

**PLAN COMMISSION
PUBLIC MEETING MINUTES
September 13, 2021**

I. CALL TO ORDER

The Plan Commission Public Meeting was called to order at 6:00 P.M. by President Thomas Anderson at the Schererville Town Hall, 10 E. Joliet St.

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

B. Roll Call

Roll Call was taken with the following members present: President Thomas Anderson, Vice-President William Jarvis, Secretary Gary Immig, Mr. Alex Gorman, Mr. Drew Thomas, and Mr. Andrew Hansen. Staff present: Town Manager Robert Volkmann, Director of Operations James Gorman, Planning Coordinator/Office Manager Denise Sulek, Recording Secretary Norma Hollingsworth Rico, Attorney Christian Bartholomew, and Engineer Mike Helmuth.

C. Approve Minutes of the Plan Commission Public Meeting of August 2, 2021

Mr. Drew Thomas made a motion to approve which was seconded by Mr. Gary Immig and carried 7-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. P.C. Case #21-9-16 D & R ADDITION, UNIT 2, FIRST RESUBDIVISION

General Location: 520 Winston Ct.

Petitioner(s): Robert J. Delco

Represented by: DVG Engineering – Doug Rettig, P.E.

Request: Primary Approval of a 1-Lot (C-3) Highway Commercial Re-Subdivision with a waiver of the Storm Drainage Control Ordinance No. 1708 & 1708A, Title III, Section 2 – regarding storm water detention requesting that detention will not be required

President Anderson confirmed with Attorney Bartholomew that the Proofs of Publication were in order. Mr. Doug Rettig from DVG Engineering represented the Petitioners.

Mr. Rettig explained that this property is a part of the D & R Addition which was plotted a couple of years ago as D & R Addition Unit 2, and that they are now requesting a resubdivision of that 1-Lot subdivision to include just a little bit more land. Mr. Rettig stated that they are taking the southwest corner of the property that was originally a former part of Lot-4 in Swet's Addition; and pointed out that they followed the original fence line when they originally platted this. Because it is possible that this building will get added onto in the future, Mr. Rettig explained that they are just trying to square up the lot now in case they do come in for the expansion on the west end of the building. Mr. Rettig reiterated that all that they are doing is moving the lot line to make this lot a little bigger at the southwest corner, and that it is a 50' x 63' rectangle that they are adding into this lot.

President Anderson opened the matter to the floor. There being no comments from the floor, it was closed to the floor and brought back to the Board. President Anderson said that this was before the Board a couple of weeks ago at a Study Session, and that the detention is being covered by the rest of the property. Mr. Rettig said that the drainage doesn't really change.

There being no questions from the Board, President Anderson asked for a Course of Action. Mr. Jarvis made a motion to approve P.C. Case #21-9-16 pursuant to all State, Local, and Federal Regulations, and that all fees to the Town of Schererville be kept current. This was seconded by Mr. Thomas. Prior to casting his vote, President Anderson read correspondence from NIES Engineering into the record stating that the

plat and submittal were in compliance for consideration by the Plan Commission for primary approval. President Anderson then cast his vote; and the vote carried 7-0.

Mr. Rettig asked that because this is so simple if the Secondary Approval could be moved to staff level. President Anderson asked Ms. Sulek if she had any issues with that. Ms. Sulek replied no. Mr. Jarvis made a motion to move the Secondary to staff level which was seconded by Mr. Thomas and carried 7-0.

B. P.C. Case #21-9-17 STROM ADDITION

General Location: 9201 W. 77th Ave. (South side of 77th Ave, across from Waterford Place Subdivision

Petitioner(s): James Strom

Represented by: DVG Engineering – Doug Rettig, P.E.

Request: Primary Approval of a 1-Lot (R-1) Residential Subdivision with Waiver of Storm Drainage Control Ordinance No. 1708 & 1708A Title III, Section 2 - regarding storm water detention requesting that detention will not be required

President Anderson confirmed with Attorney Bartholomew that the Proofs of Publication were in order. President Anderson then read correspondence from NEIS Engineering stating that the submittal is in compliance for consideration by the Plan Commission for Primary Approval.

Mr. Doug Rettig from DVG Engineering represented the Petitioner, James Strom, who was also present. Mr. Rettig explained that they have a ten-acre parcel of land on the south side of 77th Ave., and immediately south of the Waterford project that was done a couple of years ago. Mr. Rettig stated that Mr. Strom wants to build one house on the ten-acre parcel; and that the whole south half of the property is low-lying and wetlands. Mr. Rettig added that their intention is not to disturb any of that at all; and that they have Turkey Creek on the east side which is a legal drain, and that they have to respect that drain as it is and the easement associated with that. Mr. Rettig said that Mr. Strom wants to build one house opposite the entrance into Waterford, which is at the top of the hill and the high ground, and that everything else will be left alone. Mr. Rettig said that they are only going to develop approximately ¼ of an acre or slightly more out of the whole ten acres. Mr. Rettig said it is a simple 1-Lot subdivision, and that there are easements for an existing pipeline that runs diagonally through the property which will stay just the way it is.

Mr. Rettig said that they have sewer available across the street and that the water main is on their side of the street. Mr. Rettig said as far as storm-water detention with the large wetland it is basically a natural detention basin which is huge, and that it is not worth the trouble to build a retention area for such a small amount of storage.

President Anderson opened the matter to the floor. Ms. Maria Runyon from 405 Waterford Circle stated that there are a few of the residents from Waterford here tonight; and that their main concern is that there may be future consideration for developing more than the one house. President Anderson said that for tonight, Mr. Strom is only here for one house on the ten-acre plot; and that if he wanted to come back at a later time he would have to re-subdivide. Ms. Runyon addressed Mr. Strom with that question. Mr. Strom replied that his intention is to only build one house; and added that there isn't that much buildable land for much more. Ms. Runyon asked if it was just him; and Mr. Strom said that it was him and his four kids. Mr. Strom added that he is not a developer, and there really isn't that much space.

Ms. Loretta Juskiw from 340 Waterford Circle South asked Mr. Strom why that particular location, and added that her concern is that it is filled with the clay soil from their development and that she is not sure how strong of a foundation they will have. Mr. Strom replied that before he purchased the land he had soil testing and hired engineers to look at it because he doesn't want his house going anywhere either. Mr. Strom said that he wants to do this right; and that hopefully, this is the house he will retire in. Mr. Strom added that he understands their concerns and that he has smarter people than him looking into it. Ms. Juskiw said another concern is how it will impact that particular wetland, and what impact on a flood zone further down. Mr. Rettig replied that there is no impact to the wetlands as they are not building anywhere near the edge of the wetland; and that the Flood Zone is Zone X which is also a non-issue. Mr. Rettig explained that you can build

homes in Zone X with no special permitting necessary. Mr. Rettig reiterated that they will not have any major issues with the wetland or flood zone. President Anderson asked if the property drains from the south and then to the east. Mr. Rettig replied correct.

Mr. Vernon Andershak from 2318 Waterford Circle East asked the direction of the storm water from Turkey Creek, and asked if it goes south. President Anderson replied no, and said that Mr. Strom's property drains south. Mr. Andershak said he wants to know where the water goes from the Creek after it rains. Mr. Rettig pointed it out, and Mr. Andershak said it goes north and east and goes through a ditch and out. Mr. Rettig replied correct. Mr. Andershak said that what happens sometimes is that during a heavy rain, 77th Ave. has been shut down because of the water; and that you get turned around and have to go west again and then north to get out. Mr. Andershak said that occurs in the flood zone pipe; and that maybe the house he builds on clay will not be in the flood zone. Mr. Andershak added that if he has a mortgage for the ten acres of land, he must buy flood insurance in order to get a loan. Mr. Andershak said Mr. Strom will get stuck with \$2,000 extra because of the floods.

Mr. Andershak added that the flooding of 77th Ave. has happened twice already since he moved into that little area of Waterford Circle. Mr. Andershak asked the size of the ten acres of land, and if it was 600' deep and 28,000' long, or what does the plot consist of. President Anderson replied that it goes from Deerpath Dr. to Turkey Creek and then from 77th down to Calumet Farms. Mr. Rettig added that it is approximately 660' x 660'. Mr. Andershak said that he will be buying wetlands, and asked who owns the wetlands right now. Mr. Rettig replied that Mr. Strom already owns the wetlands, and pointed out where he was going to build his home. Mr. Andershak asked where the flood zone was which was pointed out on the map by Mr. Rettig. Mr. Rettig also pointed out that you do not need flood insurance in Zone X.

Mr. Andershak asked if Mr. Strom could come back next year and request to build another home adjacent to this one. President Anderson replied that he would have to re-subdivide. Mr. Andershak then asked what the smallest sized lot is to build a home in Schererville. Mr. Volkmann said 80' x 135'. Mr. Andershak said that Mr. Strom could potentially add more homes, and that he also owns land that has soybeans that the deer eat. Mr. Rettig pointed out the property line along the creek, and where the soybeans were located and that they were not on the Strom property.

Mr. Carl Miller from 358 Waterford Circle South said that when they purchased their properties, they were told by their builder that all of that land was wetlands; and asked if it was all wetlands prior to being filled in the area he wants to build his home. President Anderson replied that some of it was, but not all. Mr. Rettig stated that Mr. Strom placed no fill in the wetlands. Mr. Miller said that Mr. Strom didn't, but that another developer did. Mr. Rettig said that Mr. Strom knew where the wetlands were, and that he never intended to build there. Mr. Miller asked if there were any permits given to fill it in the first place. Mr. Rettig replied that he didn't need any because he isn't going to fill any wetlands. Mr. Rettig reiterated that it was never all wetlands, and that only the south portion is wetlands. Mr. Rettig said that they only placed fill on the north part of the land. Mr. Miller said that is not what they were told.

Mr. Miller asked if when they do setbacks for the house, will there be anybody thinking about widening 77th Ave. because of all of the traffic and all of the subdivisions off of Burr, Cline, and Austin. Mr. Miller said that while it is vacant, maybe we should plan ahead for that. Mr. Rettig replied that they are dedicating a 40' right-of-way; and that they will have 80' rights-of-way. Mr. Rettig said they dedicated 40' on the north side for Waterford, and that they will dedicate 40' on the south side for this project in case 77th Ave. gets improved. Mr. Rettig added that there is a landowner to the east of this property and that when that gets developed, they will be dedicating additional right-of-way; which is probably when something will happen with 77th Ave., and asked Mr. Volkmann to address that.

Mr. Volkmann said that a few years back the Town had a Corridor Study of 77th Ave.; and that they have a concept plan for the corridor from 41 all the way to Cline Ave. Mr. Volkmann said that an 80' right-of-way is actually more than they will need, but it will include three lanes with one for a left turn lane, the center, and also the Pennsy Trail along side of the road.

Mr. Miller said that they were also told that Schererville really had nothing to do with that property, and that it was Township property. Mr. Volkmann said that it must have been one of the original owners of Waterford, because the property was annexed into the

town during the course of the Waterford construction; and that it was a voluntary annexation by the developer. Mr. Volkmann also stated that when they talked about that whole area being wetlands, it was probably because there wasn't enough property for them to continue a development similar to what they did in Waterford. Mr. Miller asked if Schererville had nothing to do with the property on Austin south of 77th. Mr. Volkmann replied that once you go beyond this property, it is unincorporated.

Mr. Andershak who was up at the podium previously, said it makes no sense to him with the target practice that goes on shooting towards the houses. Mr. Andershak also pointed out that there are deer on that property, and if that property is being hunted, they are getting closer to the residential areas; and that there should be some rules that state when and where you can shoot. President Anderson said there are rules that you can't shoot a gun in the town of Schererville. Mr. Andershak replied that is correct, but the property is beyond us and not in the town of Schererville, and asked who would do the controlling. President Anderson replied the Lake County Sheriff. Mr. Andershak said he lives in that area, and that is one of the things that are impacting them mentally now.

There being no further comments to the floor, the matter was returned to the Board. There were no further questions from the Board or Staff,

Mr. Kouros made a motion to approve P.C. Case #21-9-17 pursuant to all State, Federal, and Local Regulations and that all fees be paid to the Town of Schererville. This was seconded by Mr. Thomas and carried 7-0.

Mr. Rettig asked if Secondary could go to Staff. Mr. Kouros made a motion that the Secondary Approval would go to Staff which was seconded by Mr. Thomas and carried - 7-0.

III. COMMISSION BUSINESS

A. Findings of Fact

1. P.C. Case #21-8-14 CANYON CREEK PLANNED UNIT DEVELOPMENT MODIFICATIONS

Modifications to the Developmental Plan and Planned Unit Development
FAVORABLE RECOMMENDATION TO TOWN COUNCIL (6-1) 8/2/21
Mr. Thomas made a motion to approve which was seconded by Mr. Hansen and carried 7-0.

2. P.C. Case #21-8-15 CANYON CREEK PLANNED UNIT DEVELOPMENT Primary Approval of modifications to the PUD Plan and 200-Lot (Residential PUD) containing 9 outlots

APPROVED (6-1) 8/2/21
Mr. Thomas made a motion to approve which was seconded by Mr. Hansen and carried 7-0...

B. Correspondence

Ms. Sulek stated there was no correspondence.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:30 P.M.

Respectfully Submitted:


Gary Immig, Secretary