

ST. JOHN PLAN COMMISSION  
REGULAR MEETING – FEBRUARY 4, 2015  
10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA

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

Attorney David Austgen  
Kenn Kraus  
Steve Kil

**CALL TO ORDER:**

Mr. Michael Forbes called to order the St. John Plan Commission regular meeting to order on February 4, 2015, at 7:03 p.m.

(The Pledge of Allegiance was said.)

**ROLL CALL:**

Roll call was taken by Susan E. Wright, Recording Secretary, with the following Commissioners present: Michael Forbes, Steve Hastings, Steve Kozel and Derwin Nietzel. Tom Redar and Tom Ryan were absent. Staff members present: Kenn Kraus. Steve Kil was present. Attorney David Austgen was present. Gregory Volk, Town Council liaison, was present.

**APPROVAL OF MINUTES: JANUARY 7, 2015.**

Mr. Forbes noted the minutes of the January 7, 2015, Plan Commission were before the Board for their consideration. He asked if there were any additions, deletions or corrections to the minutes.

Mr. Kozel noted that the year in the caption should be changed from “2014” to “2015”. Mr. Kozel stated with that correction, he would make a motion to approve the January 7, 2015, meeting minutes. Mr. Hastings seconded the motion. The motion was carried by voice vote (4/0). Ayes --- all.  
Nays --- none.

**NEW BUSINESS:**

A. VENTURA ESTATES --- UNIT FOUR --- SEVEN LOTS ---  
PUBLIC HEARING --- LARRY PONZIANO.

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Mr. Forbes noted that the first item under New Business was a public hearing for Ventura Estates, Unit Four, a seven lot subdivision. Mr. Forbes asked if the notices and publications for the public hearing were in order.

Attorney Austgen remarked that he had nothing on Ventura Estates.

Mr. Ponziano, Ventura Estates, appeared before the Board. He explained he attended the January 7, 2015, meeting and was under the impression he would receive permission to advertise for public hearing at the next meeting in January, which was cancelled.

Mr. Forbes informed Mr. Ponziano that the Board had authorized him to advertise for public hearing. Attorney Austgen cited the minutes of January 7, 2015, wherein permission to advertise for a public hearing was approved (5/0).

Mr. Ponziano asked if it would be permissible for him to advertise for a public hearing for the next regular meeting. Mr. Forbes noted if Mr. Ponziano advertised properly, the public hearing could be held next month.

Mr. Kil directed Mr. Ponziano to the Township Assessor for a certified list of adjacent property owners. Mr. Ponziano apologized for any confusion.

Mr. Forbes called for anyone in the audience who was in attendance for the Ventura Estates public hearing. There was no response from any person in the audience.

**B. PARK PLACE --- DANCING WATERS --- PUBLIC HEARING  
PRIMARY PLAT APPROVAL --- DENNIS MEYER.**

Mr. Forbes noted the next item on the agenda was a public hearing for Park Place, Dancing Waters, and consideration for primary plat approval. Mr. Forbes asked Attorney Austgen if the notices and publication for Park Place, Dancing Waters were in order for the public hearing.

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Attorney Austgen acknowledged that the notices and publications for the public hearing were in order for the same to be properly conducted tonight.

Mr. Doug Rettig, Land Technologies, appeared before the Board on behalf of Park Place, Dancing Waters. He stated that the legal description for Park Place, Dancing Waters, was different from the legal description used for the zoning change. Mr. Rettig stated it took weeks to get a certified mailing list from the Township Assessor's office for Park Place, Dancing Waters.

Mr. Rettig submitted plans to the Board. He noted that Mr. Meyers already owns most of the commercial property, Lot A, fronting Route 41.

(General discussion ensued.)

Attorney Austgen noted subject to review and verification of the green cards from the certified mailing list, everything was in order. Mr. Rettig stated that the list was double checked and triple checked. He said there were 39 individual parties on the list and 36 green cards were returned.

(General discussion ensued.)

Mr. Rettig noted that Meyers Addition, Unit Three, is a Planned Unit Development (PUD) in the Town of St. John. He stated that the developer chose a PUD to allow for mixed use since there is commercial property and residential property. Mr. Rettig stated the residential property will consist mostly of duplexes.

Mr. Rettig stated that PUD contains 17 lots in addition to the commercial lot. Mr. Rettig stated that he had sent Mr. Kil a full set of drawings. Mr. Kil opened the drawings, Sheet 3, on the media screen for the Board's perusal.

Mr. Rettig pointed out the end of the cul-de-sac in Golden Pond, Meyers Additions 1 and 2. He pointed out the location of the proposed strip mall, immediately adjacent to Livio's. Mr. Rettig explained how the traffic signal light will be reconfigured at Route 41 and Lake Central Drive.

Mr. Rettig pointed out the location of the proposed residential property and a stub road for future expansion to the south. He pointed out the

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location of the retention pond. Mr. Rettig stated that the proposed retention pond will be large enough to take in all of the storm water from the proposed project's commercial area and all of the frontage along Route 41, including DeYoung's, the Solina parcel and Gardenia Gardens. He showed the existing retention pond for Gardenia Gardens, which will be filled in. Mr. DeYoung will be allowed to fill in the small retention pond on his parcel. Mr. Rettig stated that approximately 20 acres will drain to the new pond. Mr. Rettig stated dirt out of the pond will be used to fill in some of the low areas.

Mr. Rettig pointed out the location of the sanitary sewer that was installed by Mr. Carrigan's property development. He stated that this sanitary sewer and the water main in the back of the car wash property will be utilized. He stated the water main will be looped and stubbed to the south for future expansion. Mr. Rettig pointed out the location of the water main tie-in.

Mr. Rettig stated he had consulted with Mr. Kraus on the engineering. Mr. Rettig stated there are a couple items in Mr. Kraus' letter that should be addressed. He stated since the development will be a PUD, the residential lot sizes are below what is required for R-3. Mr. Rettig stated the some of the lots are slightly under the required 8,000 square feet per townhouse, with some of the smaller lots at approximately 12,000 square feet.

Mr. Rettig noted the R-3 ordinance calls for a floating building line from 30 to 40 feet. He stated that due to the smaller lots, they are proposing 20-25 foot setback lines on the plat. Mr. Rettig stated that the typical street right of way is 60 feet, the developer is requesting 50 foot street right of ways.

Mr. Rettig noted the development will have sidewalks on one side of the project instead of all sides. Mr. Rettig stated that the developer will *formally* dedicate a street named Lake Central Drive that will start at Lake Central Drive. He asked if the Board desired the Lake Central Drive street be contiguous (to the eastern portion of the site) or be renamed.

Mr. Rettig stated the roads could be named differently or the entire street could be dedicated as Lake Central Drive. Mr. Forbes noted at the turn, the Lake Central Drive name needs to be changed as it causes too much

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confusion. Mr. Rettig stated that the developer will work with Mr. Kil to come up with some unique names.

(General discussion ensued.)

Mr. Rettig stated that he would forward the soil borings report to Mr. Kenn Kraus.

Mr. Kil requested Mr. Rettig to go over the sidewalk plan again. Mr. Rettig pointed out the Town's portion of the sidewalk. He showed the sidewalk that would be installed by the developer around the entire inner loop. Mr. Rettig stated that there would be no sidewalks installed on the outside of the two streets. Mr. Rettig pointed out the locations of the handicapped corners/sidewalks.

(General discussion ensued.)

Mr. Forbes asked if there would be a cut and depression for a handicap accessible curb cut in the vicinity of Lots 15 and 16. Mr. Rettig stated that the developer would not be opposed to this suggestion even though it is not reflected on the drawing. Mr. Kraus noted unless there is a sidewalk on the other side, it would be in violation of the ADA laws. Mr. Forbes noted it would be driveway to driveway for Lots 4 through 7. Mr. Rettig concurred.

(General discussion ensued.)

Mr. Forbes opened the public hearing. He called for public comment, questions or concerns.

**PUBLIC HEARING**

TOM SOLINAS:

Mr. Solinas stated he had concerns with drainage of the water. He asked for assurances that water drainage would not be a problem.

Mr. Rettig outlined for Mr. Solinas exactly how the drainage system was laid out. He stated the development will be able to accommodate the water from the Solinas parcel in the proposed detention pond.

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Mr. Solinas asked about the location of the access road. Mr. Rettig explained that the location of what is now a “T” intersection a new road will be installed with a four way traffic signal and a deceleration lane. Mr. Rettig stated the intersection would be drastically improved.

Mr. Rettig informed the Board that Mr. DeYoung is proposing an ingress/egress easement and connection of his driveway to the new road. Mr. Carrigan also has an ingress/egress easement. Mr. Rettig stated, ultimately, these will eventually connect to the Solinas parcel.

Mrs. Solinas asked about parking space allotments per commercial building. She pointed out on the drawing parking spots that will be eliminated at a certain location. Mr. Rettig explained that the Solinas property will not connect unless the Solinas’ decide to develop. At the point of redevelopment, Mr. Rettig explained that the parking lot would have to be reconfigured. Mr. Rettig pointed out the stub street location.

Mr. Forbes called for additional public comment.

Barbara Bragg:

Ms. Bragg stated she is on Alexander Street on the east side of the development. She stated she submitted a letter to Mr. Forbes related to Park Place, Dancing Waters. Ms. Bragg asked where the water/drainage will go. She stated she did not see a retention pond.

Mr. Rettig explained that a huge retention pond will be installed. He pointed out the location of the retention pond, just west of the railroad tracks. Mr. Rettig stated there is a very old culvert under the railroad. He explained the direction and flow of the water from that point to the proposed retention pond. Mr. Rettig stated the proposed retention pond will accommodate the drainage/water from approximately 20 acres.

Ms. Bragg explained water issues near her property on Alexander Street.

Ms. Bragg stated she wanted to know what kind of fill would be used. Mr. Rettig informed Ms. Bragg that the fill being used will be moved *on-site* from one location to another as needed.

Ms. Bragg asked who the current owner of the parcel was. Mr. Rettig explained that both the Town and Mr. Meyers own the parcel. Mr. Kil

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stated that the Town owns the property where Lake Central Drive will be built and Mr. Meyers owns the commercial property. Mr. Kil noted that the Town will deed the property to Mr. Meyers who bought the property from the Town. Mr. Kil noted the transfer of the property to Mr. Meyers will not take place unless and until the development receives primary plat approval.

(General discussion ensued.)

Mr. Forbes noted he would place Ms. Bragg's letter in the file.

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

Mr. Rettig noted that there are little walkways at both ends of the strip mall. He stated that Mr. Meyers indicated to him that possibly all of the foundations for the commercial property will be put in at once, but not all built at once. Mr. Kil stated he discussed with Mr. Meyers the possibility of starting with the underground utilities, foundations, pads and parking lot, and develop as he goes along. The proposed restaurant will be developed in the first phase. Mr. Kil explained that the original Lake Central Plaza was developed in a similar fashion.

Mr. Forbes asked the Board if they had any further comments or questions. There were no further comments or questions from the Board.

Mr. Forbes stated he would entertain a motion on primary plat approval. He noted the motion should reference the findings of facts. Mr. Kozel made a motion to grant primary plat approval to Park Place, Dancing Waters contingent upon Mr. Kraus' receipt and review of the soil borings report, verification of the green cards from the certified mailing list, acknowledgement and understanding of the development plan as presented by Mr. Rettig, and incorporating the findings of fact by reference. Mr. Nietzel seconded the motion. The motion was carried by voice vote (4/0). Ayes --- all. Nays --- none.

**PUBLIC COMMENT:**

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

**ADJOURNMENT:**

Mr. Forbes stated he would entertain a motion to adjourn. “*So moved,*” by Mr. Kozel. Mr. Nietzel seconded the motion. The motion was carried by voice vote (4/0). Ayes --- all. Nays --- none.

(The meeting was adjourned at 7:45 p.m.)

**A TRUE COPY**

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