

## PLYMOUTH PLAN COMMISSION

June 7, 2022

The Plymouth Plan Commission met in regular session in the Council Chambers of the City Building, 124 North Michigan Street, Plymouth, Indiana on June 7, 2022, at 7:12 p.m.

Commission President Doug Feece called the meeting to order for Commissioners Mark Gidley, Beth Pinkerton, Bill Walters, and Fred Webster answering roll call whom were physically present. Commissioner Angela Rupchock-Schafer attended virtually. Commissioners Alex Eads, Randy Longanecker, Linda Secor, and John Yadon were absent. 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.

Commissioners Gidley and Webster moved and seconded to approve the minutes of last regular meeting of May 4, 2022. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on May 25, 2022:

### NOTICE OF PUBLIC HEARING

The Plan Commission of the City of Plymouth, Indiana will hold a hearing on June 7, 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 2022-08:** Michael Iqbal, 406 Simon St., Plymouth, IN 46563: A re-plat of lots 11 and 12 of Shadel's addition, 400 E.

### 116 Legals

Jefferson St. Plymouth, IN 46563, zoned C-1 General Commercial District.

**PC 2022-09:** Centennial Crossings, LLC, 1906 N. Oak Drive, Plymouth, IN 46563: A revision of the Planned Unit Development (PUD) to remove two (2) garages and expand two (2) of the existing apartment buildings on parcels 50-42-92-102-002-019 and 50-42-91-403-011-000-019, Plymouth-Goshen Trail, zoned PUD and C-3, Traditional Residential District.

**PC-2022-10:** City of Plymouth, 124 Michigan St., Plymouth, IN 46563: An Amendment to Article 6, Section 200, E. (2) Signs

### 116 Legals

are permitted in C-1, C-2, C-3, I, BP, and PUD Districts plus any grandfathered institutional or commercial uses in a R-3 District with a permit subject to the following regulations and other applicable standards in this Chapter: and Article 6, Section 200, .2. (b) (ii) Number of signs, ii. Multi-tenant buildings may provide a tenant directory as one (1), of the two (2) signs permitted. This is subject to the requirements within the zoning district.

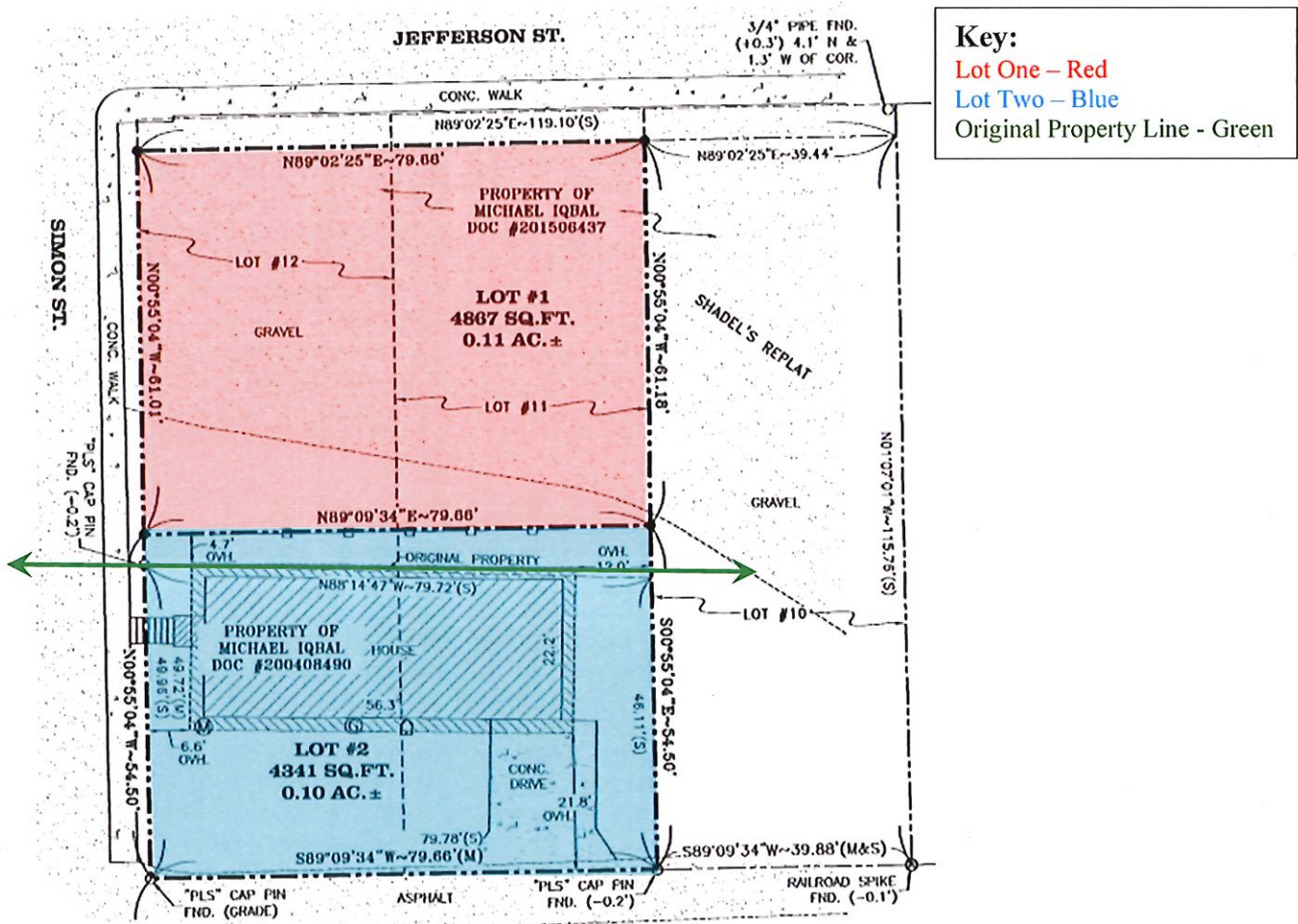
Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN and telephone #574-936-2124. Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be heard. The hearing may be continued from 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, May 25, 2022

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Plan Consultant Booker reviewed the findings of fact and presented his report. Lot One is where the Old Clark Station used to be. Lot Two will be where the house is now. Booker states that this re-plat does not include the lot to the East. He states that according to the Technical Review Committee that this would create a bad situation for both lots because in order to build on either one of the lots they would have to get variance setbacks. He states that they would have to go before the Board of Zoning Appeals to get variances before building. He adds that this would stay true if all four of the lots remained the same. He states that whether this is approved or not that this is not going to change anything as for needing to acquire variances.



Demont states that the current property looks like it was currently on the corner of the house so they are trying to extend it to the fence so whoever buys the house has the grass between the house and the fence. He adds that is the only reason in which they wished to change these legal descriptions.

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Commissioner Webster asked for clarification if this was to make the bank happy if they needed to borrow money for the home.

Demont agrees and states that is why they spent about \$1600 on a survey to do this.

Commissioner Pinkerton states that she is uncertain on what the problem is.

Demont states that the old survey shows the parking lot going through the house. He states that it is hard to sell the house when the parking lot goes through the house.

Commissioner Gidley asks if there is a survey stake there that shows the property line going through the house.

Demont states that there are new survey stakes that go out to the fence.

Booker states that there is no question that one property line goes through the house because the house sits on two lots. Booker adds that the old property lines are on the survey provided.

The original property line is marked above in green.

Demont states that it helps the house but hurts the commercial lots.

Gidley asks why they don't just widen lot two by a few feet.

Demont states that is what they are doing given that it is several feet between the house and the fence.

Commissioner Feece asks if there is a road on the bottom side of the house on lot two.

Demont states that there is an alley.

Feece assures that if there is a fire or emergency that they can get to two sides of the building if necessary.

Booker states that whether or not they approve this doesn't change that fact.

Gidley asks if the seven feet that is added to the lot is within compliance to the side yard setback.

Feece says that it is not.

Building Commissioner Hammonds states that it doesn't make a difference.

Gidley asks if they are going to change it then why not put it into compliance.

Hammonds states that by moving lot two up several feet that it is making lot one even less compliant and that it would become harder to get variances if they go any further out.

Walters asks what the dimensions are of each of the lots.

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The sizes of the lots are listed above on the re-plat.

Booker states that this original property was zoned maybe 70-100 years ago and they are trying to apply a new variance on top of that.

Demont states that the owner is trying to clean them up a little bit.

Booker agrees and adds that it does not make them perfect. He states that you could make it all into one lot.

Demont states that originally it was intended to be all together but they were uncertain of the possibility of selling lot one and two together. He states that the biggest thing was moving the property line off the house because it is hard for a bank to finance it when they see the property line going through part of the house instead of out to the fence. He adds that everyone who looked at the home was under the impression that the property line was out to the fence. However, the survey was not.

Pinkerton asks for clarification that no matter what they do that whoever purchases the property will need to get variances.

Hammonds agrees.

City Attorney Surrisi states that for the home they can fix it up as it is as long as they are not building onto it.

Feece says that the only other option is to make it all one lot and then it would be legal. He adds that he is unsure if that is cruel or not because he just spent \$1600 to have it surveyed.

Webster adds that he probably had to wait about four months just to get a surveyor.

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

There were no comments from the public at this time.

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

Commissioners Webster and Pinkerton moved and seconded to approve PC 2022-08 as presented. The motion failed by roll call vote.

Yes: Webster, Feece, Walters, Pinkerton, Rupchock-Schafer

No: Gidley

Absent: Eads, Secor, Longanecker, Yadon

Webster states that with a minimum quota of board members that the vote has to be unanimous to pass.

Booker states that there needs to be a reason for denial.

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Pinkerton states that it is not in compliance.

Gidley states that it just creates more of a problem and more variances. He states that this is all zoned commercial so it is even more difficult because now there is a commercial building on a lot that is not used commercially. He asks what will you be able to build on it as a commercial building. He states that he would prefer to see it all as one lot.

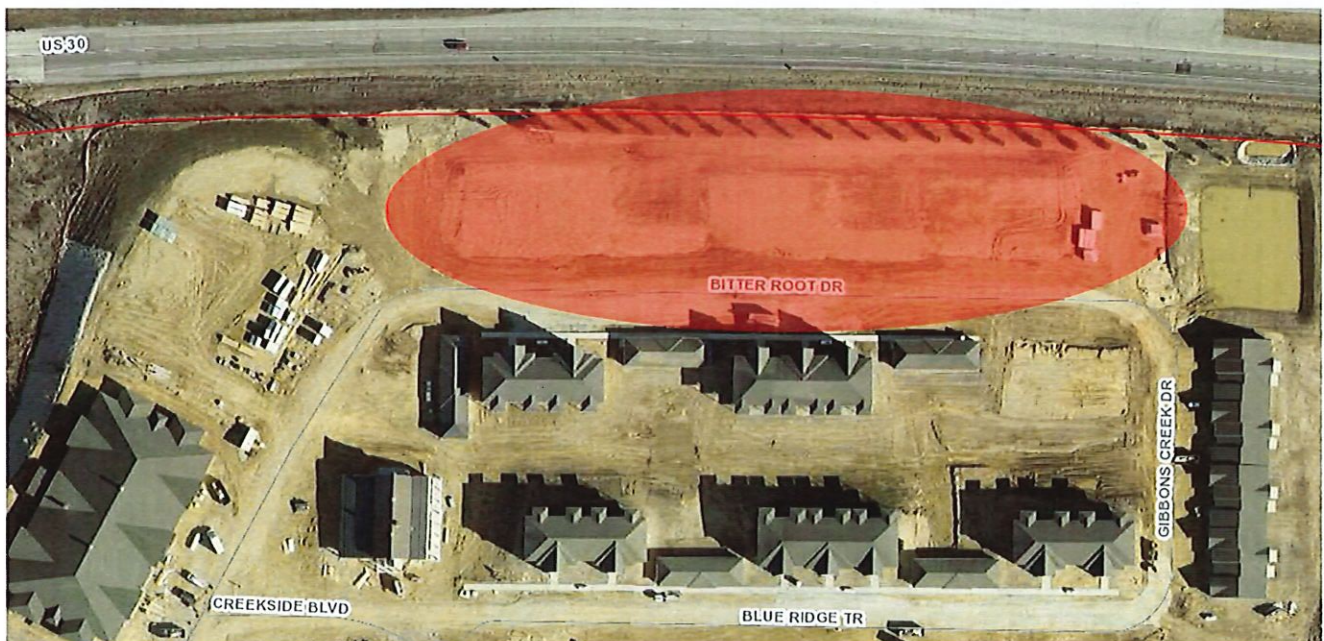
Walters states that he would rather see that himself. He clarifies that he did vote yes but he would prefer that it was one lot rather than two lots because he thinks they are making one lot completely unusable.

Webster asks what the wait time is for if they want to bring this issue back up.

Booker states that it would be a year. He states that he also has 30 days to take it to circuit court if the applicant feels the findings of fact were erroneous and then it will be decided by the circuit court.

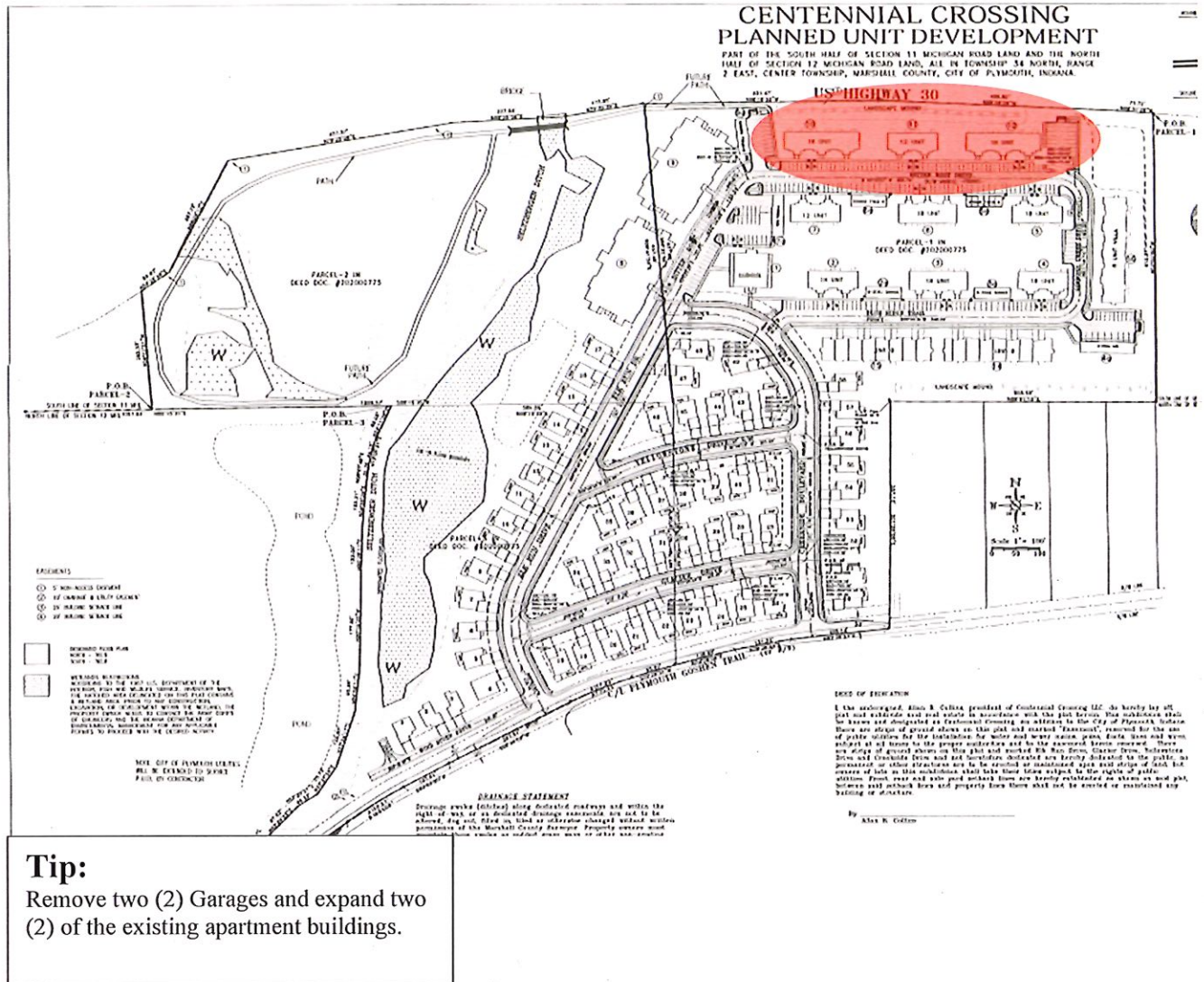
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Plan Consultant Booker reviewed the findings of fact and presented his report. Booker states that a concern was that the parcel lines that are currently on the plat go through existing buildings. The applicant mentions that they will touch on topic during their explanation. Booker states that he found out that you do not receive a garage when you rent an apartment but rather the garage would have to be rented additionally. Booker wanted to make sure that there was adequate parking to support the two-bedroom apartments. He adds that drainage was discussed during the Technical Review Committee and it was found that drainage would be improved because there would be less hard surface area in the proposed plan amendment.



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## Burke Richeson (Centennial Crossings, Plymouth, IN 46563):

Mr. Richeson states that as of last week they had five total units left open and that included the senior building. He states that the project is going exceptionally well. He states that the developer is working through all the houses and things have been going up very quickly. He states that there has been a lot of interest and positive reviews. He states that this led to the request to make this modification. They found that there was a much larger demand for two-bedroom apartments. He states to meet the demand for the community that they decided to replace the two 1 bedroom 1 bath units and garages for two 2 bedroom 1 bath units. He states that to match the electric plan that is already installed and with underground utilities that they had to get rid of the two garages.

He adds that when you lease a garage at Centennial Crossings that it is a separate lease. He states that if you want an enclosed parking space that you must rent your apartment and then there is an extra cost for the garage. He states that with the garages there are not enough garages for every apartment. He states that by eliminating those two garages that they are actually creating 16 more parking spaces that were not open to the renters there because they would be owned by the person renting the garage.

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He states that there are no changes in addressing because it is the same number of units per address. He states that the other major question that they had was about hard surface and storm water and all the stuff they went through with that. He states that by eliminating those garages there is less hard surface so they improve the rain collection and the storm sewer that they have to have. He states that makes what is there far more adequate than it already was which in turn improves the ecological standpoint of the development. He restates that this change will really benefit the community in having those two-bedroom units and they don't foresee that it will add any more congestion or traffic. He clarifies that it isn't two adults living in separate bedrooms but rather parents and a kid.

He states that in turn the buildings are bigger and they will have a higher value in terms of property tax base so it is not decreasing property taxes but it will increase the property tax bill by having the bigger building that will lease for a higher rate than a one-bedroom would.

Walters asks how many spaces were in the original garages. Richeson states that there were 8 stalls in each garage. Walters asks for clarification that they are eliminating 8 garage spaces but adding 16 open spaces. Richeson agrees. Walters clarifies that no parking spaces were eliminated at all. Richeson states that the parking spaces that were originally there would have had to be leased. So, they were taken from somebody who would have claimed it by right because they were paying for it, but now they are being opened up to anyone. He states that if a garage bay were not full then nobody could park there anyway. He states that from a standpoint of being at full capacity there are no more parking spaces but from an open parking concept there are more spaces for people to park for free.

Gidley asks if Building 11 is currently under construction. Richeson agrees. He asks if any part of Buildings 10 or 12 under construction. Richeson states that the foundations are currently down. Bidley states that they have already started the foundations for these before they were approved. Richeson agrees and states that they applied for a building permit and received a building permit. He states that with the desire to get things down and the units ready as fast as possible that they have gone ahead with starting that process to get those units up. He clarifies that they did follow the process of applying for a building permit but the construction is underway as of now.

Gidley asks for clarification. He then asks the Building Commissioner if he granted the permits for the applications. Hammonds agrees. He adds that they have put down the foundation and that they are working on the houses at this point.

Gidley reclarifies that the foundations are down before they got this approval. Hammonds agrees. Bidley reclarifies that Hammonds granted the permit for that. Hammonds agrees.

Webster asks when the decision was made to make this change.

Richeson states that they went through the process of doing the rain analysis and having it drawn so it was approximately four to five weeks that they really committed to making the change prior to the application. He states that a couple weeks before that they walked through a couple of steps with the city engineers. He states that they got everyone's opinion and then spent the money to obtain the drawings and do the analysis. He states so it was about 8-10 weeks ago that they were really in earnest talking about it.

Webster asks how long the building permit had been issued.

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Hammonds says that it was four weeks ago.

Richeson states that it is a business benefit to get things moving as fast as possible to make it available to the community. He states that they back when he was before the Plan Commission before that he promised they would be moving quickly and it has been successful at this pace. He states that as for the legal descriptions for the parcels that are there is that they are going through a process of making sure they have three individual parcels. He states one would be for single family homes, one for the multi-family area, and a third parcel to the west which will be sectioned off as a nature preserve given that it is not useable or buildable based upon water tables.

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

**Judy Ramos (12661 Plymouth-Goshen TRL, Plymouth, IN 46563):**

Mrs. Ramos states that she has no issue with what they are doing but she has an issue with being in city limits and on the county line but she got notified for this. She states that she has a gentlemen next door to her hunting near the park. She states that she does not like it. She asks why she wasn't notified of about that. She reclarifies that the park is right there on the border. She restates that she is notified of this when this doesn't really affect her in any way. She states that the hunting affects her.

Booker states that they are obligated to notify everyone within 300 feet of the property lines or two properties over, whichever is greater. He states that sometimes, not in this case, but sometimes people a mile or two away receive a notice.

She agrees and restates why she was not notified about having guns on her property. She states that she was told that she could not have guns on her property. She restates that she has the gentleman right next to her hunting on property that butts up against her.

Surrisi asks for clarification that she is in the city limits.

Ramos states that she is not. She says that they say she is in the county. She says that she pays county.

Surrisi states that he is unaware of who said she can't hunt on her property.

Ramos states it was the person they bought the property from.

Surrisi states that he is unaware of any county regulations but... Mrs. Ramos interrupts.

Ramos asks if she is county or if she is city.

Surrisi states that it sounds like she just said she was in the county. He states that the city has regulations within the city limits that you cannot discharge a firearm. He states that there may have been some confusion about where the border is but the city does not have any jurisdiction as far as city rules.... Ramos interrupts.

Ramos states that the gentleman butts up against the park and asks if it is a safety issue for the children. She states that is her concern, that it is a safety issue for these children because the city park butts up

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against that gentleman's property. She asks if that is a city issue. She asks for clarification that nobody is going to say a word to her about.

Surrisi states that as a city official that he has no authority to regulate that and that it would be very irresponsible of whomever might be doing that... Ramos interrupts.

Ramos states that she wouldn't but she is just saying that this gentleman bumps up against the city property and is hunting while there are children playing baseball. She states that he was shooting his gun on the 19<sup>th</sup> of May. She restates that he was shooting his gun. She states that to her that is wrong.

Booker states that she may have an argument but this board can't do anything about that.

Mrs. Ramos states that nobody cares and leaves the Council Chambers.

**Lisa Whitaker (House of Prayer, Plymouth, IN 46563):**

Whitaker states that the reason she is here is because Centennial Crossings is doing the sidewalks and everything that is attached to the area. She states that she called and spoke to the City Attorney Sean Surrisi and a couple others. She states she is interested in the sidewalk that is going into the park across from there. She states that she is in the county and not within city limits and she understands that all the sidewalks that are being done are within city limits. She states that they would like it if they could come out the east side of the housing development along the north fence that is up by the highway with the sidewalk onto their property.

She states that she understands that she is uncertain if this issue should be discussed or not at this meeting but she was told to come here and represent the church. She states that they are fine with the changes that they are wanting to make but she was told to come to this meeting so she can speak to Mr. Richeson. She states that they are willing to open up a part of their property to do a sidewalk and clarifies that they do not want to donate the property to the government but are willing to open up part of their property to extend that sidewalk. She states that she was told that it was going out the west side of the northern part of the development.

Mr. Richeson asks if she is referencing the Greenways Trail.

Whitaker states that she is uncertain what it is called but that she saw pavement. She states that when this all started, they had discussed putting an entryway from the housing development into their property.

Mr. Richeson states that he can talk about that because he met with the farmers and the pastor to talk about the tree line and whether or not to go through and clean that up and to make sure that was okay with everybody and they have since done that. He states that at that point in time they talked about putting a path in. He states that when he took it to his boss Alan that he was all for discussing that. He states that they have talked about a way of putting one in along the northern property line and they ended up getting busy with the development so it isn't off the table at all. He asks for clarification that they own the land that is farmed.

Whitaker agrees.

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Richeson states that it is their land and if they wanted to put a sidewalk in there that his team would have no objection to do that. He states that there is the process of people walking through their land and it would be their responsibility if someone were to get hurt.

Whitaker states that there were going to check on the liability but they wanted to see first if there was an interest in connecting the two and she was uncertain if there were some grants or something that could help with that. She states that she would also like it if someone were to sit down with them and go through where the best path would be. She adds that the problem they are seeing right now is that because they do not in any way connect to the park so the bike trail would just go out through the road and nobody wants to see that happen.

Richeson states that some things they will have to take into account is where that cross would be. He references the water retention area on the northeast side actually has a spillover that goes towards the highway and it has to be approved by the Indiana Department of Environmental Maintenance so a sidewalk across the top would not work. They discuss alternative options and he states that his boss Alan would be happy to talk about conservation and service to the community. He states if that is an option then a meeting can be scheduled to discuss the best way to lay it out. He states that he is going to be honest and state that concrete and sidewalks have gotten really expensive so they might want to limit the distance to the best of their ability but still maintain it as a farmable lot.

They start to discuss personally further away from the microphone.

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

Pinkerton states that the process was not followed in this instance and she thinks that they did a little backwards because they wanted to get the construction going and keep going fast. She states that they are approving this although they are already doing it.

Gidley says that he does not like it but their hands are going to be tied if there is not another unanimous vote again. He clarifies that he does not like the process and he does not like that they issued a building permit and they have construction started already.

Hammonds clarifies that they had a PUD for the number of buildings, and they've got that number of buildings. He adds that they can't say the process wasn't followed.

Gidley asked how it ended up in this order then.

Hammonds states that they came to get a permit for those buildings they already had addresses for, and he issued a permit for them.

Richeson states that he understands the concern and question. He adds that he was not a part of the permitting process, as they have a separate team for that. He states that when the permit did come through that in an interest of everything getting more expensive, everything getting more difficult to come by and with the belief that this is in the community's best interest that the business decision was made to run the risk and go forward with trying to provide the best product as fast as possible.

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He adds that this was in no way shape or form meant to be a defiance of the board and that it was purely a business decision to try to provide what the community needs as fast as possible.

City Attorney Surrisi states that the mayor's administration has been supportive of this. He states that this project was a Redevelopment project and is serving a great need for housing in the community.

Webster asks Mr. Richeson since he has to get yes votes from the whole of the Plan Commission tonight to get approval if he was willing to vote on this tonight or to have it tabled.

Gidley states that he does not reject necessarily to the fact that these are bigger units and that the same number of parking spaces are there but his reservations are to go ahead and vote yes for this but Mr. Hammonds can disagree with him on the fact of how this has been done.

Webster states that he is not fond of the timeline on this at all but it is what it is. He states that realistically when this went through the Technical Review Committee that the issue with the building permit never got involved and that they never got into the timeline of anything. He states that there were no issues with any of the department heads that were at the Technical Review Committee meeting.

Richeson states that he would like to put his faith in the board tonight and pled for some understanding in the process that the intent there was to try and provide what was needed for the community as fast as possible. He states that he is not crazy about the timeline either. He believes that everyone will vote with the understanding that they do not necessarily like how the process was completed but at the end of the day it is for the benefit of the community. He states that the drawbacks are far less than the benefits of the change.

Webster states that his question to him was about trying to be fair for all parties involved. He states that this is a pretty minor blip in a much larger project.

Richeson restates that this was not meant to be a defiance to the board. He states that when you wait a week it could cost hundreds of thousands of dollars more in today's marketplace. He thinks that is a big motivating factor so they are trying to ask the board to understand that to some degree. He states that if things are more expensive that it costs tenants more money and that is not good for anybody either. He states while they request some understanding and some forgiveness that they ask the board to approve it today so they can complete the process with the descriptions and get everything completed once and for all. He states that there is nowhere else to build anything.

Walters states that he feels the same way about the timeline that took forth and with this discussion he would like to think Mr. Richeson will go back to the developer and tell them how unhappy they are with the timeline. However, he thinks it is a good project and he thinks there would not be any question at all if the timeline had been straightened out a little bit better. He states that he also understands why they charged ahead because he knows what costs are doing today. He adds that gas just went up another 0.25-0.30 cents today.

Richeson states that he understands just because things get more difficult that they can't just break the rules and that he would be happy to take the message back to the developers. He states that his job and his task is to get this approved as quickly as possible so they can change the descriptions and finish everything off. He states that is another reason to request that this gets done today.

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Commissioners Webster and Walters moved and seconded to approve PC 2022-09 as presented. The motion carried by roll call vote.

Yes: Webster, Feece, Walters, Pinkerton, Gidley, Rupchock-Schafer

No: None

Absent: Eads, Secor, Longanecker, Yadon

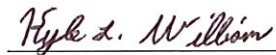
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This was tabled as there were many cases still in the next meeting.

**Other Business:**

There was nothing at this time.

With there being no other business to come before the Commission, Commissioners Webster and Pinkerton moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:15 p.m.



Kyle Williams, Recording Secretary