

Minutes of the Porter Plan Commission
October 25, 1999

A. The meeting was called to order at 7:03 p.m.

B. Pledge of allegiance

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

C. Consideration of minutes from previous meeting.

Motion to approve the minutes as written by Mr. Bell. Second by Mr. Whisler. Motion carried 6-0.

D. Audience Participation

None.

E. Old Business

1. **Final Approval, Major Subdivision**: John Kremke present to speak on behalf of petitioners Bob and Charlene Hauber who wish to divide their current parcel into 4 lots. Mr. Kremke addressed the board to present final plat, and indicated there were no changes from the previous meeting, but that an easement was discovered along the property.

Mr. Chemma questioned Mr. Mandon about the calculation of park fees in lieu of, which were not prepared at this time. The fees would need to be paid contingent upon final approval. Mr. Whisler questioned if other subdivisions previously approved had paid their fees, and it was brought to the attention of the board that two subdivisions have not yet paid their fees. Mr. Bell indicated it was policy to receive park fees in lieu before any final approval, and will continue to be as such.

Mr. Grasher questioned if the drainage plans had been reviewed and approved by Mr. Powell. Mr. Chemma stated he spoke with Mr. Powell about any changes to be made, and Mr. Kremke indicated the petitioner and Mr. Powell had been consulting to reach a bond amount for any ditch work to be performed.

Mr. Bell stated he believes the petitioner has met all the necessary requirements. Motion by Mr. Bell to grant final approval contingent upon the calculation of money in lieu of park land, finalization of the bond figure for drainage work, Town Council vacating the old easement. Second by Mr. Eriksson. A vote was called: Mr. Whisler – Yes, Mr. Bernth – Yes, Mr. Bell – Yes, Mr. Grasher – Yes, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 6-0.

Mr. Eriksson questioned who was responsible for guaranteeing the park fees had been paid in lieu of park land. It was stated the Chairman was responsible. Mr. Chemma indicated he would contact the petitioners in question (Mr. Harbrecht and Mr. Bonnen.) Mr. Grasher stated part of the problem with the collection of fees is who would collect. It was concluded someone in the Clerk-Treasurers office should be responsible. Mr. Chemma indicated he would resolve the issue.

2. **Preliminary Hearing, Potts Retreat**: Petitioner Damon Potts is requesting a 5-lot subdivision, 5.06 acres south of Old Porter Road, west of Mineral Springs Road, which is currently, zoned R-1. Bill Rensenberger present to speak on behalf of the petitioner. Mr. Rensenberger indicated the property would utilize septic system, and that the petitioner

had no intention of utilizing sewer at this time.

Mr. Chemma questioned if the county had all of the information from the petitioner to grant septic approval. Mr. Rensenberger indicated he wasn't certain if the County had the correct information, but was of the opinion that the Plan Commission had the authority to approve septic for this property.

Mr. Mandon stated that the petitioner had submitted other petitions to the board in recent months, and that the commission required the petitioner to bring in sewer for development. Mr. Bell pointed out that in the future, if sewer is not developed at this time, it could come in at a later date, and lead to greater subdivision of the land in the area.

Mr. Whisler questioned if it was in the town's best interest to require sewer development for this property. Mr. Mandon stated he agrees it should be a condition upon subdivision of approval to bring in sewer systems. Mr. Mandon stated it would be consistent and efficient to do so to provide the best possible land usage.

Mr. Rensenberger questioned if fees would be returned to Mr. Potts once the existing homes became a part of the sewer district. Mr. Bernth indicated it was in the ordinance that all homes within 200 feet are required to tap into the sewer system. Mr. Rensenberger also questioned if the petitioner moved his request down to another portion of the town's property, would he still be required to bring in sewers. Mr. Mandon stated that developing land out of sequence is not appropriate, and that if the petitioner would choose to do so, the request could be denied for that reason.

Mr. Bernth suggested that when Mr. Rensenberger discussed the possibilities of bringing in sewers with Mr. Potts, that he also talk with Mr. Powell to discuss the area to the north of Old Porter and it's desire to tap into a sewer system, as their current system is inadequate.

Mr. Eriksson questioned if the petitioner changes his request to include more lots in the subdivision, would there be a possibility for double driveways onto Old Porter. Mr. Rensenberger indicated he would discuss it.

Mr. Mike Henkel, Beam Street, asked if there were plans for city water to be brought into the area, since there is a possibility of sewer systems in the area. He was told the wells would remain. Mr. Bernth suggested consistent foundation elevations to avoid any drainage problems.

Motion by Mr. Bernth to table the petitioner's request until the petitioner returns to the commission with changes. Second by Mr. Bell. A vote was called: Mr. Whisler – Yes, Mr. Bernth – Yes, Mr. Bell – Yes, Mr. Grasher – Yes, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 6-0.

3. **Preliminary Hearing, Michael's Minor Subdivision:** Petitioner Gordon Michaels requesting to subdivide 3.92 acres south of Beam Street and 382 feet west of Mineral Springs to a 3-lot subdivision. The parcel is currently zoned R-1. Bill Rensenberger presenting on behalf of Mr. Michaels.

Mr. Rensenberger indicated the petitioner would like to tap into a sanitary sewer line to the north of Beam Street. Mr. Bell pointed out there are no manholes on the south side of Beam at this time, and that to get to the north side, road cuts would need to be made.

Mr. Mandon stated his opinion is that the lots are too deep, and this is an inefficient way to develop land in town. He pointed out it is a rural development style that is being continued after the area has been incorporated. Mr. Rensenberger stated that it was unlikely any person would want to live as close to the railroad tracks as could be possible if the land was developed differently, and that in order to be consistent with the current lots and development in the area, the lots need to remain deep.

Mr. Bernth indicated the noise from the trains in the area is extreme. He questioned if the building line should be closer

to Beam Street. Mr. Mandon indicated that since the number of lots is so small, it would not impact. Mr. Grasher concurred with Mr. Bernth regarding the railroad noise.

Mr. Bell questioned the positioning of a garage on the property and the encroachment of the driveway upon an adjoining piece of property. Mr. Mandon questioned how it would be settled. Mr. Bell indicated that if the request were approved, the contingency would be that the encroachment be removed. Mr. Michaels indicated it would be removed.

A motion by Mr. Bernth to schedule the Michael's request for Public Hearing at the November 22, 1999 meeting. Second by Mr. Whisler. A vote was called: Mr. Whisler – Yes, Mr. Bernth – Yes, Mr. Bell – Yes, Mr. Grasher – Yes, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 6-0.

4. **Preliminary Hearing, McDonald Subdivision:** Petitioner Robert McDonald, 301 S. Mineral Springs Road, requesting to subdivide 7 acres to a 3-lot subdivision, currently zoned R-3. John Kremke present to speak on behalf of the petitioner.

Mr. Bernth stated that there was a suggestion to change the entire parcel to R-1 in the Comprehensive Plan before further development. Mr. Kremke indicated he would discuss the matter with his client.

There was discussion about bringing sewer hook-up onto the property. The advantages and disadvantages were discussed.

Mr. Mandon stated that his opinion that if a single-family lot is going to be created, it should be condition upon re-zoning to R-1.

Motion to table the petitioner's request until the petitioner can provide more information. Second by Mr. Eriksson. A vote was called: Mr. Whisler – Yes, Mr. Bernth – Yes, Mr. Bell – Yes, Mr. Grasher – Yes, Mr. Eriksson – Yes, Mr. Chemma – Yes. Motion carried 6-0.

E. New Business.

1. Marquette Point: Mr. Kremke present to speak on behalf of the petitioner. The petitioner would like to request an extension to install infrastructure improvements. Mr. Mandon suggested the petitioner write a formal request to be submitted to the Plan Commission and the Town Council.
2. Approval of Plan Commission Rules and Procedures: Mr. Kennedy's recommendation is that the approval in the August meeting was final. Mr. Mandon stated the issue would no longer be an item on the agenda.
3. Comprehensive Plan: The Public Hearing will be set for November 8, 1999 at 7:00 p.m. The documents have been placed for review at the Town Hall and the Library, and the maps have been completed.

E. Adjourn

A motion to adjourn the meeting was made by Mr. Eriksson. Second by Mr. Bell. The meeting was adjourned at 8:45 p.m.

Eugene Chemma
President

Lisa Liebert
Secretary