

## PLYMOUTH PLAN COMMISSION

March 2, 2021

The Plymouth Plan Commission met in regular session in the Council Chambers of the City Building, 124 North Michigan Street, Plymouth, Indiana on March 2, 2021 at 7:00 p.m.

Commission President Doug Feece called the meeting to order with Commissioners Alex Eads, Rick Gaul, Mark Gidley, Beth Pinkerton, Linda Secor, Bill Walters and Fred Webster answering roll call. Commissioners Angela Rupchock-Schafer, Randy Longanecker, and John Yadon were absent. City Attorney Surrisi and Plan Consultant Booker were also present.

Commissioners Webster and Walters moved and seconded to approve the minutes of last regular meeting of January 5, 2021, as presented. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on February 19, 2021:

**116  
Legals**

**NOTICE OF  
PUBLIC HEARING**

The Plan Commission of the City of Plymouth, Indiana will hold a hearing on March 2, 2021 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 2021-01:** Bill Spatz-Plymouth Associates Limited Partnership, 14 N. Peoria, Unit 3F, Chicago, IL 60607: A two (2) lot Minor Subdivision, Dearborn Minor Subdivision, Lot 1 of 0.955 acres and Lot 2 of 4.645 acres, on parcel 50-32-93-202-097.000-019, located at 1040 E Jefferson St., Plymouth, IN 46563, zoned C-1, General Commercial District, 316 Gilmore St., Plymouth, IN 46563.

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.

Kathryn Hickman, Recording Secretary, Plan Commission,  
February 19, 2021  
February 19, 2021 PM1321433 hspnslp1

**PC 2021-01:** Bill Spatz - Plymouth Associates Limited Partnership, 14 N. Peoria, Unit 3F, Chicago, IL. 60607: A two (2) lot Minor Subdivision, Dearborn Minor Subdivision, Lot 1 of 0.955 acres and Lot 2 of 4.645 acres, on parcel 50-32-93-202-096.000-019, located at 320 N Kingston St., Plymouth, IN 46563, zoned C-1, General Commercial District.

Plan Consultant Booker reviewed the Findings of Fact. He stated that Zaremba came to the Board of Zoning Appeals last month for a few variances which included reducing the front yard set back to 15 ft on Kingston, allowing parking in the front set back on E. Jefferson, and reducing the number of parking spaces from 39 to 30. When this case went to the Technical Review Committee on February 23<sup>rd</sup>, they had a few concerns on the layout of the plat. The first was that there should not be a driveway within seventy feet of the intersection of Kingston Street and E. Jefferson Street. During the meeting they determined that the measuring of the seventy feet would be from the edge of the pavement. If they were

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to keep the location of the entrance where it is at it would require a variance from the Plan Commission. The developer discussed the entry way at the meeting and stated that it may need to be reconsidered and changed. Comments about the utilities were that the proposed southern entrance is adjacent to a fire hydrant and the fire hydrant may need moved. There was also a lot of discussion about the drainage in the area.

Booker read aloud a message from the developer from earlier that day. It stated "We are still working with the owner and the tenant to determine if what we discussed at the Technical Review Committee Meeting can be achieved. We respectfully ask the Plan Commission members to table their request." Booker added that it seemed that the public did not mind Dollar General building at that location, and the biggest concern at the Technical Review Committee meeting was where the drive was located. Gaul stated that drainage seemed to be a bigger concern at the meeting and for a subdivision plat they need an approved drainage plan. Booker suggested giving the developer time to fix these problems and get an approved drainage plan for the area.

Feece asked about a possible street off the proposed rear drive. Booker stated that it was Lake City Bank's drive through and is a private street. Feece added his concern about how this road is the only way that school busses have to take now and the possible problems with that. He also added his concern over how close they would be to the road and the potential problems if they were to widen the road. He added that there are also no sidewalks in this area.

John Wojtila of Zaremba Land Development and Whitney Pizzala of AR Engineering LLC were present to talk about the application and answer the questions of the board. Pizzala added that they are still working on the north entrance, and eliminating this drive may be an option which would cause them to share the entrance off of Jefferson. Wojtila added that they are hoping to come back at the next meeting with a new plan that address these issues.

Booker asked the applicants if they are still working on a drainage plan for this area. Wojtila stated that they are still working on a drainage plan, they are also working to get someone to evaluate the existing pump station and to clean up and televiser the current storm lines. He added that they will have more information on this once this work is done.

Gidley asked Rick and the applicant about the storm water that leaves the lot and if it is leaving the parking lot via the surface or through an underground system. Gaul stated that they are looking to use the existing system. Pizzala stated that they intend to set in additional storm structures that will be interconnected with the existing system and in turn all of the storm water should be going underground in Dollar General's lot.

Feece asked about the existing building and if there would be enough parking spaces for any potential businesses in this building if it were to get cleaned up. Booker stated that if this were to occur the existing building would be limited as to what the building can be used for.

Walters asked if this would allow for enough spaces for the church that already exists there. Booker stated that the church had left already. Walters then asked if the building was completely empty except for an office space on the south end. Surrisi stated that there is a Hispanic church in the building and that is all that remains in the building.

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

Delbert Lang of 1119 Warana Court, expressed his concern that the pumping station has not worked correctly since he moved in around 2009. He stated that the existing building is an eyesore and is located at one of the entrances to the city. He stated that the building should come down. He would like to see something done with this area and would prefer to just see the new Dollar General in the corner of the lot. He had also saw in the paper a couple of years ago where an owner of the retention pond where water from this parking lot drains into complained about the oils and pollution that was coming from the drains.

Gaul stated that the retention pond was added when the dentist office was added and required more parking area. There were not outlets at the time and basically all of their stormwater went into that retention pond. Lang stated that when they had the 100-year flood the water was draining into his drainage ditch. Gaul stated that he believes with what they are working on they will address this and hopefully get the pump working.

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

Commissioners Webster and Walters moved and seconded to table PC 2021-01 until April 6, 2021. The motion carried by roll call vote.

Yes: Eads, Gaul, Gidley, Pinkerton, Secor, Walters, Webster and Feece

No: None

Absent: Longanecker, Rupchock-Schafer and Yadon

Surrisi added that a lot of the concerns that were raised about the current status of the existing building are valid, but that the building does not meet the requirements for an unsafe building and would not allow for the city to do anything about the facility. He believes that it is encouraging that Zaremba and Dollar General are willing to make the investment of this area of town.

Ralph Booker presented the following county regulations and new changes to the Marshall County Solar Development Standards.

### E. General Approval Standards

#### 1. Setbacks:

- a. Ground Mounted Micro-Scale, Small-Scale, Medium-Scale, and Large-Scale Solar Energy Systems in all districts shall be installed either in the Side Yard, Second Street Front Yard, or Rear Yard when considered Accessory Structures. Ground-Mounted Solar Energy Systems may be located no closer than the setback for their Zoning District.

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b. Ground Mounted Micro-Scale, Small-Scale, Medium-Scale, and Large-Scale Solar Energy Systems that are primary uses on property shall meet the District Setback standards.

c. Farm-Scale Solar Energy Systems shall be setback 150' from the centerline of the adjacent Right-of-Ways, 75' from all property lines and 250' from the nearest corner of residential structures. Interior project property lines don't have setback requirements.

### 2. Height:

a. Roof Mounted: Roof-Mounted Solar Energy Systems may exceed the maximum building height, provided the SES does not exceed five feet in height above the roofline in residential districts and ten feet above the roof line in all other districts.

b. Ground Mounted: The maximum height of PV module and racking system shall not exceed 15' as measured from the highest natural grade below each solar panel. The recommend minimum height from grade is 3' for pollinator species to grow without obstructing the panel efficiency.

### 3. Lot coverage:

The area covered by Ground Mounted Solar Energy Systems, measured by a rectangle encompassing the various system components, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage or impervious cover.

The Applicant shall plant a pollinator species with a mix approved by a local licensed landscape architect or equivalent. The Michiana Council of Governments or Minnesota State requirements for pollinator species for solar installations shall be referenced. The site shall be planted and maintained to be free of all invasive species, as listed by the Indiana Invasive Species Council.

### 4. Drainage:

Solar Energy Systems must meet the requirements of the Marshall County Storm Drainage and Sediment Control Ordinance.

### 5. Additional Farm Scale Conditions:

#### a. Buffer Requirements:

~~a). Shall have a 25' planted buffer along the following areas:~~

~~1. Along the perimeter of project area.~~

~~b). The buffering shall be a minimum 3 row, 4 season tree stand with off set spacing as to minimize the view of the proposed project.~~

a). Shall provide adequate visual 4 season screen while within 250' setback from residences and when adjacent to roadway intersections.

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- b). Buffering shall be maintained by trimming if necessary, removal of dead or fallen trees and replanting.
- \*c). Buffering shall be considered when adjacent, non-residential parcels may have competing uses.
- b. Must be approved by the Marshall County Drainage Board and the system must be a minimum 75' away from any county ditch or tile.
- c. Must repair repair, reroute or install new tile private Drainage Systems in order to preserve the overall drainage integrity.
- d. Must be reviewed by the Technical Review Committee
- e. Must meet floodplain regulations.
- f. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- g. Exterior lighting shall be limited to that required for safety and operational purposes and will not produce glare across lot lines onto properties not associated with the project and minimized for same property residences.
- h. The Applicant shall certify that the Applicant will comply with the Damage to Underground Facilities Law (Ind. Code 8-1-26) and accompanying regulations of the Indiana Utility Regulatory Commission
- i. A decommissioning agreement must be executed by the Applicant.
- j. A traffic management plan shall be approved by the Marshall County Highway Superintendent/ Marshall County Commissioners.
- k. A property operation and maintenance plan shall be submitted with the Special Use application.
- l. The facility shall have a perimeter security fence. The security fence must be kept repaired, painted and maintained in good condition.
- m. Signage on the solar farm fencing shall display the facility name, address and emergency contact information.
- n. Must provide reasonable accessibility for emergency vehicles.
- o. Top soil shall be preserved on site and grading should be minimized to preserve the future viability of plantings, and natural contours of the property must be maintained.
- p. Deforestation shall be minimized and approved by the Plan Director and Board of Zoning Appeals.
- q. Energy Storage installations must meet the associated development standards.

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- r. Wildlife and Mitigation study or similar as required by applicable state or federal department shall be submitted. Should neither state or federal departments require such a study, the county will require best practices and impact mitigation to be shown and indicated by report or site design.
- s. Preferred locations for Solar Farms and other large-scale solar installations are on Brownfields, industrial zoned property and marginal agricultural soils.
- t. Electric solar energy system components must have a UL or equivalent listing.
- u. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Marshall County in instance where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible at the discretion of the Plan Director.
- v. For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the result of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

### F. Permitting

1. A complete building permit application for all Solar Energy Systems will include the following:
  - a. Solar System Specifications including manufacturer and model information
  - b. Module design and site plans
  - c. Business plan indicating how all conditions will be addressed
  - d. System components including panels, inverters, batteries, etc. should be a minimum 95% recyclable.
2. A Technical Review Committee (TRC) site plan approval is required for Medium-Scale, Large-Scale, and Farm -Scale Solar Energy Systems prior to building permit approval.
3. System upgrades/~~repair~~/replacement will require a new building permit.

### G. Site Plan

Site Plan documents shall include, but not limited to signed off by a licensed Engineer in the State of Indiana:

1. Property lines and physical features, including roads, for the project site;

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2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
3. Drawings of the Solar Energy System showing the proposed layout of the system, the distance between the proposed solar collector and all property lines, and the tallest finished height of the solar collector;
4. Name, address, and contact information for proposed system installer;
5. Name, address, phone number and signature of the project Applicant, as well as all co-Applicants and of property owners;
6. Zoning District designation for the parcel(s) of land comprising the project site.
7. Documentation that the Applicant has submitted notification to the utility company of the Applicant's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

### H. Abandonment and Decommissioning Requirements

#### 1. Small-Scale, Medium-Scale, and Large-Scale removal requirements:

Any Ground Mounted Solar Energy System which has reached the end of its useful life or has been abandoned shall be removed [by the owner or operator]. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Marshall County Plan Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a). Physical removal of all Solar Energy Systems, structures, and equipment from the site.
- b). Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c). Stabilization or re-vegetation of the site as necessary to minimize erosion.

The Marshall County Plan Director may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

#### 2. Small-Scale, Medium-Scale, and Large-Scale abandonment:

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Small-Scale, Medium-Scale or Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Marshall County Plan Department. If the owner or operator of the Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the County retains the right to enter and remove an abandoned, hazardous, or decommissioned Small-Scale, Medium-Scale, or Large-Scale Ground Mounted Solar Energy System at the owner/operator's expense. As a condition of Site Plan approval, the Applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned installation.

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### 3. Farm-Scale construction, decommissioning and removal requirements:

a). Prior to the issuance of a building permit, a decommissioning plan must be approved by the Board of Zoning Appeals and recorded with the Marshall County Recorder, cross-referenced to the deed(s) to all associated project parcels. Once a project has not generated energy for 1 month the developer/owner shall notify the Marshall County Plan Commission Director. Once a facility has not generated power for  $\pm 6$  consecutive months, the decommissioning plan shall be activated. Shall provide the Plan Director and the County Commissioners a semi-annual generation report.

b). The decommissioning plan will include, but is not limited to, the following:

1. Lifetime of the project

2. Timeline for construction, and general operation

3. Decommissioning cost estimate, including salvage value of materials.

4. Restoration and reclamation requirements shall adhere to the following:

- i. restoration of the pre-construction surface grade and soil

profile after removal of the structures, equipment, graveled

areas and access roads. Sub-grade components shall be removed from a depth of 3' and shallower, and encourages total removal.

- ii. re-vegetation of restored soil areas with crops, native seed

mixes, plant species suitable to the area.

- iii. for any part of the Solar Energy System on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any remaining structures must be in conformance with all ordinances and regulations in effect at the time of decommissioning. Copies of said agreements must be provided as a part of the decommissioning plan pending approval of the Marshall County Plan Director.



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5. Bonds or financial assurance are required:

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i. Bond or financial assurance that will cover the reconstruction of public infrastructure due to construction activity related to the Solar Energy System installation that will be approved in association with the traffic management plan.

ii. Bond or financial assurance that will cover damage to the drainage infrastructure that may be damaged during the construction process beginning once construction has been completed and is to last for 5 years once construction has been completed.

iii. Bond or financial assurance that will cover the decommissioning of the Solar Energy System as described in the decommissioning plan.

iv. Bonds and financial assurance shall be reevaluated every 3 years with contributions adjusting at that time to cover costs at the time of decommissioning.

v. The amount of the Bonds or financial assurances must be approved by the Marshall County Commissioners.

Booker said that Marshall County amended their solar ordinance and he stated that before these changes the city and the county's ordinance were almost identical.

The Commission's concerns included in these changes being very cost restrictive for farm usage which may limit solar usage in the city. They were concerned about limiting solar usage by adopting the same ordinance as the county. Booker added that the board is able to choose what they would want to include in the ordinance before a public hearing on the matter. It was brought up that this may be premature as the state is working to pass a bill that may regulate solar standards for the entire state rather than each city/county regulating it.

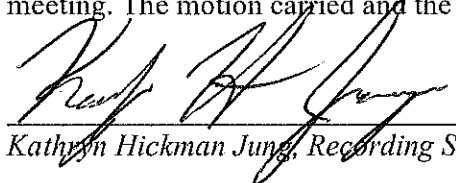
Commissioners Webster and Walters moved and seconded to table this discussion until the State Legislature finishes work on their Bill. The motion carried by roll call vote.

Yes: Eads, Gaul, Gidley, Pinkerton, Secor, Walters, Webster and Feece

No: None

Absent: Longanecker, Rupchock-Schafer and Yadon

There being no other business Commissioners Webster and Walters moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:56. p.m.



Kathryn Hickman Jung, Recording Secretary

