

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
March 18, 2015**

- A. Meeting was called to order at 6:30 p.m.
- B. Pledge of Allegiance
- C. Roll Call
 - Present: Kremke, Timm, Stronks, Barry, Huyser, Sexton
 - Also Present: Mr. Mandon, Ms. Sufana, Ms. Frost
- D. Quorum-There is enough present for a quorum.
- E. Consideration of Minutes from September 17, 2014-
 - Mr. Huyser made a motion to accept the minutes with changes from the September 17, 2014
 - Mr. Stronks seconded
 - Motion approved 4-0
- F. Appointment of Officers-President-Mr.Sexton made a motion to nominate Mr. Kremke for President, Mr. Stronks seconded
 - Motion approved 5-0
 - Vice President-Mr. Sexton made a motion to nominate Mr. Huyser for Vice-President, Mr. Stronks seconded
 - Motion approved 5-0
 - Secretary-Mr. Kremke made a motion to nominate Ms. Sufana for Secretary, Mr. Stronks seconded
 - Motion approved 5-0
- G. Audience Participation
- H. Old Business and Matters Tabled
- I. New Business
 - Preliminary Hearing/Public Hearing
 - Seven Peaks has requested that they combine both preliminary/public meetings.
 - Mr. Sexton made a motion to suspend the rules. Mr. Timm seconded.
 - Motion approved 5-0
 - 1. Usage variance-
 - Seven Peaks Waterpark/Scott Brinton
 - 150 E US Highway 20
 - Porter, IN 46304
 - Amend original use Variance to allow other uses besides Water Park
 - They all ready have a use variance for the waterpark and would like to get a variance to use land for other things to a more competitive edge. For things like paint ball, Easter event April 4th (annual event), movie evenings, Fall Festival (whole month of October), winter ice skating, laser tag, Go karts (electric not gas less noise)

Pass holders admission is free, public w/o passes would have an admittance fee.

Public hearing opened at 6:44 p.m.- In favor-none

In opposition- Levi Mele, 15 E Burwell, he is neither in favor or opposition his concerns is continual improvement so it will look more appealing.

Mario Guajardo, 1395 Waverly Rd, he is all for but the big problem is flooding in his back yard. Scott says they have a solution for it. Mr. Guajardo just wants to make sure it corrected first. Park doesn't have to be open for the flooding. Mr. Barry comments that we had a soil engineer come out last year and found some broken tiles underground. It will be Seven Peaks responsibility to fix them.

Lynn Johnson, 204 Summertree, concerns is traffic during the summer traffic is backed up to Us Hwy 20. Also concerned about those residents that back yards back up to parking lot with people getting stuck and go to resident to borrow things. Wants something done to keep the people out of Summer Tree.

Public hearing closed 6:53 p.m.

Mr. Mandon went over a few things from the TAC meeting that was very productive. There recommendations-There is still outstanding drainage issues that need to be resolved prior to or a condition. Resolution should be proposed by Seven Peaks. Stormwater runoff to the north of the waterpark needs to be addressed.

Stormwater runoff to the north of parking lot on the west side of Waverly has not been addressed.

A stormwater Pollution Prevention Plan was requested from Seven Peaks on February 27, 2014 and has not yet been provided.

Also, parking lot improvements that were required a part of the original approval for the waterpark, including hard surface, pedestrian access, landscaping, and reconfiguration of traffic patterns, have not been done, The TAC committee would recommend the approval of the variance as long as we come up with a plan and a time line.

Mr. Barry stated that 1 ½ years ago Seven Peaks presented improvements to Waverly Rd and parking lot that have not been done yet. The TAC committee and BZA and Plan Commission expects to see the improvements implemented.

Mr. Brinton said they are looking to put in a French drain to solve the drainage issues at the two properties. Mr. Kremke said that instead of just going out

there and digging for a French drain look at the approved drainage drawing as well as talk to Mr. Barry about Soil Solution report.

Mr. Kremke stated that Mr. Brinton needs to look at the paperwork Mr. Barry sent him, more than once, the original variance information as well as approved drainage and infrastructure drawings and what Seven Peaks committed to do.

Mr. Barry commented on the town has an ordinance on projectiles that prohibits shooting of projectiles. We would need the Town Council to revise the projectile ordinance before the Paint Ball can happen. This approval would be contingent of Town Council approval.

Mr. Kremke read the conditions and timetable to be approved by motion.
By June 6' 2015- Fence on parking lot against Summer Tree(Seven Peaks & Summer Tree HOA must agree upon), drainage on north side of the park, Stormwater Pollution Prevention Plan(SWPPP) submitted to state(applied for), and the parking entrance reconfigured according to original drawing submitted by Seven Peaks.

By July 31, 2015- Roadway and pedestrian improvements according to approved original plan.

October 31, 2016-Landscaping, and paving parking lot with improved drainage.

If timetable is not complied with the Town will not allow the park to open by the opening dates.

Accept TAC minutes with following changes- go karts to be electric only, net fencing for paint ball area will be 12ft. and no top, hours will be as approved previously, all usage will be year round. Paint ball is contingent upon approval from Town Council on projectile ordinance.

Mr. Sexton made a motion to accept the conditions and timetable that was read by Mr. Kremke and a written commitment from Seven Peaks and contingent on Town Council projectile ordinance. Mr. Timm seconded.
Motion passed 5-0

- J. Other Business- none
 - Update from Attorney-nothing
 - Board Comments

- K. Adjournment- 7:45 pm
 - Mr. Huyser made a motion to adjourn the meeting. Mr. Sexton seconded the motion
 - Motion approved 5-0

Next Meeting will be held on April 15, 2015



President

Date 4-15-15



Secretary

Date 4-15-15