

CHESTERTON ADVISORY PLAN COMMISSION
JULY 18, 2019
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members G. Stone, T. Kopko J. Trout, N. Cobbs and president S. Darnell. Members F. Owens and J. Kowalski were absent. Town Engineer M. O'Dell and Town Manager B. Doyle were in attendance. 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 June 20, 2019 seconded by member T. Kopko and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC

Olsen Farm, LLC, Update, Kathleen Harris, Vice President of Development for Olsen Farms, LLC. was present this evening. She was interested in catching the board up with plans for their next phase development. She told the board they would be moving forward with Phase 4 of Easton Park. The reason for moving forward with this phase is to provide a secondary ingress/egress easement for vehicles and particularly for the school buses. They would seek secondary plat approval for Phase 4, in two phases. The first phase would complete the northern section to include the road that would provide the new ingress/egress. Early in the spring they would go back into the second half of Phase 4.

Attorney C. Parkinson told the board that the PUD Ordinance does not specify that each phase of development would take place consecutively. There is no change to the PUD only the sequence of development.

Town Engineer M. O'Dell said he has been working with the developer as well as the street department. This change of sequence will allow for the school buses to navigate their way into the subdivision more easily. He said that changing the phasing sequence would confuse matters. They would consider this Phase 4A and the later Phase 4B.

PRELIMINARY HEARINGS

Amendment to Portions of the Text of The Unified Comprehensive Zoning And Subdivision Ordinance of Chesterton, Attorney C. Parkinson said the proposed change to the zoning code would concerns the definition of "Lot Line, Front" found in Article II of the Zoning Ordinance.

Member N. Cobbs moved to set this item for public hearing at the August 15, 2019 meeting seconded by member G. Stone and passed by unanimous voice vote.

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CONCEPT REVIEW

Duneland Prairie Retirement Village Development, John Nekus Attorney G. Babcock was present as legal representation. Mr. Nekus accompanied him. This parcel of land came before the board as a PUD several months ago and was denied. The petitioner is looking to plat this parcel of land according to town standards. Attorney Babcock reminded the board the parcel of land is approximately 11.28 acres. The site would be accessed by South Calumet just south of the U.S. Post Office. Richter Street is to the north and the Westchester South subdivision abuts the parcel on its western side. They would be looking to take this B-3 property and develop it as a retirement village with residents being 55 years of age and older. The parcel would contain 21 lots with 42 paired cottage homes and include a community center. There would be an HOA in place to maintain properties. The roads, sidewalks, lot coverage and setbacks would be designed to meet town standards for a B-3 Zone.

Attorney Babcock read the definition of "Retirement Village" as it exists in the Ordinance. He and his client believe they meet the requirements of a retirement village within that zone. He solicited questions and comment from the board.

Member T. Kopko clarified that the units would be privately owned. He commented that most retirement villages are owner by a management company and not individuals. He said he didn't necessarily agree with the petitioner's definition of retirement village.

Member G. Stone compared the parcel as it was presented in the PUD process. Petitioners noted that the platting of this same parcel would result in no variance requests and all B-3 Zone requirements being met.

Mr. John Nekus said that at the last meeting the concerns of the neighbors had to do with density, lot coverage, private roads and too many variance requests. He said he went back and looked at satisfying all the requirements of the town. Their target market would be residents 55 years and older. The units would have a market price of \$250,000.00 to \$325,000.00 depending on amenities. He would base assessment and maintenance fees on a reasonable standardized scale, regardless of the number of units paying for conveniences like snow removal, landscape and lawn maintenance.

Member G. Stone wondered if the petitioner would consider installing privacy fencing along Richter Street.

Attorney G. Babcock said there is a dedicated right of way on Richter Street that the petitioner does not control.

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Member J. Trout commented that the petitioner had certainly made a good faith effort to address the neighbor's concerns as well as the board concerns. The question really is, "Does this project as presented meet the definition of retirement villages allowed in the town of Chesterton."

Attorney C. Parkinson commented that there has been plenty discussion amongst the legal team about how this fit or does not fit within the definition of "Retirement Village." This is B-3 Zoned property and retirement village fits within that zone. How do you square that between the subdivision platting process? This is a little outside of the model that we might be used to. Members of the board and Attorney Parkinson referenced Meridian Woods where there is a component where individual units are bought and sold. He also reminded the board that each town has their own definition of what constitutes a retirement village. This is a legal issue whether the B-3 district retirement village allows for the platting of units to be separately sold. If so, what would be required to ensure that this continues to be the definition of retirement village.

Member N. Cobbs felt it important to raise the issue of traffic. Although the density had been reduced, he wanted to make sure visibility on Calumet Road would be addressed.

Attorney C. Parkinson told the board that he would keep them advised as to the legal opinion. The board would have no formal work. If and only if the parcel is platted would this item come before the board.

PUBLIC HEARINGS

Bartronics LLC, An Indiana Liability Company 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 for the petitioner. He was accompanied by Bruce Resteau. Attorney Babcock told the board they are looking at rezoning three lots to the south of the current business located at 128 South 12th St., Chesterton. The business property to the north is Zoned B-2. The three adjoining lots to the south are Zoned R-3. The petitioner is looking to expand the current commercial building with the addition of a 40 X 48 square foot structure. He called attention to the site plan depicting the proposed addition.

Mr. Bruce Resteau of Chesterton was present. He told the board they are a specialty electronics group that installs lights, sirens, and two radios for various municipalities. Their services are available to police, fire and emergency vehicles as well as local departments and school bus accounts that utilize two-way radios. He said 90 percent of their work is by appointment only. Total car installations would include stripping cars down and assembling vehicles with lights, sirens, dash cameras, computer stands and more. The expansion of the building will allow for growth of the business. The proposed structure would allow them to service full size firetrucks, DEA and DOJ kinds of vehicles and keep them under wraps for security purposes. The approximate cost of the structure would be \$80,000.00.

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Attorney Babcock gave a brief rundown of the business properties surrounding the area. There would be no additional services need from the town's perspective. He felt it would be a great infill use of the property. They would provide ample parking. They would effectively capture and drain stormwater runoff.

Attorney Babcock told members of the board he had received a request from a neighboring property owner questioning the potential Property Uses if the site was rezoned. At the neighbors request the petitioner agreed to several exclusions of Uses in the form of written commitments affecting Lots 8, 9 and 10; hereto attached and made a part of these minutes. He respectfully requested the board to consider accepting the Findings of Fact and sending a favorable recommendation to the town council.

Phoebe Jane House of 1174 W. Indiana Ave., Chesterton was present to speak in favor of the petition. She said Mr. Resteau has been a great neighbor and she would never stand in the way of his business success. Her only concern was for the Uses that had been eliminated B-2 Uses. She was pleased with the written commitments.

Chesterton Police Chief Dave Cincoski of 790 Broadway, Chesterton was present to speak in support of the petition. From a professional standpoint he understood the need of expanding the property. The department uses Bartronics services often. The additional facility would be nothing else but positive.

Emerson DeLaney representative from the Chesterton Town Council was present to speak in support of the petition. He said it's important to keep this type of business in our town by offering Bartronics the ability to expand. He's a great neighbor.

There was a letter entered into the file from Val's Famous Pizza 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.

Member J. Trout moved to approve the written commitments accept the Findings of Fact and forward the proposal with a favorable recommendation to the town council seconded by member G. Stone and passed by unanimous voice vote.

OLD BUSINESS

Bell's Subdivision, Sidewalk Guarantee

Attorney C. Parkinson had reviewed a request for a two-year extension of a sidewalk guarantee for Bell's Subdivision. He found it to be in order.

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Member T. Kopko moved to grant Bell's Subdivision, a two-year sidewalk guarantee extension seconded by member N. Cobbs and passed by unanimous voice vote.

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

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 7:34 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

S. Darnell, President

**WRITTEN COMMITMENT AFFECTING LOTS 8, 9, and 10 in Block 9,
CHICAGO PORTER HOME INVESTMENT COMPANY'S THIRD ADDITION
TO PORTER NOW IN THE TOWN OF CHESTERTON, AS PER PLAT
THEREOF, RECORDED IN MISCELLANEOUS RECORD "E", page 137 IN THE
OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA**

This written commitment is made this ____ day of July 2019, by Bartronics, LLC, an Indiana Limited Liability Company, and is hereby created as part of a process for rezoning of property as found in the Town of Chesterton, Indiana,

WITNESSETH:

WHEREAS, the Petitioner is the owner of the following described lots in the Town of Chesterton, to-wit:

Lots 8, 9, and 10 in Block 9 in Chicago Porter Home Investment Company's Third Addition to Porter now in the Town of Chesterton, as per plat thereof, recorded in Miscellaneous Record "E", page 137, in the Office of the Recorder of Porter County, Indiana.

WHEREAS, Petitioner has filed a Petition in front of the Chesterton Advisory Plan Commission requesting a rezoning of the property from its current zoning of R-3 to a proposed zoning of B-2, and

WHEREAS, that as part of the rezoning process the Petitioner has agreed to eliminate certain B-2 uses from the aforescribed real estate, and

NOW THEREFORE, the Petitioner agrees as follows:

1. That the following uses as found in the B-2 Zone shall be excluded, as follows:
 - A. Alcohol Sales
 - B. Automobile Service Station
 - C. Bar/Night Club
 - D. Billard/ Arcade Room
 - E. Bowling Alley
2. That upon recording of the Written Commitment, the same shall be binding upon: The owner of any of the lots; the subsequent owner of any of the lots; and a person who acquires an interest in any of the lots.
3. That this Written Commitment may be modified or terminated only by a decision of the Chesterton Advisory Plan Commission made at a public hearing after 10 days notice has been given by the Plan Commission to the Petitioner. No other notice is required with the exception of the legal publication that is required pursuant to Indiana law for public hearing. A copy of said notice will be sent to the Petitioner at the following mailing address: