

TOWN OF HEBRON
PLAN COMMISSION MINUTES
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TOWN OF HEBRON PLAN COMMISSION MINUTES
February 8, 2022

Dear Members:

The regular meeting of the Town of Hebron Plan Commission was held Tuesday, February 8, 2022, at 7:00 p.m. via Zoom.

PLEDGE OF ALLEGIANCE.

MEMBERS PRESENT:	John Spinks, Jr.	Shane Spagnola	Mike Wallace
	Merlin Foresman	Josh Carter	Josh Noel
	Justin Albright	Ernie Snow	

OTHERS PRESENT: Brett Galvan, Interim Attorney
 Sarah C. Bushell, Recording Secretary

Josh Noel made a motion to approve appointment of Sarah C. Bushell as Recording Secretary.

Shane Spagnola seconded.

Approved. Motion for appointment of Recording Secretary carries 7-0.

John Spinks asked for approval of the agenda for the February 8th meeting.

Josh Noel made a motion to approve the agenda as presented.

Merl Foresman seconded.

John Spinks, Jr. asked if there is any discussion.

There being no further discussion; All approved. Motion carries a 7-0.

John Spinks asked for approval of the meeting minutes January 11, 2022.

Josh Noel made a motion to approve the minutes as presented.

Merl Foresman seconded.

All approved. Motion carries 7-0.

New Business:

Petitions:

RCJJ Development, LLC, and John Lotton represented by attorney Timothy R. Kuiper of Austgen Kuiper Jasaitis, P.C., respectfully petitions the Plan Commission for Preliminary Plat Approval for Park Ridge for a proposed 285 single family lots with a minimum width of 60 feet and a minimum depth of 120 feet. located immediately to the West of the Town of Hebron, Porter County, IN, in Boone Township, zoned PUD, consisting of 91.781 acres.

John Spinks, Jr. opened the Public Hearing for Park Ridge stating that all paperwork is in order, and notices provided.

Public hearing on Park Ridge opened: 7:01 p.m.

John Spinks, Jr. asked for Public Comments and questions.

Discussion held. Remonstrators present. (See Exhibit "A")

Public Hearing on Park Ridge closed: 7:32 p.m.

John Spinks, Jr. stated that there are still several issues that need to be considered; asked for motion to table public hearing until next Plan Commission meeting.

Josh Noel made a motion to table public hearing to the next meeting.

Justin Albright seconded.

Approved. Motion to table public hearing until the next meeting carries 7-0.

RCJJ Development, LLC (RCJJ), and John Lotton represented by attorney Timothy R. Kuiper of Austgen Kuiper Jasaitis, P.C., respectfully petitions the Plan Commission for a proposed 480 unit single-family detached and single-family attached housing development with a PUD overlay with zoning changing from R-1 to PDR (Planned Development Residential) located to the North of the Town of Hebron, Porter County, IN, in Boone Township, zoned R-1, consisting of 80.57 acres.

John Spinks, Jr. opened up the public hearing which was continued from our previous public hearing on January 11th for Windy Hill concerning the subdivision that is proposed off of Route 2 on the west side in front of the water treatment plant. So that we are clear, we are considering a zone change to a Planned Unit Development (PUD). I will read it as I did the last meeting so that everyone is clear; and read the heading, as instructed by our attorney last time; Ordinance 2022-01-18 An Ordinance Providing for A Zoning Change for the Property/Development Commonly Known as Windy Hill in the Town of Hebron, Porter County, Indiana.

John Spinks, Jr. asked for Public Comments and questions.

Discussion held for Windy Hill Zone change. Remonstrators present. (See Exhibit "A")

Public Hearing on Windy Hill Zone Change closed: 7:54 p.m.

Josh Noel makes a favorable motion to approve the Windy Hill zone change.

Shange Spagnola seconded.

Approved. Motion for the Windy Hill zone change carries 7-0.

Building Inspector, Ernie Snow's Report on approval of Notice of Violation form correction, Notice of Violation code compliance form, Certificate of Occupancy Checklist form, 104 Fairlane issue, Habitat for Humanity questions on Water/Sewer Tap fees fee list.

John Spinks, Jr. asked if anyone would like to make a motion to approve Notice of Violation form correction?

Josh Noel made a motion to approve Notice of Violation form correction.

Mike Wallace seconded.

Justin Albright stated he's going to abstain, for further review of packet.

Approved. Motion to approve Notice of Violation form correction carries 6-Aye 0-Nay
1-Abstention.

John Spinks, Jr. stated he would like more time to review and consider the Certificate of Occupancy checklist.

John Spinks, Jr. asked to make a motion to vote, table, or elect Certificate of Occupancy Checklist form.

Justin Albright made a motion to table the Certificate of Occupancy Checklist form.

Mike Wallace seconded.

Approved. Motion to table the Certificates of Occupancy Checklist form carries 7-0.

Discussion on Habitat for Humanity on sewer and tap fee list will be addressed by the Council.

John Spinks, Jr. stated there was a Notice of Violation code compliance form, and asked attorney Galvan if he had reviewed the form.

Attorney Galvan stated he received a partial form and would like more time to review this.

Josh Noel made a motion to table the Notice of Violation code compliance form.

Justin Albright seconded.

Approved. Motion to table the Notice of Violation code compliance form carries 7-0.

Old Business:

104 Fairlane Drive; Ernie Snow confirmed no business is being run out of that address, John Spinks, Jr. stated this can be removed from any further agendas.

John Spinks, Jr. has made a motion to increase the Water Tap Permit Guide tap fee, increasing it \$1,568.48, making it \$2,293.76, having system development and permit fee charges staying the same, with all three of those line items totaling \$3,665.26, as recommendation from the Town Council.

Justin Albright seconded.

Approved. Motion to increase Water Tap Permit Guide tap fee carries 7-0.

John Spinks, Jr. has made a motion to increase the Sewer Tap Permit Guide tap fee, increasing it \$501.47, making it \$776.47, having system development and permit fee charges staying the same, with all three of those line items totaling \$2,948.97.

John Spinks, Jr. made a motion to recommend to the Council to clarify these numbers for the increase of the Water Tap Permit Guide tap fee line item and for the Sewer Tap Permit Guide tap fee line item only.

Meril Foresman seconded.

Approved. Motion to recommend to the Council to clarify numbers for the increase of the Water Tap Permit Guide fee line items and the Sewer Tap Permit Guide fee line times only carries 7-0.

John Spinks, Jr. asked if there is anything else from the Commission, or community.


That being no further discussions form Commission or community, John Spinks, Jr. asked for a motion to adjourn.

Josh Noel made a motion to adjourn.

Justin Albright seconded.

All approved. Motion carries 7-0.

There being no further business before the Plan Commission, meeting adjourned at 8:21 p.m.


John H. Spinks, Jr., President


Sarah C. Bushell, Recording Secretary

Remonstrators- Public Hearing Park Ridge:

Russell Louie asked who was going to pay for all the improvements that need to be made to the Community to support this project, police, fire, schools, the road construction that is going to have to be done, and will taxes go up.

John Spinks, Jr. stated that we are in a unique situation in Hebron because of the lack of development. We have been approved for what is known as a "Residential TIF"; so, what happens is that the town currently collects approximate \$3,000.00 per year on the acreage proposed for some lots of improvements to begin to happen on that piece of property. Then it will be reassessed quickly, and as the value increases that value is captured by the community. So, the increase in values for the Residential TIF is what is going to pay for the infrastructure to the town.

Jeff Hall stated he had two concerns; if the subdivision is going to tie into any of the existing sewer lines running.

John Spinks, Jr. stated the exact sewer connection is reviewed by the engineers, so what they do is called a "preliminary engineering report" to show the very best ways to connect and have upgrades. So, in the improvements for the sewer line is adequate to hold the capacity. We understand the concerns about the size of the lift station on Madison Street, which part of the design is to upgrade that as well as the Wilson's Creek waterline, which will need to be improved, again, this will be paid through the Residential TIF.

Jeff Hall asked if it would be running at the side of each property and not across.

John Spinks, Jr. stated that the line they had Wessler look at, they did the engineering report and will be submitting the design to us. My understanding is, by next week, or in the next 2-3 weeks, after looking at all of it, they have said that the sewer lines are good to go for what we need. The only two upgrades that need to happen are going to be the water line that runs along Wilson Street and the lift station.

Jeff Hall stated that was a 10" line back there and knows that previously some of the houses tied into that before. There is a lot of people that have basements and have concerns about seeing water/flooding or anything like that.

John Spinks, Jr. stated he understands your concerns completely and through these projects and subdivision, the town as a municipality has made the decision to hire engineers to make sure that these things are done to the very best that we can do. I can only speak to myself, and my experience as an English teacher certainly does not make a stormwater expert in any way, shape or form, but we have insisted that professionals come out and they, uh, they make sure that they evaluate, they design it correctly and they are very familiar with the systems that we have, they are comfortable saying with these upgrades that we will have proper service.

Jeff Hall stated he has one other question. That its dead ends at each end of the subdivision that there would have to be those would be used for pass through emergency access routes, but not open to the subdivision for people to drive through this neighborhood. How is that being addressed.

John Spinks, Jr. stated that the current drawings do not show that as a pass through, there would be grassy areas in case of some emergency having to get through, but the traffic will not be increased according to these designs that have been submitted to us.

Debbie Ciochocki asked if what they are talking about is the subdivision on 231.

John Spinks, Jr. stated yes.

Debbie Ciochocki asked how they are getting in and out of the neighborhood, will it be on 231.

John Spinks, Jr. stated yes, that is the current plan, and will be looking into what is going to be needed for slowdowns and turn it into a turning lane as a part of the design.

Debbie Ciochocki asked what it is going to do to her water bill and do our wells have enough to support this new subdivision.

John Spinks, Jr. stated that we do have enough water to supply the new waterline coming in. The engineers who looked at these things and have said that we will have adequate water supply and more users do not affect or will not affect our water rate. In fact, because the sewer being the highest portion of our bill and what the overall water bill is based upon that sewer rate. At the new sewer plant, the foresight of the previous council was to build it large enough for having an increased capacity of users, as well as the ability to add on to it, which System Development Charges and the Residential TIF if necessary, will pay for it.

Debbie Ciochocki stated back when she moved in here in the nineties, the sewer water and everything went up and they said in a bit that the sewer and everything would go down and wouldn't be paying as much she is now. She started at \$50.00 a month, and now is at \$140.00. So will we ever see the water go down.

John Spinks, Jr. stated that there is a water study that we have done periodically. One was done for us this year to project out where water rates are supposed to be, where they should be, where they should be increased and give us basic information. But that is, that's probably more of a, a Town Council question than what's here, but I'm going to try my very best, since I'm a council member to try to address that for you. The law and the rate study are what dictates where we put the water. They take a look at the accounting. We look at what it is that we're charging the services that we need to do to make sure we're collecting for, and they help us set those rates. Now, ultimately the Town Council votes on when and if to do that, to do those increases, to see if we can cut or stretch out for a little bit, but when we are going to be able to do that. I would just be guessing at this particular point on that the commissioner is more prepared to talk to them about subdivision than the other fields.

Josh Noel stated that scenario, I think has a lot to do with just general inflation in this country, reference to the nineties, that I remember in the nineties, I was paying under a dollar for a gallon of gasoline. I don't think we're going to see those days back. So unfortunately, I think a lot is just simple economics and inflation that we're seeing in this country.

Debbie Ciochocki stated that we are probably one of the highest that paid for water and sewage in the area.

John Spinks, Jr. stated with the current capacity of the sewer plant, all of us right now are paying for that, so the idea here is, is that the more users kicking in, to keep it simple, like a pizza, you know, if you got five people that are kicking in pizza, they get delivered. Not everybody has to pay quite as much. So, the hope really is to stabilize and to responsibly deal with that sewer and water rate moving forward. But the, the capacity is in the plan currently, and then the new subdivision should be able to kick in money towards that, so we don't need a new one.

Debbie Ciochocki stated that she heard that there is another subdivision that is coming into Hebron.

John Spinks, Jr. stated that we are not addressing that right now, we are discussing Park Ridge. It is important that we do this one at a time.

Gail Kemper asked in this subdivision is it limited to one or two builders, or can any builder build there, and is there a limit of lot size or is there any kind of covenants that cover the houses they are.

John Spinks, Jr. stated Yes, the, the projection is that the homes in Park Ridge would be about 209 or 300, sorry, \$390,000 homes. So, they're going to be really nice. There will be a "HOA", they will also fall under the ordinances of the town and the state as well.

Wendy Frump stated she has a couple of questions and asked if the subdivision will go in different phases? Are they starting in one section and then working their way to the back?

John Spinks, Jr. stated the developer has loosely talked about doing that, but they they're predicting that they're going to be able to move fairly quickly on this. So, as I see the house numbers in the plan, it does look like closer to Crestone and then moving out to a kind of a long 231, and then towards the back end of the subdivision. I believe the plan is to have Lennar Home Builder, who is one of the nation's largest builders, build all of the homes.

Tracy Louie asked about the traffic on 231 with the new subdivision, specifically County Line Road and 231. It's a really bad intersection and has there been any thought on how to fix that all together.

John Spinks, Jr. stated there's two things that happened in that we will review the study and tell the developer what needs to be put into that area of County Line and 231 being a concern from some time we've been working with the County Commissioners to get the flashing lights, and Josh Noel will further comment on that, but I'm unaware of any accidents since those have been put in more than one impairment that had happened. Also, I'm aware of and actually looking at upgrading those to a more permanent light. That they've put that out for bid and the idea was is it would start to be built some time in spring or summer. I haven't heard an update on that thus far, so yes, that, that is a concern. There are two through 231 and County Line, but the good news is the flashing lights have done a pretty good job.

Josh Noel stated he knows that intersections have a lot of concern to a lot of people. I think the reality is there, as far as traffic's concerned, our areas seeing a lot of growth and we see a lot of transient traffic from other communities that pass through, and I think we're going to see that traffic regardless of whether a subdivision comes in or not. I think having a subdivision come in and giving INDOT a chance to review these particular areas is actually beneficial. I've seen preliminary plans with deceleration lanes and possibly that might be, INDOT will have the final say, but I think they may be on to adjusting the speed limits there. I also think that would have a positive impact on the conjunction of the traffic in the area, which I believe we are going to see anyways, regardless to whether a subdivision goes in or not.

Walter Justice stated as far as 231 goes and he has seen the prints, there are no turn lanes coming into that subdivision. You got two entrances, no turn lane. Now they may slow the speed down, but as we all know that live in Hebron, that's a lot of traffic and they don't like to slow down at County Line. Is there any talk about turn lanes either going north or going south or east or west?

Josh Noel stated what I've seen, and Steve might have it more, that there were, and obviously INDOT's going to have the final say because it's their road. But I believe there was some preliminary plans for deacceleration lanes coming into the subdivision coming in off of 231, they're talking about westbound lanes. INDOT will have the final say, and I think they are going to do a traffic study which could take a bit of time, but I think they are going to have some sort of traffic control on that one.

Walter Justice stated he didn't see them when he looked at the plans and that's been one of his concerns. His Next question is, not just 231, but we've got 2-3 storm water tiles that come from Wilson Street from the walking path over into that area. Now, are they going to take them and clear them out or tie them into whatever they're putting on their side? Or they just want to cover everything up. Now we will have a backup of water in the Park Place or walking path, that whole area that through there.

John Spinks, Jr. stated we have the HWC, the town has hired HWC Engineering to look at the plans, making sure that the ordinances are being followed and the procedures are being followed. They have also hired HWC to come out and physically inspect it at the last progress meeting. Randy Decker, our public works director is working within that to help deal with some of those issues.

Frank Stalbaum stated this is kind of mixing with that question that he's been trying to dig it out several years under [INAUDIBLE]

John Spinks, Jr. stated Mr. Stalbaum was breaking up quite a bit. I think I have the gist of your question. One, HWC is looking at the standards that are currently in our Ordinance books, and they've been giving us detailed information about things that needed to be changed in the plans. They are working reasonably with the developer to make sure that the standards that have been approved in our ordinances are that they are being upheld. I think we all stayed diligent. This is a big project, so it will take many sets of eyes to make sure that we are doing what's best for our community. So please don't relax. You have a wealth of knowledge, being the president of the Stormwater Board and being a member of the (TAC) technical advisory committee that looks at these plans before they come to us. So please, sir, don't relax.

Frank Stalbaum stated obviously it all applies to him but, [INAUDIBLE]

John Spinks, Jr. asked if community if they had any further questions.

Rusell Louie asked if we have no water issues right now at all, and everything flows like it's supposed to because that that field still contains a clay drain tile on that field and it all drains back to that Creek in the back. If this subdivision does get developed and finished how long and who's responsible to make sure that this water does disperse out of this area.

John Spinks, Jr. stated the developer is responsible for anything that would affect the areas outside of themselves. He went and many members of the, the, of the group of governmental municipal government here, meaning town, council, stormwater, HRC, we have gone and visited ten (10) different communities that were given to us that Lotton Development, LLC has done. The consensus was that these are very, very nice. He puts together a very nice product. This isn't somebody who has just started up. He's been doing it for thirty years. It is in his best interest to sell his lots, to make sure that the water is drained properly, but always we have the building inspectors that are making sure of this, then we have a building inspector that is hired through the town to go and make sure that those problems are not happening, and if they arise, to help mitigate that through the process that we have set up here.

Mr. Louie asked if it will be the same person that is going to establish grades for all these homes, because what has already happened, and you're higher than us already without even starting to build, the retention pond is level with our property.

John Spinks, Jr. stated that he didn't want to act as if speaking as an engineer, the best I can tell you is, that we've hired outside engineers to make sure that it is done properly, and we have people that our on our staff here in the town to go out and make sure that the best interest of the community will be upheld.

Ernie Snow stated he had a question

John Spinks, Jr. stated let's get the rest of the community to ask any other questions, if you don't mind, and we will get right back to you. Please don't let me forget.

Ernie Snow stated, yes sir.

Keith Sternberg asked if these are going to be single family residences or townhomes or more, and is there any way he can see a lot plan, how long is all of this going to be laid out.

John Spinks, Jr. stated these are all single-family homes in Park Ridge, so there will be nothing other than single family homes that

are going to be currently considered. Once the lots and everything are approved, it will be available through Town Hall.

Russell Louie stated he has one more question, if there was going to be a berm or fence between the subdivision and surrounding properties, or how are they going to be divided.

John Spinks, Jr. stated he will have to take a closer look at the plans. There isn't anything on the plans that call for an alternate elevation. It will be more grass in the area already discussed.

John Spinks, Jr. asked Mr. Snow what was his question.

Ernie Snow stated if it would help upon your approval, he would be willing to have a blueprint somewhere where people could look at it so they could see and understand some of the questions.

John Spinks, Jr. stated that is certainly once everything is considered as we do in a public forum, we can actually talk about that, but remember we are at the stage of what is called a "preliminary application". The preliminary application is the things that we are considering. We will have the opportunity for the TAC to take a look at these. Based on after the engineers have come back, we will have other meetings where we will consider the final application with the plans. So, I don't want anybody thinking that after tonight that everything is final. We are trying to do our best to communicate to the community and answer any questions. So, we are still a bit of ways making this process happen.

Russell Louie stated he believes that Ernie said that Randy Decker's office stores copy of the traditional blueprints there.

John Spinks, Jr. stated that those have been made to the members of TAC and the Council and everyone else as we consider this preliminary plan. If they want to put something extreme like a theme park, we will obviously say this is not something we wanted, they're kind of just honing in on everything to make sure it all works. It takes the time to do our very best to make sure that things will work with the system.

Josh Noel stated that he would just like to make a comment regarding the subdivisions. He'd like to go on record as speaking favorably for them. Being on the commission, I've had the opportunity to review the plans. I've went through similarly situated subdivisions. I think this is a great opportunity for the town for responsible growth and I think it has the ability to positively impact a lot of our situations from our business districts to our school corporation. I think the underlying thing is Porter County is growing, and the growth is coming to south county, and we have the unique opportunity right now to either embrace it or be surrounded by it. So, I just like to go on record as speaking favorably for the subdivision.

John Spinks, Jr. stated he concurs with Josh Noel. We have had detailed conversations with our superintendent Brooks, we have had presentations done, the school board is in favor of the subdivisions, and we want to do whatever we can to support our schools. We want to do whatever we can to support our small businesses. We want to do whatever it is we can to improve the overall experience for all the people who live here. It's been told to us many times that larger grocery stores need a population of at least 5,000, and you know, there are exceptions to that rule, but we do know that we need to grow in order to be able to attract some of the amenities that so many of us are looking for.

John Spinks, Jr. stated there being no further comments from the community or the commission, public hearing concerning Park Ridge is now closed.

John Spinks, Jr. stated that being that the engineers from HWC had said, as we discussed earlier, that there were several still that need to be considered. It would be my recommendation that is, to approve, to deny, or no recommendation to send this forward with no recommendations and continue this public hearing until our next meeting where it will give some time for the engineers on both sides to work through this issue. However, we have the right to approve, to disapprove with the stipulations, or we can continue as the Commission so desires.

Meril Foresman asked the next step if approved, goes to the Town Council.

John Spinks, Jr. stated that the next step with this would be that the preliminary application would be approved, then we would follow the PUD Ordinance, which would mean I would send a letter to the developer saying that if we had approved it, based on these particular stipulations, they would work on those stipulations. They would fill out the application for the final approval, we would go to TAC, TAC would then make another recommendation, the engineers would make a recommendation, it then would come in front of this board again, we would vote for recommendations to be sent to the Council for final consideration.

Remonstrators - Public Hearing Windy Hill:

Danielle Roeske stated she was wondering what are the benefits, and the negative aspects of changing the zoning. Are you able to put more than four units? She knows there is a lot of duplexes going on in the subdivision, are they doing that in case for some reason they can't sell all the lots and that they'll be able to put larger complexes on, or what's the reasoning?

John Spinks, Jr. stated what happens is you're going to have two ways of having a subdivision approved "generically". I call it straight ordinance, where if you bought a piece of land and you want to put a hundred-foot lot, a hundred-foot frontages and 135 setbacks, and you wanted to follow every ordinance, then you would just be able to go and get it approved. When there are exceptions for things that a community finds is necessary for economic development, the state of Indiana and allows for what's called a "Planned Unit Development" (PUD), which means that piece of property will have its own conveniences, its own ordinances and the things that are allowed there. This allows for HOA's to make sure that they can do maintenance. It makes for a more strict building, like the siding and doors and things like that. So, in a planned unit development, what happens is the developer looks at a piece of property, comes in and talks with the municipality. They negotiate with the municipality, the engineers look at it, then the Technical Advisory Committee (TAC) looks at it. They offer a recommendation and then we act on it here. So, what it does is, it looks at a particular piece of property and says, "hey, listen, this, this would be better for the overall community". To answer your questions specifically though, in this Windy Hill because I know this has come up before, there is two types of homes here, single-family and duplexes. So, there would be 300 single-family homes in this preliminary plan and 176 duplexes.

John Spinks, Jr. stated so in this plan, the names changed back and forth from planned unit development and planned development residential. This is actually Planned Development Residential. There are PUDs for planned development, commercial plan mix. This is a plan development residential for those two types of homes.

Gail Kemper stated she had a question, for the single-family homes, are those starting off at a certain price?

John Spinks, Jr. stated yes. The projected price that we were told was approximately \$350,000.00. So, what we have, and it will be HOA as well, so the two subdivisions that we've been talking about will be very nice subdivisions for our community.

Gail Kemper asked if there are certain builders building all these homes?

John Spinks, Jr. stated, the last time he spoke with the developer, they were interviewing builders for that, but this being something that is, I think if you just take it with a grain of salt in 2023, they're still in the process of interviewing builders.

Sharon Mackay stated when she looked that up, you could do row houses and condos, are they planning on any row houses or condos?

John Spinks, Jr. stated No. The only two types of homes are the ones that I had described in the plan before us that are 300 single-family homes and 176 single-family duplexes. So, I think the information that you asked me are two things together there. I would need you to understand, everyone to understand that the planned unit developments allow for a lot of different things; but there is a "contract" between the developer and the town that lays out specifically what is allowed. Those two structures that I described are the only two allowed in that property.

Sharon Mackay stated that you also mentioned if they couldn't sell them, they could come into you guys and get a change. I personally think if they want a zoning, they should only get a zoning. That's almost 75 acres, correct? The subdivision with Windy Hill? How many acres?

John Spinks, Jr. stated he wanted to say it was 85, but needs to check.

Sharon Mackay asked what about giving just 10% to this plan to develop a residential and the rest leave alone. You mentioned a hundred-foot frontage for one, but the other Park Ridge, those lots look to me like they're only going to be 60 foot with five-foot side yard. That's not 100 foot.

John Spinks, Jr. stated that that's a great point because that right there was approved as a PUD.

Sharon Mackay stated it was approved as a PUD, that's for homeowner's association you said.

John Spinks, Jr. stated, No. I said that would be a part of the contract that goes into it. Let me go back to the original thing. I didn't say what you said in this meeting, that was a conversation that we were having before as an explanation of what PDR's and PUDs are. They allow a lot of different things. They are designed to offer communities the flexibility to be able to find the right development to help their situation. But I would say this Mrs. Mackay, just like it is in any subdivision, if a developer finds that the market is not receptive to what it is that they are trying to sell, whether it be lot size, whether it be house style, they always have, no matter what the subdivision is, the right to come back and talk to the municipality and come to an agreement, no matter what subdivision it is.

Sharon Mackay stated that she still thinks if they really want the PDR, you should only give them maybe 10 acres of it. The rest should be R-1. I have no problem with condos or row houses because there are a lot of seniors that would like them, but just given the whole subdivision that I think it's giving them too much. I think that it needs to be R-1 with just maybe a part of that zoning.

John Spinks, Jr. asks if there are any other comments from the community.

Jamie Uzelac stated that it was her understanding that the zoning could be up to, no lots would be smaller than 50 foot. I don't think anything less than should be accepted. We have parking problems now in Park Place and we don't need any more of those.

John Spinks, Jr. stated thank you Mrs. Uzelac.

John Spinks, Jr. stated that he wants to give plenty of time for anybody in the community to express their thoughts or ask any questions but encourages that if you are not addressing the commission, please go to mute.

John Spinks, Jr. asks once again, any comments from the community or commission?

John Spinks, Jr. stated that there being no further questions from the community.

Frank Stalbaum asked if he counted as Commission.

John Spinks, Jr. stated No sir, you are community, but we can go back if you have a question.

Frank Stalbaum stated that he didn't know if he was Community or Commission, but again, coming out of the TAC meeting, it was, that we're recommending approval. Now my comments now, more or less, the small lot sizes scare me now from a drainage standpoint. I think we're fine, once I've seen how great each works but I don't want to be remembered as somebody that's really pushed this if any of you haven't been out and seen some of these lot sizes yourself, and have viewed it, I'm not sure you should even vote on it. You know, It's your responsibility.

John Spinks, Jr. stated what I do want, as I should have probably said it in the previous one, but I will say it here that the TAC Committee, the technical advisory group of individuals who have specialty knowledge in these particular areas working as an advisor for the Planning Commission, takes a look at things and sees if this is what we think will work for the town. So, we have engineers, and we have TAC look at it. They may make a recommendation. The TAC met on December 13, January 20th, and February 2nd, and at the last meeting recommended to the Town Council to approve the Windy Hill zone change, as well as back to Park Ridge to approve or excuse me, to go ahead with it once the engineering had been resolved. I would like to include, that as well as I believe that it is a wonderful thing for our community and will help fortify our schools, as a member of a committee started by Dr. Clayfish, seeing the decreasing enrollment at our community, speaking with students, the current superintendent Brooks, it is imperative that we do whatever we can as a community to fortify our schools, because of the declining enrollment is really putting us in jeopardy. I think it will also fortify these small businesses.

Dave Peeler stated the recommendation from the TAC did recommend an approval, however there were many concerns about the lot sizes and setback; and is one of them with the concerns of safety, parking, setbacks and aesthetics. I just don't feel that the 50 foot lots are right for our town.

John Spinks, Jr. stated the TAC report, as stated, had recommended this, there were questions and concerns, but overall, the last comment was to give a favorable recommendation, as I had stated.

John Spinks, Jr. asks anything else from the Commission?

Josh Noel stated for the record, he is favorably for the subdivision, (Windy Hill). He had an opportunity to view similarly situated subdivisions, and as a member of TAC, I think these are beautiful subdivisions and the fact that they are going to be governed by an HOA, will keep the subdivisions upkeep very well. I just see a lot of positives that the growth can come to this community. Everything from renewed interest and our local businesses, enrollment of schools, and support to our TIF districts. I see a lot of positives and I know a lot of people are concerned that the growth can happen too rapidly, but I believe within the next ten years it's going to happen itself with Porter County, whether Hebron wants to embrace it or not.

John Spinks, Jr. asked if the Commission or Community had anything else.

Mike Wallace stated as a part of the Commission, he is also in favor of this and if you take at the property that we are talking about it does have power lines running through it, and from the preliminary drawings I've seen, they are really doing a lot with a kind of bad area, not something that is prevalent that you would put bigger houses than in more expensive income in that area. So, we are dealing with an area that needs to be considered, what the lay of the land is, and that's one reason I'm kind of for this. They do a lot that to make it look nice and presentable.

John Spink, Jr. stated no one has ever brought that up. Thank you, Mr. Wallace. Mr. Albright, did you have a comment?

Justin Albright stated just something I echoed in a TAC meeting a couple of weeks ago is that I am also in favor of this, and I think that that area having the subdivision built there is a good use of the area, probably the best use of that area; but the issue I do remain having isn't much about the lot size as it is the spacing between the large structures. We're talking about maybe having only 10 feet in between structures. I think that that's something that really needs to be addressed a little bit further, maybe needs to be widened out a little bit.

Ernie Snow stated on the last meeting what was just said was to be discussed at a later date when things are getting more ironed out on the spacing, not all homes and that we should stiffen up some of the codes for any kind of safety reason.

John Spinks, Jr. answered No. What happened is this is a preliminary plan. There isn't even a complete drawing. This is an idea, and so what happens is the ordinance here for the zone change and the covenants and the packet that we received says a minimum of 10 feet houses. The developer has told us that it will be closer to 12 and it really depends on how the drawings happen. I want to reiterate what I had said for Park Ridge. The process is they say that right now, we are just doing this zone change saying that we are open to this, and we will then have to go through the process of these drawings TAC will take a look at it. We will consider the preliminary application as we were doing for Park Ridge. If it were approved, then it would go back to the TAC or everything would get finished up tightened up a little bit, TAC would have an opportunity to look at it again, then it would be reviewed again by the Planning Commission and then sent to the Town Council for approval. So, we are in just where we are in one of many steps to current. So, did I answer your question?

Ernie Snow stated, yes. That is how I understood it.

Danielle Roeske stated she doesn't know if, I don't think I'm not the community, but I guess just for reference, you can get back to me on this, but what is it compared to Park Place or like a Brookwood, like when you guys are talking about lot sizes, like just to kind to picture it.

John Spinks, Jr. stated it is all sort of different lot sizes. Hang on a second, we are done with the public comment, and then we're going into the Commission; but to answer your question quickly, but moving forward, if we can deal with that, please, they are completely different sizes, it's a completely different property.

John Spinks, Jr. asked if Commission has any comments. The fact that the community has had an opportunity to express their ideas, questions and concerns, and the Commissioner has had opportunity to comment, I will now close the public hearing. Windy Hill public hearing is now closed.