

PORTER COUNTY PLAN COMMISSION
Regular Meeting Minutes
April 24, 2019

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, April 24, 2019 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Rick Burns presided.

Members present were: Ken Williams, Greg Simms, Kevin Breitzke, Luther Williams, and Rick Burns. Also present were Kristy Marasco, Attorney Scott McClure, Helene Pierce, citizens, and representatives of the press. Member Laura Blaney arrived at 6:00 p.m.

MINUTES:

Kevin Breitzke made a motion to approve the March 27, 2019 regular meeting minutes as submitted. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 5-0.

CORRESPONDENCE:

Kristy Marasco advised Co-Alliance, LLP passed out correspondence to the Members prior to the meeting commencing.

OLD BUSINESS:

ZO-19-0011 (Continued) – Petition filed by Mike Tisma & Deanne Sasser, Four Corners Winery and Wedding Venue, 294 East 600 North, in Washington Township, in the RR, Rural Residential District. The petitioner is seeking an approval for a proposed amendment to the Unified Development Ordinance to rezone a parcel of land from (RR) Rural Residential District to (CM) Moderate Intensity Commercial District; to allow for a winery and wedding venue. Attorney Scott McClure advised this case was continued from the March meeting. Since that time staff dedicated time to determine the best action to take in this case. Ms. Sasser came in to meet with staff as well. At this time, staff recommends modifying the current Use Variance to allow what they are trying to accomplish until 2021. Also, staff recommends tabling the rezone request and refer the petitioner to the Board of Zoning Appeals to request a permanent Use Variance to run with the petitioners, not the land, to include a review process in the future. This will allow staff to work through the rezone process once the winery is up and running and will allow the winery to move forward while the petitioner works toward getting the property closer to a commercial state.

Motion: Ken Williams made a motion to table ZO-19-0011 and refer the case to the Board of Zoning Appeals to seek a permanent Use Variance in accordance with staff's recommendations. Kevin Breitzke seconded the motion. A ballot vote was taken and unanimously carried 5-0.

ZO-19-0014 (Continued) - Petition filed by Co-Alliance, LLP New Liquid Fertilizer Facility, 210 East 400 South, in Morgan Township, in the A1, General Agriculture District. Attorney Scott McClure advised this case was continued from the March meeting. Since that time staff and Stormwater Management has confirmed with the Army Corp of Engineers that they will be permitting whatever structure is installed in the ditch. There are no other outstanding issues.

Motion: Kevin Breitzke made a motion to favorably recommend ZO-19-0014 to the County Commissioners. Greg Simms seconded the motion. A ballot vote was taken and unanimously carried 5-0.

NEW BUSINESS:

DW-19-0012 – Petition filed by Lawrence & Jacqueline Hill, c/o Todd A. Leeth, Hoeppner Wagner & Evans LLP, Hickory Hill Estates Phase 2, 207 South 600 West, in Porter Township in the RR, Rural Residential District. The petitioner is seeking a Design Waiver approval for a proposed seven (7) Lot Major Subdivision to vary from the following:

- 1) Open Space Standards; Residential
- 2) Pedestrian Network Standards; Residential – No Sidewalks
- 3) Lot Establishment Standards; Residential
- 4) Street and Right-of-Way Standards; Residential
- 5) Lots do not access public road built to county standards
- 6) Allow Driveways off C.R. 600 West for Lots 5, 6, and 7
- 7) Perimeter Landscaping Standards; Residential

Kristy Marasco advised the Stormwater Review is not complete; therefore, the PR-19-0017 seeking primary plat approval in conjunction with this case may not be heard this evening. Attorney Todd Leeth and Mr. Bill Davies with Davies Surveying presented. The petitioner is proposing a 7-lot major subdivision. The property is 20 acres and the average lot size is 2.8 acres. There will be a private road with address 213 South 600 West. Larry and Jackie Hill own and live with the community we are trying to create. In 1996 a 4-lot subdivision was approved on the south side of 213 South. Later that same year a major subdivision was approved. This is phase 2. Of the 7 lots, 3 will front on County Road 600 West and 4 will front on the private road that exists. Lot 7 is the smallest lot size at 1.2 acres. All lots fronting on 213 South are approximately 4 acres in size. Design waivers are needed.

- 1) Open Space – the lots are all over 1 acre and most are much larger, thus creating their own open space.
- 2) Pedestrian Network Standards – there are no sidewalks within the community
- 3) Lot Establishment – there is an existing private road
- 4) Street and Right-of-Way Standards – there is an existing private road and will be a private road agreement.
- 5) Lots do not access public road built to county standards and 6) Allow Driveways off C.R. 600 West for Lots 5, 6, and 7 – three lots will front on County Road 600 West and those lots will have driveways on to the county road. Staff requested that lot 5 have a side driveway. If the house can face the county road then we are okay with that, but the homeowner wants the address to be the county road. The petitioner will modify the request to allow for lots 6 and 7, and allow lot 5 to be off of 213 South per staff recommendation
- 7) Perimeter Landscaping Standards – we are keeping within the existing development that was prior to the UDO.

Public Hearing:

Rick Burns asked if any of the public would like to speak in favor of or in opposition of this case. Rick Burns 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. Patrick O'Malley, 212 South 600 West, asked to confirm that lot 5 is the southernmost lot that is going to 213 South, and that it will have access from the private road.

Attorney Leeth's rebuttal:

- Lot 5 will have access from the existing private road.
- Lot 6 is an existing house. Lot 7 is the next lot to the north.

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

Q: Are you trying to create the character of what was created in 1996, prior to the UDO?

A: Yes.

Q: How is lot 6 being handled?

A: There are three structures. The old barn will be removed as well as the larger of the two homes. The other home will be converted to an accessory building and will not violate setbacks. The concrete pad will need to be addressed at some point as well.

C: We encourage the side drive of lot 5 to be positioned so when leaving the drive lights don't shine directly into the home across the street.

Q: What is the distance of the driveway of lot 7 from lot 6?

A: County standards require that the drives are 100 feet or more apart. Lot 6 is 236 feet wide and lot 7 is 185 feet wide so we have room to adjust the drives.

Q: Are there natural features to add to the open space?

A: No, most of the area is farmland. We are keeping larger lots to keep open space.

Motion: Ken Williams made a motion to approve all Design Standard Waivers requested for DW-19-0012 subject to the driveways being set at the minimum county standard or more, and to allow minimal impact to the neighbor across the street to lot 5, and to accommodate a side driveway accessible from the private road for lot 5. Kevin Breitzke seconded the motion. A voice vote was taken and unanimously carried 6-0.

PR-19-0017 – Petition filed by Lawrence & Jacqueline Hill, c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP, Hickory Hill Estates Phase 2, 207 South 600 West, in Porter Township in the RR, Rural Residential District. The petitioner is seeking a Primary Plat approval for a proposed seven (7) Lot Major Subdivision. Attorney Todd Leeth requested a continuance due to the storm water management review not being completed at this time.

Motion: Kevin Breitzke made a motion to continue PR-19-0017 to the May regular Plan Commission meeting. Ken Williams seconded the motion. A voice vote was taken and unanimously carried.

DP-19-0024 – Petition filed by JK Investments, LLC, c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP, Sanctuary Drive (between Tower Road and Scotsraig Drive), in Center Township in the R4, Multi-family Residential District. The petitioner is seeking an approval to amend written commitments in Eagle View Subdivision. Attorney Todd Leeth presented. Steve Stofko with Mecca Engineering was also present. We are seeking an amendment to the written commitments adopted as part of the rezone in 2003. The original subdivision was platted in 2004 that included 24 homes on the west part of the development and a large lot #23 along Tower Road and Aberdeen Golf Course 4.5 acres in size. The developer later took lot #23 and created 12 condominium homes. In 2012 a new owner came in and replatted lot 23 into townhomes and the condominiums were abandoned. This was done to accommodate the market and lending requirements. We are now continuing the townhomes on the west side of the development. Lot 23 is zoned R4. We are asking for a replat of the west side of Sanctuary Drive to include the row homes, a wetland area that makes us push two buildings closer than the rest, and a pool and clubhouse area. Overall, we are asking for 23 homes versus the original 20 and the total parcel will include 40 residential homes instead of 37. The Board of Zoning Appeals granted variances to accommodate the severe slopes. Some items were considered design waivers, so we will be back for driveway and sidewalk design waivers at a future meeting. Tonight's request is for the 3 additional lots only.

Public Hearing:

Rick Burns asked if any of the public would like to speak in favor of or in opposition of this case. Rick Burns 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. Larry Wright, 2802 Prentiss Drive, states he owns lots 12 & 13 on Westport Road in Eagle View Subdivision. He is concerned with the impact on the value of his lots with the slopes, etc. What types of retaining walls, etc. will be located adjacent to our properties?

Steve Stofko with Mecca Engineering advised there is a 35' hill on the north end of the property and a wetland on the south end. As proposed there is only a .19 per acre increase of impervious surface. Everything flows to the wetland area and the developer has a very efficient design in place. Driveways will be located below the living spaces and pumped through the lift station. There will not be any impact to the adjacent northern property owners and a minimal increase to the impervious surface. There will be a retaining wall that will start between lots 12 and 13 to the north and curve around the northeast corner to mitigate the grade. It will have a decorative look and be landscaped to create a natural buffer. The retaining wall will be 20 feet at its highest point. Due to the grade of the properties this will only be about a 2-foot impact to the neighbors to the north.

Motion: Ken Williams made a motion to approve the amendments to the written commitments to the Eagle View Subdivision as presented. Kevin Breitzke seconded the motion. A ballot vote was taken and unanimously carried 6-0.

DW-19-0021 – Petition filed by Gus Olympidis, c/o William Ferngren, Asos Minor Subdivision, 355 West 200 North, in Union Township in the R1, Low Density Single-family Residential District. The petitioner is seeking a Design Waiver approval to allow for the private road to be less than 16’ wide with less than 8” of processed stone or gravel, for the proposed three (3) lot minor subdivision. Attorney Bill Ferngren presented. Doug Homier with McMahon & Associates was also present. The petitioners are proposing a 3-lot subdivision. There is an existing residence on the parcel and an existing roadway that has been there for many years. They are requesting to be able to use the existing road as a private road. The existing road varies in width from 12 to 16 feet. The subbase has also been in place for many years and has withstood many and various vehicles included fire trucks.

Public Hearing:

Rick Burns asked if any of the public would like to speak in favor of or in opposition of this case. Rick Burns 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.

Q: Will you have a road agreement?

A: We will prepare a maintenance agreement for the property owners to abide by.

Q: The turnaround in the drive was difficult to maneuver. What is being considered for this?

A: The north end “T” turnaround will be constructed to County standards.

Motion: Kevin Breitzke made a motion to approve DW-19-0021 subject to any and all design changes necessary for the “T” turnaround to be built to County standards or large if deemed necessary. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 6-0.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the April 24, 2019 Porter County Plan Commission meeting adjourned at 6:47 p.m.

Rick Burns, President

Attest: Robert W. Thompson, Jr. AICP
Director