

Minutes of the Porter Plan Commission  
May 24, 1999

A. The meeting was called to order at 7:02 p.m.

B. Pledge of allegiance

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

C. Consideration of minutes from previous meeting.

Motion to approve minutes as written of previous meeting was made by Mr. Bell. Second by Mr. Donley. Motion carried 6-0.

D. Audience Participation

The agenda for this meeting listed a Public Hearing for petitioner Dorothy Ragsdale for a minor subdivision. Attorney Terry Heistand, present on behalf of Mrs. Ragsdale, stated their intent at this meeting was to review concerns brought up at Sketch Plat Review, and that after those concerns and revisions were addressed, they would be prepared to move forward to Public Hearing.

E. Old Business

**Sketch Plat Review:** Mr. Terry Heistand present on behalf of Mrs. Dorothy Ragsdale, 201 Detroit Road, for a Minor Subdivision. The petitioner is once again attempting sketch plat review after some concerns were addressed and revised to be re-presented to the Plan Commission. The petitioner has made the necessary adjustments by meeting with Mr. Powell to negotiate easements and to allow for extension of Clarke Drive if necessary. Mr. Mandon and Mr. Powell indicated they were satisfied with the changes as they have been negotiated.

A motion was presented by Mr. Bernth to schedule the matter for public hearing at the June 28, 1999 Plan Commission meeting. Second by Mr. Donley. Motion carried 6-0.

**Public Hearing:** Terry Heistand present on behalf of William and Rita Bennett, petitioners requesting rezoning property located at the southeast corner of Highway Street and Lake Charles Avenue, currently zoned C-3. The petitioner is requesting re-zoning to construct Multi-family; single-story units with attached garages. Proper notice has been posted, and fees have been paid. The petitioner is requesting to re-zone the property from C-3 to R-3 to build a multi-family residential 8-plex.

The Public Hearing was opened at 7:18 p.m. No members of the public spoke in favor of the petitioner's request. Members speaking as opponents to the request were as follows:

Anthony Ellow, 1330 Sunset Lane expressed concerns about drainage in the area. Mr. Bell agreed that this was a valid point and asked if there was an overflow of the retention pond to Peterson Ditch. Mr. Bennett addressed this question by stating the pond has overflowed in the past, although not a constant occurrence. Mr. Whisler also addressed the concern stating his knowledge of the drainage history in this particular area. Mr. Bennett commented that the water needs to reach a 3-foot height before it will overflow. Mr. Powell commented the town is aware of Mr. Ellow's concerns, and that they are being reviewed at this time.

Lee Island, 1370 Sunset Lane expressed concerns about the trees on the south end of the property being removed. It was pointed out that the trees would remain.

Paul Childress, 1175 Dunes Plaza Drive expressed several concerns regarding the re-zoning itself. Mr. Childress feels the town is unbalanced in it's zoning, as it has too much residential zoning and not enough commercial zoning to gain tax revenues from. He also pointed out that the last time a re-zoning was approved in this area, it mandated the BZA approve a side-yard setback variance in the same area. Mr. Bell pointed out that this issue is the second to be brought to the Plan Commission from this particular area. He also pointed out the Plan Commission had no bearing on the variances mandated in the previous issue; the Town Council mandated it. Mr. Mandon pointed out the Plan Commission is responsible for approving land use, not the building itself. Concerns about the actual building are better addressed at a site plan review. Mr. Heistand addressed the concerns brought up by Mr. Childress by pointing out the intention for the property is consistent with the surrounding land use.

The Public Hearing was closed at 7:41p.m.

Mr. Donley pointed out that a residence currently exists on the property, and questioned the likelihood that the property would be utilized commercial if the petition was denied. Mr. Bennett stated the house would be removed in the fall. Mr. Eriksson agreed that the property is better utilized residential because of the surrounding land use. Mr. Chemma agreed with the concerns addressed by Paul Childress, but noted it was more appropriate to utilize this property as residential because of surrounding land use.

Mr. Powell stated the town has concerns about the drainage of this property, and that the entrance to the property needs to be addressed.

Mr. Mandon stated that although he agrees with Mr. Childress about the community being under-retailed he recommends approval of the petitioner's request, as the property is best suited for R-3 use.

A motion was presented by Mr. Bell to recommend to the Town Council to re-zone the property from C-3 to R-3. Second by Mr. Donley. Mr. Whisler – Yes, Mr. Donley – Yes, Mr. Bell – Yes, Mr. Eriksson – Yes, Mr. Bernth – Yes, Mr. Chemma – Yes. Motion carried 6-0.

Mr. Heistand queried the panel's opinion of how to pursue the zoning change of another parcel in town owned by Mr. Bennett's brother, Jody Bennett. The members offered suggestions.

**Review of Plan Commission Rules and Procedures:** Mr. Kennedy provided his changes to the Plan Commissions Rules and Procedures. The following changes were discussed and agreed upon:

1. **Article II, Section 2:** Strike "first regularly scheduled meeting" to read "first meeting in each calendar year."
2. **Article II, Section 4:** Strike "regularly scheduled" to read "the regular meetings are held on the fourth Monday of each month, any other meeting can be set by the commission. That's a "special meeting."
3. **Article II, Section 8** has been removed.
4. **Article IV, Section 1(meetings):** "If the date of a regular meeting falls on a legal holiday, and it is impossible to conduct a meeting, at a prior meeting the president may set an alternate date."
5. Article IV abbreviations have been removed.
6. **Article IV, Section 2:** "with the required date" has been removed.
7. **Article IV, Section 4:** subsection C has been removed.
8. **Article IV, Section 6:** remove "subject to appeal by commission members."
9. **Article , Section 2:** All members present shall vote on every question unless they are permitted to abstain by the presiding officer, or, in the case of a matter requiring official action of the Plan Commission, have disqualified themselves because of a conflict of interest as defined by Section 3 of the Article.
10. **Article , Section 3:** Remove "A zoning matter does not include the preparation or adoption of a Comprehensive

Plan.”

11. Article VII is now titled “Filing of Petitions.”
12. **Article VII, Section 1:** moved to
13. **Article VII, Section 1:** “a petitioner who seeks to approve a plat, vacate a plat, amend a plat, amend a zoning ordinance, subdivision ordinance, comprehensive plan or other matter under the jurisdiction of the commission, shall file a petition with the office of the Clerk-Treasurer on behalf of the commission.”
14. **Article VII, Section 5:** “petitioner to prepare the legal advertisement, and that the petitioner shall notify by certified letter all persons deemed by state statute and the Commission to be interested parties at least 10 days prior to the public hearing pursuant to Article VIII. Prior to the commencement of the hearing, petitioner shall provide proof that they have complied with the requirement.
15. **Article , Section 2: First** State Bank of Porter has been added as notice location. “Any newspaper designated by the Town Council” has been added.
16. **Article , Section 4:** Persons with real property has been changed to owners of real property.
17. **Article , Section 5:** Added “a copy of this list shall be provided to the Commission prior to the commencement of the public hearing.”
18. **Article , Section 2:** Broken up into subparagraphs. (B) “The President shall then call for proponents of the petition followed by opponents to the petition.”
19. **Article X, Section 1:** Add, “following the disposition of any case, except the matters under the subdivision control ordinance.”
20. **Article X, Section 3:** “Following the opening of any public hearing a petitioner may not withdraw the matter to come before the public hearing without the approval of the Commission.”
21. **Article XII, Section 2:** “Town engineer and Town Planner shall determine if improvements have been completed.” Also “the petitioner may provide a bond or approved financial instrument in lieu of completing the improvements.”

Mr. Mandon will submit a completed amended copy of the Rules and Procedures for final approval at the next meeting.

**Continuation of Discussion of Preliminary Draft of the Comprehensive Plan:** Mr. Mandon suggested methods in which to divide and discuss the Comprehensive Plan. Mr. Chemma submitted an outline to the members in which to discuss the Plan. Three task groups will be formed, with a Commission member acting as chairperson of each group.

Mr. Bell questioned the data that has been presented, and how the projections will relate to the upcoming census. Mr. Mandon commented the projections would most likely be a close portrayal of the census data. Mr. Bernth questioned whether some larger subdivisions (Porter Cove and Lake Charles) had been included in the projection data. Mr. Mandon indicated the draft is preliminary, and will be adjusted to include missing data.

Mr. Mandon stated the Comprehensive Plan is not a legal document, but can be utilized to approve or deny petitions for re-zoning, etc. Mr. Mandon also indicated it is important for the Plan to model what the Town of Porter wants to become, not to model other town plans.

A formal presentation will be made to highlight and explain each chapter of the Plan in depth to include the public on Wednesday, June 9, 1999 from 7:00 to 9:00 p.m. contingent upon the Hawthorne Park building being available. Task group meetings will be held on the second Monday of each month.

## E. New Business

There was no new business introduced at the meeting.

## G. Adjourn:

Motion to adjourn by Mr. Bell. Second by Mr. Eriksson. Meeting adjourned at 8:54 p.m.

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Eugene Chemma  
President

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Lisa Liebert  
Secretary