

## PLYMOUTH PLAN COMMISSION

August 2, 2022

The Plymouth Plan Commission met in regular session in the Council Chambers of the City Building, 124 North Michigan Street, Plymouth, Indiana on August 2, 2022, at 7:00 p.m.

Commission President Doug Feece called the meeting to order for Commissioners Alex Eads, Mark Gidley, Randy Longanecker, Beth Pinkerton, Angela Rupchock-Schafer, Linda Secor, Bill Walters, Fred Webster, and Paul Wendel answering roll call whom were physically present. City Attorney Surrisi, Building Commissioner Hammonds and Plan Consultant Booker were also present. The public was able to see and hear the meeting through Microsoft Teams.

Deputy Clerk-Treasurer Williams administered the Oath of Office to Paul Wendel.

Commissioners Webster and Walters moved and seconded to approve the minutes of last regular meeting of July 5, 2022. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on July 20, 2022:

Subdivision, combining and separating an existing home on parcels

50-32-06-201-217.000-019 and 50-32-06-202-221.000-019, located at 2312 and 2280 W. Jefferson Street, Plymouth, IN 46563, zoned I Industrial District.

**PC 2022-14:** Carl and Tanya Stockberger, 11652 11th RD., Plymouth, IN 46563: A re-plat of Lot 1 of Stockberger Minor Subdivision on parcel 50-32-10-000-007.001-018, 11652 11th RD, Plymouth, IN 46563, zoned R-2, Suburban Residential District.

Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN and telephone #574-936-2124. Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be heard. The hearing may be continued from time to time as may be found necessary.

If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948.

Kyle Williams, Recording Secretary, Plan Commission, July 20, 2022

### **NOTICE OF PUBLIC HEARING**

The Plan Commission of the City of Plymouth, Indiana will hold a hearing on August 2, 2022 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 2022-13:** James and Sarah Stone, 2280 Jefferson St., Plymouth, IN 46563: A two (2) lot

PLYMOUTH PLAN COMMISSION

August 2, 2022

**PC 2022-13:** James and Sarah Stone, 2280 Jefferson St., Plymouth, IN 46563: A two (2) lot Subdivision, combining and separating an existing home on parcels 50-32-06-201-217.000-019 and 50-32-06-202-221.000-019, located at 2312 and 2280 W. Jefferson Street, Plymouth, IN 46563, zoned I Industrial District.

Plan Consultant Booker reviewed the findings of fact and presented his report. He explains that this will take three lots and turn it into two. The applicant was in attendance to answer questions if needed. Booker read the applicant's letter aloud. See attached letter below.



**Plymouth Land Surveying & Design**

*Land Surveyors – Construction Engineers*

Thursday, July 14, 2022

Re: James & Sarah Stone  
Letter of Intent

We, Plymouth Land Surveying, now a part of the Wightman Team, will be surveying and reconfiguring property located at 2312 W. Jefferson Street, Plymouth, IN 46563. The new parcel created will be 1.5 acres +/- in size with the remaining property being combined to the property to East, also owned by James and Sarah Stone.

The Stone's will be using this as a residential/personal property.

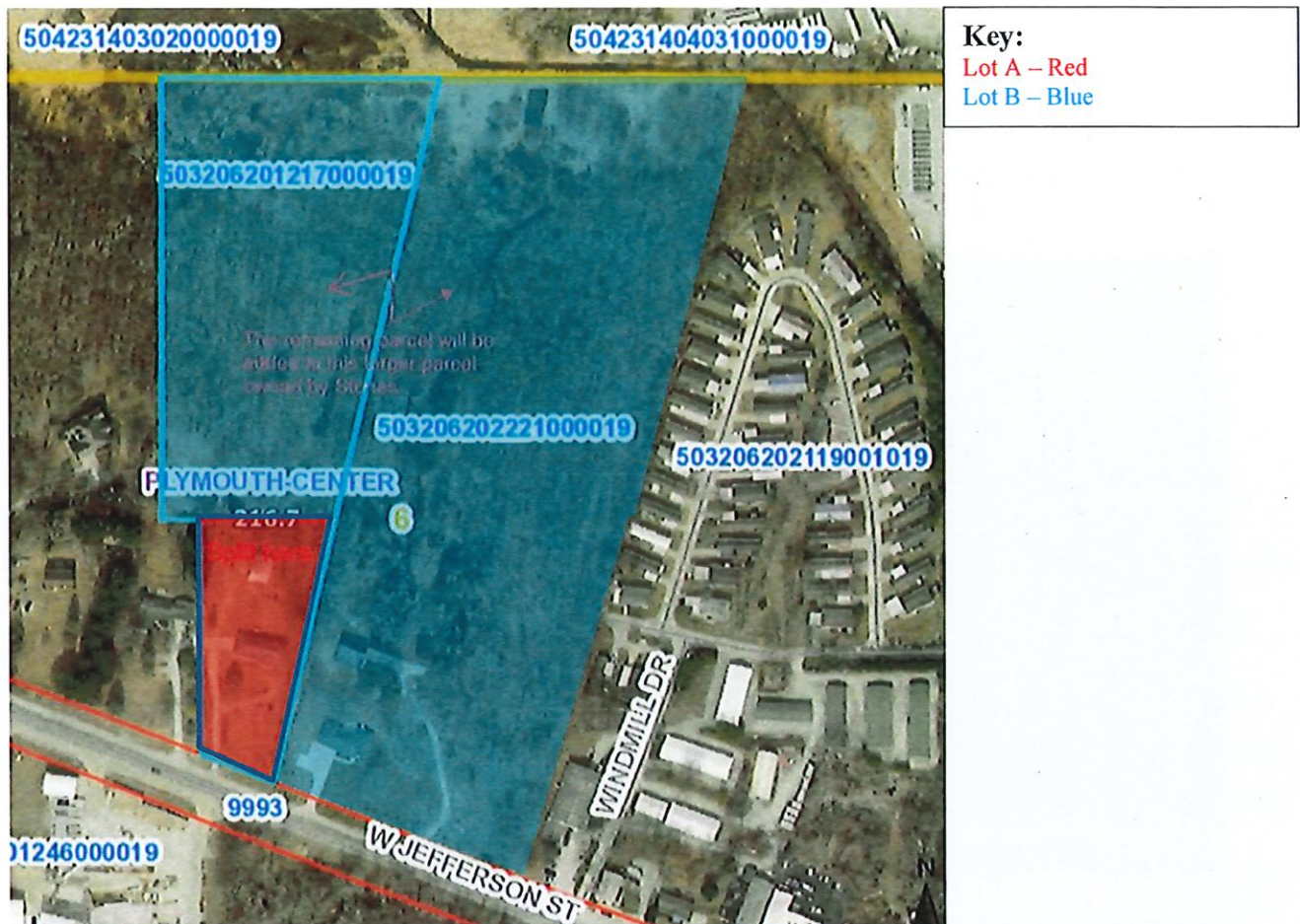
Sincerely,

J. Bernard Feeney



PLYMOUTH PLAN COMMISSION

August 2, 2022



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

**Edward Langfeldt (1980 W. Jefferson St., Plymouth, IN 46563)**

He asks if the Lot A would continue to stay in Industrial District.

Booker responds by stating that this will not change the zoning at all.

Langfeldt asks for clarification that both lots would still be industrial zoning.

Booker agrees.

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

Commissioners Webster and Eads moved and seconded to approve PC 2022-13 as presented. The motion passed by roll call vote.

Yes: Eads, Gidley, Longanecker, Pinkerton, Rupchock-Schafer, Secor, Walters, Webster, Wendel, Feece

No: None



August 2, 2022

Plan Consultant Booker reviewed the findings of fact and presented his report. The applicant was in attendance to answer questions if needed.



Proposals to the Plymouth Plan Commission shall be submitted to the Plan Commission Office, City of Plymouth Clerk's Office, 124 S. Michigan Street, Plymouth, Indiana, 46563, until the end of the day on the

## PLYMOUTH PLAN COMMISSION

August 2, 2022

15th day of the month or the previous business day. The Proposal shall be submitted on the appropriate forms as provided at the Plan Commission Office for:

Amend Zoning or Subdivision ordinances  
Planned Unit Development (PUD)  
Subdivision or Minor Subdivision  
Vacations

Proposals must include a site plan, legal description of the property, and any other pertinent information necessary to review the matter. The commission shall hear each proposal filed within 60 days of its filing.

Fees for the proposals shall be as stated in the latest fee ordinance

### **Notice of Hearing**

The Plan Commission shall give notice of public hearings at least 10 days prior to the date set for the hearing by legal notice in the Pilot Newspaper. The Planning Office shall also send a notice of a public hearing to all property owners within two (2) ownerships or three hundred (300) feet of the boundaries of the subject property, whichever is greater, and other persons deemed to have an interest in the matter by regular mail prior to the hearing. The cost of the legal advertising shall be paid for by the commission.

### **Staff Report**

The Plan Office shall prepare the agenda for the regular Commission meetings and submit a written staff report on each proposal at least 5 days prior to the Commission members.

### **Conduct of Hearing**

1. Appeals before the Commission will be heard in the order of filing, except, at the discretion of the Plan Director, cases involving the same property or owner may be heard in sequence.
2. The President or presiding officer shall introduce each proposal and may request a report from the Plan Director on the proposed matter. The President shall then allow the petitioner, or their representative, to present the proposal. The Commission shall not take action on a proposal if the petitioner or an agent of the petitioner is not present. The presentation of the proposal shall be limited to 5 minutes, unless otherwise permitted by the Commission.
3. If there are any questions by the Commission, they may ask the petitioner prior to the opening of the public hearing.
4. The President will entertain a motion to open the public hearing, and if approved, will open the hearing.
5. The President will recognize persons interested in speaking in favor of the granting of the proposal. Those persons will be given 5 minutes each to speak unless otherwise permitted by the Commission.
6. The President will then recognize persons interested in speaking against the granting of the proposal. Those persons will be given 5 minutes each to speak unless otherwise permitted by the Commission.
7. Statements by a group representative of an area or interest in the matter shall be given by a representative of that group. Additional comments by members of that group will only be heard if they represent another point or new information.
8. The President may permit the petitioner to answer any questions or offer rebuttal to



## PLYMOUTH PLAN COMMISSION

August 2, 2022

- comments made by the public. The petitioner will be given 5 minutes to do so unless otherwise permitted by the Commission.
9. The President may permit additional comments from the public as necessary to clarify any issues. Those persons will be given 5 minutes each to speak unless otherwise permitted by the Commission.
  10. The President will entertain a motion to close the public hearing, and if approved, will close the hearing.
  11. The President will then allow the Commission to discuss the proposal and entertain motions for approval, denial, or other recommendations.
  12. The voting by the commission shall be in alphabetical order by last name except for the President, who shall vote last.
  13. A majority vote by at least 6 commission members is required to act on a case.

### **Remonstrances**

Persons wishing to remonstrate a proposal before the Commission may do so in writing to the Plan Commission Office or present their statement during the public hearing. Written remonstrances will be presented by the Plan Director to the Commission at their regular meeting.

### **Petitions**

Persons wishing to submit signed petitions in favor or against a proposal before the Commission may do so by submitting it to the Plan Commission Office or to the Commission during the public hearing. Petitions should include the street addresses of the persons signing it.

### **Findings of Fact**

On each proposal that requires certain written findings by Ordinance or State Code, the Commission will complete the appropriate Findings of Fact form as required. For a proposal to be approved, at least 6 members must find that all requirements for that request have been met. The Plan Director will keep all signed Findings of Fact forms in that case file.

### **Action by Commission**

Action on proposals before the Plan Commission will be in accordance with Indiana Code, 36 series, and other appropriate laws. Approvals, action, and recommendations require the vote of at least 6 members. If a petition is denied, it will not be considered again by the Commission for a period of 1 year from the date of denial by the Plan Commission or City Council, whichever was the final voting authority.

Rupchock-Schafer poses her question in regards to the findings of fact where it states that six of them need to find all the requirements of that request. She asks that if they vote yes that they by definition are checking everything.

Booker agrees.

Rupchock-Schafer asks for clarification that they can't vote yes but then not agree with one thing or can you do that.

Booker responds by stating that if you can not agree with everything that you cannot vote yes.

Rupchock-Schafer asks for clarification that if six people have to vote that they agree with it and that

PLYMOUTH PLAN COMMISSION

August 2, 2022

these rules and procedures are specifying that they have to agree with all the findings of fact.

Booker responds by stating that is correct and that the reason that it important is because if someone were to want to appeal a case. He states that to his understanding they have thirty days to take it to circuit court and appeal if you were to deny a case. He uses the example of denying it because you presumed the applicant was too ugly which would not be an appropriate finding of fact so they take that to circuit court and they would have thirty days from that date to go and do that. He states that in the county level they had two or three cases in the Board of Zoning Appeals that went to circuit court.

Surrisi states that the state statute requires that the Plan Commission and the Board of Zoning Appeals make findings of fact for every case. He states that when he first started, he read that and started drafting more detailed ones. He explains that became too burdensome and never truly amounted to anything. He states that they only had one case in the 10 years that he has been here that was appealed. He adds that there is case law that has interpreted that statute and states that you do not have to make those findings at the hearing so it is fine that we use the current form as they are adequate for most cases. He states that if they had a particularly contentious case that they knew could be heading to appeals then they would present more detailed findings of facts so they would be better prepared to be defended at the court level.

Booker adds that they did that at the county as well when they had a contentious case and they would make sure that they wrote up a more detailed finding. He states that they would have to actually have it presented on and in the minutes so whoever is representing them can use it in court.

Webster asks since the city no longer has an engineer and since the City Engineer sits on this board how that is going to be addressed.

Surrisi states that they could reorganize the board under the statutory provisions for a community that does not have a City Engineer. He states that the City Engineer is still on the books as an engineering department and it is in the salary ordinance in case, they were to make a change and hire a City Engineer. He states that on the broader city level they have not undone that yet but it is something to consider in making it easier to attain a quorum with the board. He states that will change the number of six down to five.

Webster states that he has been gone for a while now and nobody has really said anything one way or the other but the City Engineer is still listed as a member of this board.

Surrisi states that he will informally bring that up at the City Council meeting on Monday and get their feedback on if they would like to change the composition.

Webster states that he believes it is something that at least needs to be touched on if nothing else.

Surrisi states that what he believes was the reason Booker brought this up was the concept of if the Plan Commission wanted to put anything into the rules about attendance.

Gidley agrees and states that he thought the idea was to look into if they had rules regarding attendance.

Surrisi states these are the rules but there are none involving attendance.



## PLYMOUTH PLAN COMMISSION

August 2, 2022

Booker states that these rules are what was passed back in 2019.

Gidley states that some of them were under the impression that they had rules regarding attendance and there are none. He asks if there are any?

Booker responds by stating that there are not any unless they write them into this. He states that they can write something up and have it brought to the next meeting for their approval or for adjustments. He states that this would not have to go before the City Council and it could pass on a regular split vote. He adds that it necessarily wouldn't need six votes as it is not a case.

Webster states that he does not have a proposal at this time but he does have food for thought. He states that they got two members outside the city limits, one is appointed by the county council and one is appointed by the commissioners. He asks if it is their responsibility to remove someone if they do not show up rather than the Board to do this. He states that the Board is not made-up Mayoral appointment or City Council appointment. He explains that if they were appointed by the City Council, wouldn't they just have to make a recommendation to the City Council and state that so and so is not showing up and whether or not they would look into removing them. He states that he does not think that it is solely their business to do that as appointments come from everywhere else.

Gidley states that overall, they have to notify whoever appointed that person that they are not attending on a regular basis.

Feece adds that it is their recommendation based on their bi-laws of what should be done.

Surrisi states that he thinks it would be beneficial to have a standard that the Board creates as they are all appointed for a term and the statutory language is that you are in for that term unless you are removed for cause by the appointing authority. He states that would give a little more of a standard for them.

Webster states that he believes they are essentially serving at the pleasure of whomever appoints them. He states that in their Technical Review Committee meeting he referred back to the Airport Board that got cleaned out a number of years ago.

Surrisi states that he does not think that is the case but for some boards such as the Redevelopment Commission they absolutely serve at the pleasure of the appointing authority as the statute states. He explains that they serve at a term and are only removable by cause during their term. He adds that in practicality you could part ways if you are not happy as well.

Walters states that if you put something in your rules that states you have to attend so many meetings or you can't miss more than so many meetings if that would be cause for removal.

Surrisi states that outside of removal of cause the board itself can establish procedures and they can decide if they want to throw somebody out. He adds that the Council is elected by the voters but they could allow for rules and procedures where somebody could be challenged by the board to be removed. He states that the Plan Commission can have their own authority if they would like to exercise that through procedures. He adds that if they do not want to make it as to where they are throwing the person off and if they wished to just set standards that could be looked at by the appointing authority for them to make the assessment as just cause to throw them off then that would be fine too.



PLYMOUTH PLAN COMMISSION

August 2, 2022

Pinkerton asks if they call in and say they are sick, they got covid or gone on vacation then who says they are excused. She asks if they do.

Booker responds by stating that the Board does and that would be fine.

Pinkerton states that exceptions would have to be in the policy if they are going to make one for attendance.

Rupchock-Schafer clarifies that what they are discussing is if someone is just a no-call no-show essentially. She states it is for the cases where someone just did not show up that evening and those would be the absences that they would then act on.

Webster agrees that they are looking more at that as well. He understands that everyone is going to have their days.

Booker adds that they also do have an electronic policy as well and he did not bring that up.

Pinkerton asks if they are going to get paid.

Surrisi states that was discussed at the City Council meeting and he is unsure whether or not it got a lot of traction. He adds that Walters and Longanecker were there and states that perhaps they may have some insight. He states that he didn't get the sense that people thought it would give incentive for people to actually come or not.

Webster asks how much more attendance would you get out of a City Council meeting if they were not getting paid to show up.

Rupchock-Schafer asks if both Surrisi and Booker could draft up some proposal language of three consecutive no-call no-shows or possibly a couple options for them to look at that are applicable for other planning commissions.

Walters agrees and states that it would be best for them to discuss this more instead of dropping this.

Feece agrees and explains that it would help keep their standards up.

**Other Business:**

City Attorney Surrisi states that at the City Council on Monday they will be considering for approval the proposed amendment to the zoning ordinance that they recommended at the last meeting about sign standards. He states that the City Council approved a contract with Michiana Area Council of Governments (MACOG), to facilitate an update to the City's Comprehensive Plan. He adds that it has been 9 years since they formally adopted it and currently, they have a small planning group that is going to try to work with MACOG to set up a timeline of when they will get this done. He explains that it is about a year long process that includes 9 months of engagement with the public and planning. He adds that there is then about 3 months of getting it approved.

Webster asks if any of the Board members were going to be included.

PLYMOUTH PLAN COMMISSION

August 2, 2022

Surrisi states that there are a couple of opportunities that he wanted to share with them. He states that the planning of the timeline core group currently has two council members, Don Ecker and Jeff Houin, Mayor Senter, Planning Consultant Ralph Booker, and himself. He states that they are trying to get a meeting with MACOG on the week of the 15<sup>th</sup>. He states that there is an opportunity for one of them to attend once they get a date then that would be great. He adds that they will be waiting until after Blueberry Festival which would be either in late September or early October to start. He states that there is going to be a 20+ member Steering Committee with multiple people from the Plan Commission and throughout the communities. He explains that there will also some subcommittees on separate topics underneath that Steering Committee so there will be a lot of opportunities to get involved. He explains that once he gets a date for that initial meeting on the week of the 15<sup>th</sup> that he will work with the Recording Secretary in circulating that to everyone. He explains that as long as it is less than six who would want to come then they would be welcome to come to that. He states that this work will be with that committee while also engaging with the public but ultimately working with MACOG in the Spring of next year and early Summer of next year there will be a draft of the document that will come before the Plan Commission to engage with as it goes along. He explains that after revisions from their comments then the Plan Commission will provide their recommendation. He adds that it will then move along to the City Council for approval, similar to the zoning ordinance change.

Webster asks when they do this if they are going to completely rewrite it or take what is there now and going paragraph to paragraph.

Surrisi states that it is going to be a complete rewrite but they are going to look at what is there to see what has been accomplished and what has yet to be accomplished. He states that they are going to use it as a starting point but they are going to be using a different format to make it more streamlined than their current Comprehensive Plan. He adds that there would be fewer chapters and there are some materials in the current Comprehensive Plan that get repeated in chapter after chapter and this will become more simplified. He states that it won't be simplified in the sense that it won't be rich in data but rather that it is the way they lay out the information to tell a story and it will be easier to use in his opinion.

Gidley asks if Wendel has been given a book of ordinances.

Surrisi states that the Mayor had provided it to him weeks ago.

Wendel explains that he hasn't seen it. He states that he has been looking at what was online.

Surrisi states that he will provide a copy to him and he will make a note to do that.

Wendel states that if it is going to kill more trees that he can just read it online.

With there being no other business to come before the Commission, Commissioners Webster and Walters moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:41 p.m.

  
\_\_\_\_\_  
Kyle Williams, Recording Secretary