person on Muckshaw Road that the realtor told him he was outside the city limits and they could have chickens.

Wendel believes that is a good place to start.

Jacobs asks if he can have cows and pigs on his 30 acres. He states he would want to put a pig farm in sarcastically.

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

Pinkerton asks for the revision to be read back.

Booker reads aloud the revised amendment 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 agricultural commodities grown on the same ranch or farm that provides such sale. Livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per five (5) acres of lot area. No large livestock or poultry are allowed in a major platted subdivision. Poultry must be kept in a fully enclosed secure pen of more than 128 square feet that includes and enclosed coop providing a minimum of two square feet and an open run area providing a minimum of eight square feet per bird.”

Commissioners Gidley and Wendel moved and seconded to approve PC 2023-09 as currently amended. See approved amendment above. The motion passed by roll call.

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

No: None

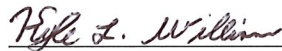
Absent: Rupchock-Schafer

Other Business:

Feece states he would like to congratulate Booker on 53 years of marriage today.

Booker states it is only right that on the night of their anniversary that he would have a meeting.

With there being no other business to come before the Commission, Commissioners Wendel and Secor moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:29 p.m.



Kyle Williams, Recording Secretary