

**PORTER COUNTY PLAN COMMISSION**  
**February 23, 2022 – Meeting Minutes**

**LOCATION:** County Administrative Center, Ste 205   **TIME:** 5:30 p.m.  
155 Indiana Avenue, Valparaiso IN

**MEMBERS IN ATTENDANCE**

Laura Blaney, Kevin Breitzke, Rick Burns, Bob Gilliana, Brian Damitz, and Greg Simms. Also present was Robert Thompson, Kristy Marasco, Mike Novotney, and Attorney Scott McClure.

Rick Burns called the meeting to order and led the pledge of allegiance.

**MI-21-0062**

**Applicant:** Kilmer Minor Subdivision, c/o Todd A. Leeth, Hoepner Wagner & Evans LLP

**Location:** 309 Spectacle Drive, Valparaiso, IN 46383 (Center Township)

**Zoning:** R2, Medium Density Single-family Residential District

**Request:** To vacate the Primary Plat Approval of “The Gardens at Loomis Lake” for a proposed ten (10) lot major subdivision plus two (2) outlots and seeking approval for a new proposed four (4) lot minor subdivision, “Kilmer Minor Subdivision”.

Bob Thompson addressed the Commission. In August of 2019 this was denied annexation into the City of Valparaiso. The new proposal is for a four-lot minor subdivision. The board must first vacate The Gardens of Loomis Lake Major Subdivision Primary Plat before ruling on Kilmer Minor Subdivision Primary Plat. Staff recommends vacating The Gardens of Loomis Lake Major Sub Primary Plat and then approving Kilmer Minor Subdivision, Primary Plat.

Todd Leeth, Hoepner, Wager & Evans, Randy Peterson of Abonmarche and Carol Hines, Dr. Kilmer’s Daughter were present. Valparaiso Sewer and Water is available for this project. The County approved 10 lots 13 months ago. They are now asking for the four lots as a minor subdivision.

**Public Hearing**

Seeing no one wishing to address the Commission, Rick Burns declared the Public Hearing closed.

**Motion:** Laura Blaney moved to approve case MI-21-0062 and vacate The Gardens of Loomis Lake Major Sub Primary Plat and approve Kilmer Minor Subdivision. Kevin Breitzke seconded the motion and so approved with a 6-0 vote.

**DW-22-0008**

**Applicant:** Skyway Industrial Park, TJZ Properties LLC, c/o Todd Leeth Hoepner Wagner & Evans LLP

**Location:** 392 East U.S. Highway 30, IN 46383 (Washington Township)

**Zoning:** I1, Light Industrial District

**Request:** Design Waiver for the proposed Skyway Industrial Park to vary from:

- Section 7.25 PN-03 – Pedestrian Network Standards; Commercial and Industrial
- Section 6.21 Industrial Park Subdivision (IP); Minimum Perimeter Landscaping
  - o 30 feet along all other perimeters
- Section 7.34 SL-02 – Street Lighting; Commercial

Bob Thompson addressed the Board. The Petitioner is seeking a Design Waiver to vary from UDO, 2007 Chapter 7.25 Pedestrian Network Standards; Commercial and Industrial. Sidewalks are not noted in the area and no public areas are located nearby to necessitate the need for connectivity. As lots are built on, individual Development Plans will address sidewalk locations within the lots. Staff supports the proposed waiver. The proposed development appears compatible with the Porter County Land Use and Thoroughfare Plan. The proposed industrial park is located within an area defined as Existing Industrial Development and noted as an area proposed for future industrial use growth. Additionally, the lots will be required to comply with UDO (2007), Light Industrial Zoning as they are built out. Four lots have already been built out. Now they have to go through subdivision approval.

Todd Leeth of Hoepner Wagner and Evans and Randy Peterson of Abonmarche presented. This project is 31 acres with 10 lots. The primary plat is under review. They are withdrawing the request for Street Lighting. They are just asking for a variance on sidewalks and landscaping.

### **Public Hearing**

Seeing no one wishing to address the Commission, Rick Burns declared the Public Hearing closed.

### **Discussion**

Kevin Breitzke discussed the buffer along the west side of the property adjacent to Williamsburg Manor. He was told that area is wooded and will stay that way.

**Motion:** Kevin Breitzke moved to approve Case DW-22-0008 design waivers subject to a conservation easement on the west side of lot 1. Greg Simms seconded the motion and so approved with a 6-0 vote.

### **ZO-22-0011**

**Applicant:** Heirloom Subdivision, c/o Todd A. Leeth Hoepner Wagner & Evans LLP

**Location:** 325 East and 500 North, Valparaiso, IN 46383 (Washington Township)

**Zoning:** RR, Rural Residential District

**Request:** To rezone parcel(s) of land from (RR) Rural Residential District to **(R2) Medium Density Single-family Residential District**, to allow for a residential subdivision.

Bob Thompson addressed the Board. The Heirloom Rezoning was originally advertised as R3 rezoning request, 2-family residential. After staff was questioning Todd Leeth and requesting architectural drawings showing the elevations of the proposed 2-family structures, Attorney Leeth realized the error in the application. Attorney Leeth did submit a request to amend the application from R3 to R2 which will keep the development at single family. Staff revised the legal advertisement and also amended the agenda to reflect this revision to R2 zoning request. They did not send out revised letters to the interested parties, they were notified of the zoning request and of the meeting and felt this was sufficient notification for the adjoining parcels.

Bob Thompson further added, the petition is a suburban development area with surrounding concentrations of existing, residential developments per the Porter County Future Land Use Plan. The Plan recommends these areas for low-density development consisting of 2-3 dwelling units per acre with public utilities and no greater than 1 per acre without utilities. The proposed use is compatible with UDO (2007) R2, Medium Density Single-family Residential District Zoning. R2 requires municipal services. Sewer and water services are being proposed. The proposed project is 145 lots. Per State Law, the Board cannot consider the impact on schools when making their decision.

Todd Leeth of Hoepfner Wagner and Evans presented. This property currently is zoned RR. It is one quarter of a mile from Valparaiso. The sewer is on 500 North and the water will be extended. The concept plan shows single family homes on potentially 146 lots. They still need storm water approval on this project so it might end up being less lots. This project fits the area. There are a range of lot sizes.

### **Public Hearing**

Pat Biggers - He is concerned with the traffic. He would like to know the square feet of the homes to be built.

Paul - 464 N 400 E. He is concerned with the two roads stubbed in. Also, there is already a storm water issue in Eastwood Hills. This will add to it.

Michael ODell - 357E 500N – He is concerned about the storm water and aquifer. He wants to know the impact.

Dan Miller - 359 Sandwood Court. He wants to know where the water goes. His ditch is 3' up today.

Steve Tripp – 350 E 500 N. He wants to know if there will be future development behind him because of the stubbed in roads. He wants to know the size of the homes to be built. He wants them to compliment the surrounding homes. Traffic is very precarious. There are underground petroleum pipelines.

Jason Gray – 395 Bartz Road. He bought in 2010 because he did not want to pay water and sewer. Most cars go to Highway 49 or Highway 2 through their neighborhood. This development will be ½ acre lots. He does not want change.

Stuart Batcha – 462 N 325 E. The left side entrance to this development is by his driveway. He has water in his backyard. 325 is a drag strip now. This project will make it worse.

Joshua Utnik – 376 Augustine Drive. He thought this was going to be multifamily. There already are storm water issues. The ditch on his property overfills all the time. He would like to know if there is going to be an HOA or can the people build whatever they want. The roads are not in good shape. He does not want to be annexed.

Shawn Swiatkowski – 428 Northfield Lane. Storm water and flooding are his concerns. The high school baseball field already floods.

Nick Ferlus – 535 N 300 E. They get flooding on their property and there is a speeding issue in the area.

Steve Johnson – 380 E 500 N. The one-acre lot subdivision is not put together correctly. This is irresponsible. He asked how much of the plans were in the file to be viewed by the public.

Deborah Pace – 449 N 325 E. She bought in a residential area to be out of the city. Her yard floods now. The area around her is single family homes. It is not a subdivision.

Kathy Raduski - 437 Northfield Lane. With this project her road will become a thoroughfare. It will ruin the neighborhood.

Wendy Piunti – 445 N 325 E – There already are drainage and flooding issues. Traffic will be a problem.

Fred Jarvis – 446 N 325 E. Traffic and drainage are his concerns.

Carolyn Fehring – 450 N 325 E. She moved to be in a rural unincorporated area. This project conflicts with her goals. This property is against the UDO and is not complimentary. The area is single family homes. This will increase homelessness and make the house prices go up. It will be a strain on services.

David Kaminski – 439 N 325 E. All water comes in his front yard. His trees are all dying because of excess water. He thinks the property will be annexed so the city can get the tax dollars.

Jack White - 435 Eastwood Court. Roads are terribly maintained. Everybody wants to like their neighbors but that doesn't always happen.

Keith Biggerstaff – 393 E 544 N. He does not want to live in the City. He moved out of there. The area now is all 1+ acre lots. He has been there 15 years.

Mr. McMillan – 462 Small Pond Court. Majority of people do not know about this. He does not want to be in Valparaiso. If this is approved, it is just the beginning.

Dale Polomchak - 458 Small Pond Court. This is just like Winfield. Too many houses. Next will be stores.

Attorney Leeth replied he agrees to disagree. They are all protecting their home. In regard to storm water, now is not the time to discuss that issue. It is an issue. Mike Novotney is at tonight's meeting to hear issues. He will have his own concerns. Those issues are not resolved at this step. There will be a storm water plan. All of that gets reviewed. All of the water has to stay on the property. In regard to the road conditions, now is not a good time of year to evaluate the roads. There will not be any driveways on to the county road. All are on interior roads. There will probably be a variety of square feet homes and price. He expects it to be around \$400,000 range. The average width between homes is 90'.

Two stub roads are required. Eastwood Hills had to put them in also. There are no plans to go to the North. Pipeline safety is a Federal law. The developer is paying to put the services in from the City. There are no plans to annex. The City has agreed to the services without annexing. The 146 lots will pay utility bills but not property tax. The City does not have the desire to forcibly annex. There will be an HOA. It is responsible to extend services if there is the availability. He agreed traffic will increase. Winfield is smaller lots than this proposed project.

Kevin Breitzke discussed storm water, fire service and the sewer and water.

Greg Simms stated it is impossible to control the speed. His concern is the number of homes and value. Attorney Leeth replied he really does not know the value of the homes at this point. They are trying to keep property value stable or rise.

Brian Damitz questioned the number of homes.

Bob Thompson discussed existing homes and connecting to the sewer and water. Attorney McClure added that the citizens are allowed to tap on also. If their current system fails, they have 90 days to fix it or have to tie on to the services.

Laura Blaney asked if Attorney Leeth could tell her of another subdivision of 11,000 square feet to compare.

Rick Burns stated Mike Novotney is aware of the issues. Citizens should go to the web page and submit problems they may be having. With development this property it is an opportunity to look at issues and fix them.

**Motion:** Kevin Breitzke moved to make an unfavorable recommendation to the Commissioners so they have to make the decision. No second and no vote.

Laura Blaney stated the Commissioners rely on the Plan Commission to do the work and make a recommendation.

Attorney Leeth asked to have the case continued or send it to the Commissioners with no recommendation.

**Motion:** Kevin Breitzke moved to continue case ZO-22-0011 for more consideration. No notice is required. Greg Simms seconded the motion and the motion passed with a 6-0 roll call vote.

**Motion:** Kevin Breitzke moved to change the regular date of the next meeting to March 30, 2022. Greg Simms second the motion and so approved by a 6-0 voice vote.

**ADJOURNMENT:**

There being no further business, the February 23, 2022 Porter County Plan Commission meeting adjourned.

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Rick Burns, President

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Attest: Robert W. Thompson, AICP  
Director