

Minutes of the Porter Plan Commission

January 19, 2005

A. The meeting was called to order at 7:33 p.m.

B. Pledge of Allegiance

C. Roll Call

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

Quorum was established.

Also present were Mr. Lyp and Mr. Mandon.

Reorganization

1. President

Motion to appoint Mr. Bell as President made by Mrs. Snyder; second by Mr. Eriksson.

There were no other nominations.

Motion to close nominations made by Mr. Childress; second by Mr. Eriksson.

2. Vice-president

Motion to appoint Mr. Eriksson as Vice-president made by Mrs. Snyder; second by Mr. Childress.

There were no other nominations.

Motion to close nominations made by Mr. Timm; second by Mr. Childress.

3. BZA Appointment

Motion to appoint Mr. Bell to the BZA made by Mr. Childress; second by Mr. Timm.

Motion carried by unanimous voice vote.

D. Consideration of Minutes of Previous Meetings

Motion to approve the minutes of the October 20, 2004 meeting as written made by Mr. Eriksson; second by Mr. Timm.

Motion carried by unanimous voice vote.

E. Audience Participation

Bob Pajevic voiced concerns over traffic on South Bailey Drive. He was directed to bring these concerns to the Town Council.

F. Final Approvals

None

G. Preliminary Hearings

None

H. Public Hearings

1. Porter Recreation LLC [a.k.a. Splash Down Dunes (SDD)] petition to rezone 150 E. US Hwy 20 from R-1 to B-3 PUD.

Plan Commission (PC) Attorney Patrick Lyp briefed the PC and the audience about the procedures and processes of a public hearing and a rezoning petition.

Petitioner Paul Childress recused himself from the PC to present the petition. New prints of site plan and info sheet were available for audience and PC. Also, a scale model of the proposed site was available for viewing. He believes the completed project will become the largest taxpayer in town and that it will be a big positive for Porter.

Town Planner James Mandon explained PUD Zoning to the PC and the audience including that the intent is to render the property impact neutral to the neighboring properties.

President Lorain Bell noted that both SDD and Summertree (subdivision next to SDD expansion site) are PUD's. Wants people to know that if this petition does happen the Town has significant leverage to negotiate the PUD ordinance with SDD.

Public Hearing opened at 8:00 p.m.

NOTE: Names and addresses of speakers are on official tape transcript of proceedings.

Proponents:

Our kids need somewhere to go and play.

The rezone would fit in with others along US Hwy 20. It would increase tax money and jobs. It would bring more people into our community who would also spend money elsewhere in Porter. It is family-based entertainment. SDD came before Summertree so arguments about not wanting to live next to a waterpark are spurious as it was there first.

We have to take our kids elsewhere and would rather stay here.

It may decrease our property taxes. Does not believe there will be an increase in crime. Adults can use and have fun there also.

Paul has the most opportune site for this project. Traffic issues could be addressed easily. Spoke well of Mr. Childress as a resident and businessman of Porter. Look at the big picture – new jobs and kids off the street. Increase in jobs and a place to take grandkids.

I see lots of winter activities with indoor batting cages, horseshoe pits, and driving range. Sees nothing negative about the structure.

Believes that all parties can reach an agreement to get this built somehow.

If it's not built here it will be built elsewhere.

Time for the Town and the PC to put the kids first.

Great thing for the area; kids need something to do.

Mr. Childress will not make it look like a piece of garbage that will become a White Elephant. The kids need something to do besides hanging out at Hawthorne Park.

Thinks this plan is great and would be a great asset for the town.

Opponents:

Believes SDD expansion will negatively impact the reasons his family moved to Porter.

Let's talk about the kids. The children that use the current park misbehave – they throw trash in my yard and boys urinate in public within sight of my home.

Expected the area around her home to remain a residential area. People she talked to who are in favor of the expansion lose some of that interest when asked if they would like it near their home. A building or facility does not change kids behavior, it just gives them another place to do it.

Believes this is a terrible location. Does not believe that local use only will provide a market. Lived in the country and always had things for kids to do. We don't have a kid problem, we have a parent problem.

Concerned about drainage issues.

Believes quality of life would decrease with SDD expansion and expected to remain in a residential area. Comprehensive Plan supports R-1 as a future use for this site. Endangers residents by increasing traffic at US Hwy 20 and Waverly. Risk of increased crime. Believes SDD has history of ignoring laws. Increased noise pollution. All this leading to decrease in property values.

The kids that would go to this are the kids that are already in sports and other activities.

The current park is already too loud and this would increase noise. Concerned about light pollution. This does not belong in our community. Does not believe it will be affordable for kids to go to regularly.

SDD and Mr. Childress is not a great or generous neighbor. New plans could include a buffer area of large trees.

Cannot read outside her home because of noise from SDD.

It is a commercial development that will be placed in a residential district. Residents have a right to expect a residential zone to remain such. PC should require a large buffer between different zones. Potential conflict of interest because petitioner is on both the PC and the Town Council. Concerned about drainage. The plans need to be much more detailed.

Who is going to regulate the new park when we cannot even regulate the old park?

Traffic concerns and safety of bicycles on Waverly. Noise and light pollution concerns.

Concerns about drainage, traffic access, and landscaping. Also, retention pond would be right next to backyard with very young children and concerned about their safety. Mosquito control in said pond. Plans need to include a permanent barrier of some sort between residential area and SDD.

Great idea except it is in my backyard. Would not have built home here if this was already there.

Too close to my residence and noise already interrupts sleep.

It will not help kids who are trouble. If they go there it will only be to cause trouble.

Bought in Porter and this area because it is residential area and near National Lakeshore and Lake Michigan.

Noise and traffic concerns. Waverly is narrow and there are no sidewalks.

Potential for problems with teenage children in an unsupervised environment.

Drainage issues and believes management is poor.

Believes a professional market team should have been used and not just a personal marketing job done by SDD. Skeptical that there is enough support for facility.

Public Hearing closed at 9:27 p.m.

Two letters received by PC were read into the record.

A third letter was entered into the record without reading as the author stated her concerns were voiced during the public hearing.

Mr. Childress responded to concerns that came up during Public Hearing:

Detailed site plans not required yet until we know the project will go to the PUD phase.

Facility will draw people in winter, not summer. It will not increase traffic over what roads can handle. No one heading to SDD has been killed in a traffic accident at US Hwy 20 and Waverly.

Marketers choose what markets they market to and SDD does not market to teens.

All the same arguments he heard tonight from Summertree residents against the SDD expansion he heard years ago when Summertree was being developed and he was the only one back then that spoke in favor of Summertree.

Questions and Comments from PC members:

Mr. Eriksson: I like everything about the project except its location.

Mr. Bell:

Is all activity going to be inside the building? A: Yes.

What is the maximum building height? A: 42 feet.

The whole facility? A: No, just the tallest part.

Size of setbacks on south side? A: They range from 20 to 30 feet.

Have you considered setbacks may need to be increased? A: Yes.

Staff:

Mr. Mandon:

Applauded both proponents and opponents who spoke; lots of good ideas came out.

We cannot go beyond general land use issue tonight. If the PC believes that it is not acceptable to change then there is no need to go on and thus no other issues to address. If it is generally acceptable to change then we can address the other issues. These other issues need to be addressed so the development is impact neutral to the neighboring areas around it.

If we move on with the petition then the Tactical Advisory Committee (TAC) should meet and go over the proposal to address the issues and come up with performance standards for the petitioner to review and determine if it is cost efficient for him to continue on with the petition. Specifically noted that fugitive lighting is an issue that new technology can easily address. If the petitioner wants to continue the matter returns to the PC for further discussion with all the new information available.

Mr. Lyp:

The PC will need more info before we can forward a recommendation therefore we should table for developer to meet with TAC and work out more details. More public input could be allowed later.

Mrs. Snyder to Mr. Mandon: Would this rezoning violate the Comprehensive Plan (CP)? A: It doesn't violate it if it is changed to accommodate the proposal. The CP is an ever-evolving document; a PUD becomes part of the CP when adopted.

Mr. Bell noted that Summertree still has several existing undeveloped outlots. Also wants petition to go to TAC before PC can proceed further.

Mrs. Snyder: If rezoning is granted that doesn't mean Mr. Childress gets to go, does it? A: No. Then we go into PUD ordinance negotiations.

Mr. Eriksson: Let's decide on zoning issue tonight rather than make the developer jump through hurdles he might not have to jump.

Mr. Timm: Thinks it should go to TAC to get more information.

Mr. Liebert: Agrees with Mr. Eriksson. Let's see if there is even enough support to continue this further before we drag it on unnecessarily. Thanked both proponents and opponents for voicing their opinions politely. Took exception to the idea of making the expansion impact neutral. Even if all the issues could be addressed perfectly and were made impact neutral the perception the neighboring residents have would still remain negatively impacted. This is a great idea but does not belong on this site.

Mr. Mandon: We do not have enough information to forward a favorable recommendation. Either table it or vote a negative recommendation.

Motion to table the petition due to lack of information made by Mr. Timm; second by Mrs. Snyder.

Motion failed 3 – 3 with Mr. Eriksson, Mr. Lewis, and Mr. Liebert voting no.

Motion to forward petition with a negative recommendation made by Mr. Liebert; second by Mr. Eriksson. Motion failed 2 – 4 with Mr. Timm, Mrs. Snyder, Mr. Lewis, and Mr. Bell voting no.

Mr. Lewis informed the President and PC that he misunderstood the first motion and he does want more information before making a decision.

Motion to table petition until PC gets more information from TAC and other professionals made by Mr. Timm; second by Mr. Lewis. Motion carried 4 – 2 with Mr. Eriksson and Mr. Liebert voting no.

I. Findings of Fact

None

J. Other Business

None

K. Adjournment

Motion to adjourn by Mr. Liebert; second by Mr. Timm. Motion carried by unanimous voice vote. Meeting adjourned at 10:15 p.m.

Lorain Bell
President

Lisa M. Liebert, Secretary