

CHESTERTON ADVISORY PLAN COMMISSION
MARCH 17, 2016
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, J. Trout, J. Ton, J. Kowalski, R. Poparad and President G. Stone. Attorney C. Lukmann and C. Nolan were present as legal advisors. Town Engineer M. O'Dell was in attendance. Member T. Kopko was absent. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member J. Ton moved approval of the minutes from February 29, 2016 seconded by member F. Owens and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC- None

PRELIMINARY HEARINGS

Coffee Creek MRI Development, LLC requesting plattage of property. Mr. Jeff Brant was present as representation for the petitioner. He described the property as a U shaped piece of property as he gestured to a site plan. The owners want to sell the property and the buyers cannot close on the property until there is a recorded plat.

Town Engineer M. O'Dell clarified that the intent of tonight's meeting was for plattage of the property. Officially there is nothing being presented as a build out site plan. Once the parcel is platted, property owners would come back with a plan of development which would involve setbacks, variances, parking and things of that nature.

Attorney C. Lukmann advised Town Engineer M. O'Dell to follow 1000-23 completely to make sure all necessary requirements are met before moving forward to a public hearing. Attorney Lukmann said the heading "Tollview a Planned Unit Development" there is no such PUD. This is a lot in a phase of Coffee Creek Development. There was no copy of the deed included although a POA was included for Mr. Brant.

Member F. Owens moved to set this item for public hearing at the April 21, 2016 meeting contingent upon meeting the requirements for plattage of property seconded by member J. Trout and passed by unanimous voice vote.

Brassie Development LLC, Primary Plat for Brassie Estates Units 2 and 3 and Brassie Woods

Attorney G. Babcock explained that there was little miscommunication between DVG the developer and himself. DVG brought over a petition to plat and paid the necessary fees to go

**ADVISORY PLAN COMMISSION
MARCH 17, 2016
PAGE 2**

forward. Unfortunately he did not have with him the Findings of Fact, deed, and checklist and property owners within 300 feet. So the public hearing on the PUD which is the zoning side would be this evening. He hoped to do the preliminary hearing on the plat of the property. So they would be successful in getting the primary plat approved. He respectfully requested the board to consider allowing them to move forward and present all the required materials by the submittal deadline for a public hearing on Brassie Estates Primary Plat. He requested the board to suspend the rules for this item.

Attorney C. Lukmann commented that the way things are set up the lion's share of the work is realized in the PUD process. The town council and the board have total discretion to approve or deny the petition. When a plat comes through as long as it's in accordance with the PUD and the rules, the board must approve it. Platting is a ministerial act.

CONCEPT REVIEW- None

PUBLIC HEARINGS

Brassie Development LLC, Petition for Brassie Estates, Planned Unit Development District
Rules for conducting a public hearing were read aloud. The secretary verified proof of publication notification and payment. Attorney G. Babcock was present along with Jack Hultz of DVG Inc. Attorney G. Babcock said Brassie Estates Unit 1 is fortunate enough to have houses sold and houses going up in the 16 lot first phase of development. The Developer is interested in getting started on the second and third phases of the property. The 37 acre parcel would be broken up into three separate groups. The first group lots 17-77 Unit 2 and 3 would contain single family dwelling on a total of 61 lots. Unit 4 Brassie Woods would contain 13 paired patio style homes having two living units each. Each multi unit building would have its own two car garage. The development will create two new roads Crooked Stick Drive an east west road for Units 2 and 3 and Schilling Court to handle Brassie Woods. Crooked Stick Drive has a full cul-de-sac at the west end and halfway through has a half cul-de-sac. There will be no landscaped islands in either cul-de-sac. The development is zoned R-1 but they would be requesting an R-2 Zone for the Brassie Woods area.

Attorney G. Babcock gave a brief overview of the plans for town services. The sanitary sewer would be creating 86 new sanitary service customers. A few important issues would include a manhole in the area of Crooked Stick Dr. and Pearson Rd. It is designed to pick up the sanitary sewer forced main from Dogwood Estates cross over and go to the lift station on the bike trail. He commented that all the living units would be paying a park impact fee. There would be no actual open space within this development. There is an internal sidewalk system that leads you to Dogwood Park. There would also be a future bike trail from the park past the high school into Railroad providing a cross over to the east side of SR49. There would be some improvements made to Pearson Road.

ADVISORY PLAN COMMISSION
MARCH 17, 2016
PAGE 3

Jack Hultz of DVG Inc. was present he said they had made their presentation in front of the Porter County Drainage Board to discuss with them four matters which they received approval on. A copy of the minutes from the request between Brassie Development, LLC, and the Porter County Drainage Board is; hereto attached and made a part of these minutes.

Attorney C. Lukmann would request a signed notarized copy of the agreement which would be recorded. .

Attorney G. Babcock would provide a revised copy of the Ordinance which reflected the approved changes from the Porter County Drainage Board.

Attorney Babcock briefly outlined requests made from The Town Standards, to Use, and Development Standard Variances; hereto attached and made a part of these minutes. He respectfully requested the board to consider a favorable recommendation to the Town Council for the PUD as outlined and amended this evening.

John Marshall of 275 East Burdick Road, Chesterton was present to speak in support of the development. He said he and his wife have always wanted to live on a golf course and are looking forward to constructing their home in Brassie Estates. He said he was excited about the development company involved and knows they will do things the right way.

Joseph "Gus" Brown of 1308 Essex Drive, Porter IN. was present to speak in opposition to the petition. He said this development has a huge impact on his subdivision known as Porter Cove. He said there is a park within their subdivision called Kids Cove which is in a state of disrepair. Due to safety concerns they are in the process of dismantle the park and then hope to rebuild it. The kids in the subdivision will use the park but they need help rebuilding it. Kids will walk to the shortest distance for a park and would need to cross Pearson Rd. to get to Dogwood Park. He urged residence to join up with them and use those park impact funds to rebuild Kids Cove. He expressed concerns about congestion on Pearson Road and this subdivision would add to that congestion. He said the back end of Essex Dr. has seen numerous floods. He expressed concerns about standing water and drainage issues.

William Lopez of Porter, IN. was present. He understood that the new subdivision could raise the property value of their homes but wondered at what cost. He said when there are heavy rains water sits in those areas for weeks. He asked if the sanitary sewer would go to the Porter lift station.

Daniel Colbert of 1555 Essex Dr., Porter IN. was present to speak in opposition to the petition. He said the ditch and the park is located in his backyard. He echoed remarks made by previous

ADVISORY PLAN COMMISSION

MARCH 17, 2016

PAGE 4

neighbors. He commented that town standards are in place for a reason. He found the variance requests to be excessive. He felt the lots should be made larger resulting in reduced density. He urged the developer to develop the property as zoned with single family homes. He expressed concerns and safety issues with the development of the cul-de-sacs. He requested that town standards be adhered to and use development standards be followed.

Jean Pass of 1479 Essex Dr., Porter IN. was present to speak in opposition to the petition. She said rules and guidelines are in place to be followed.

President G. Stone explained that is the purpose of a Planned Unit Development. It is to provide variety within the subdivisions.

Tracy Bishop of 1485 Essex Dr., Porter, IN. was present to speak in opposition to the petition. He said he has the lift station in his backyard. He said he would like the subdivision developed with less density. He is strictly against the R-2 portion of the development. Both of those concerns are driven by the fact that Porter lift station has a smell at times and higher density can't be good for that. Neighbor Jean Pass was in agreement.

There was no other person wishing to speak. The public comment portion of the public hearing was declared closed.

Jack Hultz said the rear yards in Porter Cove sheet drain flows from east to west. It follows the same way towards the north side of the bike trail. The culvert should act as a throttle to control water from the Brassie site. The development is designed with rear yard drains that will bring water to the front to the street to the detention pond with exception to the Pearson Rd. rear yards goes into an existing ditch that will be abandoned. The old 24 inch pipe will be replaced and the new line will eventually discharge into Gustafson Ditch. He said they will create slope and a site that will drain properly. He said Porter Cove has a significant lift station. By extending gravity sewer through the site and extending it to Pearson Road those pumps at the Dogwood lift station can work more efficiently.

Attorney G. Babcock said there is an enforcement mechanism with a PUD Ordinance. Homeowners will be aware of what is required under the agreement with the Porter County Drainage Board. He commented that the size of the cul-de-sac can handle the largest of Chesterton's emergency vehicles. He explained that historically in Chesterton most property is zoned R-1. The reason for that is it gives the Plan Commission more control over what might happen as a site is developed. He said the fence variance would provide uniformity and safety as rear yards abut Pearson Road. He commented that the development side of Pearson road will be widened to help with traffic in that area. Pearson Road and 1050 are designed as collector streets, with 1100 being designed as a main thru street. They have been designed to handle more traffic than they currently see. This development is designed with 2.3 homeowners per acre in Chesterton you can usually get 3 or better homeowners to an acre.

**ADVISORY PLAN COMMISSION
MARCH 17, 2016
PAGE 5**

Attorney Babcock commented that with regard to the park. Dogwood Park handles an extensive amount of activity. Its visitors are not just Chesterton residents. The park is predicted for a future splash pad which would be used by all. The park impact fee to all residents helps keep our parks maintained and improved.

Town Engineer M. O'Dell said the variance for a six foot fence is because it is along a right of way. Our Ordinance does allow for a six foot fence but not in those areas. This variance alleviates residents from having to come before the BZA and make that request. He commented that the cul-de-sac provides for emergency access and meets with the fire chiefs requests. He noted a few minor changes with Attorney Babcock.

President G. Stone commented that drainage will be improved. Furthermore, he said this board can hardly require a private developer to participate in the improvement and development of a park in Porter.

Member J. Trout moved to close the public hearing and send a favorable recommendation to the Town Council for Brassie Estates Unit 2 & 3 and Brassie Woods PUD as amended seconded by member F. Owens and passed by unanimous roll call vote of 6 to 0.

Attorney G. Babcock respectfully requested to set Brassie Estates Unit 2 & 3 and Brassie Woods Primary Plat for public hearing at the April 21, 2016 meeting.

Member J. Trout moved to waive the rules and set the Primary Plat for Brassie Estates Units 2 & 3 and Brassie Woods for public hearing at the April 21, 2016 meeting contingent upon all the necessary changes and material being submitted seconded by member F. Owens and passed by unanimous voice vote.

Sign Ordinance revisions

Attorney C. Nolan clarified for the board that the Supreme Court has ruled if a town has an ordinance that regulates signs with content based distinctions the town can be sued. If for example, you have different restrictions based on what the sign says and a person sues the town, the court will presume the ordinance is invalid. The town would have a very heavy burden to prove that they have a compelling reason for justifying the distinction based on the content. He told the board that they have gone through the Sign Ordinance and taken out anything with content based distinction leaving in only content neutral distinctions. Because of the first amendment protections a signs restrictions are held to size, height, and building material.

**ADVISORY PLAN COMMISSION
MARCH 17, 2016
PAGE 6**

Attorney C. Lukmann added that most of the sign content distinctions were in residential districts, such as yard sales, and for sale signs. The town has met with local realtors to talk about the size of commercial real estate signs. The size has been modified to correspond with the maximum speed of the adjacent road. Mr. Kowalski strongly suggested that the maximum height of a freestanding sign be decreased from 24 feet to 18 feet. That was also done.

Member J. Kowalski moved to close the public hearing and forward a favorable recommendation of these amendments to the towns Sign Ordinance to the Town Council. The motion was seconded by member J. Ton and approved by unanimous voice vote.

OLD BUSINESS- None

Touch of Green, Sidewalk Guarantee, Exp. April 20, 2016 (No Information)

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board Member F. Owens moved adjournment seconded by member J. Trout and passed by unanimous voice vote. The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

G. Stone, President

Development Standard Variance

1. With respect to lots 17 through 77, to construct homes having a side yard setback of 7 ½ feet where the Ordinance requires 10 foot side yard setbacks, therefore a variance of 2 ½ feet. Article V, Section 506 (A), Table B.

2. To allow the construction of paired patio homes in Brassie Woods (Lots 78-90), having a side yard setback of 6 feet where the Ordinance requires 10 feet, therefore a variance of 4 feet. Article V, Section 506 (A), Table B.

3. To allow the construction of homes in Brassie Woods (Lots 78-90), having a maximum lot coverage of 50% where the Ordinance allows lot coverage of 30%, therefore a variance of 20% lot coverage for each lot. Article V, Section 506 (E).

4. To allow the construction of homes in Brassie Estates Unit 2 and 3 (Lots 17-77), having maximum lot coverage of 40% where the Ordinance allows lot coverage of 30%, therefore a variance of 10% lot coverage for each lot. Article V, Section 506 (E).

5. To allow the construction of 2 additional subdivision signs on Lot 42 and Lot 90 where the Ordinance allows only 1 subdivision sign which is already in place, therefore a variance of 2 additional subdivision signs. Article IV, Section 402 (A) (2).

6. To allow the construction of a six (6) foot tall fence in the rear yard adjacent to a public right-of-way on Lots 25-31, where the Ordinance calls for fence height not to exceed 4'5", therefore a variance of 1'5" per lot. Article VIII, Section 806 (A).

7. To allow the construction of a six (6) foot tall fence in the rear yard adjacent to a public right-of-way on Lot 32, where the Ordinance calls for fence height not to exceed 4'5", therefore a variance of 1'5". Article VIII, Section 806 (A). Subject to a written condition that the Northern Boundary of said fence shall be the South side of the 10 foot utility easement.

Exhibit "C"

8. To allow the construction of a six (6) foot tall fence in the side yard adjacent to a public right-of-way on Lot 24, where the Ordinance calls for fence height not to exceed 4'5", therefore a variance of 1'5". Article VIII, Section 806 (A). The same subject to a written condition that on the North side of said lot the fence line can extend farther North than the front yard plain of the house constructed on Lot 33.

Use Variance

1. To allow the construction of 13 paired patio homes (26 living units) found on Lots 78-90, in an R-1 zone where the Ordinance allows for only single family structures. Article V, Section 505, Table A.

Town Standard Variance

1. Crooked Stick Drive is a cul-de-sac Street having a total length of 2254 feet where the Town Standard allows 600 feet, therefore a variance 1654 feet. Town Standards Section I, part B (2)(e).

2. That the cul-de-sac for the West end of Crooked Stick Drive will not have an unpaved landscaped island which is required by Town Standard. Town Standard Section I, part B (2)(e).

3. That the cul-de-sac for the West end of Schilling Court will not have an unpaved landscaped island which is required by Town Standard. Town Standard Section I, part B (2)(e).

4. That the cul-de-sac in the middle of Crooked Stick Drive will not have an unpaved landscaped island which is required by Town Standard. Town Standard Section I, part B (2)(e).

Exhibit "C" continued

An Agreement for Ditch Maintenance for a
portion of Gustafson Ditch

This Agreement is made by and between Brassie Development, LLC, hereinafter referred to as "Owner", and the Porter County Drainage Board, hereinafter referred to as "Board", and for their Agreement state as follows:

1. **Land.** That Brassie Development, LLC (Owner), is developing approximately 37 acres of land in the town of Chesterton which has a portion of Gustafson Ditch running through it, a copy of legal description is attached hereto and made a part hereof as Exhibit "A".
2. **Ditch Reduction.** That the Owner seeks to reduce the Statutory Ditch Easement to 25 feet from top of bank on either side of said ditch for that portion running East and West and North and South, and a copy of the property drawing is attached as Exhibit "B", and made a part hereof.
3. **Initial Ditch Cleaning.**
 - A. That upon the receipt of said Statutory Ditch Easement Reduction, the Owner or a successor in interest, Property Owners Association (POA), would be cleaning those portions of Gustafson Ditch by removing scrub trees, and bushes as well as planting appropriate grasses for easier maintenance of the same. The same is subject to the Primary Plat approval by the Town of Chesterton.
 - B. That homeowners whose land is adjacent to the aforescribed Gustafson Ditch, shall be barred from planting any trees in said easement. Also, there shall be no structures or fences allowed within the ditch easement nor storage of any vehicles or other personal property. Covenants for subdivision will reflect this restriction.
4. **Plat Filing.** That the Secondary Plat for said Development will be recorded having a notation concerning the reduction in ditch easement and it shall reference this recorded instrument. The purpose is to notify lot owners who may be affected by this Agreement.

5. **Maintenance.** Those portions of the Gustafson Ditch running through the Brassie Development property, which is the subject of a plat in the Town of Chesterton, are a regulated drain. The Owner and the succeeding Property Owners Association, created by Brassie Development, LLC, will maintain and repair Gustafson Ditch so that drainage through Gustafson Ditch is not impeded, blocked or redirected and further that Gustafson Ditch is maintained in such a condition to allow drainage through this portion of Gustafson Ditch as contemplated by the Plat of the Subdivision and the storm water design and calculations prepared, provided and approved by the Town of Chesterton which is part of their approval of the Subdivision process.
6. **Right of Access.** The Drainage Board, its representatives and/or agents, shall have the right to enter the drainage easement which is part of the Subdivision to inspect Gustafson Ditch.
7. **Notice and Obligation to Correct.** Should the Drainage Board determine that the Owner or the POA is not fulfilling its obligations with respect to repair and maintenance of Gustafson Ditch, the Drainage Board shall notify the Owner or POA in writing of the alleged deficiencies specifically setting forth the action deemed necessary by the Drainage Board to correct any such alleged deficiency. The Owner or the POA shall inspect Gustafson Ditch to verify the items listed in the Drainage Board's notice and shall in good faith proceed with correcting the same. Should the Owner or the POA fail to remedy the deficiencies listed by the Drainage Board, the Drainage Board, its representatives and/or agents, shall have the right, but not the obligation, after written notice to the Owner or the POA, to enter the drainage easement which is part of the Subdivision to perform the necessary maintenance for Gustafson Ditch.
8. **Drainage Board Powers.** The powers granted the Drainage Board in undertaking its action include those set forth in Indiana Code 36-9-27 *et seq.*, as amended, including without limitation the right to access the property within the Subdivision and make assessments for its work and recovery from the owners of the lots in the Subdivision the actual costs incurred in performing such work and including administrative, legal and engineering fees. The Drainage Board may utilize an assessment process to recover said costs directly from the lot owners in the Subdivision. The Owner or the POA shall hold the Drainage Board, its representatives and/or agents harmless for any damage to the drainage easement which is part of the Subdivision which may occur as a result of the maintenance of Gustafson Ditch deemed necessary by the Drainage Board.

Legal Description

A parcel of land in Section 3, Township 36 North, Range 6 West of the Second principal Meridian, Porter County, Indiana, lying South of the Southerly right of way line of the Elgin, Joliet & Eastern Railroad (now abandoned), bounded and described as follows:

Commencing at the Southeast corner of the West half of the Southeast Quarter of said Section 3; thence North 89 degrees 36 minutes 07 seconds West along the South Line of said West half, 1311.08 feet to the Southwest corner of said West half; thence continuing North 89 degrees 33 minutes 47 seconds West along the South line of the Southwest Quarter of said Section 3, 911.14 feet to the East right of way line of NIPSCO'S 400 feet right of way; thence North 01 degree 05 minutes 28 seconds West along said East right of way line, 1600.63 feet to the Point of Beginning; thence continuing along said East right of way line North 01 degree 05 minutes 28 seconds West, 450.00 feet to said Southerly right of way line of Elgin, Joliet & Eastern Railroad; thence North 60 degrees 19 minutes 41 seconds East along said Southerly right of way line, 2524.33 feet to the East line of the West half of the Northeast Quarter of said Section 3; thence South 01 degree 05 minutes 14 seconds East along said East line, 672.45 feet to the Southeast corner of said West half of the Northeast Quarter; thence South 01 degree 11 minutes 50 seconds East along the East line of said West half of the Southeast quarter, 1801.72 feet; thence South 88 degrees 48 minutes 10 seconds West, 34.00 feet; thence North along a curve to the right with a radius of 240.00 feet and an arc length of 376.99 feet, subtended by a chord bearing North 46 degrees 11 minutes 50 seconds West and a distance of 339.41 feet; thence North 01 degree 11 minutes 50 seconds West, 17.91 feet; thence South 88 degrees 48 minutes 10 seconds West, 135.31 feet; thence North 02 degrees 22 minutes 44 seconds East, 245.48 feet; thence North 01 degree 11 minutes 50 seconds West, 880.00 feet; thence South 83 degrees 45 minutes 07 seconds West, 655.61 feet; thence South 75 degrees 00 minutes 00 seconds West, 580.00 feet; thence South 60 degrees 00 minutes 00 seconds West, 265.00 feet; thence South 15 degrees 00 minutes 00 seconds West, 255.00 feet; thence North 90 degrees 00 minutes 00 seconds West, 305.00 feet; to the East right of way line of NIPSCO'S 400 foot right of way and the Point of Beginning, EXCEPTING THEREFROM Lots 1 through 16 and Outlot A and dedicated right of way, as found in Brassie Estates Unit 1, in Plat File 54-E-4, Document #2015-023368, the same recorded on September 24, 2015, as found in the Office of the Recorder of Porter County, Indiana.

Exhibit "A"

NEW BUSINESS

Brassie PUD

Mr. Breitzke: This is Jack Huls with DVG, Inc. They had appeared before us in December 2015 when they gave us a review of the concept. They want to discuss easement reductions to accommodate their Planned Unit Development in the Town of Chesterton. Among other things you will want to consider today is permission for utility crossings, the twelve inch outlets from the detention ponds into the ditch, and there is a forty-eight inch reinforced concrete crossing of one of the arms of the ditch. When we worked with the Brassie Golf Course we created a legal drain for a north south run, or arm in the Gustafson. Lastly, their attorney, Greg Babcock worked up an agreement similar to what we had done for Timberland where the POA will have a responsible charge for maintenance, that would leave us more as a fall back agency. The issue here is, we are not going to have the maintenance funds we've had in the past. This had previously been assessed, but we're suspending all assessments and they are in the Town of Chesterton. Chesterton does have a Storm Water Utility similar to ours, they do collect fees, and basically, I think we're trying to push the responsibility more towards the Town and POA. That's pretty much what's included in this agreement.

Mr. Burrus: From our point of view, our primary concern is going to be the volume of water that's going to be released into our channels.

Mr. Breitzke: Our primary concern today would be the reduction of easements, they have already committed to our regulations as far as output into the ditch.

Jack Huls: This is a project within the Town of Chesterton, Brassie Estates. Unit Two is the "L" shape portion of the project that is southeast. Unit Three is on the west side of the north-south lateral. Brassie Woods is in the triangular piece up in the north. We are asking for a couple different things. First, we'd like to ask for consideration for a ditch crossing to access Unit Three. There is a north-south lateral between Unit Two and Unit Three; we are proposing a forty-eight inch culvert at that crossing. That was determined by sizing the tributary area from the south to that point and then using an HY-8 model to determine that there is no overtopping of that crossing at that location. Secondly, we are asking for utility crossings. We have a couple of them. There's a bike path on the north side of the project. In the center of the project is a rectangular fenced area that is the Porter Cove Lift Station for the Town of Chesterton. That is where we would need to connect for sanitary sewer. We are proposing an extension from there, due south to our road, and then extending to the east and the west in order to serve that. (Jack Huls points all this out on the screen up front.) There is sufficient depth to get five feet below the ditch; that is one of the things we want to make sure we are doing. The other crossings that we have will be to serve the Unit Three portion of the project; we need to get water, gas, and electric over to that side. We'll need a crossing of those utilities at this location. Those are flexible utilities where we can dip underneath, so we will for sure be over five feet deep at this location for all utility crossings.

Mr. Burrus: The lift station is on the north side of the railroad, correct?

Jack Huls: Yes and these lots on Unit Two and Unit Three will be fronting the Golf Course. Unit Three will back up to the bike path. Unit Two in Brassie will back up to the main Gustafson Ditch. Request three is for discharging into these ditches with our detention ponds. We will have several detention ponds. These ponds have been sized with a 0.13 CFS release rate that's required by the County. We've also used the County rainfall data- the County rainfall distribution charts using the South bend public work tiles. Additionally, I looked at what would happen if there was a zero release from these ponds. These detention ponds hold the entire storm water if there is not release from this site except for half an inch of water for the hundred year twenty-four hour storm. We're handling the storm water from the site. The top of bank of these detention facilities is 637 but its 637. All of the houses in this development are at 640, so we're three feet above the high water. The top of bank gives you also a foot of free board, so the high water is 636, top of bank is 637, the roads are predominately at 38 and 39, and the houses are at minimum 640 ½ to 641 up to 642.

Jack Huls shows where they will be releasing. He also shows where there are a couple little rear yard detention areas and where they will be releasing.

Jack Huls: All the discharges are very similar; from a pond into a catch basin that will have a restrictor that will discharge into a larger pipe, and then out to the ditch. We're proposing a twelve inch storm sewer into the ditch, but our restrictors are three and four inches.

Commissioner Jeff Good: Is the Brassie Golf Course unincorporated or is it in the Town too?

Mr. Breitzke: I believe it's both.

Jack Huls: There might be portions of the golf course that are in Chesterton, I don't know that all of it is. This entire project is within the Town of Chesterton.

The GIS map is put on the screen showing the area and what is unincorporated vs. Municipality.

Jack Huls: As part of this project also, we are widening Pearson Road on our side of the road to make a thirty-five foot right of way, a twenty foot road widening from the center line of road, curb and gutter, and we're also replacing that storm sewer as it goes up to the north.

Mr. Burrus: Do you know of any plans going on here south of this project in the CR 1100N area?

Jack Huls: No, I don't.

Mr. Burrus: It's important to keep in mind that we have water from this area making its way all the way up to and into the portion that we're talking about. We need pass through capacity.

Jack Huls: When I sized this culvert, because that was my concern too, my TR-20 model encompasses about two hundred fifty acres; it comes down I think to CR 1050N. I ran an existing model to determine what the volume and quantity of water that's coming off of this site. Then I ran that through a different program and determined what kind of condition is here with

the proposed crossing, I modeled that flat. I wanted to make sure all of this water was contained within that forty-eight inch.

Mr. Breitzke: The east end of the regulated drain ends at 200 W, from the south we've had a history of issues with road flooding particularly around the Wabash Railroad. We need to make sure we facilitate whatever drainage we can that goes to the north.

Jack Huls: It's reasonable to make sure we're accommodating for that water to come through here. Whether there's a current plan, at some point in the future something may happen there.

Mr. Burrus: Let's address permission to put a forty-eight inch tube in the channel.

Mr. Gutt: This is one of those projects that I foresee coming down the road. I think what Kevin Breitzke was leading to about transferring the responsibility; because this is in the Town of Chesterton we should not be trying to govern this by the Storm Water Board, except for sizes of pipe and quantities of water and things like that. The maintenance and everything that's done should be their responsibility.

Mr. Burrus: That's the question; are we happy with the size of this pipe and do we want to allow it? It does carry our water from the south. Kevin Breitzke has expressed his satisfaction with it. It looks like it should be adequate.

Commissioner Jeff Good: Have we verified their calculations?

Mr. Breitzke: Yes.

Commissioner Jeff Good: Bob Thompson, I think is an area we should jot down to start discussing with the Town of Chesterton, of how we're going to handle these border situations. We've already started discussions with the City of Valparaiso.

There is nothing in front of us now that is going to require us to maintain anything other than the ditch that we're releasing into. That's another discussion if that ditch goes through the Town of Chesterton.

Mr. Breitzke: The important point is all Towns and Cities have regulated drains through them that are the responsibility of the County Drainage Board; however, we're not adverse to transferring jurisdiction. We've done that with a lot of drains in Portage to date. We could work with the Towns, but somewhere along the line we're going to have to work out jurisdictional terms with the Towns and Cities.

Commissioner Jeff Good motioned to grant permission for the forty-eight inch culvert crossing.
Mr. Nix seconded. Motion carried unanimously.

Mr. Burrus: Now for the utility crossing. Our existing requirements for utility crossings under a legal drain are five feet of cover.

Mr. Breitzke: From the bottom of the planned grade or flow line of the ditch to the top or crown of the pipe.

Jack Huls: We have that. There is sufficient depth at the lift station to get the sanitary sewer.

Commissioner Jeff Good: So this cross over is taking place in our easement?

Jack Huls: Yes.

Commissioner Jeff Good: The only thing I would want to make sure of is that Rich Graeber is called when that work is being done so we can verify that five feet of cover. I want to make that a stipulation of the approval.

Commissioner Good motioned to grant approval for the crossings of the utilities subject to our regulations and to the County being notified to be there for observance when cover is made. Mr. Pumroy seconded. Motion carried unanimously.

Mr. Burrus: The storm water discharge from the ponds into the regulated drain would typically be granted if it meets our discharge requirements. You've indicated that you do, and have excess beyond our requirements. You have one hundred percent retention?

Jack Huls: Our detention ponds are sufficient for zero release rates. With the hundred year storm we could get half an inch above the weir, but that's pretty minor.

Commissioner Jeff Good: That's on a hundred year rain. I want that on record. We've already verified through our surveyor, the release rate on number one; we've already approved that. That release rate you figured out of the forty-eight inch pipe; that was all figured in to these ponds as well?

Jack Huls: Yes. That rate of discharge has been included in the overall flow.

Mr. Burrus: Does one hundred percent of the subdivision surface area go through ponds?

Jack Huls: Yes. I should say that on Pearson Road there are a couple rear yards that due to the grade of the road is below the high water level of our ponds. That area is going to go into the roadside ditch like it does now.

Commissioner Jeff Good: Is the Town of Chesterton weighed in on that street elevation at all?

Jack Huls: What we are committed to do for the Town of Chesterton is to widen from the center line of road out twenty feet to the back of curb, then we're dedicating a thirty-five foot right of way on center line of road, and also putting a five foot sidewalk. Our dedication of the road up towards the north is actually more substantial than thirty-five feet, because the centerline is not the section line.

Mr. Gutt motions to grant permission to discharge into our drain with the indicated releases. Mr. Pumroy seconded. Motion carried unanimously.

Mr. Burrus: So the next item would be reduction of easement.

Jack Huls: Our attorney, Greg Babcock made contact with Kevin Breitzke regarding an easement reduction. We want to reduce the easement to twenty-five feet from top of bank. (Showing on map) The property line is the center of the ditch. What we are proposing is a fifty foot easement from the center of the ditch; actually from our property line, which would be a hard line. If we wanted to just say twenty-five from top of bank, I'm fine with that; I just wanted to make it clear that what we're proposing is actually a little bigger than the twenty-five from top of bank. A hard offset of a property line is easier for a property owner to get their arms around verses a top of bank; which is somewhat negotiable.

Mr. Burrus: I would agree with that completely.

Jack Huls: This is what we are proposing; so total we have a hundred foot path through here.

Mr. Breitzke: You're saying you are fifty feet from proposed property line.

Jack Huls: Fifty feet impacting both properties north and south.

Mr. Breitzke: I believe he meets the statutory requirement of a minimum of twenty- five feet from top of bank to the easement lines.

Jack Huls: Schilling Court will come down right to the easement so we full access on to this easement.

Jack Huls shows on map where green space is going to be. There will be a bike path connecting from the sidewalk; so there will be an undeveloped area offering easy access off of Crooked Stick Road.

Jack Huls: We are proposing that this easement would be initially cleaned and cleared of trees, planted with a low maintenance grass so that's it's an easier area to take care of. The primary responsibility for maintenance of these areas would be the Homeowners Association. There would be an actual document that is recorded prior to the recording of the subdivision. The reason we want to do that is that many times when you buy a piece of property; you are supposed to get a copy of the plat, but you don't always get a copy of the plat. If we put it into an easement document that runs with the land, then anytime that parcel transfers ownership there's going to that easement popping up on title work. They're going to that easement as a restriction on their property anytime that property transfers. This is going to be a covenanted property. There will be anything from types of houses, houses sizing, a certain amount of brick on the faces. They're actually looking at Brassie Woods to be a joint maintenance.

Mr. Burrus: My concern is whether it is permanent or temporary structures.

Jack Huls: The restrictions in this easement say there is no permanent structures, no temporary structures, no permissions to park utility trailers or any of that type of thing in that area. No fences, trees are not to be planted. That would all be in this document.

Mr. Burrus: Has the Town of Chesterton either officially or unofficially agreed to this easement proposal?

Jack Huls: Yes, Mark O'Dell sent email to Kevin (Breitzke) regarding this.

Commissioner Jeff Good: I'm going to make my motion contingent upon the Town of Chesterton approving that easement. They're getting the revenue here. They should be the one that oversees that.

Mr. Burrus: A good point is the hard line easement definition. The fact that you have a hundred foot corridor straddling that center line make it workable as far as any maintenance or new construction. It looks good to me.

Commissioner Jeff Good motioned to approve contingent upon the Town of Chesterton approving the easement reduction. Mr. Pumroy seconded Commissioner Jeff Good's motion.

Mr. Breitzke: Are you requesting the easement around the ponds be taken down as well?

Jack Huls: No, nothing further for the ponds.

Commissioner Jeff Good: In you POA documents; are they going to have a funding mechanism? Maybe the developer should put a budget together that they commit to for funding.

Jack Huls: I believe that is already in place.

Mr. Burrus: If you consider the Homeowners Associations as having the primary responsibility and you look at either the County or the Town as secondary or backup. In that position, both of us now have funding mechanisms that include these same people. Let them take a shot at it; if they can manage and handle it, so be it. In the event they fall short, there is nothing wrong with us going in there with an easement and with our Storm Water revenues and taking care of it.

Commissioner Jeff Good: The other reason I'm bringing this up is the unincorporated county hasn't had a ditch fee for years. Now everybody thinks we're going to cover everything. Our Storm Water Fee is for taking care of our infrastructure, not subdivisions. Even though folks are paying into that they think that money is going to go towards their pond, or whatever in their subdivision; and that is not how these things are set up. That fee is to take care of our system that their system ties into and releases into. We don't have easements and we don't have access to them. As we go forward we are trying to refine this a little more so everybody knows what the boundaries are, what we are responsible for, and what the tax payer is responsible for. Well, I've made the motion already.

Motion carried unanimously.

Mr. Burrus: It looks like your requests one through four have been approved, with certain requirements. I have to compliment you. You have a very difficult part of the real estate up there, it's flat and it doesn't drain, it appears you've done a good job with it.

Mr. Breitzke: This is going in front of Chesterton this week?

Jack Huls: Thursday night we will be in front of Chesterton for Planned Unit Development public hearing, and then the preliminary hearing for the primary plat, then to Town Council first week of April. Then primary platting would be the middle of April.

Commissioner Jeff Good: If the Town of Chesterton has any questions on some of our recommendations, just have them get in touch with Bob Thompson at Storm Water Management and we'll start the discussions with them.