

**Town of Porter  
Plan Commission  
Meeting Minutes  
April 19, 2006**

**A. The meeting was called to order at 7:32 p.m.**

**B. Pledge of Allegiance**

**C. Roll Call / Determination of Quorum**

Present: Mr. Timm, Mrs. Snyder, Mr. Stinson, Mr. Eriksson, and Mr. Sexton

Absent: Mr. Childress and Mr. Bell

Also present were Mr. Lyp, Mr. Mandon, and Mrs. Mitchell

**D. Consideration of Minutes of Previous Meeting**

Motion to approve the minutes of the March 15, 2006 regular meeting was made by Mr. Eriksson; second by Mr. Stinson. Motion carried via voice approval 4 – 0. Mr. Sexton did not vote because he was not present at the April meeting.

**E. Audience Participation**

None

**F. Old Business and Matters Tabled**

Motion to bring the application for plan unit development approval made by Paul L. Childress out of recess was made by Mr. Eriksson; second by Mr. Sexton.

**G. New Business**

None

**H. Preliminary Hearing**

*Application for subdivision approval made by Carol and Wayne Biggs for the property located on the East side of Tremont Road approximately 1/4 mile north of Highway 20.*

Mr. Lyp suggested that the application be withdrawn from the agenda because the applicant had been given the wrong application to fill out. He also suggested that the fees be returned.

Motion to make sure that the fees be returned to the applicant was made by Mr. Eriksson; second by Mr. Sexton.

## **I. Public Hearings**

### ***#1. Application for plan unit development approval made by Paul L. Childress for the property located at 150 East Highway 20 in Porter.***

Mr. Sexton stated that he felt there was a sewage capacity issue. He felt that the board members needed more time to look things over.

Motion to table the public hearing was made by Sandi Snyder; second by Mr. Sexton. Motion failed 2 – 3.

Mr. Eriksson again stated his concern about the gate in the parking lot (safety issue).

Mr. Gordon Etzler stated that his client, Mr. Childress, wants to fairly put in landscape between his proposed buildings and the already existing buildings in Summer Tree.

Mr. Mandon gave a report from the TAC committee meeting. He stated that the plan is much improved. As for the privacy issue, Mr. Mandon said that he feels it is appropriate to improve things. He said the petitioners have been very cooperative at their meetings. The parking lot would provide overflow parking for the residents. He also suggested to put drainage in the parking lot.

The Public Hearing was opened at 8:20.

There were no proponents of the application.

Mr. Nerijus Jukonis of 174 Summertree Drive, again made his objections known. A letter from the Summertree Homeowner's Association was read stating concerns about density, traffic and drainage.

The Public Hearing was closed at 8:25.

There was further discussion among the board members and Mr. Etzler about the proposed development.

Motion to send the proposed application to the Town Council with favorable recommendation with the conditions that the petitioner erect a fence on the south end of the property, install a fountain in the pond, and provide a walkway across the pond was made by Mr. Eriksson; second by Mr. Sexton. Motion carried 5 – 0.

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***#2. Application for subdivision approval made by James T. Barbarossa for the property located west of Babcock Road; South of Old Porter Road and the Michigan Central Railroad (Conrail)***

The Barbarossa's Attorney presented once again the proposed subdivision that they have applied for.

Public Hearing was opened at 8:55.

There were no proponents of the proposed subdivision

Mr. Mandon believes that the proposal is problematic. He stated that the current property does not meet current zoning and also that "family" may not always be the owner's of this property.

Public Hearing was closed at 9:05.

Mr. Lyp stated that just because one does not "like" the proposal does not mean anything. There needs to be factual basis for disapproval.

Motion to table the proposed application was made by Mr. Sexton; second by Mrs. Snyder. Motion carried 4 –1.

***#3. Application for vacation made by Cleon Stutler for the property located north of Duneland Drive between State and Wabash Avenue.***

Mr. Lyp was given the green cards, etc. necessary to proceed with the public hearing.

Cleon Stutler represented the DeMasses and gave a presentation on the proposed alley vacation.

The Public Hearing was opened at 9:15.

There were no proponents for the application.

There were eight opponents of the application. One of them, Attorney Charles Lukeman, spoke representing Mary Alice Wheeler (3019 State Street). He asked that the petitioner exhaust all other options and that if the vacation was granted there would be four statutory grounds to appeal. Other opponents of the application were as follows:

Roger Carnell – 2933 State Street

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Jamie Hogan – 100 Duneland Drive  
Scott ? – 3022 Wabash Street  
Elka Nelson – 2934 Wabash Street  
Suzanne Schoenfelt - 171 Bote  
Gilbert Lehman – 2828 Market Street  
Mr. Whistler – 3006 State Street  
Letter from Frank Maxwell was read

There were 32 letters copied and given to each Plan Commission member. Each letter was in opposition to the proposed vacation.

The Public Hearing was closed at 9:35 p.m.

Mr. Stutler and Mr. DeMass were given the opportunity to rebuttal. They simply want to improve the property. The petitioner stated that the town department heads recommended making the parcels contiguous. He is the one who developed the alley to its present state. People walking to the beach through that alley are walking on private property. Also, he does not want to build a new home with an antiquated septic system.

Mr. Mandon suggested that an access easement be put across the property. Mr. Stutler asked the commission to table the petition giving them time to investigate other options brought up.

Motion to send to the Town Council with unfavorable recommendation the proposed vacation (with the possibility that the Town might get the easement back after construction was finished) was made by Mr. Eriksson; second Mr. Sexton. Motion carried 5 – 0.

*#4. Application for subdivision approval made by Reno Boe for the property located at the intersection of U. S. 20 and Oak Hill Road.*

Petitioner stated that legal documents for this application were in order for public hearing. Mrs. Snyder read names of several residences that did not receive notification of the public hearing. Mr. Lyp stated that the town only required contiguous properties to be notified.

Motion to table the proposed application was made by Sandi Snyder; second Mr. Stinson. Motion failed 3 – 2.

Public Hearing opened at 10:15.

There were no proponents of the application.

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Opponents of the application were as follows:

Bruce Snyder – 860 Quail Ridge Drive (feels that the driveway to the subdivision would be an accident waiting to happen and there is a drainage issue already)

Ginger Potter – 840 Quail Ridge Drive (has same feelings as Mr. Snyder)

Public Hearing was closed at 10:20.

Mr. Mandon stated that he feels that the lots should be combined instead of leaving them as is.

Motion to approve the application with the understanding that the applicants would work on a better driveway was made by Mr. Eriksson; second Mr. Sexton  
Motion failed 3 – 2.

Motion to table the application was made by Mr. Eriksson; second Mrs. Snyder  
Motion carried 5 – 0.

**K. Finding of Fact**

None

**L. Comments from Plan Commission Attorney**

None

**M. Comments from Plan Commission Secretary**

None

**N. Adjournment**

Motion to adjourn was made by Mr. Sexton; second by Mr. Eriksson. Meeting was adjourned at 10:35.

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Lorain Bell  
Chairman

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Kara Mitchell  
Secretary