

PORTER COUNTY PLAN COMMISSION
Regular Meeting Minutes
February 27, 2019

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, February 27, 2019 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Laura Blaney presided.

Members present were: Laura Blaney, Kevin Breitzke, Brian Damitz, Mike Mirochna, Greg Simms, Ken Williams, Luther Williams, Nikky Witkowski, and Rick Burns. Also present were Attorney Scott McClure, Bob Thompson, Kristy Marasco, Kelly Cadwell, Helene Pierce, citizens, and representatives of the press.

MINUTES:

Ken Williams made a motion to approve the November 28, 2018 regular meeting minutes as submitted. Kevin Breitzke seconded the motion. A voice vote was taken and unanimously carried 9-0.

COORESPONDENCE:

None.

ELECTIONS:

President:

Motion to elect Rick Burns President of the Plan Commission was made by Kevin Breitzke. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 9-0. At this time Rick Burns began presiding over the meeting.

Vice-President:

Motion to elect Laura Blaney Vice-President of the Plan Commission was made by Nikky Witkowski. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 9-0.

Appointment to the Board of Zoning Appeals:

Motion to elect Ken Williams appointment to the Board of Zoning Appeals was made by Kevin Breitzke. Laura Blaney seconded the motion. A voice vote was taken and unanimously carried 9-0.

Appointment to the Development Review Commission:

Motion to elect Kevin Breitzke appointment to the Development Review Commission was made by Ken Williams. Laura Blaney seconded the motion. A voice vote was taken and unanimously carried 9-0.

OLD BUSINESS:

None.

NEW BUSINESS:

ZO-18-0075 – James Zimmer, 327 North 400 East, in Washington Township, in the I2, General Industrial District. The petitioner is seeking approval for a proposed amendment to the Unified Development Ordinance to rezone a parcel of land from (I2), General Industrial District, to (RR), Rural Residential District. Mr. James Zimmer presented. The parcel in question is one-acre in size and has served as his primary residence for twenty (20) years. The parcel is located south of Route 2 on 400 East in Washington Township. There are a number of mixed uses around this area; however, there are four (4) remaining parcels that continue to be residential. In order to sell his property, he needs to have a residential zoning.

Public Hearing:

Rick Burns asked if any of the public would like to speak in favor of or in opposition of this case. Mr. Burns 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. No one spoke; therefore, the public hearing was closed, and questions/comments were heard from the Members.

Q: Will this rezone have any impact to the current industrial parcels?

A: No. The use on this property has been residential for many years.

Motion: Laura Blaney made a motion to favorably recommend ZO-18-0075 to the County Commissioners for a rezone of a parcel of land from (I2) General Industrial to (RR) Rural Residential zoning district. Nikky Witkowski seconded the motion. A ballot vote was taken and unanimously carried 9-0.

ZO-19-0006 – Trust No. 1907, c/o Todd Leeth, Hoepfner Wagner & Evans LLP, South side of Burlington Beach Road between Calumet Avenue and Explorer Drive, in Center Township, in the R1, Low Density Single-family Residential District. The petitioner is seeking approval for a proposed amendment to the Unified Development Ordinance to rezone a parcel of land from (R1) Low Density Single-family Residential District to (OT) Office and Technology District; for a proposed physician's office. Attorney Todd Leeth presented. This property has been presented to the City of Valparaiso for annexation, however, due to the City's current annexation moratorium if approved it will not take effect until January 1, 2020. The City has approved three (3) of the four (4) steps of annexation including a unanimous favorable recommendation from the City Plan Commission. The property owner, Dr. Jones, does not wish to wait until 2020 to begin construction; therefore, we are petitioning this Board in order to begin the development process. The proposed Use is for a single physician office to be located directly east of Horizon Bank and west of Explorer Drive. Explorer Drive is a private drive owned and maintained by the Valparaiso School Corporation as a bus entrance to Flint Lake Elementary School. The property is currently zoned R1 and we are requesting a rezone to OT. The property is 50% contiguous to the City boundaries. The area around the parcel includes uses such as schools, eye doctors, commercial uses, and residents. This is a natural extension and keeps with the character of the area. Because we expect to be annexed into the City, but it won't take effect until 2020 we will go through joint Site Reviews with both the City and the County in order to build to both standards. The proposed building will be 7,500 square feet in size. There will not be access to Burlington Beach Road, but we have received an easement access from Horizon Bank. We have a signed and recorded document and will be building a third lane on Horizon's property to accommodate our access.

The homeowner to the south is the most impacted by this development. We are committed to working with the homeowner to make sure water flow is better and property buffer yard is installed. As well, the building, the drive, the parking, etc. will be oriented in a way that naturally moves traffic to the west. There will be access to the east for emergency purposes, but we will take necessary steps to direct traffic in and out through the west portion of the property. Larson-Danielson, a reputable local company is the contractor for this development.

Public Hearing:

Rick Burns asked if any of the public would like to speak in favor of or in opposition of this case. Mr. Burns 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. Ron Anderson, 4202 Explorer Drive, Valparaiso, noted green space, dumpsters, lighting, increased traffic, school traffic safety, and property values as concerns. He also stated that he purchased his property with the understanding all lots were purchased as residential properties and would have residential uses on them. He does not want a business in this location.

Ms. Cynthia Bohlmann, 4202 Explorer Drive, Valparaiso, stated this is a very nice neighborhood to live in and there is residential to the east. There are eight lots in this subdivision, seven are single-family homes and if allowed this one lot will be commercial. What will become of this property if Dr. Jones sells her property in the future?

Mr. Walt Breiting, Park Avenue, Valparaiso, states he is one of a growing number of citizens that have concerns with construction run off, water quality, and storm water management and how it will affect things downstream.

Attorney Leeth's rebuttal:

- Whether there is a home, or a business developed on this parcel of land there will be a loss of green space.
- As a business a larger footprint is required, however, there are standards in both the City and the County that we will have to follow, and we will have to follow the more restrictive of the two. That includes buffering for noise, lighting, etc. Dumpster enclosures are required so if there is a dumpster, it will be enclosed.
- The County has light pollution requirements whereas the light cannot leave the property. We plan to comply with all requirements.
- We plan to orient the building to move traffic to the west. We are required to have an additional access. The east access is for public safety and will be used as a secondary access only.
- There will be traffic coming to this development. We are gearing to toward the west and facing the building away from the residents. Burlington Beach Road is an arterial street and can handle another business.
- Covenants for this subdivision were adopted in the 1990's. They have been amended to accommodate this use and to allow for this business. The commercial areas have all been developed since this neighborhood was built. This parcel has been vacant many years and would not likely be a residential home. As well, residential homes would not typically extend utility services as we plan to.

- The OT zone will not allow a convenience store to be placed here. OT is Office Technology so the only uses that could be here without another rezone would be uses that fall under the OT district.
- State law requires that we secure permitting for water measures such as silt fencing, socks around inlets, etc. these are all required.

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

Q: When were the covenants amended and by whom?

A: Within the last 6-9 months. Dr. Jones worked with the homeowners herself, especially the most impacted property owner. The covenants were amended with a super majority allowed based on the lot size.

Q: What happens if the City does not annex?

A: We will still develop according to County standards and we would expect that the City would still allow us to extend utilities.

Q: Will there be any ancillary services at this location?

A: We do not anticipate that.

Q: How many providers will be at this location?

A: One physician with nurse practitioners and midwives.

Q: How many expected patients per day?

A: 80-100.

Q: The Explorer Drive access is a concern.

A: The City Engineer has discussed future studies and improvements in this area of Burlington Beach Road, but we are not sure of what to expect.

Q: Could there be two accesses through the Horizon Bank property?

A: It can be looked into but not at this stage.

C: Attorney Leeth noted that tonight we are discussing if this property can be used as a physician's office. The details of the site plan will be thoroughly discussed at Site Review.

Motion: Kevin Breitzke made a motion to favorably recommend ZO-19-0006 to the County Commissioners for a rezone of a parcel of land from (R1) Low Density Single-family Residential to (OT) Office and Technology zoning district for a proposed physician's office. Nikky Witkowski seconded the motion. A ballot vote was taken and unanimously carried 9-0.

19-AM-01 – Porter County Department of Development & Storm Water Management, 155 Indiana Avenue, Suite 311, Valparaiso, Indiana. The petitioner requests approval of an amendment to the Porter County Plan Commission's Rules and Procedures; Article II, Officers, Employees, Plat Committee and Hearing Officer and Article V, Hearings. Mr. Robert Thompson presented. The Porter County Plan Commission's Rules and Procedures is a document that guides this Board on how to handle cases. It is this Board's document to maintain. Tonight's proposed amendments include:

- Cases under Old Business that wish to re-open a public hearing will require a motion, second, and positive vote of at least six (6) Board Members.

- Special Exceptions may be heard by the Hearing Officer except for Zones A2, I3, HI, and any involving telecommunication towers and kennels. Noting that Staff and/or the Hearing Officer may still decide to send something to the Board even if it falls within an accepted zone.

Motion: Mike Mirochna made a motion to approve 19-AM-01 as presented. Kevin Breitzke seconded the motion. A roll call vote was taken and carried 9-0.

STAFF ITEMS:

UDO Chapter 7, Open Space Ordinance – Robert Thompson advised that he and staff have formed a committee to begin reviewing and updating the subdivision open space requirements. We are requesting that his Board begin thinking about what is important to you with regards to open space. What do you value when it comes to open space in a large subdivision? A lot of the time it becomes unused and unmaintained and serves no purpose other than to meet the requirement. Do you value amenities, and should they be considering in the open space requirements? Can ponds be more than just a pond? This is definitely a work in progress and all we are asking at this time is that you begin thinking about what you value and what you feel makes a difference in a subdivision.

ADJOURNMENT:

There being no further business, the February 27, 2019 Porter County Plan Commission meeting adjourned at 7:00 p.m.

Rick Burns, President

Attest: Robert W. Thompson, Jr. AICP
Director