

# Minutes of the Porter Plan Commission

April 21, 2004

## A. The meeting was called to order at 7:30 p.m.

## B. Pledge of Allegiance

Present: Mr. Bell, Mr. Eriksson, Mr. Liebert, Mrs. Snyder, Mr. Timm and Mr. Babcock.

Absent: Mr. Childress

Quorum was established. Also present were Mr. Mandon and Mr. Lyp.

## C. Consideration of Minutes from Previous Meetings

Motion to approve the minutes of the March 17, 2004 meeting as written made by Mr. Eriksson; second by Mr. Timm. Motion carried 6 – 0.

Motion to approve the minutes of the January 28, 2004 Special meeting as written made by Mr. Liebert; second by Mr. Babcock. Motion carried 6 – 0.

## E. Audience Participation

None

## C. Preliminary Hearings

### 1. National Lakeshore petition for vacation of Public Way, Streets, and Alleys in the Town of Porter.

Council President Bell voiced a concern that these streets may be part of Porter's street inventory for fuel tax purposes. He then read the petition specifics for the public audience.

The Commission first addressed National Lakeshore's request that the \$200 fee for filing a petition to vacate be waived. Commission member input included:

- Mr. Liebert stated the fee should be paid whether or not the Town benefits from the vacation.
- Mr. Bell feels it is a case of professional courtesy between government agencies and is in favor of waiving fee.
- Mr. Eriksson has mixed feelings on the matter.
- Other members in favor of waiving fee.
- Staff believes it is a policy question: Do we or don't we charge fees to other government agencies?

Motion to waive the vacation petition fee of \$200 [for this petition] made by Mr. Eriksson; second by Mr. Babcock. Motion carried 5 – 1 with Mr. Liebert voting no.

Speaking on behalf of the National Lakeshore was Environmental Protection Assistant Mr. Charles Webster. The National Lakeshore's investigation of these streets shows only three have ever had a hard surface; the others have always been undeveloped. They want to remove the hard surface to allow natural growth. They also want all these roads vacated to help fight illegal use of the land by off-road vehicles.

In response to a question from Commission member Mrs. Snyder, Mr. Webster stated the National Lakeshore Demolition Fund will cover the costs of removing the hard surfaces and the Town of Porter will not be paying for any of it.

Staff report: Our staff will check if the streets are part of the Town's street inventory for fuel tax purposes and will determine the financial impact on the Town if they are on inventory and removed via this vacation. Mr. Mandon believes the streets should have come off the inventory when the property became part of the National Lakeshore.

Mr. Liebert asked Mr. Webster if he understood all the costs associated with a public hearing would be the National Lakeshore's responsibility. He stated he understood.

Motion to set the National Lakeshore petition to vacate to public hearing at the May 19, 2004 meeting made by Mr. Liebert; second by Mr. Timm. Motion carried 6 – 0.

## **F. Public Hearing**

### **1. Amburgey Zoning Map Correction Petition**

Mr. Mandon gave background information on the petition, how the error occurred, and why the Town was correcting it. He recommends we send the petition to the Town Council with a favorable recommendation.

Mr. Lyp stated all notification requirements have been met and the public hearing may proceed.

Public Hearing opened at 8:04 p.m.

Proponents:

1. Mr. George Child, 370 N. Mineral Springs Road. What does B-1 zoning allow on the property if it is sold? Answer: It allows virtually the same types of businesses as the C-1 zoning did under the old ordinance. He has no problem with the zoning correction as long as it does not allow any business that would adversely affect the neighborhood.
2. Mr. Chris McNamara, 400 N. Mineral Springs Road. Does the zoning correction include the entire property owned by the Amburgey's? Answer: Yes.

Opponents:

None

Public hearing closed at 8:08 p.m.

Motion to send the Amburgey property zoning map correction petition to the Town Council with a favorable recommendation made by Mr. Liebert; second by Mr. Eriksson. Motion carried 6 – 0.

## **G. Other Business**

1. Possible Zoning Map error on the SW corner of US Hwy. 20 and W. Oak Hill Road.

Mr. Mandon informed the Commission that the property owner, Mrs. Matteson, informed the Town Hall that the property had been rezoned in error when the zoning map was approved. Commission member Mr. Liebert found the original rezoning ordinance and Mr. Mandon investigated the claim and found the property had been rezoned in error. He recommends we follow the same process we did in the Amburgey correction to fix this error.

Motion to consider tonight's discussion of this topic the preliminary hearing made by Mr. Timm; second by Mr. Babcock. Motion carried 6 – 0.

Motion to set the Matteson property zoning map correction petition to public hearing at the May 19, 2004 meeting made by Mr. Liebert; second by Mr. Timm. Motion carried 6 – 0.

2. Comprehensive Plan Review

- a. Changes in company names will be made as needed.
- b. New assessed valuation of the Town will be added once known.
- c. Population projection figures are what changed the most due to incorporation of 2002 census figures.
- d. The large tracts of land still open for development have many constraints such as access, elevation, or pollution problems that may inhibit developers due to higher costs.
- e. May need to increase Town corporate limits to acquire developable land without such constraints, especially R-1 property.

Motion to send the narrative of the Comprehensive Plan dated September 15, 2003 to the Town Council with a favorable recommendation made by Mr. Liebert; second by Mr. Eriksson. Motion carried 6 – 0.

1. Commission member Mrs. Snyder, having further thought on the fee waiver earlier in the meeting, stated she believes the Commission should be consistent and charge the fee to all petitioners.

## H. Adjourn

Motion to adjourn by Mr. Liebert; second by Mr. Eriksson. Meeting adjourned at 8:39 p.m.

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Lorain Bell  
President

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Lisa M. Liebert  
Secretary