

PORTER COUNTY PLAN COMMISSION
Regular Meeting Minutes
February 28, 2018

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, February 28, 2018 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Bob Poparad presided.

Members present were: Kevin Breitzke, Ken Williams, Luther Williams, Rick Burns, Kyle Yelton, and Bob Poparad. Also present were Kristy Marasco, Attorney Scott McClure, Bob Thompson, Helene Pierce, citizens, and representatives of the press.

MINUTES:

Kevin Breitzke made a motion to approve the January 24, 2018 regular meeting minutes as submitted. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 6-0.

COORESPONDENCE:

None.

OLD BUSINESS:

DW-18-0001 – 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. Case tabled from the January 24, 2018 meeting. Petitioner is seeking a Design Waiver approval for a proposed three (3) Lot Major Subdivision for Storm Water Standards. Attorney Todd Leeth presented. A public hearing was held at the January 24, 2018 meeting. Since that time a storm water standards drainage study was done and submitted to the County Storm Water Engineer and he is satisfied with the plan. The western lot of this subdivision is owned by Mr. and Mrs. Snider. A sixty-foot (60') wide drainage easement was requested through that lot. Mr. Snider met with McMahon and Associates and Mr. Novotney and Mr. Snider is agreeable to that drainage easement in the location shown on the plat and where McMahon and Associates placed it.

Motion: Kevin Breitzke made a motion to approve DW-18-0001 to allow a Design Waiver approval for a proposed three (3) Lot Major Subdivision for Storm Water Standards noting satisfaction with the drainage and storm water reports and submitted and with the condition that the easement is properly recorded on the final plat. Rick Burns seconded the motion. A ballot vote was taken and unanimously carried 6-0.

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. Case tabled from the January 24, 2018 meeting. Petitioner is seeking Primary Plat approval for a proposed three (3) Lot Major Subdivision. Attorney Todd Leeth presented. In 2003 a minor subdivision was allowed along County Road 900 North and one home was completed.

In 2012, an administrative subdivision was done using two lots. Now there are three lots remaining. Lot 3 is owned by Derek and Ashley Snider and is 20 acres in size. Lot 1 is ten acres and lot 2 is 9 acres. The petitioner wants to create individual lots so they can be sold. They are not buildable now unless sold as one entire lot. All of the abbreviated options have been exhausted and we are left with a three-lot major subdivision process. Drainage study was done and a comprehensive study was done. There will be a 60-foot wide drainage easement primarily on lot 3. Soil reports were done and found to be satisfactory.

Public Hearing:

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Mr. Poparad 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. No one spoke, therefore the public hearing was closed and questions/comments were heard from the members.

Motion: Kevin Breitzke made a motion to approve MJ-17-0066 Primary Plat approval for a proposed three (3) Lot Major Subdivision. Ken Williams seconded the motion. A ballot vote was taken and unanimously carried 6-0.

NEW BUSINESS:

DW-18-0004 & MJ-18-0005 – Timberland Farms, LLC, East side of Meridian/Timberland Farms Drive, in Liberty Township in the R1, Low Density Single-Family Residential District. Petitioner is seeking a Design Waiver approval for a proposed (38) Lot Major Subdivision for the following:

- 1) Access Road Standards – less than one access point to Meridian;
- 2) 2) Cul-de-sac Street Standards – In Timerland Farms Phase (1) (at the North end) of Timberland Drive and;

Seeking Secondary Plat approval for the proposed (38) Lot Major Subdivision.

Mr. Robert Thompson stated the original primary plat had a connection between phase 3 and phase 1, and a differently shaped cul-de-sac. Since phase 1 will not have a second connection now a waiver is required. Attorney Bill Ferngren presented. Scott Civanich with Duneland Group and Jack Barco with Timberland Farms also were present. In 2008 the primary plat was approved. We are not proposing to eliminate the connection between Timberland Estates and Timberland Meadows. After reviewing it was determined better to not build through a functioning wetland. We propose to eliminate the connection point and change the shape of the southern cul-de-sac to a traditional cul-de-sac and according to County standards. We spoke to the Duneland School Corporation Transportation Office and they were happy with the change in the cul-de-sac design and were confident school busses could then enter the development safely. There also will not be any homes built around the cul-de-sac to eliminate excess obstacles. All other plan is the same as previously approved in 2008. Mr. Robert Thompson stated that although not a supporter of single entrances staff is happy to see the pedestrian way but notes it must be paved and it now sits in a designated flood plain area so the petitioner will have to deal with those Federal requirements as well. Staff does like that the school busses can now enter the development.

Public Hearing:

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Mr. Poparad 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. Chris Pescheke, Heartland Drive, states having a single entrance is better for the safety of the development. The property owners understand the concerns of the County but we can live with it. We want busses to be able to get in to the neighborhood. He is in favor of the petition.

Ms. Kathy Saylor, 827 E. Shakespeare Drive, states it is very important to have the school busses enter the subdivision, and she is not at all concerned with having only one entrance. She is in favor of the petition.

Mr. Scott Sarkan, 847 E. Shakespeare Drive, states as the Timberland Estates Treasurer, he has received a lot of good feedback from the neighbors. We like being a private area; we like the pedestrian connection versus a roadway, and agree the pedestrian pathway should be paved. It will be great to have busses able to enter the subdivision as well. He is in favor of this petition.

Mr. Mark Suiter, 7 Walaceton Road, states one access is not an issue for him and it is not uncommon in this area. He is in favor of the pedestrian way. He is in favor of the petition.

Mr. Ed Gutt, 165 E. Highway 6, Valparaiso, states he is in favor of this petition. He does not want to see the wetlands disturbed and would like to have a written commitment to allow the County to maintain the ditch. (Attorney Scott McClure advised that the ditch is part of the Conservancy District and not the County.)

Mr. Brian Damitz, 851 E. Shakespeare Drive, states he would like the wetlands and natural habitat preserved and would like some kind of assurance that the developer is responsible for putting in the paved pathway and will be held responsible for doing so. There are massive telephone towers and wires in this area as well.

Mr. Simara Lipka, 845 E. Shakespeare Drive, states he is in favor of the paved pathway and prefers that over woodchips or limestone, etc. He would like the developer to install side rails on the pathway as well. He has no concern with having only one entrance and believes it can be made wide enough to allow for in and out traffic so it won't be an issue. The cul-de-sac redesign is a great idea. He is in favor of the petition.

Mr. Andrew Pawlyszyn, 833 E. Shakespeare Drive, states he is in favor of the paved pathway and the petition.

Attorney Bill Ferngren's rebuttal:

- We can pave the pathway but not the wetland so we envision a wood bridge with side rails similar to the one located at the Vale Park West Pathway in Valparaiso.
- The overhead lines mentioned are elevated and will have no impact on the proposed pathway.
- We will work with Mr. Thompson and staff with regards to the design standards for the pathway and the assurance is that the construction costs are included and bonded.

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

C: Kevin Breitzke stated that school busses will be able to turn-around in the cul-de-sac now as proposed. There needs to be more discussion about the pathway, however. Although I agree with the connection and not having to be on Meridian Road, we have to make sure that all of the flood plain, wetlands, etc. standards are met. We have to protect these areas. The petitioner is on the right track but there is still a long way to go.

Q: Does the bridge and pathway have to be approved by DNR?

A: Yes.

Q: Can it be elevated enough to keep people happy?

A: Yes. DNR will be involved to make sure everything is to their standards.

Q: Was the road originally platted?

A: Yes, but since that time the flood plain maps were updated and this section is now considered flood plain.

Q: Has Duneland Schools guaranteed that they will now enter the subdivision with busses?

A: We met with the Director of Bus Route Planning and we were told this is a good plan and would work. We had conversations with Kathy Forrest, with the Duneland School Transportation Department, and she stated they would get in and out as proposed so we don't see any issues.

Motion: Ken Williams made a motion to approve DW-18-004 contingent upon receiving approval from all State and Federal agencies with regards to the pedestrian pathway item, and with the condition if approvals are received, the pedestrian connection would be part of Phase III, bonded and shall be constructed before the County accepts maintenance and improvements with the County system. Kyle Yelton seconded the motion. A ballot vote was taken and unanimously carried 6-0.

Motion: Rick Burns made a motion to approve MJ-18-0005 subject to the bonding requirements being revised. Kevin Breitzke seconded the motion. A roll call vote was taken and unanimously carried 6-0.

18- AM-01 – Porter County Department of Development & Storm Water Management, 155 Indiana Avenue, Valparaiso, IN. Amendment to the Unified Development Ordinance, Chapter 4: Planned Unit Development Districts; amending Section 4.01, PD District Purpose, Permitted Uses and Qualifying Standards. Mr. Robert Thompson, County Planner presented. As proposed the UDO Amendment will modify the acreage requirements for residential, residential and commercial mixes and industrial. We are proposing to decrease the requirement from 20 acres to 5 acres because it is too restrictive as is. We are proposing to add that the Plan Commission can approve a waiver if the purpose statements are met then the acreage requirements can be waived if the Commission feels the conception plan meets the purpose statements.

Motion: Kevin Breitzke made a motion to favorably recommend 18-AM-01 to the County Commissioners as presented. Kyle Yelton seconded the motion. A ballot vote was taken and unanimously carried 6-0.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the February 28, 2018 Porter County Plan Commission meeting adjourned at 6:35 p.m.

Bob Poparad, President

Attest: Robert W. Thompson, Jr. AICP
Director