

PORTER COUNTY PLAN COMMISSION
Regular Meeting Minutes
January 24, 2018

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, January 24, 2018 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Mike Jessen presided.

Members present were: Kevin Breitzke, Ken Williams, Luther Williams, Laura Blaney, Rick Burns, Kyle Yelton, Lindsay Ploehn, and Mike Jessen. Also present were Attorney Scott McClure, Bob Thompson, Helene Pierce, citizens, and representatives of the press.

MINUTES:

Laura Blaney made a motion to approve the November 29, 2017 regular meeting minutes as submitted. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 8-0.

COORESPONDENCE:

None.

ELECTIONS:

President:

Motion to elect Bob Poparad President of the Plan Commission was made by Laura Blaney. Rick Burns seconded the motion. A roll call vote was taken and unanimously carried 8-0.

Vice-President:

Motion to elect Mike Jessen Vice-President of the Plan Commission was made by Kyle Yelton. Kevin Breitzke seconded the motion. A roll call vote was taken and unanimously carried 8-0.

BZA Appointment:

Motion to appoint Bob Poparad to the Board of Zoning Appeals (BZA) was made by Laura Blaney. Kevin Breitzke seconded the motion. A roll call vote was taken and unanimously carried 8-0.

Plan Commission DRC Appointment:

Motion to appoint Kevin Breitzke to the Development Review Committee (DRC) was made by Ken Williams. Laura Blaney seconded the motion. A roll call vote was taken and unanimously carried 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

DW-18-0001 & MJ-17-0066 – Owen T. Gloyeske Living Trust, c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP, 882 North 625 East, in Jackson Township in the RR, Rural Residential District. Petitioner is seeking a Design Waiver approval for a proposed three (3) lot major subdivision for the following:

- Access Road Standards
- Lot Establishment Standards
- Open Space Standards General
- Open Space Standards Residential
- Pedestrian Network Standards; Residential
- Perimeter Landscaping Standards; Residential
- Street Trees Standards
- Storm Water Standards

Petitioner also seeks Primary Plat approval for a proposed three (3) lot major subdivision (MJ-17-0066). Attorney Todd Leeth presented noting he represents only the Gloyeske Living Trust and not co-petitioners Derek and Ashley Snider. The property in this petition is 60 acres in Liberty Township on the north side of 900 North and the west side of 625 East. The property is zoned Rural Residential and all directions are Rural Residential neighboring this property. A minor subdivision was created on the south side of 900 North with a traditional sell off of four lots in 2003. Now, with the adoption of the Unified Development Ordinance (UDO), a new provision allows for an administrative subdivision process and the Gloyeske's did that for a 2-lot subdivision off of 625 East. That leaves a 3-lot subdivision for each remaining parcel. Lot 3 is 20 acres and has already been sold to Derek and Ashley Snider who are joining this petition. Lots 1 and 2 are owned by the Gloyeske Living Trust. Lot 1 is 10 acres. Lot 2 is 9.2 acres. The purpose of this petition is to allow for the sale of the lots and to allow each parcel to be legal lots and receive a building permit. Since all the abbreviated processes have been done, the only thing we can do is a major subdivision with design waivers.

- 1) Access Road Standards – Internal access road is required. We have 3 large parcels without contiguous frontage so we request a design waiver.
- 2) Lot Establishment Standards Residential – configured with regards to slope and orientation – we can't move the lot lines.
- 3) Open Space Standards General – we have three large lots.
- 4) Open Space Standards Residential – we have three large lots and do not believe that open space is required. The property could potentially be subdivided; we don't anticipate that but that is when internal roads and open space would need to be addressed. We anticipate one house on each parcel.
- 5) Pedestrian Network Standards; Residential – under these standards sidewalks are required. There are no other sidewalks in the area and this is not a traditional subdivision.
- 6) Perimeter Landscaping Standards; Residential – this is a large lot subdivision that does not have contiguous on street frontage.
- 7) Street Trees Standards – the requirement is one tree for every linear foot of frontage and we will comply with this requirement, therefore we are no longer seeking a design waiver for Street Trees Standards.
- 8) Storm Water Standards – this type of subdivision does not fit with the intent of the standards. The subdivision is considered major but only in name and is not by true definition a major subdivision. It is three large lots. A storm water study was performed

and an off-site watershed plan was submitted. We received a letter from the Department of Storm Water Management and our engineer met with staff from the Department of Storm Water Management and are working through the details. We are requesting a design waiver consistent with the recommendations and findings of the Department of Storm Water Management.

Soil borings were also completed and submitted to the Porter County Health Department. The investigation report was favorable. With regards to MJ-17-0066, the primary plat is prepared; however, we are requesting design waiver approval tonight and are asking to defer action on the primary plat at this time. The Department of Storm Water Management has requested an easement that we just learned of this afternoon. This request was forwarded to Derek and Ashley Snider but given the late hour it was received they have not had an opportunity to review the request. We ask to defer action but take public comment and we will return to proceed.

Public Hearing:

Mike Jessen asked if any of the public would like to speak in favor of or in opposition of this case. Mr. Jessen also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Mr. Greg Ennis, 305 Bordeaux Drive, LaPorte, IN states he has interest in purchasing on the three lots discussed and is very much in favor of this petition.

Mr. Robert Smith, 588 E 900 N, states he is against the petition until such time there is more information regarding the storm water management requirements. There is already a lot of run off in this area causing flooding and other issues and his lot, being the lowest in the area, cannot handle any more run off. He also does not want any tree removal or backfilling happening.

Mr. Kenneth Evans, 889 N 625 E, states his property is across from Lot 1. There is a culvert under 625 East from lot 1 to his property and he feels he will receive additional run off and he already has a swamp and can't handle anymore.

Mr. Corey Vanloon, 882 N 625 E, states he agrees with the run off concerns and questions where the road cuts are going to be? Will he have to share his driveway? Attorney Scott McClure stated he would not.

Mr. Elias Bernal, 895 N 625 E, agreed with the run off concerns already mentioned.

Mr. David Shultz, 798 N 625 E, agreed with the run off concerns already mentioned and questioned how and where the water is expected to flow and will there be a retention pond as part of the subdivision?

Attorney Leeth's rebuttal:

- With one exception, the comments were regarding drainage. To the one that was not, there are no road cuts and will be three new driveways.
- There were no comments with regards to landscaping, open space, and other design waivers.
- With regards to drainage, Section 7.28 of the Unified Development Ordinance creates a very expensive requirement to model off-site drainage. The drainage plan shows significant water shed coming our direction. We are not asking for a free pass, we are

asking to be held to the requirements that Mr. Novotney (County Engineer) is asking for. Mr. Smith's water is coming toward our property. Mr. Novotney has requested an easement for this reason. The phrase "all that water" was used but we are three homes on over 39 acres. Doug Hohmeyer with McMahon Associates, stated that there are water problems in this area now and they have been there for quite some time. The parcels are currently agricultural and that has a very high run off rate. Once the land is offset with grass yards the runoff rate will get slower. The expectation is that this project will make the runoff better, and will not make it worse.

The public hearing was closed and questions/comments were heard from the members.

Q: What requirements were made by Mr. Novotney?

A: Professional Certification form, drainage easement of 60 feet minimum, minor corrections to the drainage calculations, clarification of the water quality, and SWIP and erosion control plans submission.

C: Kevin Breitzke noted that McMahon Associates met with Mr. Novotney earlier today and they are working together on all the details. The petitioner does need to understand, however, that the easement will not be a public easement.

Q: Are there any other easements to the south?

A: No.

C: There was some question to the original conveyance and what all was included and how the lots were divided 65 years ago and again in March of 1994. Staff and Council are going to review this and will advise of any changes.

Motion: Laura Blaney made a motion to approve DW-18-0001 design waiver standards for Access Road Standards; Lot Establishment Standards; Open Space Standards General; Open Space Standards Residential; Pedestrian Network Standards; Residential; Perimeter Landscaping Standards; Residential and noting that the petitioner has stated they will comply with the Street Trees Standards and a design waiver is no longer requested. The Storm Water Standards design waiver item is being tabled. Kyle Yelton seconded the motion. A ballot vote was taken and unanimously carried 8-0.

Motion: Kevin Breitzke made a motion to table case MJ-17-0066. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 8-0.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the January 24, 2018 Porter County Plan Commission meeting adjourned at 6:35 p.m.

Bob Poparad, President

Attest: Robert W. Thompson, Jr. AICP
Director