

Violet Township Board of Trustees

November 5, 2014

Public Hearing

Mr. Dunlap made a motion to open the public hearing at 8:05 p.m. on Winding Creek Section 5 part 1 – Reserve B – Modification Request. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carried 3-0.

Ms. Sarko explained the Winding Creek Owners Association filed a request to modify the Winding Creek Planned District. The Winding Creek Planned District was zoned in October 1995. The Development Plan for the district called for a 1500-2000 square foot Community Building which would be owned and maintained by the neighborhood homeowners association. The Development Plan shows the Community Building on "Reserve F" which was platted in Winding Creek Section 5 Part 1 as Reserve B. This reserve is located on the northwest corner of Rocky Creek Drive and Winding Creek Way.

The Owners Association received a lump sum payment from the Developer for improvements to Reserve B. The Association is planning to install shelter house and playground equipment including a playset and a swingset. The proposed shelter house is proposed to be 18' x 12' (216 square feet).

Although the shelter house will be a community owned building, it is a smaller building than provided for in the Development Plan/Text for the rezoning of Winding Creek.

The Development Text also states "the development does not currently propose any type of Public Service use" with regards to Public Service Facilities, schools and Parks (which included Parks, playgrounds and play fields) open to the public without fee.

Ms. Sarko mentioned what was included in the packet: a letter from Winding Creek Owners Association, PowerPoint presentation of the proposal showing their proposal, location, type of improvements, etc., proposed rules and regulations for the Reserve Area, Winding Creek Owners Association Constitution and Bylaws, Winding Creek Deed Restrictions, Request for Proposal for the proposed improvement and a map showing the layout of the area, a copy of a page of the development text, correspondence from Don Schofield regarding ADA compliance, notices of the meeting, proxies, nominating petition, their agenda and meeting minutes as well as their presentation.

Ms. Sarko noted that she and John Eisel met with members of the Owners Association on October 23rd.

Rick Brunell, President of the Winding Creek Owners Association who resides at 12575 Brook Forest Circle was present. Mr. Brunell put on a PowerPoint presentation. Mr. Brunell explained that the association formed in 2012 when Mike Hiser completed 95% sale of the lots in that development. At their first meeting in 2012 the members voted to accept the lump sum of \$150,000 from Mr. Hiser in lieu of the Community Building. So the members preferred not to do the Community Building as planned. The member feedback from that meeting was they wanted to see the walking paths refreshed and they wanted to see continued improvement of the lot. The key things delivered at that meeting was a shelter and/or playground.

In 2013 they completed the refresh of the walking paths using the money Mr. Hiser gave them. In spring of 2014 they began planning the development of that lot (specifically the shelter and playground as well).

To get to this consensus they held their annual meeting this past September and during the meeting the board members worked with members in attendance and worked to modify the scope of the development of this capital improvement project and reach a majority decision to proceed. The structure will be an 18' by 12' open structure. There will be basic electric and no running water. Sidewalks and trees will be added and will be for the use of HOA members only and not the general public.

Mr. Brunell showed the plat of where they would like to locate the structure. They are looking for the approval of the Trustees to make the plat changes so it is a reduced use and they will not have a community building there. It will just be the shelter house with the playground. They would also like to solicit the bids from the contractors and present back to the homeowners at a special meeting to get their approval.

Mr. Brunell gave a special thanks to Mr. Eisel and Ms. Sarko for all their help and direction.

Mr. Myers asked where they were going to get their electric. Mr. Brunell said he assumed it was already on the lot.

Mr. Myers also asked if they had a contractor yet. Mr. Brunell said they did not but would bid it out to at least (3) three reputable companies.

Mr. Weltlich asked if the Homeowners Association had liability insurance. Mr. Brunell said they did.

Mr. Myers mentioned we are currently using a contractor for very similar work at our Busey Road Park and would pass on the name if they are interested.

Mr. Weltlich asked what the vote count was for the homeowners. Mr. Brunell said it was 13 to 7 in favor of getting approval of the Trustees first.

Lisa Chilton of 8958 Winding Creek Way was present. Ms. Chilton said the board did not contact the (4) residents who lived adjacent to the vacant property. If they would have contacted them they would have realized that at least (3) three of the (4) four residents did not want them to build on the vacant land.

Ms. Chilton went on to say the only thing the Board has informed the community on this proposed change to the plat mat was that they will build a 36' by 18' foot structure (which they are now saying it is a 36' by 12' structure), with a concrete slab and metal roof and will be used for up to 100 people for birthday parties and concerts.

Beverly Jacobs of 8785 Winding Creek Way was present. Ms. Jacobs is not a part of the Winding Creek Association but is a part of the Terrace Ridge Association. Ms. Jacobs is against having this type of structure across the street from her home.

Paul Chilton of 12706 Rocky Creek Drive was present. Mr. Chilton spoke on behalf of some neighbors that were against the building of this structure. Mr. Chilton is also against this. Mr. Chilton feels they should send an email to all the property owners and get feedback.

Mr. Weltlich asked Ms. Sarko if we had on file the list of the adjacent property owners. Ms. Sarko said we did have it on file and it is also on the County Auditors website.

Eric Burger of 8470 Morgan Street was present. Mr. Burger has been looking forward to some type of playground area to be built on this site. He also looks forward to the sidewalks being completed with this project.

Tim Hill of 8380 Morgan Street was present. Mr. Hill is on the Homeowners Association Board and when the vote was taken at the initial meeting to decide whether there was going to be a community building or not there were a small number of homeowners that chose not to build anything even though the notice was sent to over 200 members. The decision they came up with was consistent with 2013.

Mr. Dunlap made a motion to continue the Winding Creek public hearing to the next Trustee meeting of November 19 at 8:00 p.m. so the Trustees can review the materials and information presented tonight. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carries 3-0.

Mr. Dunlap made a motion to re-open the Regularly scheduled Trustee meeting at 8:33 p.m. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carried 3-0.

Respectfully Submitted,

Brian Sauer, Fiscal Officer

Joniann Goldberg, Administrative Assistant

Approved by:

Terry J. Dunlap, Sr., Trustee

Harry W. Myers, Jr., Trustee

Gary P. Weltlich, Trustee

Date: _____