

CHESTERTON ADVISORY PLAN COMMISSION
SEPTEMBER 15, 2016
6:30 P.M.

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

APPROVAL OF MINUTES

Member T. Kopko moved approval of the minutes from August 11, 2016 seconded by member J. Kowalski and passed by unanimous voice vote.

President G. Stone called attention to an error in the minutes from August 18, 2016. The secretary took note and would make the necessary change.

Member J. Kowalski moved approval of the minutes from August 18, 2016 contingent upon the necessary correction being made. Member T. Kopko seconded the motion and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC- None

PRELIMINARY HEARINGS- None

CONCEPT REVIEW- None

PUBLIC HEARINGS

Von Tobel Corp. Petition to Amend The Villages of Sand Creek Planned Unit Development. (Continued from August 18, 2016) Attorney T. Leeth was present as legal representation for the petitioner. He was accompanied by Ken Phlippo, President of Von Tobels and John Sturgill, of McCann & Assoc. Attorney Leeth briefly stated the purpose of the continued public hearing on this item was to amend the PUD. The proposal would allow for the reduction of the number of dwelling units within the parcel known as 2-A. The parcel is within The Villages of Sand Creek. The number of units would be reduced from 48 units down to 28 units. Following the petitioners presentation, discussion was had between the public in attendance, followed by the petitioner's rebuttal and board comment. At the conclusion of the presentation it was the consensus of the board to continue the public hearing for reflection.

President G. Stone commented that the public comment portion of the public hearing would only be reopened if there were any new developments. Hearing none, he solicited comments from the board.

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Member J. Kowalski wondered if a road cut from Porter Ave. was denied would the petitioner still be allowed to keep the private road 24 feet wide or would it have to be 30 feet. He speculated there would have to be a cul-de-sac within the private road.

Town Engineer M. O'Dell said that if there was no access from Porter Ave. the private road could still be less than 30 feet wide. He said they would work with the fire department to make a final determination.

Member J. Kowalski questioned why the petitioner would be willing to contribute 40% of the assessments to the Villages of Sand Creek HOA. He commented that the residents of Greystone would ultimately be the ones paying the additional 40%.

Attorney Leeth said residents of Greystone would receive benefits from the Villages of Sand Creek HOA. Residents would utilize the same storm water system resulting in continued maintenance of those facilities. The added cost is fair. Residents would use walking paths and playgrounds. He also assumed there would be costs for flowers and landscape at the entrance of Villages of SC. In addition, residents of Greystone would have their own HOA fees to pay. Ultimately, the cost of such a commitment would remain a private matter between the developer and the HOA.

Member J. Kowalski asked for clarification on how far east the proposed road cut on Porter Ave. would be.

Attorney T. Leeth said the road cut would be as far East as it could go allowing them to develop on both sides of the road and stay out of the protected area.

Member Kowalski commented that he has a hard time with the proposed road cut off of Porter Ave. He said he knew of two traffic related deaths along that road. It's a safety factor.

President G. Stone asked if petitioners would consider changing the location of their Greystone monument sign. He commented that if it was placed near the right in right out road cut vehicles heading east would have gone too far and need to turn around. He suggested placing the sign at the projects private road and Eagles Nest Drive.

Attorney Leeth said that during the construction phase temporary signage would be necessary on Porter Ave. to identify the project.

Laura Elliott of 1691 E. Porter Ave., Chesterton was present and expressed concerns about the subdivision sign being installed near the right in right out access point. She said motorists would be using her private drive as a turnaround. That's a real safety concern.

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Member J. Trout said he had spoken to the police chief quite extensively. He felt that the project should be reworked to avoid an additional road cut off of Porter Ave. He said he has no problem with the unit that is proposed nearest the protected area.

Attorney Leeth said most communities of this size usually want dual access. First responders typically want a second access also. He said he wasn't sure that he would agree on it being safer to eliminate that access. He asked that the police and fire department be allowed to engineer that cut as safe as it can possibly be.

Members of the board could see that as a concern as well.

Member J. Kowalski said he is looking at the bigger picture and not just the subdivision. Once the Easton Park subdivision goes in Porter Ave. will become very heavily traveled. This access point just doesn't fit.

Member T. Kopko echoed the other board members concerns. This road cut is a real sticking point. He said this developer needs the approval of Villages of Sand Creek in order to use the storm water system that in place there.

Attorney C. Parkinson said that this was originally developed as a five phase development. It's difficult for the town to step in and tell the developer of one phase that the gate keeper is no longer the town. If in fact the association does control the storm water retention it's difficult to tell a developer that the town board is no longer involved. That's between the association and the developer. It's a private matter. Before any permits are approved we need to know that the storm water retention is adequate.

Sharon Downs of 1711 Lost Tree Drive, Chesterton questioned how the town can pick and choose what are private verses what's public. They present a situation and create their own PUD. The decision that's being made directly affects the neighboring resident's packet book. They would be using the system that I am 100% reliable for and they get to decide what piece they want to be reliable for. How is that fair?

Attorney Parkinson said this was not developed one phase at a time. This was developed as a master plan a PUD. This had to be considered at some time in the master covenants of this development. As a board these issues are taken up at the time permitting is done. Attorney Leeth will have to take that up with the association.

President G. Stone said the general consensus is that the access road is a sticking point.

The options are that we accept this proposal and either send a favorable or unfavorable recommendation to the town council. Or, the access road is deleted and we send a vote to the town council.

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Member Trout said safety is the issue.

Member F. Owens said he agreed with his fellow board members. He commented that the initial design plan included several cul-de-sacs and that's probably why the main entrance into Villages is so large. He felt it was always the intended design to build two story units because there would be no way to get 48 units on that parcel.

Member J. Trout referenced a design configuration that exists in Westchester South where there is a paved access point from Second St. into the subdivision. It's not intended for car traffic but its there for access. Perhaps they could consider doing something like that rather than a cul-de-sac. It would be limited access to Porter Ave. for emergency use only.

Attorney Leeth said that might be a consideration and provide some type of hammer turn around within the development.

Town Engineer M. O'Dell was confident that their engineers could come up with something creative that would work.

Attorney Leeth concluded that the board had the option to forward the plan to the town council as is with a favorable recommendation. Or, the board could forward this item to the town council with a favorable recommendation provided that there would be no access to Porter Ave. We would then have the opportunity to go before the council and make our case or change the site plan in the meantime.

President G. Stone objected to all those options. It is this board's responsibility to present the town council a plan that is ready to approve. He recommended continuing the hearing so the plan could be refined.

Attorney Leeth continued pushing the issue so the petitioner would not lose another month of building time. But, President Stone was not having it. He instructed the petitioner to come back with another plan.

Member J. Trout moved to continue the public hearing on this item 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 T. Hiestand said there was no public notice given to the public. Attorney Hiestand requested a continuance of this item. Furthermore, he asked that this item be left off the agenda until further notice. He gave brief comment on the difficult process of striking an agreement between the parties involved.

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It was the general consensus of the board to remove this item from the agenda until further notice.

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

President G. Stone clarified that this item was not submitted on time to be included on the agenda.

Member J. Trout moved to waive the requirement for filing in a timely manner seconded by member F. Owens and passed by a vote of 4 to 1 with member T. Kopko voting no.

Attorney C. Parkinson represented that the Letters of Credit for both sidewalk and infrastructure are in order.

A Sidewalk Guarantee in the amount of \$69,208.00 for Residents At Coffee Creek was presented.

An Infrastructure Guarantee in the amount of \$140,800.00 for Residents At Coffee Creek was presented.

Member J. Trout moved to accept the Letters of Credit for both sidewalk and infrastructure, based on the attorney's recommendation seconded by member F. Owens and passed by unanimous voice vote.

Attorney T. Hiestand the attorney for the petitioner thanked town staff, engineering and the town attorney for their help the in wrap up of this project.

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

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ADJOURNMENT

There being no further business before the board member J. Trout moved adjournment seconded by member T. Kopko and passed by unanimous voice vote. The meeting adjourned at 7:35 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

G. Stone, President

CHESTERTON ADVISORY PLAN COMMISSION

AUGUST 18, 2016

6:30

The meeting was called to order at 6:30 P.M. P R. Poparad, J. Kowalski and President G. Sto present as legal advisors. Town Engineer M attendance. Member F. Owens was absent. The

President Stone,

APPROVAL OF MINUTES

Member T. Kopko moved approval of the minutes Trout and passed by unanimous voice vote.

Please find the necessary change made to the minutes of Aug 18th.

COMMENTS FROM THE PUBLIC- None

PRELIMINARY HEARINGS- None

CONCEPT REVIEW- None

*Thanks
Gail*

PUBLIC HEARINGS

The Villages of Sand Creek Owners Association, Inc. Attorney T. Hiestand the legal representation in this matter respectfully requested to continue this item.

Member J. Trout moved to continue this item seconded by member T. Kopko and passed by unanimous voice vote.

Von Tobel Corp. Petition to Amend The Villages of Sand Creek Planned Unit Development. Attorney T. Leeth was present as legal representation for petitioner. He was accompanied by Ken Phlipppo, President of Von Tobel and John Sturgill, of McCann & Assoc. He told the board Von Tobel has been in business in NWI for over 50 years. They have owned this property since 2001. Attorney T. Leeth said they would essentially be creating a neighborhood within a neighborhood. 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 were 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 4.23 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. In 1999 a Phase 5 Plat of the subdivision came along. The Phase 5 drawings and the 1993 drawings are the same 4.23 acres. The Phase 5 drawings are the platted A-2. The Von Tobel Corp. is looking to amend those restrictions which are indicated on