



WINFIELD PLAN COMMISSION MEETING MINUTES APRIL 8, 2021 @ 6:00PM

The Winfield Plan Commission held a meeting on Thursday, April 8, 2021 at the Winfield Town Hall at approximately 6:00 p.m. Those present: Tim Clayton, Mark Nelson, Dave Anderson, Joe Gacsy, Tony Clark, Jim Hajek and Gerry Stiener. Also present: Town Administrator Nick Bellar; Town Attorney, Ryan Deutmeyer; and Mike Duffy, Town Engineer.

MINUTES: February 11, 2021

Gerald Stiener made the motion to approve the minutes from February 11, 2021. Joe Gacsy seconded the motion. The motion carried with all in favor 7-0.

OLD BUSINESS:

1. Public Hearing and Recommendation to the Town Council

Docket PC 2020-13 – Zone Change – AG to R-1

Owner: Tom Salkovski

Petitioner: Tom Salkovski

Vicinity: 11089 State Street

Request: Zone Change AG to R-1

Dan Feltman from MECA engineering explained there was a typo in the legal description the last time that this had a Public Hearing. It has since been corrected and reviewed by the town's staff. They also modernized the legal description and did another plat of survey and changed where the point of commencement was in relation to a monument maintained by Lake County. This is rezoning lot 1 from AG to R-1 for the existing home. Nick Bellar noted both Public Hearings for tonight have been properly published and advertised.

Tim Clayton opened the Public Hearing at 6:03p.m.

Virginia Fox, 11001 State St., asked if the legal description is supposed to be for the new area being rezoned or the old area and if it includes easements. She also questioned the amount of right of way being donated. Dan stated the legal description is of the current property, they are creating a new legal description and the right of way will not be dedicated until after.

With no further comments, Tim Clayton closed the Public Hearing at 6:06p.m.

Tony Clark made the motion for a favorable recommendation to the Town Council for Docket PC 2020-13, Zone Change AG to R-1. Dave Anderson seconded the motion. Gerald Stiener asked if they should add in the conditions from the last meeting at this time. Attorney Deutmeyer stated that would be for the next item on the Plat Approval. With no further discussion the motion carried with all in favor 7-0.

2. Public Hearing - Docket PC 2020-14 – Primary Plat Approval – Shalk Acres – 2 Lot Subdivide

Owner: Tom Salkovski

Petitioner: Tom Salkovski

Vicinity: 11089 State Street

Request: Primary Plat Approval of 2 Lot Subdivision with Waiver

Dan Feltman again explained the typo for the legal description and correction prompting a new Public Hearing. As part of the original approval, they have shown house placement on the lot with septic field requirement and calculations for drainage.

Tim Clayton opened the Public Hearing at 6:08p.m.

Virginia Fox, 11001 State St., clarified the plat still shows a house on there. Dan answered yes. Mrs. Fox asked if that means they could build a house then. Dan stated yes, they would have to pull the permit with the town, but this is just to show that it is possible to put a house on the property.

With no further comments, Tim Clayton closed the Public Hearing at 6:09p.m.

Nick Bellar reviewed the previous conditions from the last meeting. No house could be built until the soccer field use was stopped, the drainage requirements they previously discussed has been met, there is to be a 10 foot tree preservation easement on the north property line, 50 foot set back on the north property line, no lights to be added without review, and a gate installed outside of the right of way on State Street. Nick said they also need to stipulate a date of when the gate has to be in by. Since the last meeting some issues have come up with the Throughfare Plan. Dave Anderson explained since the last meeting a potential development came in to show where the parking lot for the soccer field currently is, is paved if it is approved. Originally, they did not want the easement because the town did not want to maintain it. Gerald stated they can have legal language put in to say the town is not responsible to maintain the easement until a road is put in, then going through the town's development standards and performance/maintenance bond process to then take it over. With the possible new development, they need to stick with the Throughfare Plan and acquire the 60 foot right of way. The Plan Commission agreed. Attorney Deutmeyer stated if they are to require this, it be placed on the plat along with the condition that it is the owner's responsibility to maintain the easement until a road is developed. This would then act as a 60 foot barrier between the Fox property and the soccer field area. Mike Duffy stated they can review that language on the secondary plat. Jim Hajek asked if anymore permits will be needed by the petitioner. Nick said no, unless they planned to do any additional work or site development. Tim Clayton asked about drainage. Mike stated they reviewed the drainage which showed that it will generate less water run off as an open field than if a structure was on the property. Terry Willie interjected by asking if they will be able to make comments on the Primary Plat. Tim Clayton stated that is the item they are on and the Public Hearing they just had. Mr. Willie asked if there will be another opportunity to speak on the conditions of this plat approval tonight. Gerald Stiener said there will not, it will go for final approval to the Town Council. Mr. Willie asked if he could still say something, he misunderstood which item they were on.

Tim Clayton reopened the Public Hearing at 6:16p.m.

Terry Willie, 11188 State St., said the last time they said it would be too expensive to put in a fence, he believes if they are making a \$50,000-60,000 every year they should be able to afford a fence to help Mrs. Fox's land since it seems like this is going to blaze forward. He stated last time a Plan Commission member commented that noises don't bother their horses, but all horses are different and Mrs. Fox has many different types of horses. Her horses are expensive and can become high strung and agitated which could lead them to causing injury to a child. He believes they should have to put something in that will reduce vision and help with the noise. He said at the last meeting he mentioned he did not want lights on the fields, a comment was made that no stadium lights will be allowed but he meant any lights and would like them to not allow any new lights to help with the light pollution. They also stated at the last meeting that the field usage would be rotated, he would also like to see a restriction placed on how many children can be there. They said they were not increasing the volume of player at this time, at this time usually means they will still do it in the future. He does not mean counting individual players but maybe limiting the number of teams or groups. He stated the owner has already built a 40x80 barn and wants to make sure that barn is only used in relation to the soccer field, he does not want them to be able to keep anything inappropriate for the area in there.

Christine Moosmann, 1490 Happy Valley Rd., also stated the need for a fence. They asked for a fence because they know children wander over to the horses and could be bit if they try to touch the horses if they do not know how to be around a horse. There will also be more littering from the children like chip bag that will blow onto the stable property which could be dangerous to the horses if they eat it. She wants to know who is going to be financially liable if a horse or child is hurt. These are expensive animals, her horse is \$5,000, she does not want a small child touching her horse. This why they want a fence to protect all the kids at the soccer field and the ones taking riding lessons and no one has answered who will be responsible if that happens.

Alex Kutanovski, 1504 N. Main St. Crown Point IN, stated he is hearing a lot of speculations. Mrs. Fox said horses can go through a fence, then who should protect the kids from the horses and she should take the responsibility to keep her horse from harming children. He is much more concerned with a horse injuring a kid than a kid injuring a horse. The discussion should then be about what Mrs. Fox is doing on her property.

Virginia Fox, 11001 State St., said it is easy to pass the buck. They have only had maybe 3-4 accident in 40 years and she has insurance to cover what happens at her place but she does not know if they would cover someone outside of her facility. She wanted to also ask about the driveway with a frontage waiver. The side set back should be 20 feet but they put it within 15 feet of her property and in her research, she did not see a waiver come in for the driveway. She wanted to know who is supposed to approve waivers. Nick Bellar explained the waiver was submitted with the primary plat on frontage for lot 2 on December 2nd. Nick said the waiver is not related to the detached garage, the waiver was submitted with the primary plat when it was required to be submitted, for frontage; they are short on frontage on lot 2. They do not meet the frontage required on an AG zoned lot. Mrs. Fox asked about the 20 foot side set back, which is what a side set back is supposed to be in AG; she is speaking about the driveway. Nick explained there are side set backs for structures like homes, accessory structure and pools but there is no set back standard on driveways. If there is an easement, they are to avoid putting a driveway in an easement. Mrs. Fox asked again who approves the waivers. Nick stated this Board does with the Primary Plat approval which is being reviewed right now. Mrs. Fox said the driveway has been in since November. Nick stated he believes that was put in with a detached garage permit that they pulled. Mrs. Fox did not understand why the waiver was presented in December then, Nick said the waiver is not connected to the detached at all, it is a part of the primary plat request because they are short on frontage for lot 2. Mike Duffy stated the waiver is only applying to the physical geometry of lot 2, they cannot meet the frontage for the lot, it does not apply to the pole barn or the driveway. Mike explained you do not typically need a waiver for a driveway and if it came up after the primary plat review, it would go through the BZA. Mrs. Fox asked about the setbacks in the Town Code, Nick stated what she is reviewing is for a primary structure, there is language elsewhere in the Town Code for accessory structures. To his recollection, the driveway was a part of the permit for the detached garage. Mike said the driveway is not associated with this action. Mrs. Fox stated it is closer than it needed to be from her property.

With no further comment, Tim Clayton closed the Public Hearing at 6:33p.m.

Mark Nelson confirmed with Nick Bellar that a date should be established for the installation of the gate. Nick said that was correct. After some discussion it was determined that the petitioner would have 14 days after the Town Council approval of the secondary plat. Gerald Stiener then made the motion to approve Docket PC 2020-14, Primary Plat Approval for Shalk Acres, 2 lot subdivide subject to a 60 foot Right of Way being dedicated to the Town along the north property line with language on the plat stating that the Town is not responsible for maintenance of the existing driveway with the property owner's understanding and responsibility to connect the drive to the road when the road is put in, a ten foot tree preservation easement be created along the north property line, the use is revoked if they build a house on the property, no lighting be added without additional review by the Plan Commission, the gate at State Street be installed within 14 days of Secondary Plat Approval, and legal/engineering review of all final documents. Dave Anderson seconded the motion, the motion carried with all in favor 7-0.

NEW BUSINESS:

1. Request for Public Hearing – Docket PC 2021-01 Primary Plat Approval – Gibson Estates – 2 lot subdivide

Owner: George Hylek
Petitioner: George Hylek
Vicinity: 12717 Gibson St.
Request: Primary Plat Approval – 2 lot subdivision with Waiver request

George Hylek stated he is looking to subdivide and rezone with a waiver as the AG lot is short on frontage. Nick Bellar stated this is a basic request, not much was requested of the petitioner from the TAC meeting. The petitioner did check with the Lake County Health Department on the move over location for the septic field which might not have been required when the home was originally built, that is now noted on the plat and soil boring tests have been conducted. Tim Clayton asked about the waiver. Nick explained it is just for the frontage. The minimum frontage requirement on an AG lot is 250 feet and the petitioner's is 178 feet. Gerald Stiener asked about the right of way being dedicated. The petitioner stated it is 40 feet. Mike Duffy said it meets the town's throughfare requirements. Mike stated he has reviewed this item including the legal description. Tony Clark made the motion to set Docket PC 2021-01, Primary Plat Approval, Gibson Estates, 2 lot subdivide for a Public Hearing. Jim Hajek seconded the motion, the motion carried with all in favor 7-0.

2. Request for Public Hearing – Docket PC 2021-02 – Zone Change – Gibson Estates AG to R-1

Owner: George Hylek
Petitioner: George Hylek
Vicinity: 12717 Gibson St.
Request: Zone Change AG to R-1

George Hylek stated lot 1 is being rezoned to R-1, the other lot is remaining AG. Tony Clark made the motion to set Docket PC 2021-02, Zone Change, Gibson Estates AG to R-1, for Public Hearing. Dave Anderson seconded the motion, the motion carried with all in favor 7-0. Nick Bellar stated the Public Hearings will be set for May 13th and he will work the petitioner on getting their notices out.

3. Public Hearing and Recommendation to the Town Council – Zoning code modifications regarding §156.047 Solar Energy Generating Systems

Nick Bellar stated he updated the Town Code regarding solar panels. The BZA has processed a number of solar panel request and they have always been approved. Nick checked with a few different solar panel installers and manufacturers to see what is needed to power a house. He was informed about 600 square feet is required to power a moderate sized home, currently the Town Code only allows 80 square feet which he was told would only power a refrigerator. He also noted one company he spoke to would not work in the town anymore over the restrictions. Gerald Stienner asked about ground mounting. Nick stated ground mounting was always allowed, he just cleared up the language completely in the section.

Tim Clayton opened the Public Hearing at 6:48p.m. After asking three times, no comments were made and the Public Hearing was closed. Gerald Stienner made the motion to send a favorable recommendation to the Town Council for the Zoning Code modification regarding §156.047 Solar Energy Generating Systems. Tony Clark seconded the motion, the motion carried with all in favor 7-0.

4. Discussion Item: Middle School project

Mark Nelson recused himself due to a conflict of interest. Don Torrenge with Torrenge Engineering presented this project on behalf of the Crown Point Community School Corporation to give the town an idea of what they have planned for the site. Don stated the new school is going to be located at the southwest corner of 121st Avenue and Gibson Street. Don reviewed the proposed layout of the main building along with athletic fields, parking lots, and accessory buildings. Don noted the number of wetlands in the area and delineation of the property. A traffic study was done and determined a westbound left turn lane on 117th and westbound left turn lane also on Decatur were necessary. The site will have three entrances, two off of 121st and one on Gibson. The Gibson entrance will mostly be used by buses and will require accel/decel lanes. Don reviewed the topography of the site and drainage of the site. He spoke of additional culverts, not disturbing the existing pond and ditch as well as adding two detention ponds with a controlled flow. He pointed out the bus route around the area and noted the athletic fields will all be real grass except for the tennis court. Don spoke of the major obstacles this site poses; the closest water main is on 117th Avenue near the Crown Point Christian Village and the proposed new lift station by a home developer in the area also on 117th Avenue. Don explained how they will loop the water around the property for water service and stated he has been working with Lintech, the town's sanitary sewer engineer, for tying into the sewer system. It would be impossible to put in a gravity main to direct it up to 117th so they are proposing to install a small lift station in the northeast corner to collect the sanitary from the school and force main it past the old railroad track back to the gravity main. Tony Clark stated the ditch and culvert on the southeast side of the property was recently jetted out but should still be improved because the area flooded during the last rainstorm. Don stated they do plan to curb the street on 121st and raise the road, the area Tony is referring to is a part of a wetland and he will have to have that reviewed. There is a tremendous amount of offsite work that will be needed for the project especially with drainage. Gerald Stienner commented to make sure there was adequate stacking for cars for picking up and dropping off, there is an issue at Jerry Ross elementary school now. Mike Duffy will review that and it was discussed in the TAC meeting. Don stated there are 360 planned spots for the pick up and drop off area and over 700 parking spots. Gerald asked about right of way on Gibson and 117th Ave. Mike stated he is working with them on the amount they will need. Dave Anderson stated plans need to be made for intersection improvement instead of just adding turn lanes. Don stated it will take about two years to build the school so there will be time to negotiate with the property owners to acquire the needed right of way, Gerald stated the town will be willing to assist with that as well. Tim Clayton asked about buses going down Decatur, that road is too narrow for buses to use and recommended they run the traffic down 121st Avenue. Tim asked when the football field will go in. Don stated it should all be going in at once, he is unsure of the baseball/softball fields but everything is being graded at one time. Nick asked about the square footage listed was only for the school building itself, Don said that was correct. The outer buildings are not a part of that. They plan to start site development in July.

5. Discussion Item: New residential Development

Dan Feltman is representing developers looking to develop phase two of Wynbrook. The primary plat has expired so they will be redoing the primary plat possibly sticking mainly with the same layout. There were 40 lots proposed they might change

some of the lot configurations. They will also try to fit the commercial lot back into plan on 109th Ave. They will still be using the same stub roads that were approved before. They met with Nick Bellar and Mike to review the site. It is currently zoned as R-2 and they may ask to lift some of the R-2 restrictions but they are still very early on in the design process. Drainage and pond retention will be reviewed to meet the town's drainage requirements. Tim asked how many lots are they proposing. Dan stated it was 40 lots but they plan to possibly change some of the lot sizes to accommodate the commercial lot. Gerald Stiener asked what type of homes they propose to build. Dan presented past home designs of the developers which are custom and semi-custom. They will maintain the character of the first phase of the subdivision. The sanitary and water engineering is already set from the adjacent development. Tim asked the acreage of the two phases, Dan answered the first phase is 10 acres and the second is 25 acres. Joe Gacsy asked if they plan on changing the lot sizes, Dan stated they plan on possibly changing a few. Mostly they will not be able to change the ones that are already affected by existing backyard and some road layouts. Joe Gacsy asked if they plan to shrink any of the lots and if they do what will the minimum size be. Dan answered yes, a few and they will stick with the R-2 zoning requirement of 15,000 square feet but again most will stay the same due to the existing layout. Joe asked for the minimum house size and how they will fit on the lot. Pete Metlov answered it is still early but 2,500 to 3,000 square feet. Tim Clayton asked about parks for the development. Nick stated it is too early to determine that but he will work with them on requirements. Gerald Stiener stated they also need to watch how the commercial entrance on 109th will affect traffic, the same traffic study from before will not reflect the current amount of traffic.

STAFF REPORT/ATTORNEY REPORT

With no further business before the Commission, Jim Hajek made a motion to adjourn, seconded by Gerald Stiener, passed by voice vote 6-0.

ADJOURNMENT: 7:30 pm

Attest:

Plan Commission President

Plan Commission Secretary

Transcriber: Kim Wachowski