

PORTER COUNTY PLAN COMMISSION
Regular Meeting Minutes
March 27, 2019

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

Members present were: 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 February 27, 2018 regular meeting minutes as submitted. Kevin Breitzke seconded the motion. A voice vote was taken and unanimously carried 9-0.

COORESPONDENCE:

Robert Thompson advised Case No. PR-19-0017 and DW-19-0012 – Hickory Hill Estate Subdivision Phase 2 Primary Plat and Design Waiver will not be heard at this time and is rescheduled to the April 24, 2019 meeting.

OLD BUSINESS:

None.

NEW BUSINESS:

ZO-19-0013 - Olthof Homes, c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP, West side of State Road 49 between Silhavy Road and State Road 49, in Washington and Center Township, in the RR, Rural Residential District and R1, Low Density Single-family Residential District. Petition is seeking Territorial Authority from the Porter County Plan Commission. Robert Thompson advised this is a recommendation to the County Commissioners. Annexation has been requested from the City, however, would not take effect until January 2020. The petitioner would like to begin the subdivision now and that is why they are here tonight. Attorney Todd Leeth presented. Olthof Homes is proposing a single-family residential subdivision on 29 acres. They filed a Petition for Annexation with the City of Valparaiso and it was approved on March 11, 2019 but will not take effect until January 2020 due to an annexation moratorium in the year prior to a census. The parcel is east of Hawthorne subdivision, has residential on three sides, and had 50% contiguity to the City. The petitioner would like to begin the project now, therefore we are here asking for your approval to begin under City requirements.

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.

C: The DRC discussed the project and one concern was just to ensure that construction traffic will not come through Sunny Lane from the North and that the petitioner has a drainage way. City Engineer, Adam McAlpine, is working on this project as well and the DRC trusts him and believes that all concerns will be properly handled.

Q: Will the school territory change?

A: No.

Q: What will the home values be?

A: They will vary \$275,000 - \$325,000.

Q: Will there be any multi-family units?

A: No.

Q: Will Silhavy Road be extended?

A: Yes, with traffic calming measures in place.

Q: What is the purpose of the dead-ends?

A: We are required to provide connectivity to adjacent parcels.

Q: Does this fit the County's vision for water retention?

A: There is a waterway that flows through the property and out to Flint Lake. We will capture, detain, and meter release it out. Our engineers and the City Engineer are all working together on this.

Motion: Kevin Breitzke made a motion to favorably recommend ZO-19-0013 to the County Commissioners to allow the transfer of jurisdiction to the City and recommends an agreement regarding the construction traffic access and drainage way be developed between the parties. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 8-0.

ZO-19-0011 - Mike Tisma & Deanne Sasser, Four Corners Winery and Wedding Venue, 294 East 600 North, in Washington Township in the RR, Rural Residential District. Petitioner is seeking an approval for a proposed amended to the Unified Development Ordinance to rezone a parcel of land from (RR) Rural Residential District to (CM) Moderate Intensity Commercial District; to allow for a winery and wedding venue. Robert Thompson advised a Use Variance was approved for the winery in 2011 and renewed in 2016. Mr. Mike Tisma & Ms. Deanne Sasser, 2503 William Drive, Valparaiso presented. They began this project in 2010 and started cleaning up the property. In 2015 they put in a new septic system and 2,400 square-foot wine production building. In 2016 they had someone ask if they could get married on the property, so they cleaned out a building for that to happen and it has snowballed since that time. They would like to see that continue. The winery is scheduled to open this Fall. It is a large investment and they want to be able to protect it, therefore, they are seeking a rezone to CM. They would like to be able to continue the wedding venue aspect and allow a farmer's market. The wedding venue has a capacity of 225 persons. Another new septic system was requested by the County and the soil borings have been submitted to the State. We are waiting to hear back from the State and then we will submit for a restroom building. The winery will be open Thursday through Sunday 10:00 a.m. to 6:00 p.m. Special events will end at 11:00 p.m. Parking is available on the East side of the property. There are future plans to turn the old barn into a nano-distillery. The average attendance of event has been 125 persons. There is no heat or air-conditioning so the event venue is seasonal. We require that all music and service of alcohol end at 11:00 p.m. and the area is cleaned up and vacated by midnight. We have Edison-style low lighting. Clients get the one-day permit for beer and wine and we provide the servers. If they wish to have spirits, they are required to hire an outside alcohol caterer and they bring their own servers. There is no kitchen so all cooking and preparing of food is performed off site. Parking for the event venue is

located south of venue building and we are proposing vineyard rows to mask the area and help with straight parking. There can be gravel in-between the rows if needed.

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: Have there been any discussions with your neighbors?

A: They have typically been supportive and in favor.

Q: Last call is at 11:00 p.m.?

A: Music and alcohol is shut down at 11:00 p.m. so last call would be earlier. Security stays for one hour after so clients have to be cleaned up and vacated by midnight. Because of this, they usually end their party before 11:00 p.m.

Q: How many wedding events have you had thus far?

A: 16. The first one was in 2016 and they already have 28 bookings for 2019 and 17 for 2020. People are starting to ask about 2021 which is why we feel the rezone is necessary. We don't want to invest and have people planning their weddings and then we all of a sudden can't host any longer. Our current variance expires in 2021.

Q: When will the winery be operational?

A: This Fall.

Q: How many events do you have with over 100 persons?

A: Most of them are either right at 100 or 125. Full capacity is 225.

C: Without the winery in operation no one has been able to see how it will affect traffic, etc. Once that happens the perspective of the operation in its entirety could change. There is definitely a concern with permanently rezoning something when currently we have no basis to go on. The combination of the wedding venue and winery together could have a much greater impact. The planning is spot on and we can be optimistic, however, right now, there is just not ample information to go on.

R: The winery closes at 6:00 p.m. so there will not be a lot of overlap between the winery and events.

Q: Are weddings the only events being hosted on site?

A: No. We have had graduation parties, birthday parties, rehearsal dinners, etc.

There are a lot of questions and concerns at this point. The original variance only allows any kind event until 8:00 p.m., and only small events were approved, and the number of 225 was never a part of the discussions. Commercial businesses such as this cannot run on septic systems. There will need to be restrictions in place. The currently variance is in place until 2021 so the petitioner may still do everything allowed in the original variance.

Motion: Ken Williams made a motion to continue ZO-19-0011 for one month to allow Attorney McClure and staff to meet with the petitioners to discuss expanding the current variance to include the items they need to operate now under the variance valid through 2021 and the petitioners may come back for further expansion or rezone once there is more data available. Kevin Breitzke seconded the motion. A roll call vote was taken and unanimously carried 8-0.

ZO-19-0014 - Co-Alliance, LLP, New Liquid Fertilizer Facility, 210 East 400 South, in Morgan Township in the A1, General Agriculture District. Petitioner is seeking approval for a proposed

amendment to the Unified Development Ordinance to rezone a parcel of land from (A1) General Agriculture District to (I3) Heavy Industrial District; to expand their facility to include a liquid fertilizer loadout facility with a 2-million-gallon liquid fertilizer tank. Mr. Brad Metzger and Mr. John Stafford with Co-Alliance, LLP presented. The northern part of the existing property located at 210 East 400 South is zone I3 to allow for the grain building and agriculture products. Co-Alliance is expanding the operation at this location to allow for better efficiency and modernization and include a liquid fertilizer facility. The property is serviced by CSX railroad via a trestle bridge and has access from Highway 49. All State regulations are met for this type of business. This will be a \$3 million-dollar investment overall and will be for agriculture products only.

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: Does the Department of Homeland Security weigh in on this?

A: Yes, we have to have clearance from them as part of the State permitting process.

Q: What is happening with the train tracks and trestle ditch?

A: We hire a short line to bring our cars in from the main line. There is a wooden trestle going over the ditch now. We are working with the Army Corp of Engineers. We have also spoken with County Engineer, Mike Novotney, and we want to be good neighbors.

C: Kevin Breitzke noted that the County has asked the Petitioner to address the ditch issue by working with the County Engineer. The ditch has a 21-foot span bridge. The wooden trestle bridge is in poor condition. The railroad wants to make the culvert smaller using a 9-foot tanker car. It is going to be difficult to approve this if the railroad is going to flood the area, but at the same time it is understood that this is not the petitioner's issue. They already use the railroad, and they need their spur. We need to push the railroad to understand that a 9-foot culvert is not big enough.

Motion: Kevin Breitzke made a motion to continue ZO-19-0014 in order to give staff some time to plan what is needed for the railroad. Ken Williams seconded the motion. A roll call vote was taken and unanimously carried 8-0.

The petitioner questioned if they could begin construction within the I3 zoning district. Robert Thompson advised they may begin in the area that is already zoned I3.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the March 27, 2019 Porter County Plan Commission meeting adjourned at 6:53 p.m.

Rick Burns, President

Attest: Robert W. Thompson, Jr. AICP
Director