



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES February 26th, 2019

MEMBERS PRESENT:

Anthony Hendricks	Richard Mrozinski
Rita Beaty Kelly	Earl Cunningham
John Sullivan	Glen Minich
Gene Matzat	John Carr
Harold Parker	

OTHERS PRESENT: Annemarie Polan, Building Commissioner, Douglas Biege, Attorney,
Dar Forker, Secretary.

PLEDGE OF ALLEGIANCE

Annemarie Polan, Building Commissioner asked for approval of the meeting minutes from October 23, 2018.

Rich Mrozinski made a motion to approve.

John Carr seconded.

All approved. Motion carries 9-0.

Annemarie Polan, Building Commissioner, asked for approval of this evening's Agenda.

Rich Mrozinski said that he would like to make a motion to strike No. 5 from the agenda by the advice of our attorney, this is in the wrong venue and it should have went to the BZA.

Rita Beaty Kelly seconded.

All approved. Motion carries 9-0.

Election of Officers:

Annemarie Polan, Building Commissioner asked if there are any nominations for President.

Earl Cunningham nominated Anthony Hendricks.

John Sullivan seconded.

Annemarie Polan, Building Commissioner, asked if there are any other nominations for President.

Annemarie Polan, Building Commissioner, said hearing none, nominations are closed.

Annemarie Polan said all in favor:

All approved. Motion carries 9-0 – Anthony Hendricks, President.

Annemarie Polan, Building Commissioner congratulated Anthony Hendricks.

Anthony Hendricks asked if there is a motion for nomination for Vice President, Secretary, and Building Commissioner to keep the same as last year.

Richard Mrozinski made a motion to keep it as last year.

John Carr seconded.

All approved. Motion carries 9-0.

Anthony Hendricks thanked Annemarie Polan and Attorney Douglas Biege.

Anthony Hendricks said item #2 is the Pritz Family, LLC, which he needs to excuse himself from this petition and will hand it over to Rita Beaty Kelly, Vice President.

Petitions:

2. Pritz Family, LLC respectfully petitions the La Porte County Plan Commission for a favorable recommendation to the La Porte County Commissioners for a zone map change on real estate located north of Paks Road at or near the intersection of Prairie Boulevard, Michigan City, Indiana, Coolspring Twp., currently zoned B-2 Business to Multiple Family Residential R2A Townhome Residential District on sixteen (16) acres.

Attorney Biege said notice is adequate.

Rita Beaty Kelly asked for name and address for the record.

Wallace Pritz said he's the spokesperson for Pritz Family, LLC and his address is 9149 W. Summit Court, Michigan City.

Mr. Pritz said that they're asking the board to have a favorable recommendation for rezoning of sixteen point three (16.3) acres to R2A Townhome District. Mr. Pritz said that he just wanted to stress the fact that when they get done with the thirty-three (33) buildings and sixty-six units, they will have approximately a one-hundred and eighty (180) million dollar appraised value, which means that the tax value is about eleven (11) million dollars when those get done. Mr. Pritz said right now they pay nine hundred and thirty five (935) dollars for that piece of property.

Rita Beaty Kelly asked if there are any questions.

Richard Mrozinski asked Mr. Pritz if he tried to rezone this a few years ago, about 2007.

Mr. Pritz stated no.

Richard Mrozinski said that he was on the Plan Commission representing the council and the reason we weren't favorable was because you have a wetland there. Mr. Mrozinski said that it's not a wetland where we would have to worry about flooding. Mr. Mrozinski said that this wetland feeds into Trail Creek, which feeds into Lake Michigan. Mr. Mrozinski said that the argument back then and is the same argument he has now, in the winter time when you're putting salt on the sidewalks, it ends up in Trail Creek and then Lake Michigan.

Richard Mrozinski said that in the summer time when you have lawn fertilizer, round-up, and whatever else might be there, it ends up in Trail Creek and then Lake Michigan. Mr. Mrozinski said years from now when we start having issues with Lake Michigan, with either the fish, or any other wildlife, or plants, they're going to look back and say why did the Plan Commission let this happen. Mr. Mrozinski said he doesn't want that on his conscience.

Mr. Pritz told Mr. Mrozinski that he doesn't know what he's referring to.

Richard Mrozinski said that he's referring to the sixteen (16) acres. Mr. Mrozinski said he has two (2) pictures, and one shows it's a wetland and the other shows the Trail Creek Funnel to Lake Michigan.

Mr. Pritz is up at the beach going over the site plan with the board members.

Mr. Pritz told Mr. Mrozinski that the wetlands that he's referring to is not on his property. Mr. Pritz said it's on the warranted piece of property. Mr. Pritz said there would be no drainage in here.

Richard Mrozinski said that he can certainly see on beacon the boundary line and he can certainly see part of the wetland is on the sixteen (16) acres.

Mr. Pritz said that is not his. Mr. Pritz said you're trying to condemn the whole piece because of a little piece. Mr. Pritz told Mr. Mrozinski that he's not headed the right way.

Mr. Mrozinski said that there's two ways of looking at it and his way of looking at it is, he doesn't want people to come back here and say were you part of the Plan Commission when we start having issues with the wildlife in Lake Michigan.

Rita Beaty Kelly asked if there are any other questions from the board.

Mr. Mrozinski made a motion to deny the request.

Rita Beaty Kelly asked if there are any remonstrators for or against the petition this evening.

Rita Beaty Kelly said hearing none she will ask for a motion from the board.

Mr. Mrozinski said motion to deny.

Glen Minich said that he's wondering if a better way to attack this would be to create a buffer in between the wetland area. Mr. Minich said that he sees his point, it's really an IDEM issue, more than an issue for us. Mr. Minich said that it's still going to have salt and it's going to be the same place. Mr. Minich said basically you're taking away from all zoning if we don't allow him to do something. Mr. Minich said that he thinks that senior living is a good use there.

Mr. Mrozinski said that this wetland is a little different then some of the other ones they've had to deal with. Mr. Mrozinski said that we have wetland issues all the time. Mr. Mrozinski said that they had one just last week where the other side of it was someone on the Plan Commission back in about 2004, allowed people to build a house in a wetland and now they're flooding and the whole neighborhood has flooding. Mr. Mrozinski said that it's quite an expense and it's going to be very expensive. Mr. Mrozinski said that this is a wetland and it's going to create its own issues when it says on beacon that the water is going to end up in Trail Creek and Lake Michigan.

Attorney Biege said that this is a request from a zone map change, but this is almost an up or a down, because otherwise we're going to have --- it's business now and our zoning maps are going to have all of these little exceptions to it. Attorney Biege said that his suggestion would be to vote up or down.

Earl Cunningham said that when you approached with the larger map, how much of the wetland he indicated was in his property. Mr. Cunningham said it's very hard to see on the small map.

Earl Cunningham asked if it was a half-acre.

Mr. Pritz is up at the bench going over the large map with board members. (Unintelligible).

Board members speaking amongst themselves. (Unintelligible)

Earl Cunningham asked Mr. Pritz if all of his units would be on city sewer and city water.

Mr. Pritz stated that's correct.

Gene Matzat said as far as wetlands are concerned, the little area that is there could definitely be buffered. Mr. Matzat said he knows that we don't address that, but he guesses the greater need would be senior housing being developed in the area and the fact that there are other developments by there. Mr. Matzat said that he doesn't think the environmental impact would be as much as the greater benefit of the housing.

Earl Cunningham said that he thinks in terms of this location on Pahs Road where he spent years and years at the high school, there is an extreme high amount of salt because they try to keep that road less slippery than the others because it's so heavily used in early morning and late afternoon.

Mr. Cunningham said the salt runoff from the roadway into the ditch was probably far greater than if he's on city water and sewer.

Rita Beaty Kelly asked if there are any other questions or concerns.

Rita Beaty Kelly said that we have a motion on the table to deny with an unfavorable recommendation.

Rita Beaty Kelly said no second at this time.

Rita Beaty Kelly said that she will entertain another motion at this time.

Earl Cunningham said motion's dead for lack of second.

Rita Beaty Kelly stated that's correct.

Glen Minch made a motion to give a favorable recommendation to the La Porte County Commissioners to approve Pritz Family, LLC zoning change from B2 (Business) to R2A Multiple Family Residential Townhome.

John Sullivan seconded.

Voting Aye: Rita Beaty Kelly, Earl Cunningham, Glen Minich, Harold Parker, John Carr, Gene Matzat and John Sullivan.

Voting Nay: Richard Mrozinski

3. Petitioner CJ Investments Properties, LLC, by counsel respectfully petitions the Plan Commission to vacate an unimproved Public Way, located in Rolling Prairie, Indiana, which is more particularly described as Lots 20 and 21 in the Town of Portland, now Rolling Prairie, which is located near the common address of 103 S. Prairie Street, Rolling Prairie, IN, Kankakee Twp.

Attorney Biege said notice is adequate.

Attorney Novak said that this petition and the next one are going to be substantially similar, but he will keep them separate.

Attorney Novak said he's an attorney with Newby, Lewis, Kaminski & Jones here in La Porte, here on behalf of our client, CJ Investment Properties. Attorney Novak said in this petition you'll see on Exhibit A there's a map. Attorney Novak said their client is the owner of those four (4) contiguous parcels that are located in Rolling Prairie. Attorney Novak said just south of those parcels is a twenty (20') foot unimproved alleyway that runs east and west just south of those parcels between Depot Street and Prairie Street. Attorney Novak said he's seeking to get that alley vacated and for the entirety of it to be transferred in his favor.

Attorney Novak said that he has received the consents of each of the adjoining land owners to not only vacate the alleyway, but to transfer it to him in his favor, specifically the two (2) neighbors that are just south adjoining the alleyway, that is Grimm Development and Matt and Barb Kipler. Attorney Novak said that they have both consented as attached on Exhibit D & E. In addition to those two (2) neighbors, SRP Properties, LLC is adjacent to the alleyway and have consented by way of Exhibit F. Attorney Novak said that he will present to President Hendricks Exhibit H, which is the final land owner, David Malik, who is contiguous to the alleyway and consented as well.

Attorney Novak said that vacating this alleyway will not harm any of the adjacent neighbors, as all of them having access to their properties by way of either Prairie Street, or Depot Street.

Attorney Novak said in conclusion, they seek a favorable recommendation to vacate the alleyway and have the entirety of it transferred in favor of CJ Investment Properties.

Harold Parker asked if that's E Short.

Attorney Novak said that it looks like its E Short, but if you continue to the west, it's the twenty (20') feet alleyway between Prairie and Depot. Attorney Novak said he has a larger map if you like.

Earl Cunningham asked attorney Novak if they're trying to tie those four (4) parcels together.

Attorney Novak said that's actually Grimm Development, the next petition.

Harold Parker said that we don't have a current map.

Earl Cunningham stated now they do.

Attorney Novak said that it's the same alleyway, but it's across Depot Street. Attorney Novak said that it's intercepted by Depot Street.

Board members speaking amongst themselves.

Harold Parker asked if there are any utilities, or anything to go down that way.

Board members speaking amongst themselves.

Glen Minich said the next block certainly has a powerline through it..

Attorney Novak said from the aerial he can't see ---- Attorney Novak said to the extent that there is a powerline, there is a specific statute that says it would be unaffected. Attorney Novak said that they realize that utility would have to remain there and they couldn't change anything.

Harold Parker asked what happens if they want to connect utilities. Mr. Parker said there must be a reason, why did they leave it.

Attorney Novak said alleyways are left all throughout the county.

Richard Mrozinski said that the whole town of Rolling Prairie at one time was laid out there. Mr. Mrozinski said that they just did this with the property owned by the VFW, where it was laid out in plots in case in the future they wanted to put a street there, but they never did. Mr. Mrozinski said that he's very familiar with the land there; it makes sense to him. Mr. Mrozinski said that's his town.

Glen Minich said that you guys have sewage lines running to that area. Glen said don't you think in the future we might -----

Mitch Bishop, County Planner said disregard the sewer line. Mitch said that they took bids and they were awarded a contract. Mitch said that he's pretty sure sewer lines will go down this alley. Mitch said he's seventy (70%) percent sure. Mitch said he would like to review the plan.

Harold Parker asked Mr. Bishop if they want that alley for a sewer line.

Mitch Bishop said that they've already been awarded a contract. Mitch said the exact location, this is the first he's heard of it. Mitch said that he's pretty sure there is a sewer going in this alleyway, but he's not hundred (100%) percent though.

Anthony Hendricks asked Mitch if those plans are in his office.

Mitch Bishop said yes, on the highway.

Anthony Hendricks said that we can table it until the end of the meeting and check it.

Mitch Bishop said that he might have it on his phone.

Glen Minich said the alleyway could still be vacated, as long as we left the easement for the utility.

Anthony Hendricks said typically the Plan Commission can recommend to the Commissioners that they vacate the right-of-way, but that doesn't (Unintelligible) any utility easements that are on there.

Attorney Biege said that's correct, but the twist here is ---

Anthony Hendricks said that we don't have any utility in there yet.

Glen Minich said that he can see the need for Grimm Tool & Dye and CJ Investments --- Glen said that they're good businesses in that town; they need their privacy and not a public right-of-way through there, but we do need the possibility of utility for there.

Attorney Biege said that statute says that utility carries over and that presumes it's already installed. Attorney Biege said if you're to vacate without checking out the sewer, the possibility exists you would be cutting off the sewer project.

Anthony Hendricks asked if there are any remonstrators for, or against this petition.

Attorney Biege said the possibility exists to that you could vacate subject to a sewer easement if the petition would agree.

Attorney Novak said that he would have to check with the client, but certainly if that's the only way you guys are going to give us a favorable recommendation, he will take it to his client and advise him of it.

Attorney Novak said it's a favorable recommendation from the Plan Commission, but it still has to go to another meeting.

Mitch Bishop, County Planner, said that this is it.

Attorney Novak said that he certainly doesn't have that authority to make that decision, but again, if that's going to be the recommendation that you would give contingent, he would take it back to them and let them know that's the case. Attorney Novak said that he could let Doug know if the answer is yes, and in that case they can move onto the County Commissioners.

Anthony Hendricks asked if there are any other questions from the board.

Richard Mrozinski said that by then they would know --- he completely forgot about Phase 2 of the sewer project and that makes sense. Mr. Mrozinski said that they don't want to have to buy it if they already owned it.

Earl Cunningham made a motion that we approve the Petition to vacate an unimproved public way, located in Rolling Prairie, which is more particularly described as Lots 20 & 21 in the Town of Portland, which is now Rolling Prairie, with a common address of 103 S. Prairie Street, Rolling Prairie contingent to all sewer, or utility easements.

Richard Mrozinski seconded.

Anthony Hendricks asked if there is any discussion.

All approved. Motion carries 9-0.

4. Petition for Grimm Development Corporation petitions the Plan Commission to vacate an unimproved public way, more particularly described as Lots 4, 5, and 6 in W.J. Walker Heir's Addition to the Town of Portland, (now Rolling Prairie, IN).

Earl Cunningham said same motion.

Richard Mrozinski seconded.

Anthony Hendricks asked if there is any discussion.

All approved. Motion carries 9-0.

6. Attorney David Ambers, on behalf of Leslie P. Craft, Petitioner, respectfully petitions the Plan Commission for a zone map change on real estate surrounding 4189 W. State Road 2, La Porte, Scipio Twp., from M-1 to Agriculture, totaling 162.57 acres.

Attorney Biege said notice is adequate.

Attorney David Ambers said he's here on behalf of Mr. Craft's request for change in the zoning map from M-1 to Agriculture for the property Mr. Craft owns north of Highway 2 and Scipio Twp. here in La Porte County.

Attorney Ambers said for whatever reason in the previous code and under the current ordinance, it seems like all this property along this railroad was zoned under the old one I-R and now it's going to M-1. Attorney Ambers said that most of you know, Mr. Craft has an Angus cattle herd out there on Highway 2 and he's getting ready to sell his farm and retire and the auctioneer believes it would be best if we have Agricultural zoning instead of the Commercial zoning.

Attorney Ambers said quite frankly to him, that gives better protection to the folks across the street there are zoned Agricultural. If you look south of Highway 2, everything is zoned Agricultural, even the small subdivision that exists there on the southwest corner of 400 and Highway 2. Attorney Ambers said to him this would in fact improve the quality and protect the character of the neighborhood going forward, rather than they all wake up some day and there's a factory across the street from their homes.

Attorney Ambers said that area for which the change is sought, is what he highlighted in red. Attorney Ambers said everything south and for a good part north of the railroad, which is Mr. Craft's north boundary is even zoned Agricultural. Attorney Ambers said he doesn't know why they zoned the fairgrounds R1B, but that was an interesting note. Attorney Ambers said the second map he gave you shows a little better aerial view of the property and shows the agricultural use where Mr. Craft has his home and buildings. Attorney Ambers said everything else is either fields or pastures.

Attorney Ambers said at this time they will ask for a favorable recommendation to the Commissioners for this change.

Anthony Hendricks asked if there are any questions from this board.

Anthony Hendricks asked if there are any remonstrators for or against this petition for rezoning from Manufactural to Agricultural.

Mitch Bishop, County Planner said this was back when they did the comprehensive plan and you remember there were two (2) intermodal sites potentially in La Porte County and one in Union Mills and one by Pinola, so obviously they were looking in that area and it was a committee

• decision. Mitch said if you look west, there is quite a bit of substantial M-1 and there are factories north of the Family Express. Mr. Bishop said that was the idea behind that originally. Mr. Bishop said that it didn't materialize. Mitch said he doesn't see a problem with this.

Attorney Ambers said he was Mr. Craft's neighbor and if the intermodal would have come through here, he probably wouldn't be here tonight.

Anthony Hendricks if there are any other questions from the board.

Anthony Hendricks said he will entertain a motion.

Richard Mrozinski made a motion for a favorable recommendation.

John Carr seconded.

All approved. Motion carries 9-0.

Anthony Hendricks asked if there is any old business.

Anthony Hendricks asked if there is any new business.

Anthony Hendricks asked for motion to adjourn.

Rita Beaty Kelly made a motion to adjourn.

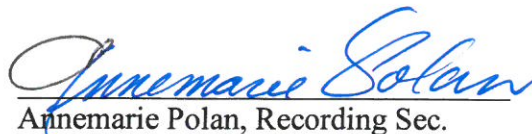
Richard Mrozinski seconded.

All approved. Motion carries 9-0.

There being no further business before the Plan Commission, meeting adjourned at 6:40 p.m.



Anthony Hendricks, President



Annemarie Polan, Recording Sec.