

CHESTERTON ADVISORY PLAN COMMISSION

JUNE 20, 2019

6:30 P.M.

The meeting was called to order at 6:30 p.m. Present were members F. Owns, G. Stone, N. Cobbs, T. Kopko, J. Kowalski and president S. Darnell. Member J. Trout was absent. Town Engineer M. O'Dell was present. Attorney C. Parkinson was present as legal representation. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member N. Cobbs moved approval of the minutes from April 18, 2019 seconded by member T. Kopko and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC

Mr. Frank Jachim of Residence of Coffee Creek was present to discuss to an alteration to the monument sign that currently exists. The Residence of Coffee Creek is located in Coffee Creek. The situation they have encountered is that the fence that runs along the Coffee Creek Development obstructs the monument sign significantly. He distributed a depiction of the sign as it currently exists and also included a depiction of the fence line which runs along the development and SR49. He said they are looking to elevate the face of the sign to make it more visible as well as use the signage as a marketing tool. Currently there are folks that have stopped into the facility wanting to rent a room because they think it is a hotel. The designation of senior living facility was not apparent or obvious to them because of the fence line obstruction. They would be looking to amend the PUD to increase the height of the sign.

Town Engineer M. O'Dell said he went out to the site and did realize the sign was obstructed by the fence. He commented that at the time of construction they were trying to meet the requirements of the Ordinance regarding monument signage. The fence is there to stay and will be a constant obstruction.

Member T. Kopko said that originally when the PUD was approved, they were granted a variance for the height of the sign. Now, you're back asking for an even higher sign. "What's the point where we say tall enough. That fence was there and we talked about the elevation."

President S. Darnell suggested they look into relocating the sign closer to the building where the grade is a bit higher and perhaps making the sign more visible.

Mr. Jachim said they had looked at that option and some of those areas belong to adjoining property owners. The fence is still a factor. He commented that at the time of the PUD they should have taken greater consideration of the fence, grade and typography of the land.

Attorney C. Parkinson commented that moving forward they would need to file a formal petition to amend the PUD.

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planned unit development obligations regarding the common areas. This is an interesting situation for many reasons. Before the Von Tobel Amendment there was no written PUD Ordinance. The requirement for these walking paths was a part of the original plan of development. It would be verified that the HOA can do this by way of board action as opposed to the members.

Attorney Patton said the HOA is the legal owner of the common areas.

Attorney Parkinson clarified that Von Tobel has no legal claim on any of the funds. Several developers later a default/stop work order has resulted in the town holding what was left of the funds. The terms of an Ordinance would include language clarifying what is included in the common area and the HOA's ability to utilize the funds.

Member T. Kopko questioned some of the other options neighbors were asked to consider in their decision for utilizing the funds.

Diana Fleming, Vice President of the Villages of Sand Creek HOA was present. She said neighbors were surveyed and included was the option to improve the wall at the west entrance of the subdivision. This option came back as the top pick. The playground came back as the second option. Town officials felt that the concept of the wall improvement was not meant as a greenspace appropriation.

President S. Darnell said that in conversations with representatives of Villages of Sand Creek it was discussed whether wall signs should currently be placed where they are. Common areas should benefit the greater good. Maintenance of the common area would be an issue within the HOA.

Erika Hoinyak of 384 Kings Way Dr., Chesterton was present. As a board member of the HOA she said the results of the neighbor option poll resulted as follows: The west entrance wall and sign was first, the playground was second, a gazebo was third and benches and tables were fourth. Only 40 percent of the neighbors returned their surveys.

Member G. Stone said if this is truly is the consensus of the people, he would have not problem with it.

President S. Darnell said the board understood what the HOA would like to do but cautioned this board will not get stuck with a room full of people screaming at them.

Attorney Patton said that at the word of the two HOA board members this is what was voted based on the percentage responses received.

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Attorney C. Parkinson suggested clarifying the authority of the board as it relates to the common areas as opposed to the membership. Some covenants require 75% of the members to agree. That's why a board is elected. It would be determined if covenants leave it to a board decision or need a percentage of owners.

Thomas Edward Lipinski and Audrey Joan Lipinski, Lipinski's Plat #1- PUD Concept Plan. Mr. Michael A. Young, PLS Project Manager for Falk PLI was present a representation for the petitioner. He was accompanied by Mr. Lipinski. Mr. Young would propose a PUD for a 2-lot subdivision of an existing site Zoned I-1 located at 1300 Broadway, Chesterton. Lot-1 would be commercially developed into a Dollar General Store with a floor space of 9,100 square feet. Lot-2 will keep the existing buildings that are on site. The sites zoning will need to be changed to B-3 to support the Dollar General Store. The separate owners would seek the necessary setback variances through the PUD process.

Member T. Kopko expressed concerns about losing valuable I-1 Zones within the town.

Member J. Kowalski commented that it would be very difficult to put something with an I-1 Use in that location given the character of the surrounding neighborhood.

Member G. Stone commented that it has been a rundown garage for the past 20 years with a fenced yard full of weeds. He welcomed the idea of getting rid of an eye sore.

It was determined that the next step in the process would be to propose a PUD for preliminary hearing.

PUBLIC HEARINGS- None

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OLD BUSINESS

Town Manager B. Doyle would move forward with a Comprehensive Plan Group.

Town Engineer M. O'Dell requested a letter of credit for Bells Subdivision, Sidewalk Guarantee appear on the July agenda.

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member G. Stone moved adjournment seconded by member T. Kopko and passed by unanimous voice vote. The meeting adjourned at 7:25 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

S. Darnell, President