

PORTER COUNTY PLAN COMMISSION
April 26, 2023

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

MEMBERS IN ATTENDANCE

Barb Regnitz, Brian Damitz, Bob Gilliana, Greg Simms, Kevin Breitzke, Nikky Witkowski, Pam Mishler-Fish, Luther Williams (Late) and Rick Burns. Also present was Robert Thompson, Kristy Marasco, and Attorney Scott McClure.

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

New Business:

Bob Thompson read the Rules of Conduct for a Public Hearing

MJ-22-0077

Applicant: Kim Korellis, c/o McMahan Associates, Inc.

Project: Korellis Major Subdivision

Location: 47 S. Biscayne Street & Lumber Lane, Valparaiso, IN 46385 (Porter Township)

Zoning: R1, Low Density Single-family Residential District

Request: Primary plat approval for a proposed two (2) lot major subdivision.

Bob Thompson: This is requesting a replat of Marion Acres Lots 12—33 and Lots A, C and D. The request is to develop this into two residential lots. The Petitioner has been before the Commissioners to vacate Lumber Lane and Biscayne Street adjacent to the lots. They have received Development Standard variances for frontage and an accessory structure that is on the property. Staff recommends approval.

Kevin Coros of McMahan Associates presented on behalf of Petitioner. Both Lots will be for family members.

Public Hearing

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

Questions/Comments from the Board

None

Motion: Kevin Breitzke moved to approve Case MJ-22-0077 for primary plat for a two lot major subdivision. Luther Williams seconded the motion and so approved by a 9-0 ballot vote.

DW-2023-25

Applicant: Mark Pryor

Project: Betz Major Subdivision

Location: 576 West 100 North, Valparaiso, IN 46385 (Union Township)

Zoning: RR, Rural Residential District

Request: Design Waiver(s) for a proposed two (2) lot major subdivision:

- Chp 6.03 – Conventional Subdivision Standards, all of this section
- Chp 7.05 – Access Road Standards

- Chp 7.16 – Lot Establishment Standards: no interior frontage
- Chp 7.23 – Pedestrian Network
- Chp 7.26 – Perimeter Landscape Standards
- Chp 7.28 – Storm water Standards: To use water requirements from Appendix 111-2b (Minor Subdivision) instead of Appendix 111-2a (Major Subdivision)
- Chp 7.29 – Street and ROW Standards – no private roads
- Chp 7.33 – Street Lighting.

Bob Thompson – The Petitioner is proposing a two lot Major subdivision. The parent track has already been divided with a minor subdivision so this had to be a major subdivision. They are asking for a number of waivers from standards for a major subdivision. Staff recommends approval with the condition: If approved the waivers are for those two lots only. Any further divisions have to follow Major Subdivision.

Rich of Abonmarche presented for Petitioner. He was joined by Mark Pryor. This parcel is 53.6 acres. They are looking to divide it into two parcels. Ten acres are for Mr. Pryor and his father to build a house on. The remaining 43 acres will remain with no thought to subdivide at this time.

Public Hearing

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

Questions/Comments from the Board

Luther Williams – This is just two lots. One for him to build a house on.

Mark Pryor – Yes.

Greg Simms – If there is no more subdividing, he is good with this.

Motion: Nikky Witkowski moved to approve Case DW-2023-25 with stipulations as presented by staff: If approved the waivers are for those two lots only. Any further divisions have to follow Major Subdivision. Bob Gilliana seconded the motion and so approved by a 9-0 ballot vote.

DW-2023-26

Applicant: Thomas & Jeanette Tugman

Project: Tugman Estates Major Subdivision

Location: 237 South 600 West, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Request: Design Waiver(s) for a proposed four (4) additional buildable lots to Lot 1 in Porter Minor Subdivision 534-C-1:

Chapter 6:

- §6.03 Conventional Subdivision Standards: Minimum Perimeter Landscaping, Sidewalks, Perimeter Paths, Minimum Street Width – 30ft required, 16ft requested, and Minimum Tree Plot Width

Chapter 7:

- §7.05 Access Road Standards; Residential Frontage Roads
- §7.16 B.3 Lot Establishment Standards: Corner lots 25% larger
- §7.16 B.6.a. and b. Lot Establishment Standards; Property Line Corners
- §7.20 Open Space Standards; General
 - a. Lots all over 1 Acre and larger; thus creating their own open space
- §7.21 Open Space Standards; Residential
 - a. Lots all over 1 Acre and larger; thus creating their own open space

- §7.23 Pedestrian Network Standards
 - a. No sidewalks within the community
- §7.26 Perimeter Landscaping Standards
- §7.28 Storm Water Standards;
 - To use storm water requirements from Appendix III-2b (Minor Subdivision) instead of Appendix III-2a(Major Subdivision)
- §7.29 C. 4.d. Street and ROW Standards, Residential,
 - a. Connectivity
 - b. More than 1 entrance required
- §7.29 C.7. Boulevard Entrances
- §7.29 C.10-18 Street Construction
 - Required: 30' with rolled or ribbon curb
 - Request: Interior Private Road per Minor Subdivision Standards – 16' wide with 8" or processed stone or gravel on a suitable sub-base
- 7.33 Street Lighting; Residential
- §7.36 Street Sign Standards

Bob Thompson – This is a replat of 7.68 acres. They want five lots out of the existing Lot 1. They are requesting to waive all major subdivision standards and go with minor subdivision standards. There is no recommendation from staff.

Barb Regnitz – What is different from the request versus a regular minor subdivision that is making you hesitate in making a recommendation?

Bob Thompson – A minor subdivision is supposed to be four lots. Now we are looking at this becoming an eight lot subdivision. If anything is approved tonight, they still have to come back to the Board for primary plat approval. They are requesting to waive all of the major subdivision standards. There is an easement going through. This is a private road to access all of that. County standards require roads be built to County specifications. This is now creating an eight lot subdivision.

Bill Davies – Davies Land Surveying presented on behalf of Petitioner. He was joined Jeanette Tugman. Parcel A has an existing home. There is a barn on Parcel B. Parcel C the daughter plans on living there. They are asking for standards for a minor subdivision and there will be a five lot division.

Public Hearing

Adam Swarden – 450 Vale Park Road. He represents Stephanie Merrick. This is too much. Most of the lots in this area are 5+ acres. Several are 10+ acres. They are proposing to have a private road. That means it goes from 30' down to 16'. How will emergency vehicles get in here? What about a school bus getting in here? The County Road is tight. There are ditches on both sides. There are two agriculture buildings that will be in the front yard as accessory structures. The septic will have to be mound system. The property floods. Currently when Tugman's are unloading their equipment they are blocking the County Road. How are they going to turn a truck with a skid on a trailer on a 16' private drive that is unimproved off a County road with no proposal of making an eyebrow or road improvement for ingress and egress. Neighboring subdivisions have eyebrows and turning lanes that are designated and striped. This is putting a major subdivision right in the back yard of the neighbors. That defeats the purpose of the limitation on the compact development in the Comp Plan. They understand Tugman's have a lot of rental property. The concern is the proposed size of the homes and especially since three are not going to family members, at some point down the road these will be

turned into rentals. His three clients are: Stephanie Marek – 232 S 600 W. Ann Brenner – 236 S 600 W. Paul Miller – 216 S 600 W. Tricia Horvath – 609 W 250 S.

Stephanie Marek – 232 S 600 W. The neighbor has made no attempt to talk to her about this project. Her first concern is the traffic. This will be unsafe for children waiting for a school bus. The drainage is a concern. She is in a slab home. She needs the ditch to carry the water away. Neighbors' homes do flood.

Paul Rambo – 243 S 600 W. His concern is storm water. His property already floods. He has a basement and his sump pump runs constantly when it rains. The road is already dangerous because of traffic.

Resident and Wife Carie – 592 W 213 S. Storm water is his concern. His basement flooded this past February. This will make his flooding worse. He also is concerned about the value of his property. They bought because of the big lots.

Kevin Brenner – 236 South. This will kill the property value in this area.

Mike Scheffer – 287 S 600 W. He is aware of the flooding in the area. His concern is the property values and will the homes be turned into rentals.

Gary King – 229 S 600 W. His concern is the storm water. With this development most of the storm water is going to come right on his property. There should be a retention pond at the very least. His property floods already. This will make it worse.

Daniel Baker – 616 W 250 S. He is concerned with storm water. He also is concerned with soil erosion. The four way stop by this project is already crazy in the morning. Adding more traffic will make it worse.

Alicia Herndobler – 186 S 600 W. She is opposed to this. She lives in an area that was mostly agricultural. She is not happy with all the building.

Rich Mendez – 590 W 250 S. He showed a picture of his front yard with his kids canoeing in it. Drainage is an issue. The property is at the top of a hill. It is hard to see oncoming traffic.

David Rosales – 618 W 250 S. Sanitation is his concern and wells. The storm water and then adding five more wells is a concern and problematic for everyone. He was told these were going to be over an acre of useable land. He had a client that tried for over a year and could not get a system approved.

Tricia Horvath – 609 W 250 S. The drinking water is her concern. The subdivision to the north caused their well water to be filled with iron. The rental property issue is a concern. Her yard floods now.

Rebuttal by Petitioner

Bill Davies – The Tugman's will put in writing that none of the houses will be rentals. All of the properties have been sized for mounds. They will function on these lots. It will be up to a well person how deep the wells are. The existing barn will probably stay. It is new and in good condition. The silo can be removed. They will be making drainage calculations. When you do the calculations, you do not send water onto other lots. It will all be kept on the property. They will be improving the entrance by widening it out. They will follow County standards. The mounds are standard with the County Health Department. To him the density is in keeping with some of the other property in the area. There is a T turnaround at the end of the street so there is an area for emergency vehicles.

Mike Sheffer – 287 S 600 W. How does the "in writing" work.

Resident - 592 W 213 South. Swales do not keep the water on the property.

Adam Swarden – 450 Vale Park Road. The barn was built in the 70s. It is the same age as the silo.

Bill Davies – the Covenants can have language stating there will be no rentals. Drainage calculations will tell them where to place ponds.

Rick Burns – How old is the barn?

Bill Davies and Ms. Tugman – They do not know. A farmer is renting it.

Mike Sheffer – 287 S 600 W. Restrictive covenants are dealt with by the property owners. They are not enforceable by the County.

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

Questions/Comments by the Board

Luther Williams – He is concerned about the gravel entry to the lots. They have not worked well in the past especially if you need to get an emergency vehicle down there. Well and septic issues the Health Department will take care of. Maintaining all of the storm water on here is not shown.

Bill Davies – That will be shown on the primary plat. They do plan on paving the road.

Kevin Breitzke – He is not keen on private roads. This is a wet area. There will have to be land set aside that will impact the size of the lots and the useable area for septic. He is not sure where they are going to find an outlet. He is uncomfortable with granting the waivers until he sees the engineering problems taken care of. The County does not enforce the restrictive covenants. Commissioners get a lot of calls on private roads.

Nikky Witkowski – Shared driveways can have problems. Shared driveways are not in the area.

Greg Simms – The Health Department has issues when a septic fails and there is no way to replace it. This would lead to a dead parcel. He has the same concerns as others.

Pam Mishler-Fish – She would be interested to see how big the ponds have to be to keep all the water on the property. The gravel road is a concern to her.

Bill Davies – If the pond becomes so big the lot is under an acre, then they lose a lot. The covenants will set up taking care of the private road.

Brian Damitz - Is Parcel E to be sold to another person or a family member?

Jeanette Tugman – Parcel A is her mother. Parcel C is her daughter and new construction. They don't intend to sell the other parcels anytime soon.

Brian Damitz – There is an existing barn on Lot E and a lot of concrete.

Jeanette Tugman – A lot of the concrete will be removed for the proposed road to come through. If they sold the lot and need to remove the barn they will.

Brian Damitz – He does not feel this is a minor subdivision.

Bob Gilliana – He is not in favor of shared driveways. He does not think he will ever approve a road less than 30'. It needs to be a County road and the County needs to take care of it.

Barb Regnitz – She also feels this is not a minor subdivision.

Rick Burns – He also feels it is a major subdivision.

Motion: Brian Damitz moved to deny Case DW-2023-26. Bob Gilliana seconded the motion and so approved by a 9-0 ballot vote.

AM-2023-2

Applicant: Porter County Plan Commission

Location: 155 Indiana Avenue, Valparaiso, IN 46383

Request: Recommendation for the amendment of the Porter County Unified Development Ordinance (UDO), Chapter 5, Zoning District Development Standards, Section 5.69 Telecommunication Facility Standards and Section 5.70 Telecommunication Facility; Height Standard.

Bob Thompson – There was a tower committee in 1999 or 2000. The towers were allowed in every zoning district with Special Exceptions. The Special Exception had standards they had to meet. The final draft had Towers should only go into commercial and industrial areas.

He wants to go back to the original of every zoning district with Special Exceptions. There are a number of schools that have the lattice towers. This brings in income. This allows them to do lattice at 150' and reviewed internally by staff if it is for something other than cell communication.

Questions/Comments from the Board

Luther Williams – This is a good idea. It looks to the future.

Kevin Breitzke - This revision needs to be made.

Nikky Witkowski – Can homeowners even get internet.

Bob Thompson – A tower was denied by the BZA because it was not a monopole. It was going on school property and they were going to offer internet to homeowners.

Nikky Witkowski – Because of where she lives her internet connection is poor and her choices are limited. This is admirable that they would offer this to homeowners.

Motion: Barb Regnitz moved to send a favorable recommendation to the County Commissioners on Case AM-2023-2. Nikky Witkowski seconded the motion and so approved with a 9-0 ballot vote.

Bob Thompson – This will be heard by the Commissioners at their May 23rd meeting.

There being no further business, the April 5, 2023 meeting of the Plan Commission was adjourned.

Rick Burns, President

Attest:

Robert W. Thompson, AICP Director