

**CITY OF HOBART PLAN COMMISSION
MINUTES OF FEBRUARY 7, 2019**

Dave Vinzant called the meeting to order at 7:00 p.m. with the recitation of the Pledge of Allegiance. Members in attendance: Stuart Allen, David McEachern, Jim Jaracz, Rich Lain, Jason Spain and Dave Vinzant. Members absent: Maria Galka, Craig Brooks and Phil Gralik, City Engineer. Also in attendance: Sergio Mendoza, City Planner, Ross Pietrzak, Zoning Administrator and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Lain motioned to approve the minutes of January 3, 2019 as presented, seconded by Mr. Jaracz. All ayes, motion carried. (6-0)

Communications/Acceptance of Agenda: Mr. Mendoza requested to table Petitions 18-30A & 19-01 and to add Petition 18-36. Mr. Allen motioned to approve the agenda as amended, seconded by Mr. Lain. All ayes, motion carried. (6-0)

Business of the Day

- 1. **17-06B** Cameron Bernard (Petitioner/Owner) 7190 Grand Blvd. located North & West of Grand Blvd. & Ainsworth Rd., zoned R-3, 2.49 acres +/-

Request: Site Plan Review & Extension Request

Purpose: Amendment for proposed storage warehouses

Granted _____ Denied _____ Deferred X Vote 6-0

Petitioner was not present. Mr. Mendoza noted he has been working with the stormwater coordinator pertaining to drainage issues. Mr. Allen motioned to move petition to the end of the agenda, seconded by Mr. Jaracz. All ayes, motion carried. (6-0) Petitioner was not in attendance. Mr. Allen motioned to table Petition 17-06B, seconded by Mr. Lain. All ayes, motion carried. (6-0)

- 2. **18-06A** Randy Hall (Petitioner/Owner) located south of 37th Avenue, east of Wisconsin Street and west of Lake Park Avenue zoned PUD, 113 acres +/-

Request: Tabled: Preliminary/Final Plat Cressmoor Estates

Purpose: Proposed 234+/- lot subdivision

Approved _____ Denied _____ Deferred X Vote 5-0

Petitioner was not present. Mr. Allen abstained. Mr. Jaracz motioned for Petition 18-06A to remain on table, seconded by Mr. Lain. All ayes, motion carried. (5-0)

- 3. **18-26** Jake Van Santen (Petitioner/Owner) 1239 S. Decatur St. for property at 2031 W. 37th Ave. located approx. 1,000' east from the SE corner of 37th Ave. & Roche St. zoned R-2, 5 acres +/-

Request: *Tabled: Public Hearing* Rezone

Purpose: A proposed rezoned from R-2 to M-1

Favorable Rec. ___ Unfavorable Rec. ___ Removed X Vote 6-0

Petitioner was not present. It was mentioned the petitioner was waiting for test results and wetland determination from the Army Corp. of Engineers which will not be available until the spring. Mr. Vinzant motioned to remove from the agenda and for the public hearing to remain open for one year pending the ACOE's findings for Petition 18-26 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (6-0)

- 4. **18-30A** Doug Babcock/Bailiwyck Properties (Petitioner/Owner) located approx. 200' NE of the 61st Ave. & Marcella Blvd. intersection, zoned PUD, 1.12 acres

Request: *Tabled: Site Plan Review*

Purpose: A proposed gas station/convenience store

Granted ___ Denied ___ Deferred X Vote ___

Tabled at acceptance of agenda.

- 5. **19-01** Karen Miller (Petitioner/Owner) 3950 W. 49th Avenue located ½ mile from the NW corner of 49th Ave. & Liverpool Rd. zoned R-2, 7.01 acres

Request: *Site Plan Review*

Purpose: To allow a proposed ATV track, rage room & escape room

Granted ___ Denied ___ Deferred X Vote ___

Tabled at acceptance of agenda.

- 6. **19-04** Arctic Engineering Co., Inc. (Petitioner/Owner) 8410 Minnesota St. located 200' north from the NW corner of Minnesota St. & 84th Pl. zoned M-1, 1.6 acres

Request: *Site Plan Review*

Purpose: Proposed addition to existing building, increased parking area & fencing

Granted X Denied ____ Deferred ____ Vote 6-0

Jessie Rippe and Sarah Polman, Artic Engineering proposed to construct an 8,900 sq. ft. addition to their existing building for the use of storage. Storage structures are currently in the area where the construction of the addition is being proposed that will be demolished, rebuilt and relocated to the rear of the property. Sheet drainage will continue to flow to the swales in the front and rear of the property to the detention pond. Mr. Kingsland, Stormwater Coordinator, noted there are drainage issues in this area caused in part by overgrowth in the swales. He recommended the swales in the front and rear of their property be cleaned out. Mr. Allen motioned to Grant Petition 19-04 with the stipulation the swales be cleaned out including all discussion, seconded by Mr. McEachern. All ayes, motion carried. (6-0)

7. **19-05** Ronald & Joni Reid (Petitioner/Owner) 129 N. Cimarron Rd Las Vegas, NV for property at 1219 Jackson St. located approx. 700' west from the SW corner of Jackson St. & Hobart Rd. zoned R-3, 0.14 acre

Request: Public Hearing: Resub. Lots 1 & 2, Chas Nagle's Addition

Purpose: Proposed 2-lot subdivision

Preliminary X Denied ____ Deferred ____ Vote 6-0

Representing the petitioner, Scott Gregory, Krull Abonmarche. Mr. Gregory proposed to clean up an existing issue where 2 principal structures are located on the same lot by redrawing the lot line in an east/west direction. By dividing the property in this manner it will allow for off street parking for both residences. Creating the 2-lot subdivision will also allow the petitioner to clean up the title and bring the properties into compliance. He also noted earlier tonight the BZA approved variances for not qualifying to meet the minimum square footage for the lots. Mr. Vinzant felt by creating a 2-lot subdivision the rear house would not have street frontage and be isolated if the city were to abandon and no longer maintain the alley. Mr. Mendoza presented documentation dated 2002 from the Assessor's Office that the front house was built in 1880 and the rear house was in 1930. Mr. Spain understood Mr. Vinzant's concerns but noted precedence has been set with issuing occupancies for those houses and if the city was to vacate the alley an access easement would need to be provided to the rear property. He felt this to be the best corrective action to clean up the properties and title work. Mr. Vinzant opened and closed the public hearing for Petition 19-05 without comments. Mr. Spain motioned for Preliminary Plat Approval including all discussion, seconded by Mr. Lain. All ayes, motion carried. (6-0)

8. **19-06** City of Hobart Plan Commission

Request: Public Hearing: Amendment to Hobart Municipal Code

Purpose: Proposed additional site plan/drainage requirements

Favorable Rec. X Unfavorable Rec. ____ Deferred ____ Vote 6-0

Mr. Vinzant presented a draft ordinance intended to provide additional power to govern residential properties on site plans, drainage and the economic impacts. Mr. Vinzant asked Attorney DeBonis why the agricultural zoned district was omitted under Applicability of Review. Attorney DeBonis explained that agriculturally zoned land is generally devoid of development and occupies preferred or special position in law of land use due to the Freedom of Farm Act which restricts local government from changing land use for the purpose of rezoning out of agriculture. It's similar to a civil rights act for farmers and does not feel it's necessary. The Commission agreed with the attorney. Mr. Vinzant also requested under Submitted Opinions of Impact to include *or appraiser* after the wording "Licensed Real Estate Broker" in three (3) locations. Attorney DeBonis mentioned that although he did not omit the section of economic analysis, allowing Plan Commissions to do economic analysis for projects is something that is not previously done. He felt it is a slippery slope in which remonstrators may come up with their own appraisals and the commission will behave like economists. He does not feel the commission is able to make an elaborate judgement on what the economic impacts will be over a period of time and that they will need to be cautious. Mr. Allen mentioned the basis for the ordinance was to create a tool for the city to enforce new construction to not negatively impact abutting property with regards to drainage. By virtue of a site plan it would accomplish this and did not understand where a realtor or appraiser would come into play. Mr. McEachern noted that in the City of Chicago petitioners bring their appraisers to the meetings to fight for their cause and bear witness in front of the boards. Attorney DeBonis mentioned that as he read the proposed ordinance there was an unspoken goal to encourage, if not require, proposed projects to enhance the economic value of the surrounding properties. He stated the Plan Commission has the ability to deny someone's request if they feel the type of construction or aesthetics does not meet or exceed those of the surrounding properties, even though it may be permissible under our Building Codes and Development Standards. He reiterated by saying this could be a potential problem. Mr. Spain felt this proposed ordinance to be subjective since a petitioner would be following the Subdivision Ordinance and building codes and then the project is found to adversely affect the neighbors and the request be denied. He also felt this to be a slippery slope by entertaining financial impact on anything presented to the commission. He did note that he was in agreement with the section of aesthetic and financial impact stating as "goals" and expects the commission to be aware and cautious in situations where financial impact is the primary issue. Mr. Vinzant opened and closed the public hearing for Petition 19-06 without public comments. Mr. Vinzant motioned for a Favorable Recommendation to the Common Council including all discussion, seconded by Mr. Lain. All ayes, motion carried. (6-0)

PC 18-36 Indiana Becknell Investors 2011, LLC/Paul Thurston (Petitioner/Owner)
located approx. 800' east from the NE corner of 61st Ave. & Mississippi St., zoned R-3,
16.5 acres +/-

Attorney DeBonis presented a progress report pertaining to the 16 acre parcel rezone to PUD M-1 for Becknell Industrial which will also include their abutting 35 acres. In December 2018 the Plan Commission sent a favorable recommendation to the Common Council for the 16 acre rezone. Upon the Council passing it on the 1st reading, tabled it and requested it be revisited by the Commission. They felt that due to the position of 69th Avenue and the ability to meet the requirements of the new Thoroughfare Plan and the impact traffic study on the SW Quadrant it will require considerable rebuilding in order to support the type of development proposed for that area. A Development Agreement was drafted containing the City's requests and was given to Becknell for review and now they are in negotiations. The three (3) things requested would be the conveyance of right of way necessary to widen and strengthen 69th Avenue, a monetary contribution toward the cost of the rehabilitation and widening of 69th Avenue & covenants and restrictions and design guidelines for not only the 16 acre parcel but also the 35 acres. Mr. Mendoza noted the amendments to the covenants incorporating the language for the aspirational guidelines are for both the 16 acre parcel and the adjacent 35 acre parcel.

Consultation/Discussion: *PC 18-31-Resubdivision of Lots 2 Through 4, Grand Oaks Addition*
(Sec. 153.043) Plan Commission approved 11/1/18 recorded 1/8/19

It was noted that the mylars were recorded 8 days past the 60 day time frame and the petitioner requested the Plan Commission to extend time limit.

Per Subdivision Ordinance § 153.043 FINAL PLAT; TIME LIMIT FOR RECORDING.

Final approval of the final plat by the Plan Commission shall become null and void unless the plat is recorded within 60 days after the date of final approval; provided that, the Plan Commission may extend this time limit at the request of the subdivider. Mr. Jaracz motioned to extend the recorded mylars 8 days, seconded by Mr. Allen. All ayes, motion carried. (6-0)

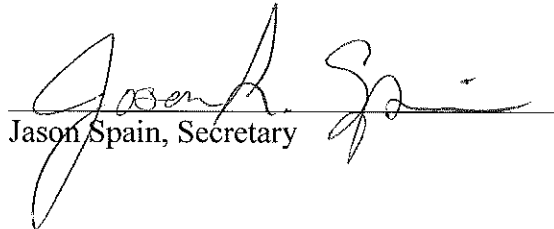
Hovanec property, 337 Liverpool Rd: Discussed were concerns regarding the condition and appearance on of stock piled crushed concrete and possible other materials on the property. Mr. Mendoza stated the property is zoned M-1 and their use is permitted and the type of materials stored are permitted unless there is proof of the violated performance standards. Mr. Allen felt a drainage plan should be submitted in which Mr. Kingsland mentioned that he doesn't require a SWWP since it is an existing industrial business but are regulated by IDEM. He noted that the ACOE and IDEM are aware of the situation on the property and that IDEM has concerns regarding the Rule 6, Industrial Permit, pertaining to the wetlands. He is unaware of the status of the permit since it was administered through IDEM but will contact IDEM to request an update. He also stated that he spoke with the owners last year regarding a potential development but has not heard from them since.

Noted is a webinar pertaining to Rules & Procedures for local Plan Commissions and BZAs on March 1, 2019.

There being no further comments or discussions Mr. Vinzant, seconded by Mr. Lain. All ayes, motion carried. (6-0) Meeting adjourned at 8:50 p.m.



 Dave Vinzant, Vice President



 Jason Spain, Secretary