



LAPORTE COUNTY PLAN COMMISSION

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES June 25th, 2019

MEMBERS PRESENT:

John Carr Gene Matzat
Rita Beaty Kelly Earl Cunningham
Rich Mrozinski

OTHERS PRESENT: Annemarie Polan, Building Commissioner, Doug Biege, Attorney, Ashley Kazmucha, Secretary.

PLEDGE OF ALLEGIANCE

Rita Beaty Kelly asked for a motion for the approval of the agenda.

Rich Mrozinski made a motion to approve as presented.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

Rita Beaty Kelly asked for approval of the meeting minutes of April 23rd, 2019.

Rich Mrozinski made a motion to approve as presented.

John Carr seconded.

All approved. Motion carries 5-0.

Petitions:

1. Petitioner Pritz Family LLC ("Petitioner") respectfully petitions the Plan Commission to subdivide the parcel into a 27-lot subdivision located next to and east of 8202 W. Pahs Road, Michigan City, IN., Coolspring Twp., zoned R2A on 16.43 acres. Parcel 46-05-03-400-200.000-46. Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Matt Garritano stated he was representing Charles Hendricks and Associates Surveying and Engineering located at 512 Lincolnway, LaPorte, IN.

Matt Garritano stated he is there on behalf of the Pritz family to propose the Winding Creek Way subdivision. He stated the parent parcel is presently zones R2A and that it has not been updated on Beacon from B2. He stated Winding Creek Way is a twenty-seven (27) lot townhome subdivision with one-story single-family houses that have three bedrooms and two-car garages for each unit. He stated the prices for each unit for said homes will be in the \$225,000.00 market, the subdivision will contain a private roadway to be maintained by the HOA, and the subdivision will have Michigan City sewer and water. The subdivision will have two oversized retention ponds on the North end and a walking path for the homeowners. The residences will not be apartments or rentals. He stated the private roadway will have a concrete ridden curb with environmentally friendly storm water drainage swales that will aid in naturally filtering out contaminants and salt from the roadway. The layout and design will maintain the character of Pahs Road in being residential in nature. There will be no driveways onto Pahs Road directly; all driveways will be on the private roadways inside the subdivision. The subdivision will have trees, light posts, fire hydrants, and limited sidewalks. He stated the roadways will be designed and constructed to LaPorte County Highway standards, even though the roadways will be private. The construction process of the proposed subdivision will be done in four phases. The lots meet and exceed the size requirements for R2A zoning which is approximately 500 ft² a unit or 10,000 ft² a lot, which is two units per lot; the units will have approximately 1,400 ft². He stated there is a wetland protection zone to the East and all captured surface storm water will be directed to the retention ponds and not to the wetland. The wetland will be protected by installing a 50 ft vegetative strip. He stated the property is not in a flood zone and is more than 50 ft above trail creek in elevation.

Rita Beaty Kelly clarified that the roads will be private, not dedicated to the County, with HOA maintenance.

Matt Garritano confirmed. He stated that if unseen circumstances result in the roads being deemed County roadways, they will be built to County standards.

Earl Cunningham asked about a tentative driveway West of the planned entrance.

Matt Garritano stated the entrance is a pre-existing farm field entrance that will not be used by the lot.

Gene Matzat asked if what is depicted on the supplied drawing is all four phases.

Matt Garritano confirmed.

Gene Matzat asked where phase one would be anticipated.

Matt Garritano stated phase one would be either Pintail Way or Mallard Way, indicative of the cost of the road and potential prospects of buyers of the units.

Earl Cunningham asked that being the ponds are separated in the back, do they intend to have future extension.

Matt Garritano stated there will be a possibility for future development for North of the proposed project and that the roadway would be between the two existing ponds.

Remonstrator:

Tom Banci stated his address is 5271 N. Johnson Rd., Michigan City, IN.

Tom Banci stated his property is directly across from the Warnke farm field from this proposed site. He stated that many years ago when he remonstrated against the complex across from the High School that a study was performed by the Army Corps of Engineers that stated the property if built upon should be single-family homes only and best left as farm field due to drainage and irrigation so forth. His concern is that now the development is expanding beyond Michigan City boundaries and is entering Coolspring Township; that it will set a precedent for multi-family dwellings. He stated that the density in the area is phenomenal with the units that will be next door. He stated he understands the residences are supposed to be private, but that they will be duplexes and he's not aware of another subdivision of duplexes in Coolspring Township, but that there are plenty of subdivisions with single family homes. When he purchased his property in 2003 and built in 2004, he was required to have two acres for a single-family home; he needed a special variance as he only has 1.98 acres. He stated that the rules seem to coincidentally change when a developer comes in and that the zoning has since changed, but that they are still for single family homes. He stated that there will be environmental impacts such as increased traffic and increased run off. He stated there will be a possibility for more multi-family dwellings to the North once a precedent is set which will load density into the area. He stated that he is on a well and that he needs to have the ground water percolating to the aquifer, not run off into a pond; that there is plenty of run off as is down Pahs Road. He started that years before all the run off wiped out Johnson Road and took out the intersection at Johnson Road and Pahs Road taking it out of commission for six months; that intersection is still not right that the whole creek is being washed out. He stated that caution needs to be taken. He stated he moved to the area years ago, but that there are not many neighbors to remonstrate. He is there on behalf of his wife and his neighbors that could not attend and urged caution on allowing this proposed subdivision as it could lead to more apartment complexes and density. He is unable to get out of his driveway in the morning as is with the speed limit being 45 mph. He moved to his current home to be in the country and that if he wanted to move to Orland Park, Illinois he would have done so. He is from Illinois. He moved for the dark and quiet and that now when he looks to the West, he only sees the lights from the complex across from the High School and from the new car dealership at the West end of Pahs Road that used to be a golf range. He feels pushed out and he does not appreciate it. He stated that if there is another meeting, he will remonstrate again because he does not think it is a good idea. He stated that at best, if homes were to go on the proposed land that they should be single-family homes with half-acre parcels.

Earl Cunningham asked Annemarie Polan to update the remonstrator on the parcel.

Annemarie Polan stated the land was re-zoned to R2A which meets the requirements for what they are doing and for the subdivision. She stated a single-family home needed 2 acres at one time, but it is currently 1 acre. She stated that when land is subdivided it changes and that the petitioners have met the requirements.

Tom Banci stated he doesn't understand how a developer can get revised. He asked if "developers" get special compensation to increase density.

Earl Cunningham asked about the expansion to the North, if the road could be taken all the way to Highway 20.

Matt Garritano stated that it is possible, but that nothing is for certain as no work has been completed successfully. He stated the land would have to support multiple developments and all of them would need to be successful to eventually reach Highway 20.

Earl Cunningham asked if the developer owns all of the land North of the project.

Matt Garritano stated yes.

Earl Cunningham asked if the developer owns the land North of Canterbury Apartments.

Matt Garritano stated yes.

Earl Cunningham asked if the developer owns any land East of the project.

Matt Garritano stated no.

Earl Cunningham stated that this project would be the furthest point East for the developer.

Matt Garritano stated yes.

Rita Beaty Kelly asked if he would like to comment on Tom Banci's comments.

Matt Garritano stated no as he understands his concerns for zoning, but as the Building Commissioner stated that the land is zoned R2A and the project meets all requirements for zoning. He stated there is no special exemption for being a developer.

Annemarie Polan stated the developer did some things above and beyond.

Matt Garritano stated that they did, especially in concern of the drainage as it is a major concern for the area. He stated that they will have more than the requirement for drainage in the retention pond; that they are trying to be environmentally friendly as humanly possible and then some.

Rita Beaty Kelly asked if there will be a motion made either for or against.

Gene Matzat made a motion to give favorable recommendation.

Earl Cunningham seconded.

Rita Beaty Kelly stated that they have a motion for a favorable recommendation for the Pritz family for the 27-lot subdivision. She asked all those in favor to say aye.

Gene Matzat, Earl Cunningham, and Rita Beaty Kelly signified for.

Rita Beaty Kelly asked who opposed.

No response was made.

Rita Beaty Kelly stated a few are abstaining and asked for a roll call for the motion.

Ashley Kazmucha stated Gene Matzat.

Gene Matzat stated yes.

Ashley Kazmucha stated Earl Cunningham.

Earl Cunningham stated yes.

Ashley Kazmucha stated Rita Beaty.

Rita Beaty Kelly stated yes.

Ashley Kazmucha stated Rich Mrozinski.

Rich Mrozinski stated yes.

Ashley Kazmucha stated John Carr.

John Carr stated no.

Rita Beaty Kelly asked how to proceed.

Attorney Biege stated that there is a quorum present, but the standard is the majority so all 5 votes would be required for it to pass.

Rita Beaty Kelly stated that the petitioner would have to set back for a year before he can present again.

Attorney Biege stated he wants to look at the rule on the time as this situation has not be encountered recently. He stated to Matt Garritano that he will receive a letter stating when he can re-apply.

Motion Denied. Motion carries 4-1.

Rita Beaty Kelly asked if there is any old business.

Attorney Biege stated that he was retained by the town of Westville to help them with their zoning ordinances and discovered that many of the small towns of the county are interested in joining with the County's Joint Zoning Ordinance. He stated he met with the lawyers for the City of Michigan City and City of LaPorte for over a year and that significant changes have been made to the Joint Zoning Ordinance and that the individual ordinances are similar with the exception of minor issues. He stated the towns are interested in joining and that they are going to meet to discuss adding a section to the Joint Zoning Ordinance that applies to towns. He stated that conceptually it could help with economic development in a geographic area.

Rita Beaty Kelly stated that it is a great idea as it would keep everyone in the same format.

Attorney Biege stated he is unsure of how many wanted to join, but that it seems to be the majority of the incorporated towns are interested.

Rita Beaty Kelly asked for any new business.

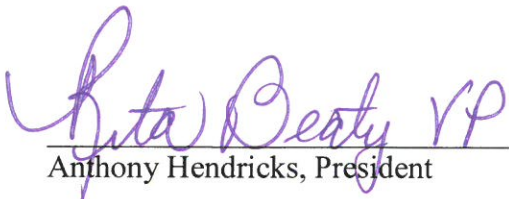
Rita Beaty Kelly asked for a motion to adjourn.

Rich Mrozinski said so moved.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

There being no further business before the Plan Commission, meeting adjourned at 6:22 p.m.


Anthony Hendricks, President


Annemarie Polan, Recording Sec.