

**Town of Porter
Plan Commission
Meeting Minutes
August 17, 2005**

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

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Lewis, Mr. Timm, Mrs. Snyder, Mr. Childress, Mr. Bell, and Mr. Eriksson (10 minutes late)

Absent: None

Also present was Mr. Lyp, Mr. Mandon, Mr. Bauer and Mrs. Mitchell

D. Consideration of Minutes of Previous Meeting

Motion to approve the minutes of the July 20, 2005 regular meeting was made by Mr. Lewis; second by Mr. Timm. Motion carried via voice approval 5 – 0 (Because he was not present at the July meeting, Mr. Childress voted present.)

E. Audience Participation

None

F. Old Business and Matters Tabled

Continued discussion of Porter Beach Zoning Overlay

Prior to the meeting, a preliminary draft described as a “growth management tool” for Porter Beach was distributed to each of the Board members. The draft was written by Mr. Mandon. At the meeting he stated that it is very difficult to strike a balance between traditional zoning standards and aesthetics because there is historical uniqueness in an area platted at the turn of the last century. Mr. Mandon encouraged commission members to review the draft document and to forward comments to him so they can be discussed at the Sept. 21 meeting. It is his goal that the code addresses certain problems and also be fair to different parties wishing to build in the area. He wants the final draft to be clear and free from interpretation.

Mrs. Snyder feels there is a problem that needs to be fixed. She mentioned Ogden Dunes. Mr. Mandon stated that lots of people built with very minimal restrictions which makes it difficult to write a code.

Mr. Eriksson voiced his concerns that it would be difficult to require existing homes to comply with a new code. He believes the draft is a good start and that it addresses

many of the concerns of his neighbors. He stated that some areas of Porter Beach are governed by land covenants that run with the property dictating certain things like banning gutters and certain exterior color choices and siding materials. The commission agreed these are not things they believe the town wants to regulate.

Mr. Bell stated that two times before past town zoning officials attempted to overlay tougher Porter Beach restrictions to preserve the dune environment but residents there did not support the proposals. He feels that the zoning officials got "too fussy," and asked Mr. Lyp how far the Plan Commission could go. Mr. Lyp responded that legally the Town could go as far as it wanted to. He feels that the project is going to take quite a while – 10, 15, 20 years.

Mrs. Snyder said it will be a public relations issue for the Commission to communicate that the new regulations are not so much restrictions for some but protections for all. She also encouraged Commission members to set this issue for Public Hearing.

Mr. Childress feels that it is imperative to have a workshop for the Porter Beach Home Owner's Association so that they can convey their opinion.

Mr. Bell said he is hesitant for the public to read the draft and not take into consideration that it likely will be modified significantly before a public hearing takes place. He encouraged the Commission members to read through Mr. Mandon's preliminary draft and come to the next meeting with questions, comments, and suggestions.

Jennifer Klug, who lives on Lincoln Street in Porter, voiced her concern that the draft is public record and should be available for the public to read. Mr. Mandon responded to her by stating that the public could indeed read the document if they came to the Town Hall, but that it should not be distributed to the public.

A motion that the Plan Commission review Mr. Mandon's proposal and write down recommendations, etc., and that at the September 21st meeting the Commission would proceed from there was made by Mr. Eriksson; second by Mrs. Snyder. Motion was carried 6 – 0 via a voice vote.

Continued discussion on Porter Noise Ordinance

In general, TAC wants to see more description of acceptable and non-acceptable noises. The Commission's consensus was to take noise restrictions out of the zoning ordinance and place them in the town code where police can enforce them more easily.

Mr. Mandon suggested that there be an ordinance to specify what are acceptable and non-acceptable noises and at what times of the day or night they may occur. He said that he will prepare a draft paper for discussion at September's meeting.

G. Preliminary Hearing

Petition to rezone made by Duneland Youth Baseball Association, Inc. for the property located at 800 Canonie Drive in Porter.

Attorney Russ Milbranth, was present to represent the Duneland Youth Baseball Association and Todd Finner (a principal for DYBA). Mr. Finner would like to develop fields around Chesterton and Porter.

Mr. Milbranth stated that there was a mistake on the Petition to Rezone that he presented to the Commission two weeks ago. At that point he passed out a "correct" Petition to Rezone. The group is interested in rezoning from residential to business a portion of the 10.4 acres it owns between Canonie Drive and U.S. 20 west of Tremont Road. The balance of the parcel currently is zoned Business-3, the zoning now sought for the remainder. Mr. Finner said he has a goal of raising \$1 million to develop area baseball fields for teams ages 8-18 that now must travel to play at other facilities. Last year DYBA built a field complex at Patriot Park in Michigan City and is looking to do the same in the Chesterton/Porter area at a cost of about \$100,000. Mr. Finner stated that he is trying to develop these facilities and bring people here rather than our teams going other places to play.

Mr. Mandon said whether the zoning is business or residential, an additional use variance from the Board of Zoning Appeals would be needed to build a non-public baseball complex there because it is not allowed in either zone. Mr. Milbranth responded by stating the eventual goal of DYBA was not known at this time.

Mr. Milbranth stated that Mr. Finner's plan could come about in two ways: DYBA could sell its 10.4 acres and use the money to build baseball fields somewhere else, or it could keep the land and build the complex there. Finner said he's already lost one sale because the buyer wanted all the land zoned B-3.

Mr. Mandon said rezoning the residential portion of the DYBA land to business is not compatible with Porter's comprehensive plan because homes are west of the area but not adjacent.

Mrs. Snyder suggested rezoning both the current B-3 portion of the land and the residential portion as well to Business-1 where more neighborhood-like uses are allowed as a safeguard between commercial and residential.

Mr. Eriksson said that his main concern was the rezoning as opposed to whether or not a baseball field would or would not come about.

Mr. Lyp suggested DYBA wait until it has a serious buyer for the land and seek whatever zoning relief is needed at that time. Mr. Milbranth said that approach likely would not work for the sale of the property.

Mr. Bell asked Mr. Milbranth some general questions about the rezoning and DYBA which were then answered by Mr. Milbranth.

Motion made by Mrs. Snyder that a public hearing be set for the September 21, 2005 meeting; second made by Mr. Childress. Motion was carried 6 – 0 via a voice vote.

H. Public Hearing

None

I. Finding of Facts

None

J. Comments from the Plan Commission Attorney

None

K. Comments from the Plan Commission Secretary

None

L. Adjournment

Motion to adjourn was made by Mrs. Snyder; second by Mr. Lewis. Motion carried 6– 0 via voice vote. Meeting was adjourned at 9:12 p.m.



Lorraine Bell
Chairman



Kara Mitchell
Secretary