

PORTER COUNTY PLAN COMMISSION

April 27, 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 (Late), Luther Williams and Greg Simms. Also present was Robert Thompson, Kristy Marasco, Mike Novotney, Kelly Cadwell and Attorney Scott McClure.

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

Approval of Minutes

Motion: Kevin Breitzke moved to approve the January 26 and February 23, 2022 minutes. Greg Simms seconded the motion and so approved with a 6-0 vote.

Correspondence - none

Old Business:

MJ-18-0005

Applicant: Timberland Farms Phase 4

Location: East side of Meridian, Valparaiso, IN 46383 (Liberty Township)

Zoning: R1, Low Density Single-family Residential District

Request: Secondary plat approval.

Bob Thompson addressed the Board. Since the last meeting there were three items the developer was to address.

1. the con-span in Phase 4
2. The pedestrian bridge
3. The retaining wall

The con-span has been reviewed by United Consulting. The plan submitted and calculations are good. Staff recommendations are:

1. at least 48-hour notice to the department when the pilings are to be driven. There is a minimum set bearing on these or it is not going to work.
2. Five-year maintenance on the bridge since it is out of code.
3. There will be a preconstruction meeting with the contractor and staff.

The pedestrian bridge. They are waiting on a review to come back from United on the handrail. That will be in soon. There is concern regarding the handrail. The additional supports need to be added. They have agreed to this. They have agreed to other items that are in the first report. As long as the developer agrees to these items in the report and the pedestrian bridge with the revisions and fixes, The Department is good. But we want a five-year maintenance bond on this pedestrian bridge. Staff will be sending a detailed report of how things need to be done. There are items missing and items flapping in the water. It is critical these items be done correctly. As long as they agree, and as soon as the items are fixed and they are done in a reasonable timetable, they are fine.

The retaining wall. They did offer a solution on that. It is probably the only solution. The crew was out there today. There is a lot of water under the footing. They also found the tile. It extends 1' past the wall. It is not draining the water that is behind the wall. In certain locations that wall has settled. That is why it is pushing out and broke. The only solution, other than taking it out, is putting fill behind the wall and use the cracks as expansion cracks.

Bill Ferngren – 570 Vale Park Road presented for the applicant. Also with him were the developer, Jack, and Charlie Ray of Duneland Group. The plat has not changed. The only thing that will change is saying it is a secondary plat. There were 53 lots originally now there are 40. All of the conditions identified by Mr. Thompson are what they have talked about and his client agrees with them. Tonight they are looking for approval of the secondary plat subject to those conditions. They have provided a draft of a letter of credit.

Rick Burns asked what time frame for meeting the conditions agreed to. Bill Ferngren replied that will happen right away. Once they know the actual specs for the pedestrian con-span bridge, the material will be ordered and then done in 60 days or less. Once they know the retaining wall is approved, they can complete the work in 60 days.

Laura Blaney asked about the bridge structure over Damon Run. Mike Novotney explained there was a conflict between the proposed con-span structure and Valparaiso City Utilities sanitary sewer. The developers engineering team came up with a conflict resolution plan and VCU approved that. The con-span will be relocated and installed inside of a steel casing below the level of the foundation of the bridge.

Motion: Kevin Breitzke moved to approve Timberland Park Phase 4 Secondary plat subject to the commitments, deadlines and following through with Department recommendations including a five-year maintenance bond. Luther Williams seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ZO-22-0011 (Continued)

Applicant: Heirloom Subdivision, c/o Todd A. Leeth Hoepfner 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 with approximately 146 lots.

Todd Leeth, Hoepfner Wagner & Evans, presented on behalf of applicant. This is a rezoning. The Public Hearing was held two months ago. The property is on 325 East. It is 80 acres zoned Rural Residential. The City of Valparaiso Parks Department has announced there is going to be a new sports and recreation facility in close proximity. This property is one-quarter mile away. This is an area in transition and growth. The concept plan shows 146 lots. They are not asking for more lots. If any changes are made it will be because of storm water. The concept plan has a tremendous amount of green space. The cost to the developer to extend the sewer and water is \$1.7 Million to \$2.3 Million Dollars. They cannot do this without sanitary sewer and water with the Rural Residential zone. It will end up with 70 ticking time bombs called septic systems. Environmentalists will say sanitary sewer is the better way to go.

The Comprehensive Plan puts this property in an area called Suburban Development. He feels this is urban fringe which would be four to six homes per acre. The Comprehensive Plan as it is today, allows two to three houses per acre in Suburban Development. The proposed density is 1.8 homes per acre. The open space is 32%. The Comprehensive Plan calls for 10%.

Hawthorne Easts is close and a similar subdivision. Their lots per acre is 3.6. It is on City utilities. Hawthorne Subdivision has 2.4 lots per acre. Open space is only 10%. Windsor Park was developed in the County and is now one mile within the City. Todd Leeth explained this is an honest petition. They came to the Commission with what they want. They didn't ask for more knowing they could settle for less.

Brian Damitz asked the average lot size. The average is over one-quarter acre. Some are larger.

Motion: Bob Gilliana moved to approve Case ZO-22-0011 with a favorable recommendation. Laura Blaney seconded the motion and so approved with a 6-1 vote. Kevin Breitzke voted No.

There were comments from the audience that they were invited to tonight's meeting. Why are they not allowed to talk? Rick Burns advised there was a Public Hearing and it is now closed. Bob Thompson advised there will be another Public Hearing before the Commissioners. Attorney Scott McClure advised there is nothing new in the Petition. Therefore, the Public Hearing remains closed. This vote tonight is a recommendation to the Commissioners. The Commissioners make the final decision. That meeting will be May 17th at 10:00 a.m. (which was later changed to June 7th). The request is zoning only. This is step one of many meetings. Storm water is not part of the discussion tonight. The project is not at that stage yet. At that point the developer will have to meet all the requirements of the storm water ordinance. The Porter County Storm Water Ordinance is the most stringent in the State. For primary plat approval they will request the lot size, storm water, setbacks, etc. At primary plat approval they will answer all storm water questions.

Todd Leeth requested the matter be put on the June 7th Commissioner's meeting at 10:00 am. It is a public meeting and there will be a Public Hearing.

New Business:

DW-22-0023

Applicant: Jim Kyle, c/o McMahon Associates, Inc.

Location: NW corner of 400 North and 325 East, Valparaiso, IN 46383 (Washington Township)

Zoning: RR, Rural Residential District

Request: Design Waiver for the proposed Sintich four (4) lot Major Subdivision to vary from:

- Section 6.03 – Conventional Subdivision Standards
 - o Min Perimeter Landscaping
 - o Max/Min Block Length
 - o Max/Min Cul de sac
 - o Sidewalk/Perimeter path, etc.
- Section 7.06 – Access Road Standards
 - Section 7.16 – Lot Establishment Standards; Residential
 - Section 7.20 – Open Space Standards; General
 - Section 7.21 – Open Space Standards; Residential
 - Section 7.23 – Pedestrian Network Standards; Residential
 - Section 7.26 – Perimeter Landscaping Standards; Residential
 - Section 7.28 – Storm Water Standards
 - o To use storm water requirements from checklist Appendix III-2b (Minor Subdivision) opposed to using checklist Appendix III-2a (Major Subdivision) for a proposed (4) lot major subdivision, located in Rural Residential (RR) District.
 - Section 7.29 – Street and ROW Standards; Residential
 - Section 7.33 – Street Lighting Standards; Residential

Bob Thompson addressed the Commission. This originally was a request for four lots. Flint Lake Garden Terrace ditch runs through the property. This is a regulated drain. They are now asking for three lots due to the flood plains map and minor subdivision requirements. They cannot do another minor subdivision because the parent tract already did one. This is why the request tonight is a major subdivision.

Kevin Coros of McMahon Associates presented on behalf of the Applicant. Joining him was Jim Kyle, owner of the property. He has worked with Mike Novotney on this project. The useable acreage is above and beyond the requirements. What they are asking is to abide by the minor subdivision classifications. They still have to provide drainage calculations and make sure they meet County standards. There is one buildable parcel already allowed. They are just adding two more buildable sites.

Public Hearing

Bret Kutansky – 411 Meadowbrook Drive. His concern is if anything will be done with the tree line and the slope on 400. This could be a blind traffic spot.

Jesse Trueblood – 418 N 325 E – the flooding already goes over the road. How will they put a driveway in if it floods?

Tim Runyan – 405 Meadowbrook Drive – His concern is flooding on a regular basis.

Bret Kutansky – 411 Meadowbrook Drive – which of the 4 lots is not there now.

Kevin Coros replied: The tree line will not be altered. The entrance on to 400 will meet the County standards. In regard to flooding issues, they will follow County Standards. Initially south of the creek there were two lots. Those have been combined into one lot.

Dean Williamson - 333 E 400 N. He suggested the driveway go to the back of the property.

Kevin Coros replied they will adhere to County standards as to what is the best placement of the driveway.

Mike Novotney advised there are no waivers since this is a minor subdivision. It will receive a full review. The runoff will be no greater than the existing runoff. It will be clean water runoff. They will look at issues upstream and downstream.

Nick Ferlus – 535 N 300 E – He is concerned with flooding and traffic issues.

Jesse Trueblood – 418 N 325 E. He has pictures of the flooding around the area. How will they keep it from going on his property?

Dean Williamson - 333 E 400 N. The City and County need to work together on the drainage issues.

Kevin Coros replied they have to show with their calculations that the run off will be the same or better. Porter County has some of the most stringent requirements.

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

Luther Williams stated he hopes everyone understands that the water runoff from this subdivision will be the same or less than it is today.

Kevin Breitzke added the Ordinances are designed to make things better. Johnson Ditch is not a regulated drain. If the neighbors would work with the County and donate the easements, some of the problems could be fixed.

Greg Simms wants to make sure the driveways are placed in the most appropriate place.

Brian Damitz asked if there is a creek running in the tree line between the two lots. Kevin Coros replied it is a ditch.

Motion: Kevin Breitzke moved to approve Case DW-22-0023 in its entirety. Bob Gilliana seconded the motion and so approved with a 7-0 vote.

Kevin Breitzke suggested it is time to look at revising the Comprehensive Plan. It has been 20 years since it was looked at.

ADJOURNMENT:

There being no further business, the April 27, 2022 Porter County Plan Commission meeting adjourned.

Rick Burns, President

Attest: Robert W. Thompson, AICP
Director