

Minutes of the Porter Plan Commission
December 13, 1999

A. The meeting was called to order at 7:00 p.m.

B. Pledge of allegiance

Present were Mr. Grasher, Mr. Bell, Mr. Bernth, Mr. Donley, Mr. Chemma, Mr. Eriksson, and Mr. Whisler. Quorum was established. Also present were Mr. Mandon, Mr. Powell, and Mr. Kennedy.

C. Consideration of minutes from previous meeting.

Motion to approve the minutes as corrected by Mr. Bernth. Second by Mr. Bell. Motion carried 7-0.

D. Audience Participation

None.

E. Old Business

1. Public Hearing, Michaels Minor Subdivision: Petitioner Gordon Michaels is requesting a 3-lot subdivision 382 feet west of Mineral Springs Rd. on the south side of Beam Street. The parcel is zoned R-1. Bill Rensberger present to speak on behalf of the petitioner.

The public hearing was opened at 7:07 p.m. Mr. Whisler questioned if proper notice was given about the public hearing. Mr. Kennedy confirmed that appropriate notice was given. Mr. Rensberger presented an overview of the petitioner's request to the board and the public in attendance.

Mr. Bell questioned if any adjustments had been made on the encroachment on one of the lots. Mr. Michaels addressed the board to state the driveway encroaching upon the property would be cut in the event the petition was granted and the lot sold.

Mr. Chemma requested audience comments from proponents to the petitioner's request. There were no audience comments. Mr. Chemma requested audience comments from opponents to the petitioner's request. The following is a brief summary of the comments heard by the board:

1. George Sievers, 1151 W. Beam Street: presented a mortgage location survey to the Commission showing location of house.
2. Rhonda Whitmer speaking on behalf of Charlotte Fathers, a resident adjacent to the property: concerned about drainage issues that may result from the subdivision of the property. Mr. Powell addressed the concern by stating the town was aware of drainage problems in the area at this time, and that they are in the process of being addressed.
3. Rhonda S. Whitmer, 1031 West Beam: concerned about the actual lot boundaries, and potential loss of assumed property in the event the subdivision is granted. Letter also submitted for the boards review.
4. Carol Sievers, 1151 W. Beam Street (via correspondence): opposes subdivision based upon the number of proposed lots.

The public hearing was closed at 7:36 p.m. Mr. Chemma requested staff comments. Mr. Mandon stated he did not

recommend approval of the subdivision based upon several factors, consistent with the recently revised Comprehensive Plan. Mr. Mandon outlined the factors as the proposed lots being excessively deep, the potential of unwanted curb cuts upon an arterial street, and that subdivisions should be required to provide frontage oriented on an internal road system, not on arterials. Mr. Mandon pointed out that the potential subdivision of this parcel would result in an inefficient use of the property.

Mr. Powell stated he was in agreement with Mr. Mandon's recommendation.

Mr. Kennedy stated he reviewed the notices and that there were three property owners who had not responded, and that any decisions made by the board be contingent upon proper notice being sent to the three property owners. Mr. Kennedy also stated although he did not have an accurate recent survey, he could see no inconsistencies in the lot boundaries at this time.

Mr. Eriksson stated that although he appreciated Mr. Mandon's recommendation, he didn't believe another street down the center of the parcel and homes on either side would be appropriate to the area.

Mr. Bell questioned the overall square footage of the parcel. He stated he understood Mr. Mandon's recommendation, but that a larger subdivision would not be appropriate to the area. Mr. Bell questioned the potential of the town having to be responsible for an internal roadway, as opposed to each individual lot owner caring for their own driveway.

Mr. Bernth stated it is the responsibility of the Plan Commission to be discretionary when reviewing and approving subdivisions to be appropriate to the area.

Mr. Bell questioned if the petitioner would be responsible for the potential situation that could arise with Ms. Whitmer's property. Mr. Kennedy stated he didn't believe so, and that the legal description appears correct. Mr. Bell also questioned if there were any neighboring structures on the petitioner's property. Ms. Whitmer stated her shed is located what she believes to be 18 inches over the property line in question.

Mr. Mandon stated it is not the responsibility of the Plan Commission to establish lot lines and investigate discrepancies in property lines.

Mr. Bell stated he believed that a decision should be made about the petitioner's request prior to the new year as there will be a new Town Council, and potentially new appointments made to the Plan commission in the new year, and the current body has the benefit of knowledge of the petitioner's request.

Motion by Mr. Bell to approve the Michaels' Minor Subdivision with the condition that the storm drainage grades be calculated to drain to Mineral Springs Road, and contingent upon the three property owners being sent notice (Farrell, Gongola, and Meneskie.) Second by Mr. Eriksson. Vote was called: Mr. Whisler – Yes, Mr. Donley – No, Mr. Bernth – No, Mr. Bell – Yes, Mr. Grasher – No, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 4-3.

2.Public Hearing, McDonald Re-zoning and Subdivision: John Kremke present to speak on behalf of the petitioner. The petitioner is requesting a 3-lot subdivision, currently zoned R-3. The Plan Commission requested the property be re-zoned prior to reviewing the Subdivision. The property owner agreed to the re-zoning of the property, which will be presented to the Town Council.

The Public Hearing was opened at 8:11 p.m. The subject of fees and notice was addressed. Mr. Mandon stated there was some discrepancy about who would pay the re-zoning fees, as the town initiated the re-zoning.

A motion was made by Mr. Bernth to waive the \$250 filing fee to re-zone the McDonald Minor Subdivision. Second

by Mr. Eriksson. A vote was called: Mr. Whisler – Yes, Mr. Donley – Yes, Mr. Bernth – Yes, Mr. Bell – Yes, Mr. Grasher – Yes, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 7-0.

Mr. Chemma questioned comments from proponents to the petitioner's request. There were no proponent comments. Mr. Chemma requested comments to opponents to the petitioner's request for subdivision. There were no opponents to the request. The public hearing was closed at 8:26 p.m.

Mr. Chemma requested staff comments. Mr. Mandon indicated the petitioner addressed all of the issues the Plan Commission requested. He recommended approval for re-zoning and approval for the subdivision. Mr. Powell agreed with Mr. Mandon and recommended approval for the re-zoning and subdivision of the property. Mr. Kennedy indicated that there were property owners that had not responded to the notice, and that any action would be contingent upon proper notice being sent.

Motion by Mr. Bell to grant primary plat approval of the McDonald Minor Subdivision contingent upon the approval of the recommendation presented by the Plan Commission to re-zone by the Town council and to recommend the re-zoning from R-3 to R-1, and that the final plat show the agreed upon dry wells in the northwest corner of the property, and contingent upon a report about the status of the three property owners that did not respond to the notification. A vote was called: Mr. Whisler – Yes, Mr. Donley – Yes, Mr. Bernth – Yes, Mr. Bell – Yes, Mr. Grasher – Yes, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 7-0.

3. Marquette Pointe: Mr. Mandon requested the board address the bond issue concerning Marquette Pointe. Mr. Kennedy reviewed the issue with the Commission that the developer had not submitted the performance bond, and that it was agreed the figure needed to be set by Art Powell. Mr. Kennedy presented a letter of credit from Civitas Bank to the Town of Porter on behalf of the applicant, Horizon Development, Inc. for improvements required for Marquette Pointe Subdivision for completion of the infrastructure to include an attachment prepared by Art Powell. Mr. Kennedy asked Mr. Powell if the numbers and the information matched what the Town required. Mr. Mandon indicated that the role of the Plan Commission was to approve the amount and the term of the extension. Mr. Kennedy agreed that it was pursuant to the recommendation of the Town Engineer.

Mr. Bell questioned if the park fees in lieu of land had not been paid on another development. Mr. Kremke, speaking on behalf of the petitioner, indicated this was true. Mr. Chemma pointed out that the issue was being resolved for Marquette Pointe at this time.

Mr. Kennedy indicated the amount required, as recommended by Mr. Powell, for infrastructure improvements at Marquette Pointe is \$366,956.00 and that this be the figure for the performance bond, and that the period of time for the letter of credit is 3 years.

Mr. Eriksson questioned how that amount was reached. Mr. Powell indicated his department established the figure, and that it was agreed upon.

Motion by Mr. Bernth to recommend approval with condition. Second by Mr. Donley. The motion was withdrawn by Bernth. Second withdrawn by Donley.

Motion by Mr. Bernth to recommend to the Town Council that the Council accept the letter of credit for a 3-year term for the amount of \$366,956.00. Second by Mr. Donley. Mr. Bell questioned that the subdivision was approved in 1998. He pointed out that by granting a 3-year bond, the petitioner is being allowed an additional year to complete his project. A vote was called: Mr. Whisler – Yes, Mr. Donley – Yes, Mr. Bernth – Yes, Mr. Bell – No, Mr. Grasher – Yes, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 6-1.

4. Public Hearing, Draft Comprehensive Plan: Proof of publication presented. Mr. Mandon presented the

changes discussed at the previous meeting. He indicated and presented changes in the map that were discussed at the previous meeting. The Public Hearing was re-opened. The following is a summary of the comments and concerns voiced by the public:

1. Kirk Sarkum, National Park Service: presented maps and comments with recommended changes as they pertain to the Indiana Dunes National Lakeshore.
2. John McDonald: indicated his residence was not noted on the land use map.
3. Jim Dimitroff, 1530 Clark Drive: presented petition to request the Plan commission remove from the recommended newly constructed thoroughfare draft plan, the road linking Six Box Lane from the east end to Clark Road.

There was extensive discussion concerning the recommended thoroughfare from Six Box Lane to Clark Road. The board and Mr. Mandon agreed to place an optional route into the future land use and thoroughfare section to connect Six Box Lane to Burwell, as well as suggesting a possible connection of Six Box Lane to Clark Road.

It was also suggested that an additional access road be placed off of Route 20 near Shelton Fireworks. Another suggestion presented to the board was recommending the connection of Old Porter Road to Beam Street be changed to a connection of Old Porter Road to Lincoln Street or Sexton to feed more traffic directly to the downtown area.

The Public Hearing was closed at 10:16 p.m.

Motion by Mr. Bernth to approve the Comprehensive Plan and recommend the adoption of the Porter Comprehensive Plan by the Town Council. Second by Mr. Bell. A vote was called: Mr. Whisler – Yes, Mr. Donley – Yes, Mr. Bernth – Yes, Mr. Bell – Yes, Mr. Grasher – Yes, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 7-0

E. New Business.

None at this time.

F. Adjourn

Motion to adjourn the meeting by Mr. Grasher. Second by Mr. Bell. Meeting adjourned at 10:30 p.m.

Eugene Chemma
President

Lisa M. Liebert
Secretary