

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Tom Ryan, President
Michael Forbes, Vice-President
Steve Kozel, Secretary
Tom Redar
Steve Hastings
Darwin Nietzel

Attorney Tim Kuiper
Ken Kraus
Steve Kil

CALL TO ORDER:

Mr. Michael Forbes, Vice-President, chaired the Plan Commission regular meeting in Mr. Ryan’s absence. He called to order the meeting for Wednesday, October 1, 2014, at 7:02 p.m.

(The Pledge of Allegiance was said.)

ROLL CALL:

Roll call was taken by Recording Secretary, Susan E. Wright, with the following Commissioners present: Michael Forbes, Steve Kozel, Tom Redar, Steve Hastings and Derwin Nietzel. Tom Ryan was absent. Staff members present: Steve Kil. Ken Krauss was present. Attorney Timothy Kuiper was present. Town Council liaison, Greg Volk, was present.

APPROVAL OF MINUTES: AUGUST 6, 2014

Mr. Forbes stated that the first order of business was approval of the minutes from the August 6, 2014, meeting. He asked for a motion. “*So moved,*” by Mr. Kozel. Mr. Nietzel seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

NEW BUSINESS:

A. GATES OF ST. JOHN --- UNIT 1E --- FINAL PLAT APPROVAL --- JOHN LOTTON.

Mr. Forbes noted the first item under New Business was the Gates of St. John, Unit 1E, for final plat approval.

Attorney Kuiper informed the Board that the Petitioner, John Lotton, requested that this matter be deferred.

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Mr. Forbes stated he would entertain a motion to defer the matter of Gates of St. John, Unit 1E, final plat approval. “*So moved,*” by Mr. Kozel. Mr. Hastings seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

**B. RENAISSANCE --- UNIT SIX --- FINAL PLAT APPROVAL ---
DOUG TERPSTRA**

Mr. Forbes noted the next item for the Board’s consideration was Renaissance, Unit 6, final plat approval. Mr. Doug Terpstra appeared before the Board seeking final plat approval for Renaissance, Unit Six.

Mr. Terpstra informed the Board that he discussed final plat approval with the Board at the last study session. He stated that the asphalt was completed today. Mr. Terpstra stated that the asphalt was the last of the improvements that needed to go in. He stated the infrastructure has been tested.

Mr. Terpstra stated he would answer any questions from the Board. Mr. Forbes asked if there were any questions on Renaissance, Unit Six. There were no questions from the Board.

Mr. Forbes stated since there were no questions, he would entertain a motion on the final plat for Renaissance, Unit Six, incorporating the findings of fact and contingent upon review of the mylars by Mr. Kraus. “*So moved,*” by Mr. Kozel. Mr. Hastings seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

**C. PRESERVE AT SCHILTON HILLS --- PUBLIC HEARING ---
JACK SLAGER.**

Mr. Forbes noted that the next item on the agenda, the Preserve at Schilton Hills, was scheduled for a public hearing. He stated that the Preserve at Schilton Hills is a seven lot subdivision located on 93rd Avenue.

Attorney Kuiper noted that the notices and publications for the public hearing on the Preserve in Schilton Hills were in order for the public hearing to be properly conducted tonight.

Mr. Jack Slager, Schilling Development, was present, for the public hearing and seeking primary approval for the Preserve at Schilton Hills. He stated that the development will consist of seven R1 residential lots on a small cul-de-sac, Columbia Court, located off of 93rd Avenue.

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Mr. Slager stated that he received a letter earlier in the day that reflected that all of the engineering issues have been resolved, aside from the SWPPP plan. He stated that the SWPPP plan is forthcoming.

Mr. Forbes asked if the Board had any questions. There were no questions. Mr. Forbes opened the public hearing for comments related to the Preserve at Schilton Hills. Mr. Forbes called two additional times for public comment. There was no further public comment. Mr. Forbes closed the public hearing and brought the matter back before the Board.

Mr. Forbes noted that Mr. Kraus will have to calculate the developmental fee and review the SWPPP plan. Mr. Kraus stated that the developmental fee will be calculated when he receives the information he needs from Land Tech. Mr. Kraus stated he had not yet had time to review the SWPPP plan.

Mr. Forbes asked if the Board had any questions on the Preserve at Schilton Hills. There were no questions. Mr. Forbes stated he would entertain a motion to approve preliminary plat for the Preserve at Schilton Hills contingent upon payment of the developmental fee, and incorporating the findings of fact. *“So moved,”* by Mr. Kozel. Mr. Nietzel seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

D. MILL CREEK DEVELOPMENT --- PUBLIC HEARING FOR ZONE CHANGE --- JOE LENIHAN.

Mr. Forbes noted that the next item on the Board’s agenda was a public hearing for a zone change for the Mill Creek development. He noted that the development is located on Route 231 at Parrish Avenue, on the southeast corner.

Attorney Kuiper informed the Board that the notices and publications were in order for the public hearing for Mill Creek to be properly conducted tonight.

Mr. Joe Lenihan, Olthoff Homes, appeared before the Board, on behalf of the Mill Creek development. He presented the plan for the rezone for the Mill Creek community. He stated that the property is slightly over 108 acres located at US Route 231 and Parrish Avenue.

Mr. Lenihan stated that he has submitted all of the information required by the Town’s ordinances for the development. He stated that a Planned

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Unit Development (PUD) will allow the developers to save almost 30% of the property as open space. Mr. Lenihan stated that the primary stage of the development will include a detailed plan for the amenities to be included at Mill Creek, parks, open spaces, a playground and trails.

Mr. Lenihan stated he would be happy to answer any questions. The Board had no questions.

Mr. Forbes opened the public hearing for the Mill Creek development.

PUBLIC HEARING

Dave Kleine, 11315 Parrish Avenue:

Mr. Kleine stated he owns and operates a dairy farm which is directly south of the proposed subdivision. He stated that the dairy farm has been in business in this location for 97 years, milking cows and grain farming.

Mr. Kleine stated he has a concern about a development this close to his dairy farm. He stated he has 200 head of livestock on his farm and he is concerned about odors with the earth handling from the development. He stated he has done research on the placement of buffer zones, tree lines, etc., that would protect a farmstead from the dust, odors and debris that accompany developments.

Mr. Kleine submitted handouts to the Board on wind breaks and buffer zones that have been successfully used in similar situations. Mr. Forbes noted that tonight's hearing was strictly dealing with the rezoning. Mr. Forbes stated that the information presented by Mr. Kleine will be taken into account and discussed with the developer.

Mr. Forbes called for additional public comment.

Dale Booth, 11010 Parrish Avenue:

Mr. Booth asked the Board if he would be zoned into St. John Township on his side of Parrish Avenue. Mr. Forbes answered, "No." He stated that the Mill Creek zoning will take place within the corporate boundaries of the Town of St. John.

Mr. Booth stated that there is a stream flowing across the road just south of his residence, and he is located on the west side of Parrish. He stated there is a culvert under the road and when it rains heavily the

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

stream flows over the road 30-40 feet. Mr. Booth asked if he would still get water from this side of the road.

Mr. Forbes stated he did not have an answer for Mr. Booth at the present time. He stated during the subdivision planning process, all of these issues will be taken into account. He stated he could not guarantee that what is going on near Mr. Booth's house won't continue, but most likely Mr. Booth would see a reduction in the amount of water.

Mr. Forbes called two additional times for public comment on Mill Creek. There was no further public comment. Mr. Forbes closed the public hearing and brought the matter back before the Board.

Mr. Forbes asked if the Board had any questions. The Board had no questions. Mr. Forbes stated he would entertain a motion to send a favorable/unfavorable/no recommendation to the Town Council related to the rezone of the Mill Creek development from R1 to a Planned Unit Development, incorporating the zoning commitment and all other relevant materials presented by Petitioner.

Mr. Kozel made a motion to send a favorable recommendation to the Town Council to rezone the Mill Creek development from R1 to a Planned Unit Development, incorporate the zoning commitment and relevant documents submitted by the Petitioner. Mr. Redar seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

**E. KILKENNY ESTATES --- UNIT FOUR --- PUBLIC HEARING.
GARY TORRENGA.**

Mr. Forbes noted that Kilkenny Estates, Unit Four, was scheduled for a public hearing. He stated that this development is located in the northwest corner of Town.

Attorney Kuiper noted that the notices and publications were in order for a public hearing to be properly conducted tonight on Kilkenny Estates, Unit Four.

Mr. Gary Torrenge, Torrenge Engineering, appeared before the Board on behalf of Kilkenny Estates and Petitioner, Mr. Andy James. He stated that Kilkenny Estates is a 15-lot, single family subdivision on property that is presently zoned R2. Mr. Torrenge stated that he wished to make it clear that the R1 and R2 designations in the Town of St. John,

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

represent strictly single family homes. Mr. Torrenga stated that he was informed that a modified, handwritten notice had been sent out to the adjacent property owners indicating that the development would be a multi-family development. Mr. Torrenga stated that nothing could be further from the truth. He stated that the proposed 15-lot single family residences will be large, beautiful houses.

(General discussion ensued.)

Mr. Kraus stated that the original Kilkenny Estates, as designed by Earl Goldberg, was done in 1996-97. Mr. Kraus stated that in 2004, DVG took over the engineering and made changes to the development. Mr. Forbes remarked that the eleven lots belonging to this developer have been in existence since 1996. Mr. Kraus concurred. Mr. Forbes stated, for purposes of clarification, the only reason these eleven lots were not built on was due to sewer access issues.

Mr. Torrenga stated that the Kilkenny Estates design has always called for a possible connection to the north at Columbia Avenue. Mr. Torrenga acknowledged that a lot of people present in the audience live on Columbia. He reiterated that the developer understands that Columbia Avenue is privately owned and not dedicated. Mr. Torrenga stated that the Petitioner has no intention of forcing a connection to Columbia Avenue.

Mr. Torrenga stated that the developer does not have to tie into Columbia Avenue to make the subdivision work. He reiterated that the developer does not own the land. Mr. Torrenga stated that any decision related to the further development of Columbia Avenue would likely be far into the future.

Mr. Torrenga stated a decision likely was made long ago that Columbia Avenue should go through. He reiterated that nobody knows when Columbia Avenue will go through. Mr. Torrenga stated that Mr. James inherited a set of plans that had been prepared by and for other individuals. Mr. Torrenga stated that the Petitioner is merely bringing the development plan up to code.

Mr. Torrenga reiterated that the developer is proposing 15 single family lots. He stated that no utilities will be extended into anyone's property that is not involved in the development, nor will the utilities be extended outside of the Town of St. John. Mr. Torrenga stated he is asking for the right for Petitioner's clients to live in the Town of St. John on lots that

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

have been appropriately sized and with appropriately designed utilities that adhere to today's requirements, codes and laws. Mr. Torrenga reiterated that it is not Petitioner's intent to infringe on the existing residents. He stated that the developer will build their roads to their property lines and not one inch further.

Mr. Torrenga stated he would be happy to answer any questions. Mr. Forbes asked the Board if they had any questions. The Board had no questions.

Mr. Forbes stated that he wanted to stress that all of the lots in Kilkenny Estates, Unit Four, are designated R1 (a minimum 20,000 square feet), single family homes. He stated that the property is and was long ago rezoned R2. Mr. Forbes stated that R2 zoning is also a single family designation (a minimum of 15,000 square feet). Mr. Forbes stated that the lot sizes for the proposed homes range from 20,000 to 30,000 square feet, which actually meet the R1 designation.

Mr. Kil stated that the lot sizes clearly meet the R1 requirements even though they are zoned as R2 lots. Mr. Forbes reiterated that the eleven lots on Limerick Drive have existed on paper since 1996. He stated that since the lots are designated R1, there will be no negative impact on anyone's property values.

Mr. Forbes stated that the bulk of the discussion amongst the Board and Petitioner on Kilkenny Estates, Unit Four, was on the lift station, which is what spurred the addition of four lots that sent James Lane off to the spur of Columbia Avenue. Mr. Forbes stated that Columbia Avenue will eventually continue on down to the southwest into additional parts of Kilkenny Estates.

Mr. Forbes opened the public hearing. He noted that he would limit the amount of time for an individual to speak to three minutes, given the amount of people in attendance.

Mr. Torrenga explained that Columbia Avenue, as it might extend to the southwest, is limited in length to a relatively short cul-de-sac because there is a great deal of low-lying wet lands. He stated that Columbia Avenue will not be a through street to the southwest, but a cul-de-sac with approximately eight or nine lots.

PUBLIC HEARING

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Mary Joe Knoerzer, 8274 Columbia, Dyer, IN:

Ms. Knoerzer stated that she twice requested an opportunity to see an application that was on file because of her concern about the wetlands. She stated that she was informed the application was not filed.

Ms. Knoerzer noted that the Town's ordinance requires that the application must be on file thirty days prior to the public hearing. She stated if these documents are not on file, it is a fatal error and the hearing cannot proceed any further.

Ms. Knoerzer stated that the legal notice or something is incorrect because Mr. Kil stated that the parcel is zoned R1 and the notice was sent out as R2. Mr. Kil noted that the lot sizes meet the R1 requirements but the development's zoning is R2.

(General discussion ensued.)

Ms. Knoerzer stated that the zoning ordinance states that corner lots have to be a minimum of 120 feet and only two of the lots meet this requirement. She stated that there are issues with the environmental and wet lands. Ms. Knoerzer stated that the permit issued in 2006 has expired. She stated before any development can take place the Petitioner must contact the *Indiana Department of Environmental Management, Water Quality*, and address the wet land issues.

Ms. Knoerzer stated that she wanted to comment on the stub road to Columbia. She stated *"We met with the Board of Commissioners."*

Ms. Knoerzer read a portion of a letter as follows: *"It has come to our attention by local residents a proposed subdivision in the Town of St. John wants to tie into Columbia Street south of 81st as a point of access to the subdivision. This tract of land is not platted and subdivided. There is no right of way dedicated for roads and the lots are of metes and bounds descriptions with ownership described to the center of Columbia Street. Some easements may have been granted for roadside drainage over years past.*

Columbia Street, as it exists today, does not meet current minimum subdivision standards for improved roadway. For the above stated reasons, the Board of Commissioners stands firmly against the connection of another subdivision road to connect to Columbia and recommends a different point of access be sought."

Ms. Knoerzer stated that back in 1996 the Highway Department recommended against connecting Columbia Street, and they are still saying the same thing 20

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

years later. She recommended that the stub be eliminated, enlarge the two lots and curve the road to turn left.

Tom Alb, 8299 Columbia:

Mr. Alb stated he was concerned about water coming off of his property. He stated he received a notice in 2006. Mr. Alb stated he called Marty and Marty informed him that “*this is expired.*” (referring to document.)

Mr. Alb asked if there was a new permit on file.

(General discussion ensued.)

Mr. Kil stated that this phase of the development (Unit Four) will not have an impact on the wet lands. Mr. Torrenga concurred. Mr. Kil stated that the document Mr. Alb is referring to encompasses the entire Kilkenny Estates, over 100 lots.

Mr. Alb stated he is referring to right next to his property. Mr. Kil reiterated that the proposed project will not impact any wet lands. Mr. Alb stated there is a designated wet land located where his water shed goes. Mr. Alb stated he had photographs for the Board.

(General discussion ensued.)

Mr. Alb stated that the he was informed that the permits must be on file in order for the hearing to be held. He stated that the hearing should not continue if the permit was not in order.

Mr. Alb stated that Mr. Kraus explained to him that the road has to match up with existing right of ways. He stated that the road is not an existing highway. Mr. Alb stated that the tract of land is not platted and subdivided and is not a dedicated right of way. Mr. Alb reiterated the Town’s ordinance states that there must be an existing right of way.

Mr. Alb asked the Board to think about this matter. He asked the Board to “*leave us be.*” He reiterated that he is concerned about the water shed.

Cheryl Alb, 8299 Columbia Avenue:

Mrs. Alb stated her property is directly adjacent to the development. She stated as a property owner and a resident she is strongly opposed to and objects to St. John’s plan to build a stub road up to the north end of the property development. Mrs. Alb noted that the purpose of building a stub road to the corresponding location of Columbia Avenue in St. John Township

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

indicates the threat of a through street connecting Kilkenny Estates to tie into Columbia Avenue.

Mrs. Alb stated she objects because the area of tie-in would be her front lawn and private property. She stated it is not a paved road; she stated it is actually grass, pine trees, bushes and shrubs. Mrs. Alb reiterated it is her lawn and the lawn of Mrs. Nordyke who lives directly across the street, and it is not an existing street.

Mrs. Alb stated that the undedicated road is privately owned to the center of the street by the property owners of Columbia Avenue. She stated that the Lake County Board of Commissioners has verified that the road in question is undedicated roadway in unincorporated St. John Township. Mrs. Alb stated that this road is not governed by the Town of St. John.

Mrs. Alb stated that connecting Kilkenny Estates to Columbia Avenue would create a volume of traffic that would be funneled into her area which would have a severe, negative effect on her family, the peacefulness of the neighborhood and her home's value. She stated that home values in Dyer plummeted when Calumet Avenue was connected from US Route 30 to 77th. Mrs. Alb stated that there would also be an increase in the threat of crime and injury should the road go through.

Mrs. Alb reiterated that Columbia is not designed for additional traffic volume. She stated the proposed stub road will have no curb appeal for Kilkenny Estates homeowners either. Mrs. Alb stated that it would be very disruptive to homeowners to be subjected to misguided traffic and constant turn-arounds.

Mrs. Alb stated that she's sure the proposed homes will be lovely, but she is objecting to the stub road. She stated eliminating the stub road would immediately alleviate the threat and concern she has as a property owner. Mrs. Alb respectfully requested that the Plan Commission of St. John reconsider its current plan of stubbing the road to the north Town boundary line and reconfigure it to a curved roadway to the west.

Joel Bayer, 13901 West 81st:

Mr. Bayer stated that his property is located directly north of the proposed Kilkenny Estates, Unit Four. He stated he has aerial photos dating back to 1974 that show that the back of his property was a farm field. He stated he has lost 2.5 acres of tillable ground due to flooding. Mr. Bayer stated that the previous Kilkenny development installed "*storm sewer lines that were just run wild out back in that wet land area.*"

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Mr. Bayer stated that this condition has caused his property to flood. He stated that this flooding has had an economic impact on him. He stated he has a picture of his son on a kayak on his property in three feet of water that came from Kilkenny Estates. He stated that Kilkenny Estates storm water is not in a retention pond but that it just runs wild back on the wet lands.

Mr. Bayer stated that if the Petitioner does not want impact him economically, they should come and fill in his property three to four feet so Kilkenny's water doesn't come on his property. He stated that a storm sewer was installed previously by the subdivision of Kilkenny and regulated by the Town of St. John.

Mr. Bayer reiterated that his property floods and is not tillable.

(General discussion ensued.)

Mr. Kil stated that Mr. Bayer's property is north of Kilkenny and to the west of the proposed development. He stated when the rest of Kilkenny is developed and Mr. Torrenga designs the detention, he will pick up the problem that Mr. Bayer is experiencing. Mr. Kil stated that Mr. Kraus, the Town's engineer and Gary Torrenga, Torrenga Engineering will take a look at this issue at that time.

Mr. Bayer stated that the proposed subdivision will have an immediate impact on him because 15 additional houses will be added along with 15 more parking lots for the homes. He stated storm water will be coming off these 15 additional homes and driveways and the storm water will run to the storm water line that affects him. Mr. Forbes stated that the storm water from the proposed homes will run into the Town's sewer system.

(General discussion ensued.)

Mr. Torrenga stated that the old V3 designs reflect a detention pond. He stated that the detention pond had not been built because there was nothing built that would run into it. Mr. Torrenga stated that he does not doubt what Mr. Bayer is saying, but the rains in the last few years have been hundred year rains three years in a row.

Mr. Bayer stated he has walked the property and he has observed six inches of water coming out of the storm water. He said something is hooked up to it. He stated he would like Mr. Torrenga to come out there and look at it and convince him that nothing is hooked up to the storm sewer.

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Mr. Kil stated that Mr. Bayer is not close to the proposed development. He stated that Mr. Bayer's issue will be brought to the attention of Mr. Kraus and Mr. Torrenge. Mr. Kil stated that the Town looks closely at storm water. He stated when the cul-de-sac is designed, which will impact the wet lands, the other engineering will be reviewed. Mr. Kil stated Mr. Bayer's issue will come into play at this point.

(General discussion ensued.)

Paul Panczuk, 8410 Magnolia Street:

Mr. Panczuk stated he could help clarify Mr. Bayer's comment on the storm sewer. He stated that there is a lake that's right in the wet lands and it drains out behind Mr. Bayer's property. He stated that the entire lake is bordered by Lantern Woods and Kilkenny, Block One, and has a drain right behind Magnolia Street which is set at a specific overflow. Mr. Panczuk stated that the storm sewer runs very far. He explained that there is a point where the sewer takes a turn and goes behind Mr. Bayer's property. Mr. Panczuk stated that all of the lots here are part of a gulley that runs on the lake. He stated that he doesn't know if all of this water can be captured. Mr. Panczuk stated the water feeds the lake which then feeds Mr. Bayer's problem.

(General discussion ensued.)

Mr. Panczuk stated that he lives on Lot 67, which is in the lower right corner of Magnolia Street. He stated that Kilkenny, as-built, had a no fence covenant. Mr. Panczuk stated he wants to ensure that the proposed homes have a no fence covenant. He states he has a view of all of this property and it is beautiful and he does not wish to see an ocean of fence lines. Mr. Panczuk asked that the developer incorporate the no fence covenant and keep the view unobstructed.

Mr. Panczuk stated that he would give the Board some logistics on Columbia Avenue, from a St. John resident's perspective. He stated that he has sent a letter to the Plan Commission, which hopefully will be placed on the public record.

Mr. Panczuk stated he was aware of the back and forth regarding Columbia Avenue back in 2000. He stated that these streets are not designed to be collector streets. Mr. Panczuk noted that there is Sun Meadows, Lantern Woods, Lantern View Estates, Kilkenny Estates and Schilton Hills. He stated that all of the residents that are slightly north of 93rd Avenue and west of Patterson most likely go out to 85th, a designated collector street, and out to

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Patterson. He stated that this is a popular route for those who commute to Illinois.

Mr. Panczuk stated if the Columbia Avenue connection is ever made, there will be local residential streets that turn into collector streets. He stated that the aforementioned five subdivisions will be dumping onto the Columbia Avenue connection to get to Illinois. Mr. Panczuk stated that even if Columbia was a designated right of way and a four lane highway, the residential streets he's referring to were never designed for this volume of traffic.

Mr. Panczuk opined that the individual that designed the initial stub to Columbia was basically connecting dots on a CAD drawing. He stated that no one has ever said this was a good idea or did the research. Mr. Panczuk stated that if Columbia had been designed as a collector street, the subdivision would have been designed differently in order to funnel the traffic.

Mr. Panczuk stated that his letter to the Board also refers to the thoroughfare plan. He stated that this thoroughfare plan shows that future designs call for White Oak Avenue to stub through, which is shown on the Town's Comprehensive and Thoroughfare Plan. He stated that he believes that this is what the Town intended to be the future, alternate possible access road if more property is annexed or in the event of future development. Mr. Panczuk noted that the Columbia Avenue stub is not on the Comprehensive Plan other than just being a drawing that some developer came up with.

Mr. Panczuk asked that the Plan Commission adhere to the Comprehensive and the Thoroughfare Plan as it is written. He stated he agrees with other residents in that if Columbia is not going to be connected let Mr. Torrenga redesign the stub, put a house there and be done with it,

(Audience applause.)

Tim Boyle, 8442 Magnolia Street:

Mr. Boyle stated when the Galloway Bay Association was opened from the lake the Kennedys (previous owners) assured him that there was a utility access area by Lot 45, of ten foot area each way. He stated that there was also an access at 85th that was purportedly sold off to two neighbors, which he does not understand.

(General discussion ensued.)

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Mr. Kil summarized Mr. Boyle’s comments as follows: Mr. Boyle is maintaining that the ten foot utility easement should be fifteen feet. Mr. Boyle concurred.

Mr. Boyle stated he is relaying to the Board what “*the young Mr. Kennedy had told us at our Galloway Bay Association.* Mr. Kil explained that the width of easements depend on the purpose of the easement. Mr. Boyle stated that the easement he is referring to is a utility easement. He stated that he wanted to make sure that there is a utility easement present for access in the event it is needed.

(General discussion ensued.)

Mr. Boyle stated that he has had 21” of water in his yard from the rain in August. He stated that the sewers cannot handle all of the rain and the water builds up. Mr. Boyle stated that the water comes up and rushes between his home and his neighbor’s home and back towards the pond.

The access easements were further discussed. Covenants, enforcement of covenants and fencing was discussed.

Mr. Boyle reiterated that he wanted to ensure that the utility access easements were reflected on the drawings. Mr. Kil stated that the utility easement is clearly reflected on the plat.

(General discussion ensued.)

Attorney Kuiper remarked that the drawing reflects there is a fifteen feet of easement on the back, and a minimum of twenty-five feet total.

Ron Reichelt, 8250 Columbia Avenue:

Mr. Reichelt stated that he wanted to address a safety issue at 81s Street. He stated that traffic comes and goes out of Illinois, He stated at the end of the street you cannot make a left or right turn. Mr. Reichelt stated that there is another access to St. John behind his property. He explained that there are five acres that run from the three-way stop that could potentially run back to Kilkenny Estates with room to put in another access for the future.

Randy Eenigenburg, 8648 Tapper Street:

Mr. Eenigenburg stated his concern is that Kilkenny has had some issues with waste handling. He stated that his understanding is that a temporary lift station to be built.

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Mr. Eenigenburg asked why a permanent lift station is not being required. He stated that the rest of the St. John residents should not have to pay to upgrade the temporary lift station to something permanent.

Mr. Forbes explained that the cost for the lift station would not be on the residents, but on the developer.

(General discussion ensued.)

Mr. Kil stated that the temporary lift station will eventually be taken over by a permanent lift station, with the costs to be borne by the developer. He stated that any improvements that are built including a temporary and/or permanent lift stations and water mains are expenses that are shouldered by the developer. Mr. Kil stated that the Town then inspects the improvements, and if they meet the Town's standards the Town will accept them.

Mr. Eenigenburg asked if compromises are being made to develop a piece of property wherein the residents will end up suffering.

Attorney Kuiper stated that there is a Master Plan for this property. He stated that the Master Plan includes the addition of a permanent lift station or a different location to service the development. He stated that "*temporary*" is probably not the best term to use for the lift station.

Mr. Eenigenburg stated that there are manifold covenants that cover much of the existing Kilkenny Estates. He asked if the developer intends to continue these covenants.

Mr. Torrenza stated that he and Mr. James have never spoken of any existing covenants at Kilkenny. He stated that they will have this conversation. Mr. Torrenza stated that the covenants should not be an encumbrance on what Mr. James, the developer, intends to do. Mr. Torrenza stated if Mr. James wishes to institute the covenants he is free to do so.

(General discussion ensued.)

Mr. Kil stated, to his knowledge, Mr. James intends to put housing in the development, and at a minimum, the housing will be like and kind to what exists in Kilkenny right now. Mr. Kil stated that he is not sure what will be done about the covenants.

Mr. Forbes explained that the Plan Commission does discuss covenants when they are presented to the Board. He stated the Board will accept the covenants when they are presented, but the Town is not able, legally, to enforce covenants. Mr. Forbes stated enforcement of covenants is typically the purview of the homeowner's association.

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Ralph Larson, 8554 Tapper Street:

Mr. Larson stated he is new to the neighborhood. He noted there has been some discussion of a Master Plan for the area being discussed tonight. Mr. Larson asked if the Master Plan was available to the public for viewing.

Attorney Kuiper instructed Mr. Larson to call the Building and Planning Department and schedule a time to come in and inspect the Master Plan. Mr. Kil stated he would be happy to go through the Master Plan with Mr. Larson.

Jim Turnoble, 8458 Magnolia:

Mr. Turnoble stated he is a representative of the Galloway Bay Homeowner's Association, which consists of the common land surrounding the lake. He stated that the drawing on the screen reflects Lots One through Five. He stated that the old plan reflects Lots One through Four and the lots were linked to the common land area.

Mr. Turnoble stated that whoever moved into homes on these lots was required to pay an initial fee and also an association fee for the upkeep of the land. He asked if this requirement would still be in effect since the drawing reflects it has been changed from four lots to five lots.

Mr. Forbes stated that this matter is the purview of the homeowner's association. Mr. Turnoble stated that the wet land in this area is followed the Department of Natural Resources. He stated that he wanted to make sure that the aforementioned lots are still linked to the common land. Mr. Turnoble explained that whoever moved into the homes on these lots had the responsibility of taking care of the wet lands.

Mr. Turnoble stated he hoped this matter would be addressed. Mr. Forbes stated he did not have an answer on this issue.

Mr. Forbes called two additional times for public comment. There was no further public comment. Mr. Forbes closed the floor and brought the matter back before the Board.

Mr. Forbes asked if there was any further discussion by the Board. There was no further discussion.

Mr. Forbes stated he would entertain a motion on Kilkenny Estates, preliminary plat approval along with the incorporation of the finding of fact by reference. Mr. Kozel made a motion to grant preliminary plat approval of Kilkenny Estates and incorporate the findings of fact. Mr. Hastings seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all.

ST. JOHN PLAN COMMISSION
REGULAR MEETING – OCTOBER 1, 2014
10955 W. 93RD AVENUE, ST. JOHN, INDIANA

Nays --- none.

Mr. Torrenga thanked the residents who came to the meeting in the right frame of mind. He stated that the comments have not gone unheeded. Mr. Torrenga guaranteed that all of the comments that were relevant to Kilkenny Estates, Unit Four, will be taken under consideration. He thanked the residents again for their comments.

PUBLIC COMMENT:

Mr. Forbes opened the floor to public comment. He called two times for public comment. There was no public comment. Mr. Forbes closed the floor to public comment.

ADJOURNMENT:

Mr. Forbes called for a motion to adjourn. “*So moved,*” by Mr. Kozel. Mr. Nietzel seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

(The meeting was adjourned at 8:18 p.m.)

A TRUE COPY

Susan E. Wright, Recording Secretary
St. John Plan Commission