

VALPARAISO PLAN COMMISSION
Regular Meeting Minutes
March 9, 2010

The regular meeting of the Valparaiso Plan Commission was held at 7:00 p.m. on Tuesday, March 9, 2010 in the Valparaiso City Hall Council Chambers. Bruce Berner presided.

Members present were: Diane Worstell, Mike Micka, Deb Butterfield, Al Shields, Bruce Berner, Jan Dick, Vic Ritter and Tim Burkman. Also present were Craig Phillips and Attorney Ethan Lowe.

MINUTES:

Jan Dick made a motion to approve the February 9, 2010 minutes as submitted. Seconded by Vic Ritter. A voice vote was taken and the motion unanimously carried.

SPECIAL RECOGNITION:

Craig Phillips presented special guest Kathleen Evans a gift of appreciation for her 24 years of service on the Plan Commission and thanked Kathleen for her dedicated service and friendship to the City, the Members, and the Community as a whole. Kathleen Evans said a few kinds words.

OLD BUSINESS:

A10-001/RZ10-001 – Caribbean Pools Annexation – Curtis Joiner - Request to annex land and rezone from CM Moderate Intensity Commercial District (County) to CG Commercial General District located at 3806 Murvihill Road between US 30 and CR 325 E. Mr. Curtis Joiner presented. The property is located at the corner of US 30 and Murvihill Road. The petitioner was not present, therefore, Craig Phillips asked that this matter be continued to the April meeting. The members agreed.

NEW BUSINESS:

A10-002/RZ10-002/PP10-001 – Flat Rock Annexation – Coolman Communities – Request to annex land and rezone from CM Moderate Intensity Commercial District (County) to CG Commercial General District located on Hayes-Leonard Road between US30 and Joliet Road. Mr. Bob Coolman presented. The property is located immediately north of Hayes-Leonard School on the east side of Hayes-Leonard Road. We are proposing 38 single-family detached homes with no variances being requested. These homes will have a target market of young families and first-time buyers while staying consistent with the homes in the area. The development will be a walk-able neighborhood including sidewalks both within and along Hayes-Leonard Road. Traffic calming is included and a tot lot is included. The goal is to have access to the school from the center of the development. We are aware that there have been some drainage issues in this area for a number of years and upon researching found that the existing drainage culverts have been plugged and not functioning as they should be for a number of years. We do not plan to have any upstream water shed on this parcel. The break line to the east is on the east property line and there is a natural swale at the north edge. Our specific concern is with managing our own storm water and solving the existing ditch issues. We will continue to work with the City Engineer and County Engineering departments regarding all drainage issues. At this time they are proposing picking up the drainage along Hayes-Leonard Road and having their own drainage handled by their own detention basins using a 15” pipe. This is considered a super voluntary annexation. Valparaiso water and sewer services are provided and the development will be built to accommodate tie-ins from area systems that wish to tie in at the City’s request.

Bruce Berner asked if any of the public would like to speak in favor of or in opposition of this petition. Bruce Berner 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.

Regina Smith, 192 Northwest Hills Drive, stated that Mr. Coolman indicated that he is building a neighborhood “for” Hayes-Leonard school but Hayes-Leonard school is already over capacitated, and the proposed drainage pipe would come into her back yard and she already has water in her backyard so how is this going to be handled?

Sylvia Graham, 178 W. 150 N., represented her daughter and son-in-law that live at 454 Hayes-Leonard Road (Joseph and Cheryl Jankovich). Ms. Graham states that this is a fragile area and they have concerns with installing sidewalks on the east side of Hayes-Leonard Road and

making drainage worse, and questions if there will be open culverts as part of this development. Bill Garpow, 458 Hayes-Leonard Road, stated that this area has had drainage issues for a number of years and it doesn't even have to be hard rains to make that happen. Where is the water going to go once this property is covered with roads and houses? Children moving into this development won't even go to Hayes-Leonard school. Traffic on Hayes-Leonard Road is already a concern and this will make it worse.

Frank Zillinger, 171 Southwest Hills Drive, noted concerns with the creek water near his yard, and that Northwest Hills Drive already gets covered with water, and states that mosquitoes are also problems because of this.

Joe Esposito, 551 Hayes-Leonard Road, notes that the drainage and the proposed detention pond all cause concerns and questioned if his address is part of the annexation. Craig Phillips advised that his address is not part of this annexation.

Andrew Bennett, 552 Hayes-Leonard Road, states that he echoes what his neighbors have all said and reiterates the concerns with traffic and speed problems along Hayes-Leonard Road. He questioned if the developer is putting retention ponds in or just drainage pipes and asked what kind of mosquito control will be done. Mr. Bennett also noted that he did not receive notice of tonight's meeting. Craig Phillips advised that his name and correct address were on the list.

Neighbor, noted safety concerns with the detention ponds and questions what type of measures will be taken to keep kids out of them.

Casa Marshall, 452 Hayes-Leonard Road, stated that it is already hard to get out of her driveway and this development along with added traffic will make matters worse. As well she has three large culverts in her drive that already get flooded and Timothy Drive behind her get flooded also. Only children living south of Route 30 go to Hayes-Leonard school so these children will be bussed to another area school. This property is approximately 9.5 acres and the developer is proposing 38 homes. Northwest Hills subdivision only has 60 homes and is much larger and the same goes for Sierra subdivision and Marion Manor. This development would be much more dense than the area and not in keeping with the other developments of the area. Why isn't the developer proposing a four-way across from Northwest Hills Drive?

Carl Diez, 2558 Marshall Drive, questioned how the developer plans access into Marion Manor and specifically will they be taking part of his land, removing trees, etc. to gain access? Will Marshall Drive be widened?

Mr. Coolman's rebuttal:

- The school corporation handles who attends which school and occasionally redistricting is done. As a developer we do not know exactly who will go where and we do not have control over it, but it is possible that at some point in the future the children of this development would attend Hayes-Leonard school.
- There will be two detention basins incorporated in the plan. Water will drain out of the basin entirely. Plants will be located at the bottom and the expectation is that after a major storm event it will take approximately six hours for the ponds to drain. It is not intended to have standing water. Our plan proposes removing the non-functioning ditch and construct a pipe to pick up that drainage. We will shape the bank along Hayes-Leonard Road so that all the water from the center of the road will drain into the detention basins. We plan to work closely with the City and the County to solve current drainage issues and we have every reason to believe that our proposed solutions will work.
- We cannot do anything about mosquitoes, however, our added vegetation and better drainage plan would make us think that a mosquito problem would be lessened. As far as mosquitoes at the Northwest Hills ditch is concerned that is not anything we can help.
- With the proposed drainage solutions we anticipate neighbors to have less of a problem surface water issues.
- We do not anticipate any surface overflow out of either detention pond. Emergency outfall is in the northwest corner and would take a 1,000-year storm.
- We will taper our property drive in order to not disrupt anyone in Marion Manor.
- This development is denser than the area neighborhoods because we do not want to develop on septic, which require more land. This is a traditional neighborhood plan and makes for a good neighborhood.

- The detentions basins are safe because water does not stay in them.
- We can't make a four-way stop across from Northwest Hills Drive because we don't own the property there.
- On the subject of traffic on Hayes-Leonard road I can't really speak to it. Hayes-Leonard Road is a busy road there is no question about that.

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

Q: How deep are the proposed detention ponds and at what slope is the bank?

A: 4-1 slope and 6' deep. 1-1 is about a 45° angle so 4-1 is about an 11° angle. This way it can be mowed safely.

Q: Why did you choose to put the entrance road to your development directly across the street from Casa Marshall's driveway?

A: It would be an issue almost anywhere on Hayes-Leonard Road. We were just looking at traffic calming, etc. and that is where it was proposed.

C: There is an area north of Casa Marshall's property that would not interfere with a neighbor's drive.

Q: When water drains down to the Westhills ditch how does it affect the wetlands?

A: The drain comes down the west side of Timothy Drive and then goes under Southwest Hills Drive and into the existing ditch. Then it continues into what has become a wetland and then it continues through the wetland to the Westhills ditch.

Craig Phillips noted that he received a couple of emails from neighbors echoing the same thoughts and concerns of those that were present and spoke.

Craig Phillips briefly reviews the fiscal plan for this proposed annexation. It is 42.7% contiguous. The closest city zone is general residential. The cost benefit ratio basically breaks even due to some of the new tax caps.

It was noted that page ten of the fiscal plan incorrectly lists Murvihill Road as the address to this property. Craig Phillips will update that information.

Craig Phillips advised that site review was done on this proposal. Most of the issues were with drainage. Tim Burkman's desire is to work with the County Surveyor's office and Drainage Board to reach possible solutions.

The petitioner is asked to rethink the driveway plan in hopes of reaching a more friendly solution.

This matter will return for a vote at the April 2010 meeting.

RP10-001 – Dave Tiemens, Tiemens Land Surveying for George Uzelac – Replat Lot 21 Eastport Centre – Request to replat Lot 21 in Eastport Centre into 3 new lots. Dave Tiemens, representing George Uzelac, presented. They would like to replat lot 21 into three lots. Lots one and two already have existing buildings on them. They went before the Board of Zoning Appeals last month and receive two variances. One for a zero frontage for lot two and another to allow for no access to a public street. There is existing sanitary sewer on site. Each building will have separate water service. All infrastructure is in place. They plan to have a building on lot three in the future. They spoke with City Engineer Tim Burkman regarding his request for a recorded document noting that all three lots will share in the maintenance. We actually are going to record that the owner of lot two will facilitate ownership of the drive and the other two owners will contribute to the maintenance thereof. As well we are tweaking the additional language that will be incorporated onto the plat per Mr. Burkman's request.

Q: If you are not having a POA then what is it called?

A: The document stipulates that the owner of lot two is the facilitator and the others contribute. With only five tenants it does not make sense to have a POA.

C: A clearly stated responsibility is what we are looking for, and it does not have to be a POA.

R: As well, the language will stipulate that if the City has to come in and maintain the drive the owner will reimburse accordingly.

C: Mr. Uzelac noted that the new banking regulations or policies are why this is happening. Different banks all want a piece of the land with the building.

Motion: Diane Worstell made a motion to accept RP10-001 subject to Tim Burkman's requests

regarding plat language are included and satisfactory after Attorney review. Seconded by Jim Mooney. A roll call vote was taken and unanimously carried 8-0.

ZO10-001 – City of Valparaiso – UDO Amendments – Request to amend Articles 3,6,9,11 of the Unified Development Ordinance. Craig Phillips reviewed the proposed amendments to the UDO.

Motion: Vic Ritter made a motion to send the proposed changes of the UDO to City Council with a favorable recommendation. Seconded by Jim Mooney. A roll call vote was taken and unanimously carried 8-0.

RES10-001 – Resolution re: Comprehensive Plan Re-Write – City of Valparaiso – Resolution in support of a re-write of the City's Comprehensive Plan. Craig Phillips presented. His is requesting that this Members adopt the Resolution supporting the drafting of a new City Comprehensive Plan. Ultimately the Resolution is directing the Plan Commission to begin the process and requests funding from City Council to begin the new Comprehensive Plan process.

Motion: Jan Dick made a motion to adopt the Resolution in support of a re-write of the City's Comprehensive Plan. Seconded by Al Shields. A roll call vote was taken and unanimously carried 8-0.

REPORTS & DISCUSSIONS:

IN Chapter American Planning Association – Honorable Mention – Outstanding Project Award – Valparaiso Unified Development Ordinance. Craig Phillips advised that Valparaiso received Honorable Mention for the UDO and he will be going to the State Spring Conference to accept the award. Craig thanked everyone for their help and involvement.

ADJOURNMENT:

There being no further business to discuss the March 9, 2010 Plan Commission meeting was adjourned at 8:40 p.m.