

**Town of Porter**  
**Porter Plan Commission**  
**Meeting Minutes**  
*April 20, 2005*

**A. The meeting was called to order at 7:40 p.m.**

**B. Pledge of Allegiance**

**C. Roll Call**

Present: Mr. Lewis, Mr. Eriksson, Mr. Timm, Mrs. Snyder, Mr. Childress,  
Mr. Vodnoy and Mr. Bell

Absent: None

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

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

Mr. Childress mentioned that Mr. Stutler's name had been misspelled in the minutes for the April 20<sup>th</sup> meeting.

Motion to approve the minutes of the Minutes 16, 2005 regular meeting as amended was made by Mr. Childress; second by Mr. Lewis. Motion carried 7 – 0 via a voice vote.

**E. Audience Participation**

None

**F. Old Business and Matters Tabled**

*Petition by the National Lake Shore to vacate the alley by Porter Beach*

Mr. Mandon mentioned that he had suggested at the last meeting that the National Lake Shore and the residents of that area get together and discuss their differences.

Mr. Goldbin passed out a letter from the National Lake Shore to Mr. Bell discussing the final design of their plans.

Motion to send petition to the Town Council with no recommendation was made by Mrs. Snyder; second by Mr. Childress. Motion was carried 7 – 0.

Mr. Lyp stated that the meeting minutes would need to be sent to the Town Council along with the petition.

A member of the audience asked if he could speak regarding the petition at hand. Mr. Bell let the gentleman know that because the matter was settled he could not speak.

**G. Preliminary Hearing**

None

**H. Public Hearing**

*1. Petition to rezone Waverly Road across from Splash Down Dunes*

Mr. Childress removed himself from the Planning Commission because of his direct involvement with the petition at hand.

Mr. Childress stated that he would not be involved in the voting, but because he is indeed the owner of Splash Down Dunes he would be presenting information on the petition.

Mr. Lyp stated that he did receive all necessary forms and everything was in order for the Public Hearing to be held.

Mr. Childress addressed the Commission showing them the changes that had been made to the original plans. He did not get into why things had been changed, just that the changes were made for the better.

Mr. Eriksson wanted to know if there were two houses per unit. Mr. Childress answered him affirmative and then stated that the street was thirty feet wide. This does meet city standards. Mr. Eriksson wanted to know what the code for the cul-de-sac was. Mr. Childress assured the Commission that the cul-de-sac would be made to code.

Mr. Bell asked when the revisions were made. Mr. Childress stated that the revisions were made after the TAC meeting. The revisions were suggested by the members of the TAC committee.

Mrs. Snyder asked if there were two detention ponds. Mr. Childress answered affirmative. The detention ponds would be located across from each other. Detention ponds are designed to empty out. They will not let more water out than if there were no development located there.

There are no engineering calculations as of yet. Mr. Childress stated that things would be more refined once they were given the go ahead at this meeting.



The size of the front Splash Down Dunes parking lot had not been changed. It is currently a 100% grass parking lot, but will be paved eventually.

Mr. Mandon stated that when finished, the parking lot would be landscaped in a much improved condition.

Public hearing was opened at 7:55 p.m.

There were no comments made by the audience during the public hearing.

Mr. Vodnoy had questions regarding the elevation of the units.

The public hearing was closed at 7:59 p.m.

Mr. Eriksson read page 78 of the manual. He has concerns about parking for the residence. Mr. Bell stated that there was a "special use" ruling made 12 years ago for the parking lot.

Mr. Mandon stated that the development had been discussed at two TAC meetings. There were several things discussed at the April 13, 2005 meeting. Issues discussed include the following:

- Pond location; size and design
- Buffer zone around perimeter of proposed parking lot
- Sidewalk on Waverly Road
- Access for each land use

Mr. Mandon mentioned that Mr. Stutler suggested during a phone conversation that the access to the parking lot be closer to the intersection than to the residential section. Mr. Mandon thinks that this is a good idea.

Mr. Mandon said that there was still something open for discussion. The TAC committee did not decide if the roadway should be "public" or "private."

Mr. Eriksson has concerns about the area between Route 20 and Route 12. Because of bike and pedestrian traffic, he would like to see a sidewalk installed at the expense of the petitioner not the Town. He feels that this sidewalk could be installed in the future.

Mr. Bell stated that when the petition gets in its final stages, the petitioner will have to show more details. He reminded everyone that this petition was indeed in its beginning stages.

Motion to send this petition to the Town Council with favorable recommendation was made by Mr. Lewis; second by Mr. Timm. Motion was carried 6 – 0 – 1.

**2. *Petition to rezone U. S. Highway 20 and Babcock Road***

Mr. Lyp stated that everything was in order for the public hearing.

Mr. Lukeman addressed the Commission. He stated that he had received excellent cooperation from the staff and community. He addressed some issues brought up at the last meeting. He asked that the Commission approve the petition as filed. It will be developed in three phases. The first phase will be a 50 room motel on the left side of the property. The second phase would be a restaurant in the middle of the property. And the last phase would be a gas station/convenience store. He did take the issues brought up at the last meeting to the TAC meeting.

Mr. Lukeman brought with him two representatives from the Duneland Group. One of the representatives was Matt Kaiser. Some preliminary engineering had been worked on by these men. They are attempting to have the storm water run-off go into the Worthington Retention Pond, if they could obtain consent.

Matt Kaiser, with Duneland Group, addressed the Commission. He stated that they had had a preliminary meeting with Worthington. Worthington was receptive to the idea, but wanted more information to make sure it would be clear through the Town of Porter. Mr. Kaiser believes that the capacity is available in the retention pond to handle the storm water runoff.

Mr. Lukeman stated that Worthington also had legal questions. For example: What if something “bad” was put into the water? Who would be responsible? There would definitely have to be a legal agreement worked out between the two parties.

They are asking for variances for the zoning, not a rezone. They are asking for a 50’ sign and two 35’ signs.

Mr. Lyp stated that technically speaking its current status of IT is will change to PUD. It will show up as PUD on the zoning map.

Mr. Mandon stated the majority of the problem lies with the curb cuts at Route 20. The TAC committee feels that the revised site plan is better. The revised plan shows both curb cuts as right in right out. The vast majority of traffic coming to this site will come from Highway 94. He feels that the petitioner may have to ask



the state to modify the timing of the left signal. Traffic wise, he believes that the sight will work well. TAC feels that Babcock Road should not be used because it is too close to Highway 94.

Karl Bauer, the Street Commissioner asked if the waste water flow had been addressed. Mr. Lukeman stated that they had indeed been addressed and were being worked on it.

Mr. Bell asked if when the motel goes in would there be access off of Worthington Drive to the motel. Mr. Lukeman answered him affirmative. Mr. Bell asked if there was going to be three phases. Mr. Lukeman answered that it is hard to tell at this point. Their plan is for three phases, although they may come close together. Mr. Kalidas Salvi stated that the order of the phases would indeed be in the order of Motel, Restaurant, and Gas Station.

Public hearing was opened at 8:30 p.m.

No comments were made "against" the petition.

Mr. Carl Dahlin, a Porter Beach resident, stated that our town needs more commercial development like this.

Public hearing was closed at 8:32 p.m.

Mr. Bell would like to see some proof of ownership for the property between Babcock and Worthington Drive. Mr. Lukeman stated that he would get that information once he gets approval at this meeting. Mr. Bell asked about the addition of rooms to the motel. Mr. Lukeman stated that the addition of 25 rooms would be made if the motel takes off. They understand that they would have to come back and get permission for this addition to the motel.

Mr. Lewis asked if the motel does not take off, will the restaurant still be built. The Town ordinance requires that all phases must be commenced within 5 years of approval. Mr. Salvi stated that everything is strictly market based. There is no time period.

Mr. Lukeman stated that the restaurant may or may not be franchise, but the motel must be a franchise.

Mr. Bell has serious concerns about the two road cuts. He cannot believe that the Porter Police Department will allow for two more road cuts.

Motion to send this petition to the Town Council (based on the plan given) with favorable recommendation was made by Mr. Eriksson; second by Mr. Childress.

Motion was carried 7 – 0.

**I. Finding of Fact**

None

**J. Comments from Plan Commission Attorney**

None

**K. Comments from Plan Commission Secretary**

None

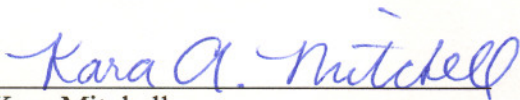
**L. Adjournment**

Motion to adjourn was made by Mr. Childress; second by Mr. Eriksson. Motion was carried 7 – 0.

Meeting was adjourned at approximately 8:40 p.m.



Loraine Bell  
Chairman



Kara Mitchell  
Secretary