

Minutes of the Porter Plan Commission

November 17, 2004

A. The meeting was called to order at 7:31 p.m.

B. Pledge of Allegiance

C. Roll Call

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

Absent: Mr. Babcock.

Quorum was established.

Also present was Mr. Lyp and Mr. Mandon.

D. Consideration of Minutes of Previous Meetings

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

Motion carried 4 – 0 – 2 with Mrs. Snyder voting present and Mr. Bell abstaining.

E. Audience Participation

None

F. Final Approvals

None

G. Preliminary Hearings

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

Mr. Childress, petitioner, stepped down from the Plan Commission (PC) to present his petition to the other members. He gave an overview of the project using a proposed site plan and an informational sheet (both included in petition file). He requests the PC set this petition to public hearing at the January, 2005 meeting rather than December, 2004 to avoid the holidays and give everyone on the PC and living near the project time to review the information presented.

Q & A:

Mr. Eriksson:

1. Concerned about impact on the neighbors.
2. Traffic flow; only one entrance? A: Yes, the same entrance that is there now. Even though it will operate year round it will accommodate far less people than the water park.
3. Number of parking spaces? A: 434 paved, 200+ unpaved.
4. Any buses? A: In summer yes. In winter maybe if we hold swimming events.

5. Lighting? A: No plan as yet.

Mr. Mandon commented these issues are not yes or no issues. These are issues the PC needs to address and set the standards for the petitioner; the petitioner needs to decide if he can and will meet the standards set. Mr. Childress is open to discussion on all of these issues.

Mr. Bell then informed the audience exactly what the petition is requesting. Mr. Childress requested that the rezoning petition and the PUD negotiations occur concurrently.

Mr. Liebert:

1. What about buying the property just south of the water park and next to the gas station for additional parking? A: Too expensive.
2. Commented that Mr. Childress needs to consider how much harder it will be to get this petition approved because he is a member of both the PC and the Town Council and has to recuse himself from any vote on the petition.

Mr. Bell:

1. How much of the project is under one roof? A: All of it.
2. What is the square footage? A: Approximately 130,000 sq. ft.
3. All under a single roof? A: Yes, though at different elevations.
4. What direction would you go to add on to this structure? A: I'm not planning to build anything more.
5. Existing parking lot will be paved and overflow parking will be unpaved? A: Yes.
6. Your estimate is 500 people maximum during winter months? A: I don't believe I can get approval for more than that number.

Mr. Mandon discussed how the PUD process works.

7. How far from the north building line to the north lot line? A: About 180 ft.
8. Commented that he wants a more detailed drawing available at the public hearing.

Mr. Timm:

1. What are the easements on the south side of property? A: Proposed 10 ft.

Mr. Mandon:

1. What is the maximum height of the building? A: 40 ft. at its highest point.

Mrs. Snyder:

1. Will we be making a PUD for Mr. Childress along with the rezone? A: Yes, that is how the process works.
2. Can you put a financial analysis together that shows how you plan on keeping the business going? A: I don't have a problem with giving the PC my business plan but I do not want to make my finances public knowledge.

Mr. Bell: Have you conducted a market study? A: Yes, an in-house marketing study.

Mrs. Snyder reiterated her request for an analysis to show the business will succeed financially and not become an empty eyesore years down the road.

Mr. Eriksson: What is the distance from the west side of the building to the west lot line?

A: About 120 ft.

Mr. Mandon: Two things the Town Council will want information about are:

- a. How much tax revenue will it generate?; and

- b. How many new employees will be hired?

Mrs. Snyder: Commented that it may also bring new businesses to the area.

Motion to set the petition to public hearing at the January, 2005 PC meeting made by Mr. Liebert; second by Mrs. Snyder. Motion carried 5 – 0 with Mr. Childress not voting.

H. Public Hearings

1. Town of Porter Plan Commission petition to amend the Zoning Ordinance Section 7 (definitions), 35A (outdoor storage of personal property) and Section 179 (additional parking regulations).

Mr. Mandon gave a review of the proposed Zoning Ordinance (ZO) amendments.

PC member discussion:

PC members had questions on the number 10,000 pounds for the gross vehicle weight in section 7.44(a) but agreed to leave it as is.

Mr. Timm commented he does not like regulating indoor storage of a vehicle.

Mr. Mandon commented that there should be a regulation against commercial vehicles being parked in a residential zone indoors or outdoors; Mr. Bell agreed.

Public Hearing opened at 8:28 p.m.

Jodie Christiansen, 204 Wagner Road.

1. Has a problem with the RV section. They have a paved side yard for their RV and cannot store it in the back yard and now the PC is trying to change things so it cannot be kept in the side yard.
2. We have a Bobcat vehicle for our own personal use; will we have to get rid of it? A: No because it is not being used off-premises.

Bruce Snyder, 860 Quail Ridge Drive.

Doesn't the state regulate what a commercial vehicle is and can't we use that criteria instead of making our own? A: No, their criteria is for their specific purpose and the Town's criteria is for a different purpose.

Margie Nowatski, Summertree. How can you regulate what is parked inside a garage?

Public Hearing closed at 8:35 p.m.

Motion to send ZO amendments to the Town Council with a favorable recommendation made by Mr. Childress; second by Mr. Timm. Motion carried 6 – 0.

I. Findings of Fact

None

J. Other Business

1. Update: Jim Mandon investigation of Mr. Chad Brooks property possible zoning map error.

Mr. Mandon stated he looked at the county records, visited the site, reviewed our zoning map, and spoke with Mr. Brooks. This revealed that part of the property is zoned R-1 and has a single family home on it. The other part of the property is zoned B-3 and he is doing business on that part of the property. Mr. Mandon believes the zoning map is not in error and was purposefully made this way with the intent that keeping the home as R-1 zoning allows it to be rebuilt as an R-1 home in the event it is damaged or destroyed. Mr. Mandon explained this to Mr. Brooks and also how the future land use section of the Comprehensive Plan affects this property. As a result, Mr. Brooks decided to leave the zoning depicted on the zoning map as it is now.

A letter from the PC reflecting the above investigation and results will be sent to Mr. Brooks along with the approved minutes of this meeting.

I. Adjournment

Motion to adjourn by Mr. Childress; second by Mr. Timm. Motion carried 6 – 0.
Meeting adjourned at 8:40 p.m.

Lorain Bell
President

Lisa M. Liebert, Secretary