

ST. JOHN PLAN COMMISSION  
10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA  
REGULAR MEETING – JULY 1, 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 July 1, 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 Kozel, Tom Redar and Derwin Nietzel. Steve Hastings was absent. Staff members present: Kenn Kraus. Steve Kil was present. Attorney Austgen was absent.

**APPROVAL OF THE MINUTES:            JUNE 3, 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 June 3, 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 June 3, 2015. "So moved," by Mr. Kozel. Mr. Nietzel seconded motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

**NEW BUSINESS:**

- A. GATES OF ST. JOHN --- RESUBDIVISION OF UNITS 11A AND 12A --- PUBLIC HEARING.

Mr. Forbes noted the first matter on the agenda was a public hearing on the re-subdivision of Units 11A and 12A in the Gates of St. John.

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Mr. Kil stated that the developer will bring the proofs of publication and the notices into his office Thursday. He stated if the Board proceeded with the public hearing tonight, any action taken would be contingent upon his review and approval of the notices and publications. Mr. Kil stated that the developer has acknowledged that the notices and publications for the public hearing were in order, and would submit the same to him.

Mr. Forbes opened the floor to public comment.

**PUBLIC HEARING**

John Lotton:

Mr. Lotton stated he wanted to present the re-subdivision of part of Units 11A and 12A. He stated that five additional lots would be added on the main boulevard, three on the west side and two on the east side. Mr. Lotton stated the re-subdivision would clean up the north entrance that was left unfinished by the original developer.

Mr. Forbes noted nothing had changed in the plans since the study session. Mr. Lotton concurred.

Mr. Forbes asked the Board if they had any questions. The Board members had no questions.

Cynthia Tanner, 10319 Silver Maple Drive:

Ms. Tanner stated she had obtained a drawing of the subdivision. She stated she is confused as to why the developer is moving forward with five lots in an area that's not currently set up for the lots. Ms. Tanner stated a general concern of hers and other homeowners is what is going to happen to the lots that are slated for subdivision and are currently ready for construction.

(General discussion ensued.)

Ms. Tanner stated that when she signed a contract for Philippe Builders to construct her home, she was told there was going to be a park directly east of her home. She stated there was an artist's rendering of a park that

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was to be located within the subdivision and it was not owned by Crown Point Christian School.

Ms. Tanner stated that the lots near her home were also supposed to be finished “*relatively soon, once they finished what they were working on over here in the Gates.*” She stated there has been no progress on these lots. Ms. Tanner asked for an update on the lots she mentioned and the proposed park.

(General discussion ensued.)

Mr. Forbes stated he was not aware of any park to be located in Ms. Tanner’s subdivision, only a couple of green space areas where the soccer fields are.

Ms. Tanner indicated on the map the location of the “*park area.*” She stated she talked to a gentleman who resided on 99<sup>th</sup> Place (not in attendance) who also recalled a proposed park for the subdivision. Ms. Tanner stated, having small children, she has utilized every park in Town. She stated she had looked forward to having a park in her subdivision.

Ms. Tanner stated another concern is that she is paying Homeowner Association dues and there is no communication between the homeowners and Mr. Lotton. She opined that the developer should take care of unfinished business before more homes go up for sale.

Ms. Forbes stated he understands Ms. Tanner’s concerns. He stated the proposed re-subdivision will be located on the opposite end of the subdivision from where she lives.

(General discussion ensued.)

Ms. Tanner stated there are some serious issues regarding flooding where one enters the north end of the subdivision. She stated another neighbor experienced flooding in front of his house and called Mr. Lotton. She reiterated that there are unresolved issues that need to be addressed.

Mr. Forbes stated that the Board has nothing to do with the Homeowners’ Association. Ms. Tanner acknowledged that the Town does not have control over the Homeowner’s Association. She noted that Mr.

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Lotton and his family run the Homeowners' Association *"and it doesn't seem like we're getting any response out of that."*

John McGinnis

Mr. McGinnis expressed his concerns about flooding.

Mr. Forbes stated the added the infrastructure should improve the flooding problem.

(General discussion ensued.)

Eric Schneider, 9190 W. 106<sup>th</sup>:

Mr. Schneider voiced concern about drainage/flooding. He asked if there had been any recent scope done for drainage/flooding. He stated that the ponds flow down from south to north.

Mr. Schneider stated that approximately two weeks ago, the north entrance could not be used due to flooding. He stated the flooding was due to the ponds draining from south to north. Mr. Schneider stated that the north pond is not able to absorb all of the water.

Mr. Schneider stated when more houses and landscaping are added, all of the permeable land needed to absorb the water is gone. He asked what would happen when the small culvert, which can't handle the water that flows into it now, has no choice but to push the water to the street.

Mr. Schneider stated once you get to Joliet Street, there are no curbs. He stated this water may become an issue later, and he wanted to know whose expense this problem would be.

Mr. Schneider reiterated it is currently an issue because the north entrance cannot be used when there is a heavy rain. He asked again if there had been any flood or water control studies done recently, especially in light of more lots being approved for more building.

Mr. Schneider stated the three lots will virtually back up to a portion of the north detention pond.

(General discussion ensued.)

Mr. Forbes stated that not everything in the subdivision is in place as the subdivision is part of one giant, comprehensive plan. He stated once every

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piece of the puzzle is in place the water will then flow the way it is designed to flow. Mr. Forbes stated at the present time there are farm fields, and there is no way to collect water from farm fields and guide it. He stated as the infrastructure and storm water sewers are put in place to reroute the water, the water will then be controlled.

(General discussion ensued.)

Mr. Forbes called three times 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 questions. There were no questions from the Board.

(General discussion ensued.)

Mr. Forbes stated he would entertain a motion regarding *preliminary plat approval for the re-subdivision of Units 11A and 12A in the Gates of St. John*. Mr. Kozel made a motion to grant preliminary plat approval for the re-subdivision of Units 11A and 12A, contingent upon Mr. Kil's review and approval of the notices. Mr. Redar seconded the motion. The motion was carried by voice vote (4/0). Ayes --- all. Nays --- none.

**B. LEVIN TIRE --- NORTHEAST CORNER OF 85<sup>TH</sup> AVENUE AND  
U.S. ROUTE 41 --- REVISED DESIGN --- REQUESTING  
PERMISSION TO ADVERTISE FOR A PUBLIC HEARING ---  
JEFF BAN.**

Mr. Forbes noted Levin Tire, with a revised design, was the next item on the agenda for the Board's consideration. Mr. Jeff Ban, 11065 Broadway, Crown Point, appeared on behalf of Levin Tire.

Mr. Ban stated a concept plan was presented to the Board a couple of weeks ago for the 3.5 acre site. He stated the proposed Levin Tire would be located on the northeast corner of the parcel.

Mr. Ban stated there was discussion on the pros and cons of their proposal. He stated two things were recommended from the discussion at the last meeting had been addressed. The first item was to enlarge Lot

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2 in order to make it more useable. Mr. Ban stated that the roadway was moved approximately 15 feet closer to the lake, which gave Lot 2 more width. He stated that the proposed right of way and the public road will connect with the frontage road that is currently being constructed.

Mr. Ban pointed out on the parcel where 16 feet was added, making the “*pinch point*,” the narrowest point, 131 feet. He stated the lot grew from 1.13 acres to 1.28 acres.

Mr. Ban explained the enhancement of the driveway, right in/right out. He stated there is a revised drawing. Mr. Ban stated they have created a taper of the lanes. He stated he has met with Mr. John McFadden, the INDOT representative with the revised drawing. The revised drawing was put on the media screen.

(General discussion ensued.)

Mr. Forbes stated that everyone is in consensus that the frontage road will go in, wherever it ends up.

Mr. Ban suggested to the Board that Mr. Levin would like to move forward, knowing that they would have to have flexibility with the design. He stated that the Petitioner will also coordinate with the Town engineering as Mr. Kraus ascertains what is going on with the Meyers site. He stated Mr. Kraus can give him direction with the road changes to ensure that the two ends meet at the right spot.

Mr. Ban stated he was not aware of the “*Meyer conversation*” and he was made aware of discussion with Speedway this morning. He noted all these issues are in the mix. Mr. Ban stated, for the record, he will meet the road wherever it needs to be met.

Mr. Kil stated he has no objection to the project moving forward. Mr. Ban stated that in terms of the primary plat, if they’re not done with engineering on the northern half of the road, the primary plat lines would be subject to and contingent upon a change of the road alignment.

Mr. Kil stated there will have to be flexibility on both sides in order. He said there are so many different players trying to make the entire project work.

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Mr. Forbes stated he would entertain a motion to authorize the Petitioner to advertise for public hearing at the August 5, 2015, meeting. Mr. Kozel made a motion to authorize Levin Tire to advertise for public hearing on August 5, 2015. Mr. Nietzel seconded the motion. The motion was carried by voice vote (4/0). Ayes --- all. Nays --- none.

C. VENTURA ESTATES --- UNIT 4 --- FINAL PLAT APPROVAL.

Mr. Forbes noted Venture Estates, Unit 4, was before the Board for their consideration of final plat approval. Mr. Glen Kroc, appeared on behalf of Ventura Estates development, Unit 4, seeking final plat approval.

Mr. Kroc stated that all of the improvements are in per the plans. He stated the only thing that remains to be done is install the required sidewalk along the westerly edge. Mr. Kroc stated that the developer has submitted a cashier's check to cover the costs for the sidewalk. He stated that the developer has received numbers from Mr. Kraus related to the developmental fees, and as soon as the amount is finalized the check will be submitted to the Town.

(General discussion ensued.)

Mr. Kroc stated he has prepared a final plat in the hopes of receiving approval tonight. He submitted copies to the Board.

(General discussion ensued.)

Erosion control was discussed. Mr. Ponziano informed the Board that the "*drainage system works as planned.*" He stated that the water drains into the wet lands with no standing water. Mr. Ponziano stated that he is real close to stabilizing the banks. He stated that they are just waiting for the rainy weather to abate to finish the project.

Curb cuts, culverts, spinning a hydrant and sidewalks were discussed.

Mr. Forbes stated he would entertain a motion to grant final plat approval for Ventura Estates, Unit 4, incorporating the findings of fact by reference, and contingent upon payment of the developmental fee and a

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separate signing of the mylars. “*So moved,*” by Mr. Redar. Mr. Kozel seconded the motion. The motion was carried by voice vote (4/0). Ayes --- all. Nays --- none.

Mr. Forbes stated he would entertain a motion to authorize signature of the mylars upon review by Mr. Kenn Kraus and site inspection approval by Mr. Redar and/or Mr. Kozel. “*So moved,*” by Mr. Kozel. Mr. Nietzel seconded the motion. The motion was carried by voice vote (4/0). Ayes --- all. Nays --- none.

**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 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 7:51 p.m.)

**A TRUE COPY**

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