

PORTER COUNTY PLAN COMMISSION
Regular Meeting Minutes
October 24, 2018

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, October 24, 2018 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Bob Poparad presided.

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

MINUTES:

Kevin Breitzke made a motion to approve the August 22, 2018 regular meeting minutes as submitted. Kyle Yelton seconded the motion. A voice vote was taken and unanimously carried 7-0.

COORESPONDENCE:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

ZO-18-0065 – Dollar General, c/o DG Partners LLC, 7 West U.S. Highway 6, in Liberty Township in the CH, High Intensity Commercial District. Petitioner is seeking approval for a proposed amendment to the Unified Development Ordinance to rezone a parcel of land from (CH), High Intensity Commercial District to (CM), Moderate Intensity Commercial District, to allow for a proposed retail facility. Mr. Robert Thompson advised that the CH zone requires 5-acre parcels, and this is 1.7 acres. The use fits both CM or CH. If developed under CH they would have to get a variance for the lot size. Staff requested the rezone to CM. Mr. Trevor Larson and Mr. Dean Holton with DG Partners LLC presented. The proposed use is for a Dollar General retail store. It was recommended by staff that they request a rezone from CH to CM to better conform with the UDO and the lot size.

Public Hearing:

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Mr. 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.

Ms. Sandra Johnson, 132 Johnson Drive, states the intersection at Meridian Road and U.S. Highway 6 is very busy and there are a lot of trucks that go through here. She also shared concerns with drainage and water, and sewer. The County needs to make this area better before allowing development. Will this proposed use align with the proposed U.S. 6 Corridor plan?

Mr. Tim Cole, 845 N. Calumet Avenue, states the Overlay Ordinance needs to be considered. This is a dangerous intersection. INDOT is improving the intersection, let that happen before this development happens.

Mr. Steve Alcorta, 15 Stonegate Drive, spoke on behalf of the Fox Chase subdivision residents stating they moved away from high commercial areas and they do not want retail here. The value of their homes is a concern with commercial development going in. They are opposed.

Ms. Jackie Thorpe, 735 N. Meridian Road, states this is an awful intersection and should be considered.

Mr. Richard Kuder, 185 W 900 N, states he agrees with other have said about the traffic in the area and the state of the intersection. He is not opposed to the rezoning but would like these matters considered.

Mr. Trevor Larson and Mr. Dean Holton's rebuttal:

- Development will be subject to access approval by INDOT.
- The County has a Drainage Ordinance that dictates the allowed release rate, and we are within the conformance of the Ordinance.
- The State is reviewing the access at this location. The State mandates it, not the County.

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

This request is for the rezoning of a parcel that probably was not zoned properly to begin with. The rezone is a down zone. All the traffic concerns will be addressed through INDOT and not this board. The Development Review Committee will handle many of the items as well.

Motion: Rick Burns made a motion to favorably recommend ZO-18-0065 to the County Commissioners to rezone a parcel of land from (CH), High Intensity Commercial District to (CM), Moderate Intensity Commercial District, to allow for a proposed retail facility. Kevin Breitcke seconded the motion. A ballot vote was taken and unanimously carried 7-0.

ZO-18-0069 – Gilson Barn c/o Ashlie Cordova, 522 West 650 South, in Boone Township in the RR, Rural Residential District. Petitioner is seeking approval for a proposed amendment to the Unified Development Ordinance to rezone a parcel of land from (RR), Rural Residential District, to (CM), Moderate Intensity District, to allow for a proposed event barn/hall. Attorney Bill Ferngren and Mr. Randy Peterson presented. The parcel is 115 acres in total. The petitioner would like to rezone 10 acres from RR to CM to allow for a catering barn venue for events. There will be a single access, traditional parking lot, detention basin, and proposed septic field areas have been filed with the Indiana Department of Health. The use would be primarily on weekends May through October at typical wedding times. The capacity is approximately 210 persons. There will be 5-10 employees. It will be a family-run business. Food will be catered to the site and there will be a warming area, but there will not be an on-site kitchen. The will have a liquor license. The rezone is only one step of many. They will need variances for well and septic to serve the site. The petitioner is willing to limit the use through written commitments. 4 to 5 letters of support were submitted prior to the meeting. Ultimately, the petitioner will be refurbishing the original structure and putting it back into use.

Public Hearing:

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Mr. 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.

Ms. Elizabeth Potter, 633 South 500 West, is opposed to this petition. She does not want a commercial property here. Traffic and noise will be an issue. She was told the barn is a historical building that had to be put back to its original state and that is not what is happening.

Mr. Jesse Potter, 633 South 500 West, is opposed to this petition. The road does not have turning lanes; the intersection does not have a four-way stop to accommodate more traffic on the road. Traffic is big concern.

Mr. Sean Riley, 507 West 650 South, is opposed to this petition. He likes living in a secluded and enjoys the view of the barn not one of a parking lot. Music, noise, trash, etc. will all flow toward his home.

Ms. Carol Yurechko, 544 West 650 South, is opposed to this petition. She states this is a historical barn and should remain as such. This use will cause too much traffic, loud noise, and she does not want alcohol being served near her home and people then driving on the roads. She lives in the country for a reason and this does not compliment that.

Mr. Karl Cooper, 548 West 650 South, is opposed to this petition. He states barn weddings are a fad and once the fad is over we will be left with a parking lot. He doesn't want the noise especially because there are no buffers in this area.

Mr. Jon Pearson, 677 South 500 West, is in favor of this petition. There have been many changes over the years and this is a good use for the barn. It was a historical building before the petitioner purchased the property, so it can't be torn down.

Ms. Mary Pearson, 677 South 500 West, is in favor of this petition. The barn has been deteriorating for 20 years and needs a lot of work. The petitioner is going to make it better. Having a detention pond will also help the area's drainage.

Attorney Bill Ferngren's rebuttal:

- This is the first step of the process.
- All items such as drainage and traffic will be reviewed at other levels.
- As proposed, this would be a wedding venue, a substantial distance from any direct neighbor, and the petitioner is trying to preserve the building and put it to good use while honoring its historic value.
- Landscaping will be required for buffers, etc.
- Randy Peterson advised that engineering analysis would be done for expected traffic. Calculations would be done to determine if turn lanes would be required.
- It is a limited use with limited day and hours, and not a full-time use.

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

- C: As proposed this will be out of character for the area. A commercial use in the middle of a rural residential zone.
- C: There was no reference made to how the petitioner plans to conform to the historical standards. That is a concern as well as the noise that will travel.
- C: There is little control of historical sites when in the hands of a private party. The State needs to be notified of any changes. It is important to preserve the barn.
- Q: How many acres is the entire parcel?
- A: 115. The portion requested for rezone is 10 acres.

Motion: Rick Burns made a motion to recommend denial of ZO-18-0069 to the County Commissioners to deny the rezone of a parcel of land from (RR), Rural Residential District, to (CM), Moderate Intensity District, to allow for a proposed event barn/hall Ken Williams seconded the motion. A ballot vote was taken and received a tied vote of 3-4 (Bob Poparad, Luther Williams, Kyle Yelton, Laura Blaney). The motion did not carry; therefore, it is automatically continued to the next regularly scheduled Plan Commission meeting.

OTHER BUSIESS:

Mr. Jeff Edmond presented before the Board. Mr. Edmond resides at 755 West 154 North under the Ladwig Trust Variance. The residents on this private drive, and that maintain the private drive, are having a number of issues with the person that owns two lots behind their homes using their private drive and tearing up the drive. After discussion Mr. Thompson advised that staff is looking into this. This type of set up was not uncommon in the 1990's and this was recorded in 1996. The record shows a future road, but this came in a minor subdivision first and they never came back for the major subdivision. Ultimately, right now it is a private drive and this Board can not intervene. The Courts may be the only viable option. If the new owner of lot 5 splits the lot then he'll have to come before us, but unfortunately, we can't do anything regarding a private drive.

Ms. Salena Anderson, 205 Spectacle Drive, presented before the Board. Ms. Anderson noted that she has been part of a lot of discussion regarding a proposed City annexation site on Spectacle Drive. Many are trying to understand how building in the City versus building in the County would differ. Mr. Thompson advised that the project has not been presented to the County. If it were presented, the County has an Ordinance that the developer would have to follow or seek variances thereto. The County does allow a density bonus in some cases, infrastructure would have to support the development, density, and environmental features would be considered.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the October 24, 2018 Porter County Plan Commission meeting adjourned at 7:05 p.m.

Bob Poparad, President

Attest: Robert W. Thompson, Jr. AICP
Director