

**PORTER COUNTY PLAN COMMISSION**  
**Regular Meeting Minutes**  
**June 26, 2019**

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, June 26, 2019 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Rick Burns presided.

Members present were: Ken Williams, Kevin Breitzke, Luther Williams, Nikky Witkowski, Mike Mirochna, Greg Simms, Brian Damitz, and Rick Burns. Also present were Robert Thompson, Kristy Marasco, Attorney Scott McClure, Mike Novotney, Helene Pierce, citizens, and representatives of the press.

**MINUTES:**

Kevin Breitzke made a motion to approve the May 22, 2019 regular meeting minutes as submitted. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 8-0.

**COORESPONDENCE:**

None.

**OLD BUSINESS:**

**07-P-6** – Petition filed by Red Fish Development, LLC c/o The Preserve Subdivision, southeast intersection of County Road 1050 North and County Road 50 West in Liberty Township, in the R1, Low Density Single-family Residential District. Petitioner requests to extend the Primary Plat for three (3) additional years. Mr. Paul Shinn, 2320 Arndt Street, Chesterton, Indiana presented. This is the Preserve subdivision. 89 lots were approved and 21 lots have been improved currently and four (4) houses are complete. We have had three (3) sales within the last month. We are requesting to extend the Primary Plat for three (3) more years.

**Motion:** Kevin Breitzke made a motion to approve a three (3) year Primary Plat extension through June 25, 2022. Ken Williams seconded the motion. A voice vote was taken and unanimously carried.

**NEW BUSINESS:**

**MJ-18-0046** – CS Development Partners, LLC, southwest corner of State Road 130 and Country Road 250 West, in Center Township, in the CM, Moderate Intensity Commercial District and I2, General Industrial District. Petitioner is requested Primary Plat approval for the proposed major subdivision. Attorney Todd Leeth, Hoepfner Wagner and Evans and Doug Homeir, McMahan and Associates presented. The property is located on the south side of State Road 130 and the west side of 250 West. It has a split zoning with I2 fronting the railroad tracks and the frontage along State Road 130 being consistent with the existing Family Express in CM. The property is 7.5 acres with a wetland. Two lots along State Road 130 with a common shared drive. Other lots front off Tower Road (CR250) to a cul-de-sac. Lot size requirements are all met.

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: Lots 8 and 9 will share a drive?

A: Yes.

Q: Will there be proper shared easement agreements?

A: Yes.

Q: Is this property served by sewer and water?

A: Yes.

Q: Do you have a traffic count for County Road 250?

A: It is a busy road, but we do not have traffic counts.

Q: Should a study be done?

A: This is an industrial zoned property with 1.4 to 1.7-acre lots and only 7 lots total. We are confident a traffic engineer will say this will produce far less traffic than 10-15 residential homes.

Q: Why not just a shared easement off of State Road 130 with Family Express?

A: Staff suggested that, however, we were unable to reach any kind of agreement with Family Express.

C: Traffic is definitely a concern.

R: The type of traffic will depend on the type of uses. Deceleration and acceleration lanes are provided on the west side of the road and at our site as well.

Q: What about the maintenance of the wetland area and outlots? Who is responsible and how do we make sure they are maintained?

A: There will be Property Owner's Association. In this particular situation, Outlot A, the detention pond, will be part of the public infrastructure and the Storm Water Board will govern over it.

Motion: Kevin Breitzke made a motion to approve MJ-18-0046, Primary Plat approval for the proposed CS Development Partners, LLC major subdivision. Nikky Witkowski seconded the motion. A ballot vote was taken and approved 6-2 (Burns, Mirochna).

**PD-18-0079** – FWA Development LLC, Levanno Drive and Verdano Terrace, in Porter Township in the PUD, Planned Unit Development. Petitioner requests Detail Plan approval for the proposed Falling Waters Executive Cottage Home PUD. David Woodward and Brian Woodward presented. They filed a petition for PUD approval last year and received approval in October 2018. Now they have a Detail Plan for approval. Falling Waters was being developed and went into Bankruptcy. A new developer purchased the development out of bankruptcy and redesigned the plan to have some maintenance free style family units. Most homes are built on the south side of the development. We worked with the residents, and this area will have its own Homeowners Association agreement. There will be 28 single family lots and a community center. We requested approval of the Detail Plan at this time.

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 the park and community building look better in reality then it does on paper?

A: Yes. It will look very nice.

Q: What authority does Porter County Storm Water have with Falling Waters Conservancy District?

A: Falling Waters is in charge of their own stuff including erosion control, but we do have to adhere to the County requirements. Mr. Novotney attended a meeting with all parties and all parties were satisfied.

Motion: Ken Williams made a motion to approve PD-18-0079, Detail Plan approval for the proposed Falling Waters Executive Cottage Home PUD. Kevin Breitzke seconded the motion. A ballot vote was taken and unanimously carried.

**DW-19-0030** – JK Investments LLC c/o Eagle View Subdivision, Sanctuary Drive (between Tower road and Scotsraig Drive), in Center Township, in the R4, Multiple-Family Residential District. Petitioner is seeking approval to vary from the following: Driveway Slope Construction (Code: 10%) Proposed: 6%-15% and Pedestrian Network Standards, Proposed no sidewalks. Attorney Todd Leeth presented. Mr. Mike Mecca, Design Engineer, was also present. The original plat approved in 2004 called for 12 condos on Lot 23 which is 4.53 acres in size. No subdivision control is needed for condos. Lot 23 was replatted in 2012 into 37 townhome lots. The replat was for the west side of Sanctuary Drive into Lots 1-20 and a community building was created. Aberdeen Golf Course is directly to the west of this property causing severe slopes. In April, the Board of Zoning Appeals granted a series of variances. We requested two additional variances; however, staff determined they were design waivers and not variances, so we are here requesting two design waivers. With regards to the Pedestrian Network Standards, there are no sidewalks throughout Eagle View. We are requesting relief from that requirement. With regards to the maximum driveway slope, we have found that the severe slopes of the proximity of the golf course are causing challenges with construction. Currently there are two driveways that exceed the 10% slope code.

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 there be pedestrian access to the rest of Aberdeen?

A: No. Most of these homeowners would drive.

Q: What is the driveway grade supposed to be?

A: 10 feet for 100 feet. We need 15 feet due to the 35-foot hill on the site. Lots 3 and 4 have the increased slope.

Motion: Kevin Breitzke made a motion to approve DW-19-0030 to approve Design Waivers as presented. Nikky Witkowski seconded the motion. A ballot vote was taken and unanimously carried.

**STAFF ITEMS:**

Mr. Robert Thompson advised he is still working to schedule a training session for Members, and requests that everyone begin familiarizing themselves with the training manual.

**ADJOURNMENT:**

There being no further business, the June 26, 2019 Porter County Plan Commission meeting adjourned at 6:36 p.m.

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Rick Burns, President

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Attest: Robert W. Thompson, Jr. AICP  
Director