

Minutes of the Porter Plan Commission

June 16, 2004

A. The meeting was called to order at 7:42 p.m.

B. Pledge of Allegiance

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

Absent: Mr. Timm

Quorum was established. Also present were Mr. Mandon and Mr. Lyp.

C. Consideration of Minutes from Previous Meetings

Motion to approve the minutes of the May 19, 2004 meeting as written made by Mr. Babcock;
second by Mrs. Snyder.

Question by Mr. Bell: Did we state in the National Lakeshore motion that the Council negotiate for land next to South Bailey Drive or leave it open? Answer: The location was part of the motion but the Council can negotiate for any land it wants to.

Motion carried 5 – 0 – 1 with Mr. Childress voting present.

D. Audience Participation

Mark Markovich, 3584 Drivers Way, Chesterton: Wants to discuss the minimum square foot requirements for homes in sub-divisions per our Zoning Ordinance (ZO).

Mr. Lyp: The issue is that homes in the same sub-division were built following the square foot requirements of the old ZO. The builder wants to build a house almost identical to one of these homes (slightly larger) but still smaller than the current ZO requires. He recommended to the builder's attorney that they seek a BZA variance.

Mr. Mandon: The ZO square footage #'s were developed after a long process of gathering information and approval by both the Plan Commission and the Town Council. So, do the #'s need to be revisited or are we satisfied with these #'s?

Mr. Babcock: The lot sizes themselves are smaller than the current ZO requires but can still be used if a house meets the requirements of the new ZO. His discussions conclude the 1200 square foot requirement for the bottom floor of a 2-story home is the main issue. He recommended to the builders that they approach the Town as a group to ask for a change in the #'s. However, every plan he's reviewed, a house meeting the current requirements could fit on the lot in question.

Mr. Bell: The ZO was not a spur of the moment thing. It took two years with lots of input from many sources, including builders, to come up with the current ZO. If a home meeting current requirements can fit on a lot we should stick to it.

Mr. Childress: No builders made any complaints about the #'s during the drafting of the ZO. There is a process to solve this issue – go to the BZA and request a variance.

Mr. Bell: Question to Mr. Markovich – reason this came up now? Answer: Homes in the sub-division range from 1600 – 1800 square feet. When you require 1200 square feet on the ground floor of a 2-story home you are going to get about a 2400 square foot house. This equates to adding an additional \$80,000 to the cost.

Mr. Mandon: Everything he's heard is a very good argument to support a BZA variance.

E. Preliminary Hearings

None

F. Public Hearing

None

G. Old Business

1. Paul G. Nelson – sub-division petition at 1371 Old Porter Road to locate a billboard on a portion of the property for advertisement purposes.

Mr. Greg Babcock, attorney for petitioner, gave the Commission copies of the platted survey required for the petition. It showed a distance of 296 feet between the proposed sign location and the back of the nearest residence. He stated the Porter County Drainage Board (which has jurisdiction over Peterson Ditch) found in favor of allowing the billboard providing the location of the billboard and the driveway easement are moved.

Question by Mr. Bell to Mr. Lyp: Should this hearing be continued until the Town Council acts on the Plan Commission's zoning recommendation for the same property? Answer: Yes.

Motion to continue this hearing until the Town Council acts on the Plan Commission's recommendation regarding zoning on the property made by Mr. Liebert; second by Mr. Eriksson. Motion carried 6 – 0.

On the subject of the zoning recommendation to the Council, Mr. Mandon wanted to know if the Commission could get a set of Findings of Fact on the rezoning issue to the Council without having to delay another month?

Mr. Lyp: They are not needed for a recommendation. We just need to send all other information to the Council to aid in their decision.

Mr. Bell: Findings of Fact are for our decisions, not our recommendations.

Mr. Childress: As a Councilperson he would like to see someone from the Plan Commission at the Council meeting where these recommendations are acted upon to answer questions as needed.

Mr. Mandon: Does not believe that would work because that person could only conjecture.

Mr. Liebert: Also does not believe that would work because the person present to answer questions may not be on the "side" of the recommendation and skew their answers accordingly.

H. New Business

Mr. Bell: Question regarding the square foot requirement discussion. How many sub-divisions does this issue affect? Answer: Three; Wagner Hills, Woodlake Springs, and Marquette Point.

Mr. Childress: Requests that a discussion of Zoning Ordinance section 179A be added to the next meeting's agenda.

Mr. Eriksson: How many sub-divisions that have been approved have had no development done on them? Answer: One; Brown minor sub-division.

Mr. Bell: How long before a sub-division approval becomes invalid if not developed? Answer: It depends on the level of approval.

I. Adjourn

Motion to adjourn by Mr. Childress; second by Mr. Liebert. Meeting adjourned at 8:43 p.m.

Lorain Bell
President

Lisa M. Liebert
Secretary