

CHESTERTON ADVISORY PLAN COMMISSION
SEPTEMBER 17, 2015
6:30 P.M.

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

APPROVAL OF MINUTES

Member T. Kopko moved approval of the minutes from August 20, 2015 seconded by member E. DeLaney and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC- None

PRELIMINARY HEARINGS

Olson Farms LLC. Easton Park Planned Unit Development, Primary Plat Attorney T. Leeth was present as legal representation for the petitioner. Eric Gastevich accompanied him. Attorney T. Leeth said they are here this evening requesting a public hearing on the amended plan of development for Easton Park which was formerly approved in 2007/2008 and known as Sand Creek Farms.

Member T. Kopko moved to set this item for public hearing at the October 15, 2015 meeting seconded by member E. DeLaney and passed by unanimous voice vote.

CONCEPT REVIEW- None

PUBLIC HEARINGS

Olson Farms LLC. Easton Park Amended PUD (Continued from Aug. 20, 2015) Rules for conducting a public hearing were read aloud. Attorney Leeth was present as legal representative for the petitioner. He was accompanied by Don Torrenga of Torrenga Engineering and developer Eric Gastevich. Attorney Leeth said they spent the last month reviewing plans with the engineering department which were found to be acceptable. The PUD Ordinance also meets with the approval of Town Attorneys C. Lukmann and C. Parkinson. The highlighted changes to the 2008 version would include a few shifts in roads and a reduced number of residents from 362 to 346 with 22 acres of open space.

The language in the Ordinance for Easton Park also saw a few changes. Attorney Leeth said there were some references to some offsite dedications which have since expired and been removed from the Ordinance. There is current conversation moving in the direction of renewing that agreement and they would be working with town attorneys keeping that agreement outside

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of the PUD Ordinance this evening. They have included language allowing the Board of Zoning Appeals to grant development standard variances if requested by a petitioner without having to amend the ordinance. He respectfully requested the board to consider sending a favorable recommendation to the town council.

There was no one present to speak in support of the petition.

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

Town Engineer M. O'Dell affirmed that all the necessary items are in order. He clarified that the petitioner's signage request was for double sided monument type signage.

Mr. Gastevich said the signage would be double sided monument type signage.

Town Engineer M. O'Dell asked that Section C-4 be clarified to include monument sign so there would be no misunderstanding.

It was clarified that there would be no sidewalk along CR250. There would be landscape and fencing along that road.

Member F. Owens commented that this was not a pedestrian friendly area. He questioned the location of the property annexation discussed earlier.

Attorney T. Leeth said the property is 20 acres of land located at CR1050 North and CR250 East. To be used for park, purposed to the Town of Chesterton Indiana.

Member F. Owens commented that since that agreement has expired, shouldn't the petitioner add a statement to the Ordinance stating "they "will" enter into an agreement with the town.

Mr. Gastevich said they may not have a park within the subdivision but they do have 20 acres of open space which is more passive in nature. No there is no ballpark or soccer field. He commented that the "ball is in the towns hands" on moving forward with that.

Attorney Parkinson said this is an agreement that will take place upon annexation of the other parcel. He commented that the developer is required to pay the impact fee. He said it's not something that the town can require as a commitment anymore in this PUD Ordinance because it has expired. But it is something the town can require in a subsequent annexation agreement.

Member F. Owens asked if it was required that the drainage area be fenced.

M. O'Dell said no it would have a safety shelf.

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Members T. Kopko and F. Owens were in agreement that there was room to put a park in the subdivision and it was bothersome that there was no park.

Mr. Leeth said the town could do a regional size park with the amount of land they would be dedicating. He commented it was on the town's side of the ledger.

Town Engineer M. O'Dell commented that the ball was not in the town's court. They could not annex the property.

Member T. Kopko said that if the land could not be annexed then the park would not happen.

Mr. Gastevich said this is a single family subdivision and every lot has a decent size rear yard. There is 20 acres of open space a walking trail and a preserved wooded area. The difference is having active parks or passive parks. We have chosen 20 acres of passive parks. It was determined by the town at that time that active parks are best suited to be congregated together for other functions. It was intended to have a large park adjacent to the schools as an active park on the east side of town. He said there is nothing more I can do. I continue to be willing to extend an agreement again and hopefully that would be the cornerstone of a park in place.

Member J. Trout said that if there were someone present from the park board they would tell this board that all the little parks have become very expensive to maintain. He said let's not assume we need another small park. Not everyone has 5 year olds that play on a swing set, not everyone has a kid that plays soccer. Anyone living in that subdivision can enjoy a passive park. He commended the developer on wanting to be a part of creating a larger park on the east side of the community.

Member J. Trout move to send the Easton Park PUD to the town council with a favorable recommendation. The necessary changes to the Ordinance as discussed would be made. The motion was seconded by member E. DeLaney and passed by a roll call vote of 4 to 1 with member T. Kopko voting no.

Laura L. Gerhardt, as Trustee of Trust No. 8 requesting a change to the Chesterton Zoning Map the secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal representation. He was accompanied by Vic Gerhardt. He said the property located on 11th Street. Petitioners would only be rezoning Lots 6 and 7 which would be changed from R-3 to B-2. The remaining 3 lots would stay R-3. The building was originally built in 1957. He provided a history of the property which would indicate that the building had never been used for anything other than small professional office space.

Mr. Vic Gerhardt of 570 East 900 North, Westville, IN. was present. He said he bought the building with the original intention of using it for additional administrative offices for his main business. He has since put about \$90,000.00 worth of improvements into the building.

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Attorney G. Babcock said the building is ADA compliant and they are looking to lease the space but the zoning continues to be a stumbling point. He commented that the vacant building was remodeled and is neighbored by a B-2 Zone. He commented that the building has been bought sold and leased many times over by professionals with commercial use. That activity has not devalued any neighboring R-3 area. Included in the petition are seven uses that will not be allowed although they are permitted in a B-2 Zone. He respectfully requested the board to consider forwarding a favorable recommendation to the town council regarding this item.

There was no one present to speak in support of the petition.

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

President G. Stone said he did have written communication with questions from surrounding neighbors. They questioned what types of businesses would be permitted once the parcel was rezoned.

Attorney G. Babcock said they would not be high intensity uses and cited several businesses that could be located on the parcel. He commented that parking restrictions would help regulate the type of business and intensity of use. If perspective businesses needed additional parking they would be required to go before the BZA to make their request. A petition to the BZA would result in neighbors being notified of the buildings intended use.

Town Engineer M. O'Dell said parking restrictions will limit the use of the property.

Member J. Trout moved to send a favorable recommendation to the town council on this item seconded by member T. Kopko and passed by unanimous voice vote.

Lake Erie Land Company Lot 1 of Block 2 of Phase B of the Fourth Addition to Coffee Creek Center PUD Primary Plat The secretary verified proof of publication notification and payment. Attorney G. Babcock was present as legal representation. He was accompanied by Jeff Ban of DVG Inc. The property is currently owned by Lake Erie Land Company and would be purchased by Jon Hicks and Michael Sakich of In Good Company (IGC). The main access to the project would be off of Kelle Drive. It would consist of approximately 170 rental units. All roads and utilities would be privately owned. There would be some on street parking consistent with the LEL Coffee Creek Development plan. There would be connections to existing public utilities. All water and sewer lines within the development would be privately owned operated and managed by the development. He respectfully requested the board to approve the primary plat for this item.

Kevin Warren of Lake Erie Land Company was present to speak in support of the project. He commented on how well the project fits into the area.

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Jim Nelson of Chesterton asked if there would be an onsite manager on the property. He asked if the drainage design would keep rain runoff away from resident's doors. He commented that the design at The Enclave causes puddling.

Mr. Ban said there will be onsite management. He said he was unaware of drainage issues at The Enclave and assured the resident that management would be made aware of the concerns expressed.

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

Engineer M. O'Dell ran down a short list of items he was still working on and would be included in the primary plat. Everything else was ready for the board's approval.

Member J. Trout moved to approve the Primary Plat for Lake Erie Land Company Lot 1 of Block 2 of Phase B of the Fourth Addition to Coffee Creek Center PUD seconded by member E. Delaney and passed by a voice vote of 4 to 1 with member T. Kopko voting no.

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member T. Kopko moved adjournment seconded by member E. DeLaney and passed by unanimous voice vote. The meeting adjourned at 7:31 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

G. Stone, President