

**PORTER COUNTY PLAN COMMISSION**  
**Regular Meeting Minutes**  
**March 2, 2016**

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, March 2, 2016 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Bob Poparad presided.

Members present were: Rick Burns, Ken Williams, Kevin Breitzke, Mitch Peters, Laura Blaney, Kyle Yelton, and Bob Poparad. Also present were Robert Thompson, Attorney Scott McClure, Kristy Marasco, Helene Pierce, citizens, and representatives of the press.

**MINUTES:**

Kevin Breitzke made a motion to approve the January 27, 2016 meeting minutes as submitted. Mitch Peters seconded the motion. A voice vote was taken and unanimously carried 6-0

**COORESPONDENCE:**

None.

**OLD BUSINESS:**

**DW-15-0057** - Petition filed by Ryan and Jessica Neal, 2151 Smoke Road, in Center Township in the R1, Low Density Single-family Residential District. Case continued from the January 27, 2016 meeting. Petitioner is requesting Design Waiver approval for a proposed Minor Subdivision (with four (4) buildable lots) to vary from Section 10.32 Subdivision Control; General. Staff report was presented by Mr. Robert Thompson noting this petition is continued from the January 27, 2016 meeting and received a 3-3 vote. Five (5) favorable votes are required; therefore it was automatically continue to this meeting. There are a number of Design Waivers being requested. They are as follows: road frontage from 240 feet to 119 feet on Lot 4 and 125 feet on Lot 2, noting that the width is not maintained throughout. Lot 4 exceeds the lot width to depth ratio. There is an existing accessory structure located on a lot that is not allowed to be there before the primary structure. Road access must be a minimum of 16 feet wide and comprised of at least 8 inches of compacted aggregate. The drive is currently asphalt which exceeds the standards, but it is only 10 feet wide. This case is also before the DRC and cannot be approved by them without Design Waiver approval from the Plan Commission first. This matter came to the attention of the Planning Department when one of the subdivided property owners came in for a building permit, but we stopped it because it was not a subdivision.

Attorney Gordon Etzler presented. Typically people are not familiar with the zoning laws and don't understand the significant of what is being done. That is what happened in this case. The petitioner apologizes for the errors made and has accepted the responsibility thereof and will be making the suggested changes at his own cost.

Q: Did the petitioner have a surveyor look at the property?

A: Yes, we had Torrenga Surveyors and we had a realtor and no one ever said we were doing anything wrong.

Q: Has the property will the four lots been approved for septic?

A: Yes.

Mitch Peters made a motion to renew the original motion made at the January 27, 2016 meeting.

Motion: Mitch Peters made a motion to approve DW-15-0057 to allow Design Waiver waivers for the reduction of road frontage regarding Lot 2 and Lot 4 with the exception of the 10-foot wide driveway which will require a 16-foot width until the first junction and the first 50 feet (from Smoke Road) to be 20 feet wide and made of a substance acceptable to the DRC; and to allow the existing accessory structure to remain as is. Kyle Yelton seconded the motion. A ballot vote was taken and carried 6-1 (Breitzke).

### **NEW BUSINESS:**

**ZO-16-0007** – St. Andrews Development LLC, c/o Attorney Todd Leeth , Porter Business Park, 79 East US Highway 6, in Liberty Township, in the OT, Office and Technology District. Petitioner requests an amendment to the Zoning Map (Rezoning); from OT, Office and Technology District to IN, Institutional District, to allow for a memory care facility. Mr. Robert Thompson presented a staff report noting the petitioner is requesting a zoning amendment change from OT to IN, and a name change from St. Andrews Medical Campus to Porter Business Park. Staff recommends approval. Attorney Todd Leeth presented. This project is part of 109 acres adjacent to Porter Hospital to the west. 5-1/2 years ago we received our first rezone and have received zoning variances from the BZA. We also went through the platting process, but have now found that the plans from 5-1/2 years ago no longer work. Tonight we are here about a 4.4 acre parcel that was originally zoned Office Technology that we now wish to change to Institutional to allow for an assisted living facility. Journey Senior Living is an Argent Group project and Blair Mitten will be the operator of the project. The bulk of the project is in Phase 2, but Out Lot A is platted in Phase 1. The 109 acres had four different zoning classifications because a PUD (Planned Unit Development) was not available in 2011 when this project began. Currently the existing zones are R3, R4, OT, and CH. We anticipated assisted living in 2011 and at the time assisted living was allowed in the R4 district. We would like to rezone four lots and Out Lot A to Institutional for this project. The assisted living area is very conceptual at this time; however, we are estimating 76 assisted living units and 24 memory care units in a 4-story building. The parcels chosen were done so to be in closer proximity to Porter Hospital versus where the R4 zone currently exists. We also wish to change the name from St. Andrew's Medical Campus to Porter Business Park.

### **Public Hearing:**

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Bob Poparad also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Mr. Don Trowbridge, 805 Tanner Drive, Valparaiso, questioned where the buffer zone is that the petitioner said they would put in between this property and the Tanner Trace subdivision? Mr. Trowbridge states he does not want any more lights shining toward his property then what is already there with the hospital.

Attorney Leeth's Rebuttal:

- Buffering and screening goes in when the development goes in. There is nothing there currently so there is nothing to buffer.
- There is a buffer strip along the west side of the property. Pine trees Evergreens, and bushes have been planted.
- We will comply with buffering requirements for those lots when they are developed.

The public hearing was closed and questions/comments were heard from the Members.

Mr. Robert Thompson noted that a recorded plat requires the buffering. Mr. Thompson will research the Board of Zoning Appeals minutes as to what requirements were placed on the petitioner and advise Attorney Leeth accordingly. Attorney Leeth advised that the petitioner is willing to add buffering to the area referred to this evening per Mr. Thompson's findings.

Motion: Mitch Peters made a motion to approve ZO-16-007 subject to any prior commitments and or restrictions already approved. Kevin Breitzke seconded the motion. A ballot vote was taken and unanimously carried 7-0.

**ZO-16-0009** – John & Deborah Wheeler, c/o Attorney Brian Hurley, 1606 S. Main Street and 193 East 900 South, in Pleasant Township, in the R1, Low Density Single-family Residential District. Petitioner is seeking an amendment to the Zoning Map (Rezoning); from CH, High Intensity Commercial District to R1, Low Density Single-family Residential District, to rezone three (3) parcels of land. Mr. Robert Thompson presented a staff report noting petitioner would like to rezone three (3) parcels from CH to R1. The parcels have existing residential structures on them. Staff recommends this approval. Attorney Brian Hurley presented. Mr. Larry Hitz was also present. The three (3) parcels referenced tonight are located at or near the intersection of 900 South and Highway 49 in Kouts, Indiana. Currently there are two residential houses and one other residential structure on three separate parcels. The corner lot is also zone CH, however, we have not spoken to that property owner so it is not included in this petition. 1606 S. Main Street and 193 E. 900 S. have all been zoned CH, High Intensity Commercial for a number of years possibly dating back to 1988. Mr. Hitz is present this evening because his mother resides in one of the homes and is at the point where she is being moved to an assisted living facility. Mr. Hitz would like to sell the home, but can't because financial institutions won't approve a loan for a residential structure in a Commercial Zone. The zone change we are asking for is reducing the intensity of the zoning. This is a residential area and there are residential zones (RR and R1) around this area. These parcels appear to be the exception. This change makes the area more consistent and contiguous.

Public Hearing:

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Bob Poparad also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Mr. Bob Berndt, 6851 Grand Blvd., Hobart, IN states he has a gate entrance onto 900 South and would like to have an easement from 900 South to be able to enter the gate from the west.

Attorney Hurley's Rebuttal:

- We are happy to discuss options with Mr. Berndt.

The public hearing was closed and questions/comments were heard from the Members.

Q: *Directed to Mr. Berndt*, how do you have access now?

A: We have always just had access but if the property is sold then the new owner may not allow this so we need an easement for access.

Q: *Directed to Mr. Berndt*, where is the access now?

A: At the east.

C: Mr. Larry Hitz noted that someone would have to go through the house to get access to the gate that Mr. Berndt is referring to.

Q: *Directed to Mr. Berndt*, do you have access to the property from Highway 49?

A: Yes.

C: Mr. Thompson advised that no boundaries are being adjusted with this petition.

C: Attorney Scott McClure advised that this Board does not handle what Mr. Berndt is requesting and advised that he will need to contact the owner of the parcel if he wants to negotiate an easement.

Motion: Mitch Peters made a motion to favorably recommend ZO-16-0009 to the County Commissioners as presented. Kevin Breitzke seconded the motion. A ballot vote was taken and unanimously carried 7-0.

**STAFF ITEMS:**

**Joint Meeting with City and County:** Mr. Bob Thompson reported that the City Planner is interested in coordinating a joint meeting with the City and County Plan Commissions regarding the Airport Overlay District. This is a matter that will be presented, entertain public comments, and taken under consideration, but not voted on at that time. The proposed date is Tuesday, March 22, 2016. After discussion it was decided that March 22, 2016 is not a workable date for most members, therefore Mr. Thompson will contact the City regarding alternate date options, and updated member accordingly.

**ADJOURNMENT:**

The March 2, 2016 regular Porter County Plan Commission meeting adjourned at 6:30 p.m.

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Bob Poparad, President

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Attest: Robert W. Thompson, Jr. AICP  
Director