

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015

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

Attorney Dave Austgen
Kenn Kraus
Steve Kil

CALL TO ORDER:

Mr. Michael Forbes called the St. John Plan Commission regular meeting to order on May 6, 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, Tom Redar and Derwin Nietzel. Staff members present: Kenn Kraus. Steve Kil was present. Town Council liaison, Greg Volk, was present. Attorney Austgen was absent.

**APPROVAL OF THE MINUTES: MAY 6, 2015,
REGULAR MEETING**

Mr. Forbes stated that the first item for the Board's consideration was approval of the minutes of the regular meeting of May 6, 2015. He asked if there were any questions on the meeting minutes. There were no questions or comments.

Mr. Forbes stated he would entertain a motion on the minutes of May 6, 2015. "*So moved,*" by Mr. Nietzel. Mr. Hastings seconded motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

PUBLIC HEARING:

**A. AMENDMENT TO THE ZONING ORDINANCE, CHAPTER 12,
FOR PARKING AND LOADING REQUIREMENTS.**

Mr. Forbes noted the first item on the agenda was a public hearing

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015

an amendment to the Zoning Ordinance, Chapter 12, Parking and Loading Requirements. He stated he was informed that the Proofs of Publication are in order and the public hearing can be properly conducted tonight.

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

Page | 2

NEW BUSINESS:

A. GATES OF ST. JOHN --- RESUBDIVISION OF UNITS 11A AND 12A --- JOHN LOTTON --- REQUESTING PERMISSION TO ADVERTISE FOR PUBLIC HEARING.

Mr. Forbes noted that the first item under *New Business* was the Gates of St. John. Mr. John Lotton appeared on behalf of the Gates of St. John, seeking permission to advertise for a public hearing on June 3, 2015. Mr. Forbes asked if there was any discussion. He asked the Petitioner if there had been any changes since the matter was discussed at the study session. Mr. Lotton responded, “*No changes.*”

Mr. Forbes stated he would entertain a motion to authorize Petitioner, John Lotton, to advertise for a public hearing to be held on June 3, 2015, for the resubdivision of Units 11A and 12A in the Gates of St. John. “*So moved,*” by Mr. Redar. Mr. Nietzel seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

B. PUBLIC HEARING FOR PRELIMINARY PLAT APPROVAL --- ONE LOT SUBDIVISION --- CONDOR ESTATES.

Mr. Forbes noted the next item on the agenda was a public hearing for preliminary plat approval for Condor Estates, a one lot subdivision. Mr. Spoolstra appeared before the Board on behalf of the Petitioners, who were also present.

Mr. Forbes asked if the notices and proofs of publication were in order for the public hearing. Mr. Kil noted that the notices and publications were in order for the public hearing to be properly conducted tonight.

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015

Mr. Spoolstra stated that the Petitioner desires to resubdivide a three lot subdivision into one lot in order to build a home. The resubdivided lot will be called Condor Estates.

Mr. Kil showed the location of the lot on the media screen via *Google Earth*.

PUBLIC HEARING

Mr. Forbes opened the public hearing. He called for public comment.

Susan Hubbell, 12125 West 85th Avenue

Ms. Hubbell stated she looked forward to meeting the new neighbors. She asked for the actual size of the three parcels that would be combined. Ms. Hubbell also noted that the name of the proposed subdivision is “*Condor Estates*” with the *estates* being plural. She asked how many homes would be on the parcel.

Mr. Forbes stated the plural of *estate* implies that there will be multiple homes, but in this is case it will only be on residence.

Elaine Ruth, 8617 Massey Drive

Ms. Ruth stated she believes she will be located right behind the proposed Condor Estates on the west side of the pond.

(General discussion ensued.)

She wanted to know if the residence would be for one family or multiple families, and whether the residence would be a one-story or a two-story. Ms. Ruth was informed the residence would be a one story home for one family.

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

Mr. Forbes stated he would entertain a motion on preliminary plat on *Condor Estates*. Mr. Kozel made a motion to grant preliminary plat approval for *Condor Estates* and incorporated the findings of fact by reference. Mr.

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015

Redar seconded the motion. The motion was unanimously carried by voice vote (5/0). Ayes --- all. Nays --- none.

Mr. Kil stated if there were no issues, and at the Board's discretion the 30 day waiting period between preliminary and secondary plat approval could be waived, which would allow the Petitioner to get started on the building.

Page | 4

(General discussion ensued.)

Mr. Forbes stated he would entertain a motion to waive the rules on the 30 day requirement between preliminary and secondary plat approval. "So moved," by Mr. Hastings. Mr. Nietzel seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

Mr. Forbes stated he would entertain a motion on secondary plat approval for *Condor Estates* and waiving the detention requirements. "So moved," by Mr. Kozel. Mr. Hastings seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

C. PRESERVES AT SCHILTON HILLS --- SCHILLING
DEVELOPMENT --- FINAL PLAT APPROVAL ---
JACK SLAGER.

Mr. Forbes directed the Board's attention to the *Preserves at Schilton hills*, a seven lot development, for final plat approval. Mr. Jack Slager, Schilling Development, appeared before the Board for the Petitioner.

Mr. Slager informed the Board that the project is "pretty straightforward." He stated that preliminary plat approval was granted late last year and since that time the improvements have been installed. He requested the Board consider granting final plat approval.

Mr. Slager informed the Board that an old, existing easement cuts through the property, a 1919 storm sewer that drained the intersections of 93rd and Columbia Avenues. He stated that this old easement bisected Lots 6 and 7. Mr. Slager stated that this old sewer had been relocated to the backs of the affected lots. He stated that Petitioner is in the process of having this easement vacated. Mr. Slager noted that the new

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015

easements are being dedicated and reflected on the plat to accommodate the new storm sewer configuration.

Mr. Forbes stated he would entertain a motion on final plat for the *Preserves at Schilton Hills*; he asked that the findings of fact be incorporated into the motion. Mr. Kozel made a motion to grant final plat approval for the *Preserves at Schilton Hills* and incorporated the findings of fact into the motion by reference. Mr. Redar seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

Page | 5

D. DANCING WATERS --- FINAL PLAT APPROVAL --- UNIT ONE
--- DOUG RETTIG.

Mr. Forbes stated the next item for the Board's consideration is Lake Central Plaza, *Dancing Waters, Meyers Addition, Unit Three*, for final plat. Mr. Doug Rettig, Land Technologies appeared before the Board on behalf of the Petitioner. Mr. Denny Meyers, developer was also present.

Mr. Rettig stated that primary plat approval was granted "*not too long ago.*" He stated this is the commercial portion of part of a larger project which will include 17 duplex lots, southeast of this parcel. Mr. Rettig stated that in order to expedite matters, Petitioner is seeking final plat approval on the commercial lots. He stated infrastructure has been started and all of the permits are in order.

(General discussion ensued.)

Mr. Rettig stated the development will be tapping into a new water main behind the development, and not tied into the U.S. Route 41 water main at all.

Mr. Kraus wanted to clarify the developmental fee. He stated that he wrote a letter on May 4, 2015, that the developmental fee was \$14,190.40. Mr. Kraus stated the developmental fee for Block One would be the \$900.00 minimum. He stated when the rest of the developmental fee is paid, it will be minus the \$900.00.

Mr. Forbes stated he would entertain a motion on final plat for *Dancing Waters, Meyers Addition, Unit Three*. Mr. Redar made a motion

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015

to grant final plat approval to *Dancing Waters, Meyers Addition, Unit Three* with the findings of fact incorporated by reference. Mr. Kozel seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Naves --- none.

Page | 6

PUBLIC COMMENT:

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 adjourned the meeting.

(The meeting was adjourned at 7:35 p.m.)

A TRUE COPY

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

NEW BUSINESS:

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015

REPORTS & CORRESPONDENCE:

PUBLIC COMMENT:

Page | 7

Mr. Forbes opened the floor to public comment. He called for public comment.

Mr. Joe Hero, 1723 South Oakridge Drive

Mr. Hero stated he wanted to remonstrate against Ordinance #1606. He stated the ordinance makes no sense. He stated when the snow gets heavy and deep the Town plows snow into everyone's driveway. Mr. Hero stated that sometimes there is nothing else to do but push the snow back into the street. He recommended that the Town acquire a snowplow that would alleviate blocking residents' driveways. He reiterated that the ordinance makes no sense and looks totally stupid.

Mr. Hero asked Mr. Barenie if he has had any contact with Mr. Fryzell since Mr. Fryzell's retirement from the police department. Mr. Barenie stated he would not respond to the question.

Mr. Hero asked about the status of the lawsuits that were precipitated by activities in the police department. Mr. Forbes noted due to ongoing litigation, the Council could not answer his question.

Mr. Hero asked if the Town Council has taken any measures to "*protect the women employees of this community in light of the lawsuits.*" Mr. Forbes again noted, due to ongoing litigation, the Council could not answer his question. Mr. Hero remarked that ongoing litigation has nothing to do with the Town's policy on how they protect women employees.

Mr. Hero asked if the Town Council was investigating these issues. He stated there were rumors the state police were investigating. Mr. Hero asked who was coordinating efforts to ensure that the issues raised in the lawsuits, if true, do not occur again. Mr. Forbes asked Mr. Hero if he had any further comment.

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015

Mr. Hero had no further comment.

Mr. Adrian Bugariu, 11747 West 90th Avenue:

Mr. Bugariu noted on West 90th Drive, all of the driveways except his were cleared of snow. He stated he had approximately two feet of snow still remaining in the street. Mr. Bugariu stated the plow goes from the middle of the street into his driveway approximately four feet. Mr. Bugariu concurred with Mr. Hero's comments on the Ordinance 1606.

Page | 8

Mr. Bugariu stated he sent a note to the Town Council. He stated, (pointing) *"I want this guy, that guy, John Mainwaring and Dave Austgen out."* He added, *"And this gentleman (pointing) and Forbes, out of our town."*

Mr. Forbes called for additional public comment. There was no further 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. Gembala. Mr. Bustamante seconded the motion. The motion was unanimously carried by voice vote (5/0). Ayes --- all. Nays --- none.

(The meeting was adjourned at 7:24 p.m.)

A TRUE COPY

SUSAN E. WRIGHT, RECORDING SECRETARY
ST. JOHN TOWN COUNCIL

ST. JOHN PLAN COMMISSION
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
REGULAR MEETING – JUNE 6, 2015