Town of Porter
Plan Commission
Meeting Minutes
December 19, 2007

A. The meeting was called to order at 7:30 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Ms. Brueckheimer, ~~Mrs. Snyder,~~ Mr. Timm, Mr. Stinson, and Mr. Bell, Mr. Childress, and Mr. Eriksson
Absent: Mrs. Snyder
Also present were Mr. Lyp, Mr. Mandon, and Mrs. Mitchell

D. Consideration of Minutes of Previous Meeting

Motion to approve the minutes of the November 14, 2007 meeting was made by Mr. Stinson; second by Ms. Brueckheimer. Motion carried via voice approval.

E. Audience Participation

None

F. Old Business and Matters Tabled

Application for PUD rezoning made by the B & R Development for the property located between Norfolk Southern Railroad and CSX Railroad, on the east side of Mineral Springs Road in Porter.

Ms. Tallian, attorney for B & R Development addressed the Commission with some changes that the developer had made to the site plans per the Commission and TAC's recommendation. The changes are as follows:

- Lots 44-73 will be single family patio homes providing uniformity to that section of the development
- The developer will purchase an additional 5.15 acres adjacent to the current site plan to be maintained as offsite parkland. This land would be suitable for active park use and the developer is currently speaking with the Town of Porter Park Board concerning the issue.
- The developer is willing to make contributions that will benefit the Town of Porter.
- The developer will pledge a per lot contribution of $1,833 to help maintain and improve the Porter Avenue lift station.

Questions asked by the Commission Members:

Mr. Eriksson is concerned about density. Mr. Mandon replied that the addition of the 5.15 acres of parkland would definitely reduce the density.

Mr. Timm asked questions about the patio homes.

Mr. Childress asked what the cost of a vehicular bridge over I-94 would cost.
Mr. Keiser answered somewhere around $10 million.

Mr. Bell stated that he is concerned about the density and traffic problem. Mr. Mandon replied that the developer has addressed the problem by hiring a traffic engineer who came to the conclusion that with some improvements the development would not change the level of service currently being given at that intersection. He also stated that he believes the current proposal is the best that has been brought before the Town and probably the best they will ever see (with the least impact on surrounding properties).

Mr. Keiser stated that the developers would commit to reducing the number of lots from 191 to 190. This is in compliance with a suggestion made by Mr. Mandon during the meeting.

Motion to send the application to the Town Council with **favorable** recommendation was made by Ms. Brueckheimer; second by Mr. Timm. The motion failed 2 – 4.

Motion to send the application to the Town Council with **no** recommendation was made by Mr. Childress; second by Mr. Stinson. The motion failed 3 – 3.

Motion to send the application to the Town Council with **unfavorable** recommendation was made by Mr. Eriksson; second by Mr. Stinson. The motion passed 4 – 2.

G. New Business

None

H. Preliminary Hearing

Application for PUD rezoning made by WBEZ Alliance, Inc., for the property located at the southwest corner of Tremont Road and U. S. 20 in Porter.

Mr. Greg Babcock, attorney for the WBEZ Alliance, Inc. addressed the Commission. He introduced Mr. Malatia (owner of WBEZ) and Mr. Grossbyer (local resident and member of WBEZ) who were also present for the meeting. The petitioner is interested in purchasing about 20-acres from what is known as the Andershock property. The seller has requested that the buyer buy all or none. The petitioner is not in the developing business and hopes to sell what they do not use. The petitioner would like to commit to removing the old building and loading docks that currently exist on the property. Also, the current litigation against the Town of Porter BZA would be dismissed if the rezoning were to be given.

The WBEZ is proposing a latticed guide tower. The first phase would include the 550 ft. tower on approximately 5 acres of land. In the second phase the lift station would be upgraded. The petitioner has not drawn up any official site plans, but will do so by January 4, 2008. Mr. Babcock also proposed that the WBEZ would like to include a police/emergency camera for the Town's use on its tower. The land would be subdivided in 4 lots, 3 of which would be sold at a later date.

Ms. Brueckheimer asked if there would be bird protection on the tower. Mr. Babcock replied that he would talk this over with his client.

Mr. Eriksson would like to see some kind of nice shrubbery or fencing around the tower. Mr. Babcock assured Mr. Eriksson that he would also discuss this with his client.

Mr. Bell concerned about current contamination and think the EPA should be called in to assess the property. Mr. Babcock stated that they are currently working with the Army Corps of Engineers, but he would also look into the EPA.

Mr. Lyp stated that he has been in good communication with WBEZ and Attorney Babcock concerning this matter. He thinks that legally, this would be a good idea for the Town of Porter.

Mr. Mandon stated that he thinks the WBEZ has done their homework by finding an industrial type-site to erect the tower. He also thinks this is an ideal situation for the Town of Porter.

Motion to set the application for Public Hearing on January 16, 2008 was made by Mr. Stinson; second by Mr. Childress. Motion passed via voice approval.

I. Public Hearing

None

J. Finding of Fact

None

K. Comments from Plan Commission Attorney

Concerning the ~~BZA~~ Dines matter, Mr. Lyp informed the audience that the appellate court ruled in favor of the Town. Mr. Lyp believes that this will end the litigation against the Town of Porter.

L. Comments from Plan Commission Secretary

None

M. Adjournment

Motion to adjourn the meeting was made by Mr. Stinson; second by Mr. Childress. The meeting was adjourned at approximately 8:54 p.m.

Lorain Bell
Chairman

Kara A. Mitchell

Kara Mitchell
Secretary