

PORTER COUNTY PLAN COMMISSION
Regular Meeting Minutes
October 28, 2020

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, October 28, 2020 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Rick Burns presided.

Members present were: Laura Blaney, Nikky Witkowski, Bob Poparad, Mike Mirochna, Kevin Breitzke, and Rick Burns. Also present were Robert Thompson, Attorney Scott McClure, Kelly Cadwell, Helene Pierce, citizens, and representatives of the press.

MINUTES:

Laura Blaney made a motion to approve the July 22, 2020 regular meeting minutes as submitted. Mike Mirochna seconded the motion. A voice vote was taken and unanimously carried 6-0.

COORESPONDENCE:

None.

BUSINESS:

17-PC-02 – Porter Business Park, U.S. Hwy 6 between State Road and Meridian Road, in Liberty Township, in the CM, Moderate Intensity Commercial District; OT, Office and Technology District; IN, Institutional District; R4, Multiple-family Residential District. Petitioner requests an extension of the primary plat approval for three (3) years. Attorney Todd Leeth presented. The St. Andrews development is 106 acres west of Northwest Health Hospital. The primary plat was renewed in 2017, therefore the petition is requesting another three (3) year renewal of the primary plat of the Business Park and primary plat of the Senior Living facility.

Motion: Kevin Breitzke made a motion to approval the renewal of 17-PC-02 for three (3) years from today’s date (October 28, 2020) and expiring October 28, 2023. Mike Mirochna seconded the motion. A roll call vote was taken and unanimously carried 6-0.

ZO-20-0041 – Dr. Tooraj Torabi, 57 East U.S. Hwy 6, in Liberty Township, in the R1, Low Density Single-family Residential District. The petitioner is requesting to rezone parcel from R1, Low Density Single-family Residential District to OT, Office and Technology District for a proposed Medical Facility Development. Mr. Robert Thompson advised that all correspondence in support or opposition was provided to the Members prior to the meeting and are part of the official meeting file. Representative for Dr. Torabi presented. Dr. Torabi has reached out to neighbors and has worked with staff on this project. The property is two parcels that will become one totaling 4.55 acres. The property is vacant except for an old house that will be demolished. St. Andrews development is adjacent to the east. The concept plan for this project is an Office and Technology development with four buildings 5,000-6,000 square feet with approximately four units per building 2,500 square feet per unit.

In concept the buildings will have significant architecture, modern, ample landscaping, and ample amenities. As planned, there will be two access points. Argon Drive to the north and Highway 6 where there is an existing accel and decel lane. The petitioner will donate 15 feet of frontage and this is shown on the plan. This entry point will be left turn and right turn in, but not left turn out onto U.S. Hwy 6. Roads and sidewalks will be stubbed in for access to St. Andrew's development. A storm water system is anticipated and best practice storm water management. The condition of the pond is a concern for residents. The development will make extra efforts to address these concerns. We believe we have addressed all of the OT requirements that apply to us and we are meeting all the standards. This development creates a great transition. A sixty-foot buffer is planned plus a 12-foot utility easement make a total buffer of 72 feet between this development and the adjacent residents. Mr. Koz Motlav, Vice-President of Commercial Operations advised traffic is a concern in this area, and that has been taken into consideration. The need for this type of facility exists, however, will not create as much traffic as the nearby developments. A new artery road was created through this development. Left-bound traffic will exit via Porter Campus Drive and traffic will be right-in and right-out only at U.S. Hwy 6. Mr. Les Drescher, Architect for the project, advised this is a respectful development to the residents and a strong attempt was made to make this a low scale and quiet project. The buildings are one story, use the slopes of the property to assist with screening, and the campus is designed to allow for dispersed parking, landscape islands, and to have the buildings placed even further east than the 60-foot buffer and allow for additional landscaping. Offices are a quiet use and have a minimal impact on the neighborhood.

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.

Attorney Todd Leeth, representing St. Andrew's development spoke in favor of this project noting it is a good fit and consistent with the vision of the corridor.

Mr. John Sipes, 57 E U.S. Hwy 6, states he is in favor of this project.

Ms. Yolanda Berg, 2136 Wildwood, Portage, states she is in favor of this project.

Mr. Tom Bentley, 297 Robbie Lane, Valparaiso, states he is in favor of his project.

Mr. Robert Borns, 807 Tanner Drive, Valparaiso, states he does not feel Dr. Torabi has been a good neighbor and he is opposed to this project.

Ms. Sandra Johnson, 132 Johnson Drive, noted traffic as a concern and questioned if the entire property will be rezoned or only where they are building, and will it be a permanent change?

Mr. Tim Cole, 845 N Calumet Avenue, noted that U.S. Hwy 6 overlay is an important element and needs to be considered here. Mr. Cole questioned the hours of operation for the proposed offices and noted this will affect the entire community.

Mr. Don Trowbridge, 805 Tanner Drive, notes concerns with the pond and flooding and believes the petitioner should have to install a proper berm.

Mr. Joe Ozimek, 45 E U.S. Hwy 6, states that it is already too hard to exit onto U.S. Hwy 6 and another development will make it even worse.

Ms. Susan Beckett, 833 Opal Drive, states she is an adjacent property owner, that drainage and dead trees have been an issue for 7 years. Traffic is a concern as well as maintenance of the property.

Mr. Terry Dee, 809 Tanner Drive, states the pond directly north on the property causes issues with run-off going into Damon Run. Traffic trying to turn left in this area is a large concern and a real issue.

Ms. Kathy McEwan, 45 Aled Lane, states traffic and ice on this U.S. Hwy 6 slopes are concerns.

Petitioner's Rebuttal:

- Dr. Torabi has lived in this community for years and has taken measure to consider the neighbors.
- Dr. Torabi is prepared to join forces and help with the existing concerns.
- Traffic concerns exist today and that is not something that Dr. Torabi created nor can he correct on his own. IDEM and the Army Corp of Engineers has permitted use of the road.
- We are complying with the overlay district requirements.
- The size of the property is 4.55 acres and the rezone is requested for the full 4.55 acres.
- As proposed, we are only planning medical office buildings and will have large setbacks. Improvements will be made, and the project will be an overall improvement to the area.
- The property is not feasible or viable for residential use.
- The flooding issues are technical, and the petitioner commits to working with engineering to make improvements. The site drains naturally, and the pond has enough capacity but if we find otherwise, we will work to remedy the situation. There are two ponds on Dr. Torabi's property.
- Drainage issues will be handled outside of the rezoning.
- U.S. Hwy 6 will not have an intersection but rather right-in and right-out only.
- The roadway installed was done so with the approval of IDEM and the Army Corp of Engineers.

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

C: Kevin Breitzke advised the legal description of the property needs to be submitted. He agrees that access onto U.S. Hwy 6 put people into peril, and feels all traffic should come from Porter Campus Drive.

Q: What is the plan for utilities?

A: Access is available, but we have not pursued all options just yet.

Q: Was a traffic study completed, or does the petitioner know the estimated traffic count?

A: A traffic study has not been done. We estimate 7 employees per building and 15 to 20 patients per day. When compared to a residential community, a 5-acre site could have 18 to 20 houses and would produce more traffic than the proposed medical offices.

Q: Is there a light migration plan?

A: We will work with proper specs and guidelines for “dark skies”. The slope of the land will help with this also. The proposed lights are only 12 feet max height for the most part.

Q: Will the pond and drainage be fixed?

A: We are already working with engineering to begin looking at possible solutions.

Q: Can you operate with the cut on U.S. Hwy 6?

A: Cul-de-sacs are typically limited but we will look at, we have to work with and what the absolute needs are, and we will work with staff and the County.

Motion: Bob Poparad made a motion to favorably recommend ZO-20-0041 to County Commissioners with the following conditions:

- No road cut on U.S. Hwy 6
- No light pollution
- Pond is repaired
- Roadway is repaired
- Commitment to drainage repairs
- Good landscape buffer provided
- Legal description is provided
- Rezone is only for the 4.55 acres as presented
- The petitioner puts all the conditions in written commitments
- The Development Plan will come back to the Plan Commission so the Plan Commission can confirm that all commitments are met.

Kevin Breitzke seconded the motion. A ballot vote was taken, and unanimously carried 6-0.

DW-20-0040 – Josh Turner, County Road 125 West, South of CR 700 North, in Liberty Township in the RR, Rural Residential District. The petitioner is requesting to allow a 10-Lot Major Subdivision to vary from the following codes:

- 7.05 AC-01: Access Road Standards; Residential Frontage Roads
- 7.14 EF-01: Entryway Features Standards; General
- 7.20 OP-01: Open Space Standards; General
- 7.23 PN-01: Pedestrian Network Standards; Residential
- 7.26 PL-01: Perimeter Landscaping Standards; Residential
- 7.29 SR-01: Street and Right-of-way Standards; Residential

- 7.30 SR-02: Street and Right-of-way Standards; Minimal Bump-out
- 7.31 SR-03: Street and Right-of-way Standards; Significant Bump-out
- 7.33 SL-01: Street Lighting Standards; Residential
- 7.35 SN-01: Street Name Standards; General
- 7.36 SS-01: Street Sign Standards; General
- 7.37 SY-01: Surety Standards; General
- 7.38 UT-01: Utility Standards; General

Mr. Randy Peterson with Abonmarche and Mr. Josh Turner presented. Mr. Turner is considering purchasing 170 acres with the intent of dividing it into ten (10) 10-20-acre lots. The requested design waivers are to eliminate the need for internal streets and access properties from the existing County Road.

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. Bruce Allen, 672 N 175 W, states he is fine with the proposed design waivers provided the lots may not be subdivided any further and only one single-family home is allowed per lot.

Mr. Terrance Miller, 149 N 125 W, questioned what restrictions there are to the type of housing that may be built the parcels.

Mr. Craig Issacs, 122 W 700 N, questioned if only one house is allowed per lot for a total of ten homes?

Mr. James Salan, 700 N, questioned if there will be any access onto 700 North?

Mr. Randy Peterson and Mr. Josh Turner's rebuttal:

- Only one house per lot for a total to 10 homes.
- Only single-family homes meeting all single-family home standards.
- Access is from 125 W. All driveways will be spaced out per the Ordinance requirements.
- No further subdividing will be allowed per the County Code.

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

Motion: Bob Poparad made a motion to approve DW-20-0040 with the following conditions:

- Only one house per lot for a total to 10 homes.
- Only single-family homes.
- Access is from 125 W. All driveways will be spaced out per the Ordinance requirements.
- No further subdividing.

Kevin Breitzke seconded the motion. A ballot vote was taken and unanimously carried 6-0.

ZO-20-0035 – Calvin Schneider, 325 East, in Morgan Township in the A1, General Agriculture District. The petitioner is seeking to rezone a parcel from A1, General Agriculture to RR, Rural Residential for the purpose of dividing it into four parcels for residential development. Mr. Randy Peterson with Abonmarche and Mr. Calvin Schneider presented. Mr. Schneider purchased the property with the intent to invest in and build a 4-lot subdivision. Mr. Schneider owns his own construction company. Mr. Schneider’s son plans to build a home on one of the back lots.

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. Ken Grieger, 114 S 325 E, states he is opposed to this development. Mr. Grieger questions how many acres were purchased and from whom, and questioned why they purchased on the west side of the road when there were available lots on the east side of the road?

Mr. Schneider’s rebuttal:

- 21 acres were purchased from Matt Riley.
- This is the property that was available, that they wanted to purchase, and that would allow for the development they desire.

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

Motion: Kevin Breitzke made a motion to approve ZO-20-0035 as presented. Mike Mirochna seconded the motion. A ballot vote was taken and unanimously carried 6-0.

DP-20-0036 – Radtke & Ziller, Springwood Estates Subdivision between 619 & 623 Springwood Drive, in Portage Township, in the RR, Rural Residential District. The petitioner requests to vacate an easement between two (2) lots (labeled Utility & Drainage Easement) and allow for a pond. Radtke & Ziller presented. They are trying to develop a pond and have found that there is an easement that needs to be vacated. Mr. Robert Thompson advised there is 5 feet on each side and storm water management has no issue with the easement being vacated.

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: Where will the dirt go?

A: Off site.

Q: Will there be fish in the pond?

A: Yes.

Q: How many acres is the pond?

A: ¾-acre.

Motion: Mike Mirochna made a motion to approve DP-20-0036 as presented. Kevin Breitzke seconded the motion. A ballot vote was taken and unanimously carried 6-0.

20-AM-02 – Porter County Department of Development & Storm Water Management, 155 Indiana Avenue, Valparaiso, Indiana. The petitioner requests an amendment to the Unified Development Ordinance (No. 07-05): Chapter 5 Development Standards and Chapter 12, Definitions; to establish the minimum requirements for the raising and care of chickens within the unincorporated areas of Porter County. Attorney Scott McClure presented. An amendment to the UDO was provided to Members for their review prior to the meeting regarding the raising and care of chickens within the unincorporated areas of Porter County. The amendment does not apply to Rural Residential or Agriculture zoning districts but does apply to recorded subdivisions and lot sizes of less than 5 acres. This is going forward, but there would be some that are grandfathered in. The Porter County Enforcement Office will be the enforcing agency.

Motion: Mike Mirochna made a motion to approve 20-AM-02 as presented. Laura Blaney seconded the motion. A ballot vote was taken and unanimously carried 6-0.

STAFF ITEMS:

November Meeting Date – Mr. Robert Thompson requested the November Plan Commission meeting being moved into the beginning of December due to the Thanksgiving Holiday. Discussion took place.

Motion: Laura Blaney made a motion to move the November Plan Commission meeting to Wednesday, December 2, 2020 at 5:30 p.m. due to the Thanksgiving holiday. Kevin Breitzke seconded the motion. A voice vote was taken and unanimously carried.

ADJOURNMENT:

There being no further business, the October 28, 2020 Porter County Plan Commission meeting adjourned at 7:35 p.m.

Rick Burns, President

Attest: Robert W. Thompson, AICP
Director