

Minutes of the Porter Plan Commission

May 19, 2004

A. The meeting was called to order at 8:09 p.m.

B. Pledge of Allegiance

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

Absent: Mr. Childress

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 April 21, 2004 meeting as written made by Mr. Eriksson; second by Mr. Timm. Motion carried 6 – 0.

D. Audience Participation

Pauline Poparad: Who has the authority to vacate streets and alleys in a platted sub-division? Answer:

Mr. Lyp will investigate but believes it should be the Plan Commission making a recommendation to the Town Council and the Town Council has the decision-making authority.

Attorney Greg Babcock requests that the Town use other newspapers besides the Times as the required paper for public notices to save petitioners some money. [Note that the official newspaper has been changed already; the application paperwork needs to be updated to reflect the change.]

E. Preliminary Hearings

None

F. Public Hearing

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

Attorney Greg Babcock spoke on behalf of the petitioner, Paul Nelson (also present); he chose to address both petitions together. He presented the Commission with the required paperwork and Mr. Lyp stated we could conduct the public hearings. He gave Commission members a not-to-scale drawing of the area and told how they had already been before the BZA regarding a use variance for the billboard within a B-3 zoned lot, which is what the rezoning petition is requesting. He noted the size of the lot will prevent other B-3 uses on the site. Spoke of the restrictions developing the area due to I-94 and Peterson Ditch. Noted there are 10 signs in the area between Waverly and Highway 20 interchange. There are also very few B-3 areas already in town and most of those already have signs. Informed the Commission of the traffic rates along I-94. Informed Commission why platted survey is not ready and that it will be available by next meeting. Also noted that the current owners will be allowed to farm the R-1 portion of the lot for 5 years.

Question by Mr. Eriksson: Why this spot on the property? Answer: To meet INDOT spacing requirements between signs.

Question by Mr. Liebert: Why here in the middle of Town and not out in some rural area? Answer: Research shows this location increases the renter value (inside town versus outside).

Question by Mrs. Snyder: Have you talked with the neighbors that are opposed to the sign? Answer: Yes, before submitting the formal notice of public hearing letters. They were okay with it then but have since raised concerns. Some of their concerns are being addressed.

Question by Mr. Dave Babcock: Can we as a Town commission rezone the land within the Peterson Ditch 75-foot easement? Answer: Yes. Note that if the petitioner gets approval and builds sign there INDOT will consider it “movable” and it will come down at owner’s expense if they need to work in their easement.

Question by Mr. Liebert: Are we doing both public hearings at the same time? Answer: Yes but with separate decisions.

Public Hearings opened at 8:36 p.m.

Proponents: None.

Opponents: None.

Public Hearings closed at 8:37 p.m.

Staff Reports: Mr. Mandon spoke on the process regarding placing a billboard in Town and the Town’s ability to place conditions on such. The Town recommended the smallest possible lot for this B-3 rezone request to limit its uses and preserve the largest area for future R-1 development. We’ll need to approve things (if we approve it) based on certain conditions happening first due to the BZA aspect of the petitions. He believes the site will be difficult to develop residentially due to the proximity of I-94 without some kind of buffer area (such as this billboard). He is in favor of granting both petitions.

Statement by Mr. Bell: Believes this is spot zoning and we are creating a B-3 area that someone will eventually have a side- or back yard next to. Size-wise he believes it will be an illegal lot within an R-1 area (Mr. Mandon disagrees).

Discussion on does Commission delay decisions to await the platted survey. Answer: For rezoning petition – no; for sub-division petition – yes.

Motion to forward the Paul G. Nelson rezoning petition to the Town Council with a non-favorable recommendation made by Mr. Eriksson; second by Mr. Timm. Motion carried 4 – 2 with Mrs. Snyder and Mr. Babcock voting no.

Motion to table the Paul G. Nelson sub-division petition to the June 16, 2004 Commission meeting made by Mr. Liebert; second by Mrs. Snyder.

Discussion: Is the 5 year farming agreement part of the petition? Answer: Yes. Is there plans for sewer lines soon? Answer: None known.

Motion carried 6 – 0.

3. National Lakeshore/Department of the Interior: Petition for vacation of Public Way, Streets, and Alleys in the Town of Porter

Mr. Tim Goldbin spoke on behalf of the petitioners. He spoke briefly on what areas they are requesting be vacated and presented Commission with paperwork for the public hearing.

Statement by Mr. Bell: Someone asked him since we are going to give property away to the National Lakeshore via vacation, can they return some land along South Bailey Drive in exchange to help with widening a narrow right-of-way? Answer: It may be possible but it is outside of the presenter’s authority and will need to be researched. Mr. Bell requested that the research be done.

Question by Mr. Timm: What came of the research regarding these roads being on the Town's street inventory for tax purposes? Answer: Some of the roads are on the inventory and some are not. Therefore the Town is making some tax money (amount unknown at this time).

Public Hearing opened at 9:09 p.m.

Proponents: None.

Opponents: None.

Public Hearing closed at 9:10 p.m.

Staff Report: Mr. Mandon stated it is a good idea to turn the right-of-ways over to the National Lakeshore. Also stated it is wise to research the trade of land near South Bailey Drive to the benefit of both parties.

Motion to table the National Lakeshore vacation petition to allow time to research land trade made by Mr. Babcock; second by Mr. Timm. Discussion: Mr. Mandon believes the Town Council should conduct negotiations of a land trade and we should forward a favorable recommendation to them with a condition that they negotiate such a trade. Motion on the floor withdrawn by Mr. Babcock; second withdrawn by Mr. Timm.

Motion to forward the National Lakeshore vacation petition to the Town Council with a favorable recommendation and the condition that the Town Council negotiate with the National Lakeshore for a land trade along South Bailey Drive made by Mr. Babcock; second by Mr. Timm. Motion carried 6 – 0.

G. Other Business

1. Possible Zoning Map error on the SW corner of US Hwy. 20 and W. Oak Hill Road. Mr. Mandon informed the Commission that the property owner does not want the error corrected and wants to leave the zoning as R-1, its current designation on the Town Zoning Map.
2. The Town Council approved the Amburgey Zoning Map correction.
3. The Town Council has not taken up the Comprehensive Plan update as yet.
4. Mr. Mandon informed the Commission there were two streets at Porter Beach left off the Zoning Map which have now been added to the current Map.

H. Adjourn

Motion to adjourn by Mr. Timm; second by Mrs. Snyder. Meeting adjourned at 9:22 p.m.

Lorain Bell
President

Lisa M. Liebert
Secretary