



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES August 25th, 2020

MEMBERS PRESENT: Anthony Hendricks Rita Beaty Kelly
 Rich Mrozinski Earl Cunningham
 Harold Parker Glen Minich
 Sean Quinn Walter Sell

OTHERS PRESENT: Annemarie Polan, Building Commissioner, Doug Biege, Attorney, Ashley Kazmucha, Secretary.

PLEDGE OF ALLEGIANCE

Anthony Hendricks asked for approval of the agenda for the August 25th meeting.

Rich Mrozinski made a motion to approve the agenda as presented.

Rita Beaty Kelly seconded.

All approved. Motion carries 8-0.

Anthony Hendricks asked for approval of the meeting minutes July 28th, 2020.

Richard Mrozinski made a motion to approve as presented.

Earl Cunningham seconded.

All approved. Motion carries 8-0.

Petitions:

1. Petitioner Mark A. and Mary M. Nelson represented by Christopher L. Willoughby of Braje, Nelson, & Janes, LLP ("Petitioner") respectfully petitions the Plan Commission to vacate the undeveloped but plotted roadways and/or alleyways adjacent to property commonly known as 348 Island Dr., LaPorte, IN., Center Twp., zoned R1B. Exhibits attached hereto.

Attorney Biege stated notice is adequate and they have consents from adjoining land owners.

Christopher Willoughby of Braje, Nelson, and Janes stated he is representing Mark and Mary Nelson. They are joining in the attempts to vacate the roadways that have been unimproved for years. He vacated a portion of Beach Drive last year and the Plan Commission has since

entertained another petition. As indicated by Attorney Biege, in addition to notifying the adjacent landowners they do have consent from each of them as well. Present are the Nelson's as well as Mr. and Mrs. Brown. The Nelson's have been there approximately twenty (20) years and the Brown's even longer. This right-of-way has not been improved during that time or generally used by the public. There is parking that is part of the Nelson's property, for lack of a better description, that is used. The use pre-dated the Nelson's. It has always been used and Mr. Brown can speak on that. In his due diligence, the Brown's and Nelson's have always maintained and cared for this area. They have no indication of any objections or claimed use. They request that the Plan Commission send a favorable recommendation to the Commissioners for approval and adoption of an ordinance vacating the portions of Beach Drive indicated by the map supplied. They are open to any questions. The biggest benefit would be adding this portion to the tax roll and each adjacent owner will receive their portion.

Sean Quinn stated in the map, it shows there are five parcels of land adjacent to the portion. Are the two owners, owners of all five parcels?

Christopher Willoughby stated the north side is owned by the Brown's and Ken Slater Trust. The south side is owned by the Nelson's.

Sean Quinn stated the three parcels are owned by two separate parties.

Christopher Willoughby stated yes and they submitted consent from Mr. Slater, on the other side of the Nelson's, and 344 Island Drive LLC which is kitty-corner. They have surrounded with consents from all of them. All of those parcels are accounted for.

No remonstrators present.

Rich Mrozinski made a motion for a favorable recommendation for Petitioner Mark A. and Mary M. Nelson represented by Christopher L. Willoughby of Braje, Nelson, & Janes, LLP ("Petitioner") to vacate the undeveloped but plotted roadways and/or alleyways adjacent to property commonly known as 348 Island Dr., LaPorte, IN., Center Twp., zoned R1B

Earl Cunningham seconded.

Approved. Motion carries 8-0.

2. Solar Ordinance

Attorney Biege stated he received example ordinances from Ashley Kazmucha for Pulaski County and Lake County. Pulaski County requires a surety or bond for the cost of removal. They also require certification from an engineer or someone similar as to what the expected cost of removal might be at the time of application. It is a good idea and will alleviate some of their concerns. Mechanically, the Building Department and Annemarie Polan can figure out how they can execute that. It is a good provision. They do not have a requirement that an engineer certify

the project, but that is good too. He is seeking feedback on these ideas before he drafts anything new that may pass as an ordinance.

Harold Parker mention he mentioned that at the last meeting. He is scared about the language of ownership. The draft reads owner, but is that the owner of the installation or the grounds?

Attorney Biege stated they should tighten the language up.

Rita Beaty Kelly asked if any of the solar people that they have passed moved forward with the project. There was a project on 200 for solar.

Attorney Biege stated they did a Special Exception, but they didn't have an ordinance in place at the time.

Attorney Biege stated he isn't sure it went up.

Annemarie Polan stated Janet Cole placed a call to them, but has yet to hear back.

Attorney Biege stated the Lake County Ordinance has better language in regards to setbacks and landscaping protection. He would like to tighten the language up in our ordinance. With the Commission's permission, if they agree a bond or surety is a good idea, he can draft a new form for next month.

The Commission agreed it was a good idea.

Annemarie Polan asked if Attorney Biege added anything for maintenance.

Attorney Biege stated he received the pictures. He stated grass no longer than four inches (4") in the ordinance. If there is a better language or idea, he is open to suggestions. The other ordinances refer to their code enforcement which LaPorte County doesn't have so he picked four inches (4"). He thought that was reasonable.

Ashley Kazmucha stated the ordinance says six inches (6").

Attorney Biege stated he picked a number.

Annemarie Polan stated Walter Sell supplied the Lake and Pulaski solar ordinances.

Attorney Biege thanked Walter Sell.

Harold Parker welcomed Walter Sell back.

Walter Sell stated on the maintenance and ground part. One part mentions it being six inches (6') and another section about pollinators being planted. Both are good in and of themselves, but they are opposite of each other. If you have pollinators, you typically let them grow and not cut them down to six inches (6"). It needs to be one or the other, but not necessarily both. You can't have

pollinators and keep them at six inches (6") to do what they normally do. That language needs to be reconciled.

Rita Beaty Kelly stated that is in E1.

Anthony Hendricks stated he is right. Pollinator plants are usually tall with bees and butterflies.

Earl Cunningham stated he agrees with Walter Sell and would prefer the pollinators in most cases rather than have the grass cut to six inches (6") because you would see the sub-structure. With pollinators it would hide the structure below the panels and serve a purpose.

Harold Parker asked who will watch what they are pollinating, will there be a subject matter that constitutes what a pollinator is and a weed that isn't supposed to be there.

Attorney Biege stated the ordinance refers to the Technical Guide: Establishment and Maintenance of Pollinator-Friendly Solar Projects – Northern Indiana – Michiana Area Council of Government, as amended. They refer to something that has already been drafted out.

Walter Sell stated that when you have a pollinator planting you do risk introducing unwanted species into the area. Having the pollinators according to specs should help. There is nothing perfect and he is not against either, but they may want to say either/or in the ordinance because the language can't be kept how it currently is and make much sense.

Rita Beaty Kelly asked if they could say non-pollinator on the maintenance paragraph.

Attorney Biege stated he would combine the paragraphs and at the end of the pollinator paragraph amend it to say if grass is maintained it must be kept at a maximum of six inches (6").

Harold Parker stated in CRP ground they had to watch for noxious weeds and people did have to control them. It is a concern.

Anthony Hendricks stated they don't want invasive plants taking over.

Anthony Hendricks asked if there is any old business.

Anthony Hendricks asked if they tabling the Dittrich Petition at 7189 N. Point Rd. until next month.

Attorney Biege stated yes, he will be ready next month. He has an initial opinion, but he wants to go back and verify and get title work on the history. He is waiting on the title work and verification that something is not there. He will be ready next month.

Anthony Hendricks asked for a motion to table the Dittrich Petition to the September 22nd Meeting.

Rita Beaty Kelly made a motion to table Petitioner Dennis R. and Cynthia L. Dittrich represented by Andrew D. Voeltz of Howes & Howes, LLP ("Petitioner") respectfully petitions the Plan Commission to vacate the undeveloped but plotted roadways and/or alleyways adjacent to and

between the property commonly known as 7189 North Point Road, New Carlisle, IN., Hudson Twp., zoned R1B on .242 acres.

Rich Mrozinski seconded.

Approved. Motion carries 8-0.

Attorney Biege stated the Boody Petition before the Commissioners has been referred back to the Plan Commission. There was not enough time to put it on the Agenda for this meeting. That should be heard next month as well.

Anthony Hendricks asked if that public noticed.

Attorney Biege stated they should re-issue public notice since this has gone on and there was a complaint about notice initially. He wanted to make the announcement at this meeting. It will be heard next meeting and be on the agenda.

Anthony Hendricks stated the Boody Petition at 115 Maple Drive will be heard at the September 22nd Meeting and there will be public notification.

Earl Cunningham asked if there was a specific concern from the Commissioners.

Attorney Biege stated the adjoining landowner's attorney wanted to make legal argument, but he is not sure regarding what. It seems there may be a possible controversy. The Commissioners decided to send it back to the Plan Commission.

Anthony Hendricks asked if it is the north adjacent owner.

Attorney Biege stated he is the surveyor.

Anthony Hendricks asked for any new business.

Annemarie Polan stated there is a gentleman that would like to bring before the Plan Commission a tiny home subdivision development. This would not be anytime in the near future. It is not addressed in the Joint Zoning Ordinance currently. If they were to come before them today, they could define it as a Planned Unit Development (PUD). It is something they should think about. They can research this with other counties and see what they may be doing with this type of development.

Anthony Hendricks stated there is a minimum of square footage for homes in in the Joint Zoning Ordinance. If something were to come forward in a PUD, could the Board approve it with a different minimum square footage?

Attorney Biege stated the Board could with a PUD. He likes the idea of a PUD because it has to go across the Plat Committee. When they talk about density requirements, health department and sewer, it becomes a lot more than square footage. It would be a good idea for the representative of

the Plat Committee together for a committee to discuss the tiny homes. If they get a proposal, they don't have any guidance and making some decision in advance could be useful for developer that want to try it.

Anthony Hendricks stated the Plan Commission has some latitude within its' motions that can overlap with the BZA.

Annemarie Polan stated they can make modifications.

Rita Beaty Kelly stated there was discussion on that a few years ago, but they were going to be movable tiny home.

Annemarie Polan stated they were discussing tiny homes on a foundation.

Attorney Biege stated this is not really a BZA issue. It is more of a Plan Commission and Plat Committee issue. Perhaps they can make some loose rules as to where it needs to go.

Mitch Bishop, County Planner, stated he met with a developer three months ago regarding a small home community in Galena Township. It was roughly one-hundred and twenty (120) small home on septic and well. He turned them down because it is not in their zoning ordinance or comprehensive plan. It doesn't meet requirements. You can't just put a tiny home in. If you look for an ordinance on tiny home subdivision, there isn't one in Indiana. He guarantees it. They won't be able to find one. It's not out there. Maybe in California. The market is very selective for tiny homes and there is some spill over from Chicagoans wanting second homes. They like the idea of somewhere to go to and that may be a small home community. As far as an ordinance for small homes tied to a certain zoning district with certain characteristics it may be something they should have, but he doesn't think there needs to be a whole small home ordinance. There isn't one to find.

Attorney stated he agreed, but would like to establish some direction. They will get more requests.

Mitch Bishop stated there will be, but he would pull away from subdivisions being small homes.

Attorney Biege stated he doesn't want it to go to the BZA. They are not equipped to handle that kind of request and he doesn't want it to come as a variance.

Earl Cunningham asked if campers may be parked in a driveway for two weeks.

Annemarie Polan stated it is two weeks.

Mitch Bishop stated there is a provision where they can pull in the driveway and stay in it for two weeks, but it is meant to be short term.

Earl Cunningham stated they could be there for two weeks, leave for a couple days, and then come back for two more weeks.

Glen Minich stated in the midst of the Covid pandemic there certainly should be a way for people in the medical field to isolate from their families. It is occurring and there should be some leeway.

Earl Cunningham stated in this case, the family preferred to stay in a mobile home next to the son's house than to stay at a hotel. They were from some distance away and we're going to help with remodeling. It never became a problem, but questions arose.

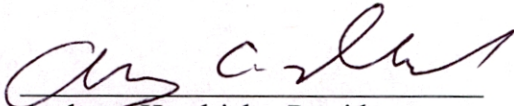
Anthony Hendricks asked for a motion to adjourn.

Rich Mrozinski made a motion to adjourn.

Rita Beaty Kelly seconded.

All approved. Motion carries 8-0.

There being no further business before the Plan Commission, meeting adjourned at 6:23 p.m.



Anthony Hendricks, President



Annemarie Polan, Recording Sec.