

CHESTERTON ADVISORY PLAN COMMISSION

JULY 21, 2016

6:30 P.M.

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

APPROVAL OF MINUTES

Member T. Kopko moved approval of the minutes from June 16, 2016 seconded by member F. Owens and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC- None

PRELIMINARY HEARINGS

Von Tobel Corp. Petition to Amend The Villages of Sand Creek Planned Unit

Development. Attorney T. Leeth was present as representation for the petitioner. The project is located within the Villages of Sand Creek. In 1993 when this project was approved as a Planned Unit Development the requirements in place were not as refined as they currently are. There is no Ordinance on file for Villages of Sand Creek. The development is basically defined in a series of 18 drawings that are filed with the town but never recorded. Over time the developer went through a series of five phases and recorded each plat of subdivision. The Von Tobel Corp. owns a 4 acre parcel that's platted as A-2 located on Porter Avenue just east of the entrance into Villages of Sand Creek. The plat allows for 48 multi- family homes with ten development standards indicated. The Von Tobel Corp. is looking to amend those restrictions which are indicated on the plat. They are interested in constructing 14 buildings having 28 single family attached homes. Von Tobel Corp. is currently working with Steiner Homes in building these townhomes.

Attorney Leeth distributed a depiction of the type of home which would be built. The property will not require a subdivision plat to convey the 28 individual homes. The petitioner shall submit the property to the Indiana Horizontal Property Law with each home being a condominium unit. He respectfully requested the board to set this item for public hearing at the August 18, 2016 meeting.

Member J. Trout asked about the price range for each unit.

Attorney Leeth said he didn't have that information. He would provide that at the public hearing.

President G. Stone asked for clarification regarding the ingress/egress for the project.

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Attorney Leeth said it is not one way but the entrance would be restricted on Porter Avenue. There would be an island in the curb path on Porter Ave. which would limit access to right in and right out onto Porter Ave if coming from the east. If coming from the west the entrance into Villages of Sand Creek and a right hand turn onto Eagle Nest Drive would provide access to the project. The four acre project would be maintained by the 28 owners.

Member F. Owens clarified that all garage doors would be located on the Eagle Nest Drive street side. The front façade depiction of the townhomes given to the board would face away from the projects road.

Attorney C. Parkinson said that things like setbacks would not change. Any revisions to the Ordinance would be descriptive in nature.

Member T. Kopko commented that fencing within Villages of Sand Creek was an issue. He expressed concerns about increased traffic along Porter Avenue.

Attorney T. Leeth said the condos would have their own homeowners association and would not follow Villages of Sand Creek covenants. He told member Kopko that they had made no final decision on the fencing issue. Furthermore, it was noted that the Stop Work Order in effect in Villages of Sand Creek did not apply to this parcel.

There was some conversation regarding a deceleration lane on Porter Avenue at the entrance directly into the project.

Member J. Trout moved to set this item for public hearing at the August 18, 2016 meeting seconded by member F. Owens and passed by unanimous voice vote.

The Villages of Sand Creek Owners Association, Inc. Petition to Amend The Villages Of Sand Creek Planned Unit Development. Attorney Leeth was present as representation for the petitioner. He told the board the property owners association is requesting the board to amend the PUD Ordinance. The purpose is to lift the Stop Work Order for Phases 4 & 5 owned by Meyers Construction. Myers is a successor developer. The developer and successor developer have not completed walking paths and a pedestrian bridge that are shown on Sheet 8 of the PUD documents. The association has been unsuccessful in collecting HOA dues on any of these lots. Last year the town had urged the HOA to come up with a solution that would put an end to this stalemate. The solution is to amend the PUD to remove the requirement of any future walking paths to be constructed. The HOA has chosen to push through the impasse by bringing this as a solution. He respectfully requested the board to consider setting this item for public hearing at the August meeting.

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Attorney C. Parkinson explained that the walking paths as they are currently constructed will be the only walking paths. There would be no future walking paths. The bond which is being held by the town would be released upon direction from the petitioner and the successor developer Myers and Sons Construction. If they can come to an agreement on how the bond is released the bond will be released after the town has deducting the cost incurred by the town for enforcing it.

Member T. Kopko asked if a two thirds favorable vote by the HOA was necessary to change this.

Attorney Leeth said he didn't think so but he would review the declaration of covenants. He commented that the entire community or every phase would be notified of the public hearing.

Member J. Trout moved to set this item for public hearing at the August meeting seconded by member F. Owens and passed by voice vote of four to one with member Kopko voting no.

Lake Erie Land Company, Coffee Creek Center Phase A & B, Lot 8 Primary Plat (Replat of Lot 8, 9, 10, 11 and Part of Lot 38) To be known as "Residents At Coffee Creek"

Attorney T. Hiestand was present as representation for the petitioner. He was accompanied by Mr. F. Jachim of Westshore and brothers Phil and Tom Panzica of Panzica Building Corp. Attorney Hiestand clarified that a red folder distributed to the board this evening would contain the revised Ordinance in the matter. Exhibits C, D and E would contain any new information requested by the town.

Town Engineer M. O'Dell found the primary plat for this item to be in order.

It was clarified that the primary plat would be under consideration as a point of order followed by the public hearing for the same matter. It was understood that if the PUD was not approved the primary plat decision could be reversed by the Town Council.

Member J. Trout moved to set this time for public hearing at the August meeting seconded by member R. Poparad and passed by unanimous voice vote.

CONCEPT REVIEW- None

PUBLIC HEARINGS

Lake Erie Land Company, Coffee Creek Center Phase A & B, Lot 8, P.U.D. (Replat of Lot 8, 9, 10, 11 and Part of Lot 38 To be known as "Residents At Coffee Creek"
Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Attorney T. Hiestand was present as representation for the petitioner. He was accompanied by Mr. F. Jachim of Westshore and brothers Phil and Tom Panzica of Panzica Building Corp. Attorney Hiestand said the primary variances the board

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had expressed concern about is the sign. Exhibit E is a depiction of signs and Exhibit C is for the variances.

The project was reintroduced by Mr. Frank Jachim. This project would be modeled after Residents at Deer Creek in Schererville, IN. which has received numerous regional awards for its design as well as its services and quality care it provides. The assisted living and memory care units would be contained within a three story building. Resident apartments would contain a kitchenette equipped with a microwave and refrigerator. All the assisted living residents receive all their meals and snacks from a staffed commercial kitchen. She stated that the memory care portion of the facility would fill a gap that people in the community are searching for. During the 15 to 18 month construction phase of the project they would employ about 150 workers. Once the community is operational they would employ approximately 100 employees.

Mr. Phil Panzica of Panzica Building Corp. was present. Mr. Panzica walked members of the board through the revised variance requests; hereto attached and made a part of these minutes. He told the board they would be looking to delete a stretch sidewalk along Sidewalk Rd. That stretch would only serve to take people to SR. 49 with nowhere to go from there. They would also be looking to delete a portion on sidewalk along Quail Trace since it would only lead to their driveway.

The first variance request regarding signage was a request to allow a double sided monument sign at the front yard of the building each side having 28 square feet for a variance of 20 square feet. A variance to increase the height of the sign from 6'6" to 8'6" therefore a variance of 2 feet. The second variance request regarding signage was a request to allow a freestanding sign at the SR. 49 side yard. The double sided sign would have 61 square feet of signage on each side in lieu of 36 square feet total maximum allowed by the ordinance. The proposed freestanding sign would be 12 feet in height in lieu of 6'6" allowed by the ordinance therefore a variance of 5'6". Mr. Panzica noted that this sign had been greatly reduced from the previous request. He gestured to a power point presentation which provided animation illustrating the speed at which a car would travel along SR49 and an optimal viewing opportunity for signage. He suggested that the more visible signage would be less likely to cause an accident. The third variance request regarding signage was a request for temporary construction/property development signage along SR49. The temporary fabric signage would not exceed 192 square feet in lieu of 32 square feet, therefore a variance of 160 square feet. The construction fencing would provide a barrier from debris blowing across the nearby roads. A portion of the screening would contain graphics that describe what the project is and may contain a rendering of the building.

Upon conclusion of the presentation President G. Stone solicited comments from the public.

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Katie Rizer of Valparaiso, IN. was present to speak in support of the PUD. As the Executive Director of the Coffee Creek Watershed Conservancy she told the board that at its earliest conception, Coffee Creek would be described as a live, work, play community. The watershed preserves 157 acres that promotes play. They are now looking to complete the concept plan with the work live portion of the development. People and developers who can help support their mission to preserve the 157 acre corridor in Coffee Creek with consensus building practices like those of the Panzica's help further that growth.

There was no one present to speak in opposition to the petition. The public comment portion of the meeting was declared closed.

Member F. Owens said that as a 16 year resident of Chesterton he would be haunted by the idea that Sidewalk Rd. would not have a sidewalk. He said as planners it is their job to envision what will or will not happen in the future. Although the sidewalk would go to SR49 as a runner he said he would use the sidewalk and he knew many runners whom would do the same. He said he did not want to see 160 square feet of temporary signage in his community. His third concern was the excessive signage. He understood the size of the monument sign on SR49 was reduced from a previous plan but it is still too large. He commented that their sign would be bigger than the sign located at Culver's which is a fast food location looking to capture quick passerby traffic. Someplace that offers senior living is not a kneejerk reaction kind of stop. It would be a destination stop for most people considering that type of living style.

Mr. Panzica said most of those types of businesses like Culver's are also recognizable by awnings and colors and don't require that type of signage. This building does not jump out and say I'm here I'm a senior living facility. It would be visited by out of town relatives who don't know their way around the community. We need to give them a way to identify the building without causing traffic accidents by trying to read to small of a sign. He suggested that if this had been a Class B commercial building it would have had two, 60 foot signs facing the roadway. He suggested that instead of comparing this to Culver's the board should compare it to other commercial buildings. Allowing them to take what other building would place on the building and put it near the road. Large signage on the side of the building would make this building look like a hotel. They believed the signage was in good relation to the building size.

Town Engineer M. O'Dell said that if they are really looking to compare themselves with a similar building type, they should compare themselves with Symphony Center a senior living community as well. Their identifiable signage is in keeping with a residential facility.

Attorney C. Parkinson suggested they compare themselves to residential buildings and not commercial structures.

President G. Stone said he appreciated the fact that they had reduced their signage from their previous presentation. He said he was not troubled by the size of the sign.

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Member J. Trout suggested moving their logo to a visible side of the building and reducing the signage.

Mr. Panzica said they had done that at another facility and passersby frequently mistake it for a hotel. He said although they want residents to feel they are in a residential setting they are still offering care similar to that of a medical facility.

Mr. Jachim said people need to properly identify the building as a senior center. The sign would be softly lighted from the inside.

Member J. Trout said he was in agreement with member Owens that the sidewalks needed to be installed. He recognized that the board had three options; one was to continue the public hearing, two was to send a favorable recommendation to the town council and three was to send a not favorable recommendation to the town council.

President G. Stone clarified the three stumbling points to be the sidewalks, the temporary signage and the height of the sign. There was additional conversation about a special meeting if the public hearing was continued.

Mr. Panzica said they are not trying to sell a sign they are just trying to come up with a sign that achieves the client's goal which is essentially the words "Senior Living."

Member J. Trout suggested that continuing the public hearing might enable other members to be present and perhaps they would have a different opinion on the three stumbling points.

Mr. Panzica suggested that his client would be willing to install the sidewalk. He proposed that the petitioners contract with the town and if there is any development on the north side of Sidewalk Rd. or the town decides that there is a need for the sidewalk then the petitioner would have one year to install that sidewalk.

Attorney C. Parkinson clarified that currently there is no designation for sidewalks along Sidewalk Rd. The variance originally requested to eliminate all sidewalks, the original PUD requires sidewalks. A compromise would be to put sidewalks along certain roads but not Sidewalk Rd. Attorney Parkinson said he would have a problem if this is something that needs to be dedicated for public use it would be necessary to change the primary plat at a later date contingent upon development in the future.

Town Engineer M. O'Dell suggested a note on the primary plat that states that all the structure on Lot 8 will be private and maintained by the owner except for the existing public sanitary sewer main and the proposed sidewalks along Kelly Dr., Village Point and Quail Trace.

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Attorney Parkinson agreed that would be a note change to the primary plat change. What you have is a commitment that hasn't been made but might be made, a plat that going to public hearing next month that might in the future be amended.

Mr. Panzica clarified that the PUD initially defined that all roads and streets within the development were to have sidewalks on both sides of those developed streets. He wasn't quite sure that addressed Sidewalk Rd.

Members of the board and town engineer argued that is a part of the development and in the PUD.

Mr. Panzica said the client instead of putting in a sidewalk that would not be used the client agrees to a contract that they would install the sidewalk upon direction by the town and they would have a period of up to one year to install it.

Attorney C. Parkinson said he wasn't sure how that would be bonded for and the petitioners might have to carry a bond for a considerable amount of time.

It was the general consensus of the board that additional language would be crafted and defined before the next meeting.

Mr. Panzica proposed that they would install the sidewalks including the sidewalk on Sidewalk RD. if the board would accept the sign on SR49.

Member Kopko and Owens said they had not changed their position on the three key stumbling points.

Member J. Trout moved to eliminate the temporary construction signage, install the sidewalk along Sidewalk Rd. and accept the other variances as presented in Exhibit C seconded by member R. Poparad. The motion did not carry by a vote of 3 to 2. Members F. Owens and T. Kopko voted no.

Attorney Hiestand asked about dates to convene a special meeting on this item. He said his clients want to break ground as soon as possible.

Members of the board agreed that August 4th or August 11th could work. There was only a 48 hour notice required for the publication. The attorney would poll members of the board to find when the maximum members could attend.

Porter Hospital, LLC a Delaware Limited Liability Company, Primary Plat (Story Point Senior Living Community) Attorney G. Babcock was present as representation for the petitioner. The secretary verified proof of publication, notification and payment.

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Attorney G. Babcock described the site as a one lot subdivision made up of 18 acres. He distributed a copy of changes to the board the note section on the primary plat was changed which were suggested by M. O'Dell.

Member T. Kopko moved to approve the primary plat for this item Dated July 19, 2016 seconded by member J. Trout and passed by unanimous voice vote.

Town Engineer M. O'Dell commented that the note changes from the primary plat had been carried over to the secondary plat.

Attorney G. Babcock said the mylars for the secondary plat had not been signed by the owners. They reside in Tennessee. He requested that the board consider signing the secondary plat this evening and then getting them to the owners for signatures.

Attorney C. Parkinson clarified that G. Babcock as their attorney represented that they (the owners) would be dedicating this. Attorney G. Babcock said yes. There was no public infrastructure for bond.

Member J. Trout move to approve the secondary plat for this item seconded by member F. Owens and passed by unanimous voice vote.

OLD BUSINESS

Abercrombie Woods Phase 3, Maintenance Guarantee

Mr. Tom Lewandowski of DTM Properties was present. He stated that the work in Abercrombie Woods Phase 3 had been completed and respectfully requested the board to approve releasing the bond.

Town Engineer M. O'Dell verified the work was complete.

Member J. Trout moved to release the bond seconded by member F. Owens and passed by unanimous voice vote.

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

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ADJOURNMENT

There being no further business before the board member T. Kopko moved adjournment seconded by member F. Owens and passed by unanimous voice vote. The meeting adjourned at 8:25 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

G. Stone, President

Variations from Chesterton Zoning and Subdivision Ordinance

1. Variance of 90 square feet to allow assisted care efficiency units to be 350 square feet in lieu of specified minimum of 440 square feet of living space required by Article V, Section 506 A.6.
2. Variance of 1 foot to allow off street parking stall size to be 9'0" wide x 20'0" long stalls with two-way drive aisles of 24'0" width instead of 10' wide stalls as required by Article V Section 603 B.2.
3. Variance from Article VII, Section 803 A(2)(C) to eliminate the need for wheel stops where cars may overhang into landscaping.
4. Variance to amend Article VII, Section 806(B) to allow a 6'0" tall decorative fence at front building plane.

Variations from Chesterton Town Standards

1. *Variance to delete 5'0" sidewalk on Sidewalk Road (CR E 1050 N) and a portion of Quail Trace as may be required by Section 1, part B(6)(a) and Section 14(O) of Ordinance 2002-05. See attached Exhibit "F".*
2. Variance to waive principal structure finished floor elevation from maximum 30" above edge of road pavement as defined by Section 1 Part F(6)(d), on this site with a 20' of grade change.
3. Variance from Section 1 Part C(7)(a) to waive curbs in parking lots where part of storm water management plan

REVISED: July 5, 2016

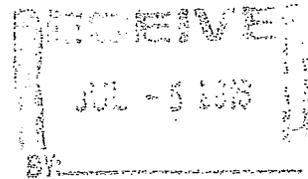


EXHIBIT "C"

PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE NO. 2016-_____

VARIANCES

All development standards, uses, subdivision regulations, and town standards applicable to a PUD District shall apply to the property, except for the following variances:

Variances from Coffee Creek Center PUD Amendment Exhibit C

1. Variance to amend Section 6 to add one hundred fifty (150) multi-family units, adjusting the Coffee Creek maximum residential units from four hundred sixty-four (464) to six hundred fourteen (614) units.
2. Variance of one hundred (100) residential units to amend the Coffee Creek Center PUD, Amended Plan of Development dated November 12, 2001, as prepared by Howard Engineers, to allow one hundred fifty (150) residential units in lieu of noted Block 1, Maximum Number of Residential units of fifty (50).

Variances from Coffee Creek Center PUD Amendment Exhibit C-1

1. *Variance of 20 square feet from Exhibit C-1 Sign Standards, item 1.4, A. 2(e)(i)(ii) to allow a monument sign at front yard of building with each side having a gross surface area of 28 square feet on each of two (2) faces, in lieu of 36 square feet maximum together with a variance of 2'-0" for the top of monument sign 8'6" above grade in lieu of 6'6". See attached Exhibit "E".*
2. *Variance of 86 square feet from Exhibit C-1 Sign Standards, item 1.4, A. 2(e)(i)(ii) to allow a monument or "freestanding" sign at the Route 49 side yard with a sign gross surface area of 61 square feet on each of two (2) faces in lieu of 36 square feet maximum together for a monument sign with a variance of 5'6" for the top of a monument sign at 12'0" above grade in lieu of 6'6". See attached Exhibit "E".*
3. Variance of 160 square feet from Exhibit C-1 Sign Standards, item 1.4(d) to allow temporary construction/property development signage to be 1 square foot for each 2 lineal feet of frontage at Route 49, but not to exceed 192 square feet of gross signage area, in lieu of maximum 32 square feet. The fabric signage shall be one (1) face, 24'0" long x 8'0" tall, top of sign maximum 10'0". See attached Exhibit "E".