



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES March 26, 2013

MEMBERS PRESENT: MATT BERNACCHI JIM PRESSEL
 GLEN MINICH JAY WRIGHT
 TONY HENDRICKS RITA BEATY KELLY
 HAROLD PARKER

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Doug Biege, Attorney, Darlene Pavey, Secretary.

PLEDGE OF ALLEGIANCE

Tony Hendricks asked for a Motion on the minutes of February 26, 2013.

Harold Parker made a Motion to accept the minutes of February 26, 2013. Rita Beaty Kelly seconded.

All approved. Motion carried 7-0.

Tony Hendricks asked for a Motion to approve the Agenda as presented.

Matt Bernacchi made a Motion to approve as presented. Jim Pressel seconded.

All approved. Motion carried 7-0.

Tony Hendricks said that all we have tonight is the appointment of the map committee. Tony said that he has three people that contacted his office to ask to be appointed to the map committee. Bob Bailey, Tony believes he's a real estate agent and a farmer in south county, and Lloyd Flowers. Tony said that name sounds familiar, but he really doesn't recall and a member of the BZA, Mr. Wally Pritz out of Michigan City asked if he could be considered for the map committee.

Tony Hendricks asked Annemarie Polan, Building Commissioner, if anyone has called the Building Commissioner.

Mitch Bishop said that he made a couple of calls and no one was that enthused. Mitch said

that he emailed a couple of real estate agents, but he didn't know if Rita was going to be on the committee. Mitch said that right now he doesn't have anything solid.

Rita Beaty Kelly said that if they need her she will be on it.

Jim Pressel said that it's not like La Porte County is short of real estate agents.

Annemarie Polan, Building Commissioner, said that she hasn't heard from anyone who wants to be on this committee.

Glen Minich asked if any business leaders from the community have gotten on this list.

Rita Beaty Kelly said that we were going to have Mitch as the advisor, and somebody from the Plan Commission was going to be appointed.

Mitch Bishop said that he thinks you wanted to get a couple of developers and a couple of real estate agents.

Rita Beaty Kelly said that she knows that we talked to Jim Pressel last month.

Attorney Biege said that he has a list here on what Tony mentioned last month. Attorney Biege said that we talked about a member from the Plan Commission, Council, a member from the Commissioners, Mr. Bishop, a member from the BZA and perhaps two members from the public. Attorney Biege said that would give us seven.

Tony Hendricks said that he would be the technical advisor.

Tony Hendricks asked if we forward our recommendation to the council asking who they would like to be on the committee.

Matt Bernacchi said that he's sure it's not going to appropriate too much time.

Tony Hendricks said that we will ask the Commissioners --- they meet next Wednesday so we can ask them for somebody to be on the committee. Tony said that was the only three people he had from the public that asked to be on it.

Tony Hendricks asked how many people we need from the Plan Commission.

Attorney Biege said that we need one from the Plan Commission and one from the BZA and two from the public.

Jim Pressel said that he would be willing to do it from the Plan Commission.

Tony Hendricks said Jim Pressel will be on it from the Plan Commission.

Tony Hendricks said that the BZA doesn't meet for another four weeks.

Glen Minich said that we already discussed it and he agreed to sit on the committee as a BZA member. Glen said that Wally Pritz would be an addition to that and he thinks addition to that. Glen said he thinks that would be a good addition because he knows Michigan City District and I know La Porte a little bit more.

Tony Hendricks asked Glen how many people are on the BZA.

Glen Minich stated five.

Tony Hendricks said that Wally does have a lot of knowledge around the area in Michigan City.

Mitch Bishop said that it would be open to the public.

Tony Hendricks said that if we have two people that are public, we will still allow any public comment at the workshop, because we want to hear what areas they're concerned with and what areas we want to change. Tony said that if they're not on the committee, they can still attend and bring up their concerns at the workshop.

Glen Minich said that is the way that they discussed that at the BZA also and he asked them if they would attend the workshop and give input. Glen said we don't want too many people sitting at the committee table.

Tony Hendricks said that when we did these maps they were in a township format and it was pretty tough to see what happens across the townships lines. Tony said now that we have a GFS system, he's sure that Snyder and Beacon can do the same if they would give us a login to a separate layer to the zoning site and as the committee met and had workshops, we could look at changing zoning areas on the section and put comments in the section so these people can come in and see what was changed from, what was changed to, and why the committee decided that. Tony said that when it comes back to the Plan Commission we could have that same layer available to this Plan Commission and if people want to come to this meeting and discuss that publicly, they can still have a chance to change those and they can see what we've changed, and why we changed if they're looking for specific things.

Tony Hendricks said that when it gets to the Commissioners, we can also have that available for the Commissioners. Tony said that if they want to still come to the Commissioners, they can still ask for things to be changed or reviewed and we will know all the way from the committee, to the workshops, to the Plan Commission and the Commissioners what was changed and why it was changed. Tony said once it's done, there is no paper work for us to follow; it will just post the new maps on line for everyone to see. Tony said that it will alleviate paper work and it will give us a trail of what happened, and why we made changes and when we made the changes. Tony said that we won't post any changes until it gets to the Commissioners. Tony said that's what he was thinking would be the easiest and quickest way to get through all the maps.

Mitch Bishop, County Planner, said that sounds like a reasonable approach.

Tony Hendricks said that you're just setting up a separate user and login and separate layer that won't be available to the public until after the Commissioners approve. Tony said that we won't post it public until everyone agrees.

Mitch Bishop, County Planner, said that we don't want to establish a lot of non-conforming "Uses".

Glen Minich asked if the Joint Zoning Ordinance and maps are on line for the public to be able to go through it and find their parcels.

Mitch Bishop, County Planner, said that you can zoom right in.

Tony Hendricks said that the maps are on the Snyder Beacon website and the County website and readily available.

Glen Minich said for them to be able to look at their plats, know what their zoning is, and if they have any questions or concerns, they could come to those open committee meetings.

Tony Hendricks said that would be a good idea for the first workshop to kind of give them the background and information where they can go and it's public and on tv.

Harold Parker asked if we need a motion on that.

Tony Hendricks said no. Tony said that we will handle that in a workshop.

Tony said that we need two public members.

Annemarie Polan, Building Commissioner, asked if that would be Bob Bailey and Lloyd Flowers.

Tony Hendricks said that those are the only two people that contacted him, other than Wally Pritz. Tony said that Wally is already on the BZA and we've a BZA member. Tony said that he could give you their name and number if the Board would like to ask them; they're the only people that stressed any interest to him.

Rita Beaty said lets go with the two* that volunteered if they're interested.

Tony Hendricks asked if that is a motion we will vote.

Rita Beaty Kelly made a Motion for the Board to appoint the two that volunteered to be on the committee. Jay Wright seconded.

All approved. Motion carried 7-0.

Tony Hendricks asked if there was any old business.

Mitch Bishop, County Planner, said that last month he mentioned that he was meeting with individual city planners to discuss some subsidy changes and they did finish, however they need one final meeting to get together so the verbiage is all consistent between the cities and the county. Mitch said that he was unsuccessful trying to schedule a meeting, and hopefully next week would be the final meeting and he will have all that verbiage and will give that to Doug and ready prior to the next meeting.

Attorney Biege said that the lawyers continue to meet. Attorney Biege said that they have increased the frequency of their meetings to try to expedite. Attorney Biege said that he expects they will have something in a couple of months.

Tony Hendricks asked if there was any other new business.

Tony Hendricks asked if there is any public comment.

Attorney Biege said that one of the reasons it's taking a long time, the PUD Section for example doesn't track Indiana Law at all as far as the process and supervision. Attorney Biege said that some of the sections they're almost re-writing on how the Courts make their decisions. Attorney Biege said that they're just simply wrong.

Tony Hendricks asked if there is any other business.

Glen Minich told attorney Biege that he knows that he's reviewing most of the law. Glen said that we're starting to go through the book a lot with BZA and there is an awful lot of text in here that's not being used. Glen said that when you apply for certain permits you're required to send a lot of information, but there's no set committee to review any of that information. Glen said that if you comply with the requirements – Glen said that we just had an antenna and they asked for maps where all the antennas are and the ordinance is trying to make sure that we're not duplicating antennas that can be used in conjunction with other people. Glen said that there's really nobody that has jurisdiction over that to use the information.

Glen Minich said that the last one worked out fine, because they had a change from a monopole to a lattice and they came in for a variance, but otherwise we wouldn't have been there to suggest that they perhaps build a taller tower so another person could use it. Glen said that is something that we're going to have to address at some point.

Tony Hendricks asked if that is because there is no one who reviews prior to the Board of Zoning Appeals.

Glen said that if they meet all of the requirements they don't have to come to the BZA.

Annemarie Polan, Building Commissioner said that they were under the height.

Mitch Bishop, County Planner, said that there are a bunch of requirements and they're supposed to be reviewed and if they meet the requirements they get the permit. Mitch said that if they don't meet the requirements, they come before the BZA.

Glen Minich said they get the permit and we're not reaching out and we're not using the information that they're giving us. Glen said that if that one didn't have the one reason to come in, we wouldn't have been able to address perhaps the tower should have been larger so somebody else could have also used it.

Annemarie Polan, Building Commissioner, asked if that would be to pole locate.

Glen Minich stated correct.

Annemarie Polan, Building Commissioner, told Glen that they discussed that with him.

Glen Minich said again, we did, but only because it came before the BZA.

Annemarie Polan, Building Commissioner, said that they only wanted it one-hundred twenty (120') feet tall.

Mitch Bishop said that the discussions that you could have is when they come for a permit either through Annemarie or himself. Mitch Bishop said that when anyone comes for a subdivision we have conversations prior.

Glen Minich said that all he's saying is that we haven't been through every section of this book and if that's going to occur in other sections, we need to use that information.

Attorney Biege said that from the legal standpoint, we go through a laundry list to make sure they have everything as a prerequisite to make that argument to the BZA, but that's as far as it goes. Attorney Biege said that we have other areas in the book abutting and adjacent. Attorney Biege said that the definitions are completely opposite and they cross reference each other. Attorney Biege said that the index is incorrect. Attorney Biege said as he views it, he's hopeful that they will run across some of these things. Attorney Biege said that is one of the reasons they haven't really been in a big hurry here.

Attorney Biege said assume that we modify this and make some corrections to this version, his assumption is that we will keep kind of a laundry list and perhaps when we get enough to justify an amendment, then we will discuss those changes in an amendment.

Mitch Bishop said that is what he's been doing with the Planner of the cities. Mitch said that they identify and then they fix it.

Matt Bernacchi said that you're never going to have a perfect ideal plan, you're going to keep making amendments until you make a new master plan and that one's not going to be perfect. Matt said that it is trial and error and you're going to catch it on the way. Matt said history repeats itself.

Annemarie Polan, Building Commissioner, said that most of the time in the past is because there was another tower too close. Annemarie said that they couldn't pole locate on that one for one or another reason and they came for a variance.

Glen Minich said that there needs to be a set standard where those applications are run to the County Planner, or they're run through the Building Office, but somebody needs to review them, otherwise we are wasting people's time with all the information and we're not doing justice.

Rita Beaty Kelly said that they do kind of review it to decide if it needs to come before the Plan or the Board of Zoning.

Annemarie Polan, Building Commissioner, said that we do have to look at it to find out if they need a variance.

Rita Beaty Kelly said that's what she's always assumed.

Tony Hendricks asked if he's correct to assume because he thought the Map Committee was going to do the maps because we were looking at changing the thing that the attorneys looked at and we're looking changes that the municipalities have looked at and the things that Mitch has looked at. Tony said that there is a map workshop and there is a verbiage workshop going at the same time. Tony said that is his understanding where we're going with this. Tony said that we have public notification we have to ----

Attorney Biege said that he wasn't thinking in that direction, but we could certainly do that. Attorney Biege said that his thought is to get a list of recommendations from the Attorneys and the Planners, the Plan Commission reviews that, and then determines if it wants to commit. Attorney Biege said that if we restrict it to maps it keeps discussion simple and avoids an entire conversation on splits on farms --- we've been through all that. Attorney Biege said that right now his presumption is the Planners have recommendations as to conflicts and issues with JZO. Attorney Biege said that the attorneys are looking at things for efficiency and errors. Attorney Biege said that when he says errors, the JZO doesn't necessarily match. Attorney Biege said that Indiana Code was never reviewed for that.

Glen Minich said that he kind of likes Tony's idea of getting a few of these things cleaned up with the procedure of the BZA. Glen said that we're seeing multiple people that are trying to put a third building and they're in rural areas -- not in subdivisions. Glen said that he thinks that is a simple fix that he thinks we could get it done. Glen said another problem is plumbing in accessory buildings. Glen said that we don't feel like we should see everybody that's putting a pool house up, or a water faucet to their horses. Glen said that we have been seeing a lot of that from the Island and we're talking about changing that to Waterfront District. Glen said that those are the three major things that we've been dealing with.

Attorney Biege said that he agrees. Attorney Biege said that his thought is if we keep maps separate from language, legal and the Planners end, and then have in addition to that, a laundry list. Attorney Biege said that he thinks that the Plan Commission is going to need to decide and then the next step would be if you want to have a workshop or public hearing from there.

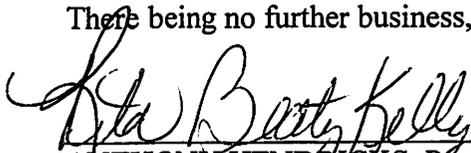
Attorney Biege said that the risk is opening everything back up and start where we started off at. Attorney Biege said what we're doing right now is trying to clean up everything from an administrative end so if there are errors in the code or things that were unintentional or unnecessary, in his mind was our intent with this process.

Tony Hendricks asked if there were any other comments.

Tony Hendricks asked for a Motion to adjourn.

Rita Beaty Kelly made a Motion to adjourn. Jim Pressel seconded. All approved. Motion carried 7-0.

There being no further business, meeting adjourned at 6:25.


~~ANTHONY HENDRICKS, President~~
Rita Beaty - Kelly


ANNEMARIE POLAN, Rec. Secretary