

**Town of Porter
Plan Commission
Meeting Minutes
December 16, 2015
5:30 p.m.**

- A. Meeting was called to order at 5:32 p.m.
- B. Pledge of Allegiance
- C. Roll Call/Determination of Quorum
Present: Eriksson, Spanier, Wagner, Wodrich, Timm
Absent: Brueckheimer, Kremke, Sufana
Also Present: Ms. Spanier(for Ms. Sufana), Mr. Mandon, Ms. Frost, Mr. Barry
- D. Quorum-There are enough present for a quorum.
- E. Consideration of Minutes from November 18, 2015 meeting
Mr. Wagner made a motion to approve the minutes from the November 18, 2015 meeting, Mr. Timm seconded.
Motion approved 5 -0
- F. Audience Participation-NONE
- G. Old Business-
 - Mineral Springs Development-Brett Carney
US Hwy 20 & Mineral Springs Rd
Mr. Barry stated that a year ago, the Plan Commission approved the PUD plan. The PUD ordinance requires filing of a final, detailed development plan, which has now been submitted for approval. Mr. Barry has the final Mylar's.
Mr. Wagner made a motion to approve the final detailed development plan. Mr. Wodrich seconded the motion.
Motion passed 5-0
 - Fox Chase Development-Glen Cowser
Daniel Fowler & James Metcalf
Replat of Summer Tree PUD lots 1-4 and subdividing lots 1-4, as well as utilizing Lots 1-4 & 25 for residential
Mr. Barry read an email from Mr. Fowler stating that they would like to withdraw their application. Mr. Barry explained that Mr. Cowser, who is the owner of the property, will file a new application in January 2016.
Ms. Frost stated that under Plan Commission rules, since the public hearing was all ready held, the petitioner is not allowed to withdraw the application without authorization of the Plan Commission, so a motion is needed to authorize the withdrawal of the pending application of Mr. Fowler and Mr. Metcalf.
Mr. Timm made a motion to authorize the withdrawal of the petition. Mr. Wagner seconded the motion.
Motion passed 5-0
- H. Preliminary Hearing-NONE

I. Public Hearing-

Sherill Newman for Corina Nava Pelton, 300 Franklin

Request for zoning change on lots 5A & 5B Beam St

Ms. Newman explained that she is requesting to change the zoning of the property from R-1 and R-3 zoning to B-3. B-3 is consistent with the zoning of corner property to the west of the parcel. Ms. Newman also stated that she is in the process of acquiring the property to the west of the parcel.

Mr. Mandon stated that the zoning map doesn't line up with the property lines of this parcel, so part of the parcel is already zoned B-3, while part is zoned R-3 and part is zoned R-1.

Public hearing opened at 5:38 p.m.

Ms. Newman explained that she would like to put up a wholesale greenhouse business on the property.

Speaking in opposition:

Ruth Wahl, 1200 Beam Street-Ms. Wahl stated that her property is next door to the property in question. She stated that the entire area was platted a long time ago as residential. She is not in favor of the rezoning and believes the property should remain residential.

Ms. Newman stated that she intends to put a hedge row on the property line as a Buffer to screen her property. Mr. Mandon stated that when business zoned property is located adjacent to residentially zoned property, landscape buffering is a requirement of existing Porter ordinances.

Greg Martinson, of Martinson Cabinets. Mr. Martinson stated that his property next door to this property, to the north, along Route 20. Mr. Martinson questioned how the Petitioner intends to ingress and egress property and how she plans to get trucks in & out. He also asked whether the Petitioner would be able to get driveway access on Route 20.

Ms. Newman stated that she plans to use existing driveways on the property. She further stated that the property will be used for a wholesale greenhouse and there will not be high volume of traffic. The property will be for wholesale.

Mary Bradow, 1221 W Beam Street. Ms. Bradow stated that, her property is across Street from this property. Ms. Bradow stated that she is concerned about run off from the greenhouses and how it will affect the area, since all of the surrounding property is on wells. Ms. Bradow also questioned where manure will be stored. Ms. Bradow stated that she bought her property in a residential area and she would not be pleased with a business across road.

Ed Wahl, 1220 Beam Street, Mr. Wahl inquired as to whether Ms. Newman intends to put any residence housing there. Mr. Wahl also asked what would happen to the triangular parcel on the West side of this property.

Ms. Wahl, asked what will happen when the Petitioner goes to sell this property.

Mark Fisher, 1124 Beam Street, asked about what else can the property be used for if it is zoned commercial.

Ms. Bradow, asked whether the petitioner would be allowed to put in another driveway.

Speaking in favor:

Jennifer Klug, 200 Franklin St. Ms. Klug stated that she thinks the rezoning and the proposed greenhouse business would benefit the town. She thinks it will be an asset to the Town.

Ms. Newman responded to some of the questions. As to drainage, she stated that right now, all greenhouse water from the existing drain house she has at her residence goes in the ground and the same would occur with this property. She stated that the operation is all organic and she would use no harsh chemicals. She stated that she does use processed chemicals but not harsh chemicals and there should not be a smell from the greenhouse. She also stated that it will be a quieted operation and surrounding property owners should not hear the fans. She stated that while there is a hum with the greenhouse fan, it is not that loud.

Mr. Mandon commented on some of the questions. First, Mr. Mandon stated that outside storage is not permitted with a B-3 zone. Also, once the property is rezoned, the petitioner still would need a building permit and site plan approval before the greenhouses could be put in., These extra requirements are to make sure that what goes in is in compliance with is the regulations and standards that are in place. As for stormwater, drainage and runoff is regulated by federal & local codes which will need to be complied with. Further, as to other uses allowed in a B-3 zone, there is a long list of uses for B-3 zoning, it would not be economically feasible for some allowed uses on this particular parcel because of its small size.

Ms. Wahl stated that when a heavy rains flow, there are flooding problems in this area. Mr. Eriksson suggested that she come to the Stormwater board meeting for that issue.

Public hearing closed at 6:02 p.m.

Mr. Timm questions how big the property is? Mr. Barry responded that the size is a little under an acre. Mr. Barry also stated that currently, approximately $\frac{1}{4}$ of property is already zoned B-3 and $\frac{1}{4}$ is zoned R-1, with $\frac{1}{2}$ the property zoned as R-3

Mr. Wodrich stated that he has used her products in the past and they are exceptionable. He also stated that there is great demand for this type of organic product and the greenhouse is likely to be successful.

Mr. Wodrich made a motion to approve. Mr. Timm seconded motion.

Ms. Frost reminded the Plan Commission that, pursuant to the November meeting, the Plan Commission needs to include a condition in the motion concerning the

Requirement that the petitioner filed a copy of the recorded deed within 6 months in order for the rezoning to be effective.

Mr. Wodrich amended his motion as follows: the motion is to approve the rezoning with favorable recommendation to Town Council subject to the condition that the rezoning is contingent upon the Petitioner filing with the Plan Commission a copy of the recorded deed showing transfer of ownership to her within 6 months of the adoption of the ordinance, and that if she fails to do so, the rezoning is null and void. Mr. Timm seconded the motion.

Motion passed 5-0

Forwarding to Town Council

- J. Final Hearing-NONE
- K. Findings of Fact-NONE
- L. Other Business-NONE

Update from Attorney-Report on pending litigation. The case involving the Hunter's Glen subdivision (C & C Development) has been dismissed as of November 30, 2015.

Board Comments-

- M. Mr. Spanier made a motion to adjourn meeting at 6:15 p.m. Mr. Wagner seconded the motion.

Motion 5-0

The next regular meeting will be held on January 20, 2015



President

Date

2/17/16



Secretary

Date

2/17/16