

**CHESTERTON ADVISORY PLAN COMMISSION
NOVEMBER 21, 2019
6:30 P.M.**

The meeting was called to order at 6:30 P.M. Present were members G. Stone, F. Owens, J. Trout, N. Cobbs, T. Kopko, J. Kowalski and President S. Darnell. Town Engineer M. O'Dell and Town Manager B. Doyle were in attendance. Attorney C. Nolan was present as legal advisor. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member T. Kopko moved approval of the minutes from October 17, 2019 seconded by member F. Owens and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC

Attorney Clay Patton was present on behalf of the Villages of Sand Creek. He respectfully requested the board to consider releasing the funds being held in escrow, less the towns expenses of \$3,639.50. He further requested the board to lift the stop work order that was in place.

Attorney C. Nolan was in agreement with the request.

Member J. Kowalski moved to lift the stop work order and release the funds from escrow less the towns expenses in the amount of \$ 3,639.50 seconded by member F. Owens and passed by unanimous voice vote.

Ms. Audra Peterson, President of Bell Peterson Bell Development was present as representation for Bells Subdivision. She told the board they are looking to extend the Infrastructure Letter of Credit for two years.

Member G. Stone moved to extend the Letter of Credit for this item for two years subject to receiving an approved Letter of Credit. This approval would extend the bond from 12/12/2019 until 12/12/2021, seconded by member J. Kowalski and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Olthof Homes, LLC, requesting Plattage of Property, Springdale Phase 1. Town Engineer M. O'Dell told the board he had received a call earlier in the week requesting to hold off on this project until spring.

CONCEPT REVIEW- None

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PUBLIC HEARINGS

Duneland Prairie Retirement Village Development, JVJ Development, LLC, John Nekus, Primary Plat Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as representation for the petitioner. He was accompanied by the petitioner John Nekus and Jeff Haugh of Rhadtke Engineering and Surveying, LLC. He distributed a copy of material he would be discussing. A copy of this booklet is contained in the permanent file. Attorney Babcock told the board he attended the Park Board meeting on November 6, 2019. He also attended the Utility Board meeting on Nov. 18, 2019 and received notification that there is ample sanitary sewer capacity available. The petitioner is looking to plat this parcel of land to be known as Duneland Prairie. He 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. Each unit would be resident owned. There would be no more than 2 people per dwelling unit. It would meet all ADA requirements. The parcel would contain 21 lots with 42 paired cottage dwelling units. Each unit would have its own kitchen. There would be an HOA in place to maintain properties. The roads, sidewalks, lot coverage and setbacks would be designed to meet all town standards for a retirement village in a B-3 Zone.

Attorney Babcock referenced a report by the Pew Research Center regarding social and demographic trends. The report states that by the year 2030, when all Baby Boomers will have turned 65. This will makeup 18 percent of the nation's population. Baby Boomers don't believe they begin to age until the age of 72. Typically, Baby Boomers feel 9 years younger than their chronological age. He told his audience that this is exactly the type active lifestyle retirement community Mr. Nekus is looking to create. He cited several walkable amenities surrounding the parcel. He referenced material distributed to the board earlier where he observed and applied the definition of a retirement village and dwelling units. Furthermore, he referenced an amended version of Section 1.26 of the Duneland Prairie Retirement Village Development declaration of covenants, conditions and restrictions whereas the "Community Building" was enhanced to 1260 square feet to accommodate 84 residents. There would be no fixed tables and chairs. The centralized commercial grade kitchen would contain 460 square feet. There would be 13 available spots for parking. He noted an example of a retirement community application and verifying affidavit answering the question of; "How do you know if someone is 55 years of age or older?" There would also be deed restrictions with regard to age. The design and concept of the retirement village might result in residents self-policing because of their desire to uphold a commitment to live in a community where at least one resident is 55 years of age or older.

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Attorney Babcock walked members of the board through statements and objectives for the future development of the Town of Chesterton. He noted the many ways that this development is in keeping with the ideals of the Town of Chesterton's Comprehensive Plan.

Attorney Babcock addressed a question asked last month by explaining that the distance from back of house to back of house for the 4 homes that border Westchester South would be 45 feet. He gestured to the preliminary plat and noted that the pond had been enlarged since last presented. It would not impair any activity with Pope O'Connor Ditch or any of the backyards of homes that sit near. He noted the deceleration lanes off of Calumet Road. The subdivision was not asking for any type of variance relief. In conclusion he respectfully requested the board to consider approving the primary plat, subject to providing the Best Management Practice Booklet and one sheet on hydraulic grade depiction.

Paul Shinn of 2320 Arndt St., Chesterton was present to speak in support of the petition. He felt that residents within the Chesterton community that are 55 years of age and older are looking an option to still own a home where they can age in place. The market place has changed and residents want to stay near their families and the amenities Chesterton has to offer.

Rob Carstens of 764 E. Oak Hill Rd., Chesterton was present to speak in support of the petition. He commented that he and his wife are looking to downsize while still owning a place but requiring less upkeep. They want to stay near their grandchildren.

Jim Jeselnick of 180 Primrose Circle, Chesterton was present to speak in support of the petition. He told the board they own a home in Westchester South and also own two buildings in Driftwood Commons which is to the south of Pope O'Connor Ditch. One year ago, he voiced many concerns regarding the proposed development. Since that time many if not all those concerns have been addressed. This retooled development looks much more palatable by comparison. Furthermore, the allowable uses within a B-3 Zone might be far less favorable.

Robert Sexton of 1071 Olivia Ct., Chesterton was present to express concerns regarding the detention pond. He commented that he is the nearest property to the creek. He wanted to understand the various elevations of the pond and how it would relate to his property. He expressed concerns about flood control. He cautioned the developer to do this right regarding flood control.

Jeff Wozniak of 125 Westchester Ct., Chesterton was present. He is the cemetery sexton for St. Patrick's cemetery for the past five years. This address belongs to St. Patrick's Church and cemetery. The cemetery property backs up to the west side of Coffee Creek where he has spent the past few years cleaning up the creek and keeping it free from obstructions. He wondered where the stormwater runoff would go. He expressed concerns about this development impacting the creek and undoing all his progress in keeping the creek free from sticks and debris.

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Ruth Morisette of 320 Primrose Circle, Chesterton was present to speak in opposition to the petition. She called attention to the various species of butterflies, plant life and wildlife some of which are on the endangered species list having their homes destroyed. "We need to think about the environment and what we can do to help it, so it can help us."

Dave Hartford of 753 S. 2nd St., Chesterton was present to speak in opposition to the petition. He expressed concerns about policing age limits within the 55 and over community. He expressed concerns about increased traffic along 2nd Street. There are a lot of children walking to and from school.

Tom Albano of 1051 Primrose Circle, Chesterton was present to speak in opposition to the petition. He expressed concerns about stormwater detention. He wondered where the overflow of water would go in the event of a 100-year rainfall. He expressed concerns about the loss of property value. He felt the community was nothing but duplexes. He was sad to see the loss of nature. He thought the pond would contribute to pesky mosquitoes.

Tom Byrnes of 1031 Primrose Circle, Chesterton was present to speak in opposition to the petition. He wondered if there would be a fence between Westchester South and the development. He expressed concerns about stormwater runoff and drainage. He commented, he didn't have a stormwater problem and wanted to keep it that way. He wanted a guarantee that the development would remain a 55 and over community.

Linda Vogt of 144 Richter St., Chesterton was present. She expressed concerns about the ten-foot setbacks off of Richter Street. She expressed concerns about flooding.

There being no other persons left to speak the public comment portion of the public hearing was declared closed.

Attorney G. Babcock said that before developers get to this stage of development, they have already been through quite a bit of staff review. He briefly addressed the sheet drain thought process and would defer to the engineering specialist to give a complete overview of the drainage plan.

Jeffery Haugh of Rhadtke Engineering and Surveying, LLC. was present. He explained that in the existing condition the rain generally drains from north to south across the site. As part of the development process the developer would create a storage area for stormwater runoff this being the detention pond. By collecting stormwater runoff and storing it, rainwater can be outlet safely over time. Yard basins would be installed on the property lines between the homes around all three sides of the development. The roads themselves also have catch basins. He commented that the catch basin is designed in compliance with town standards. He addressed questions raised by surrounding neighbors. He gestured to the site plan noting flood plains and elevations while giving viewers his best watered-down technical version of the stormwater management plan.

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Attorney Babcock concluded by noting that there would be no fence installed around the development. The Pope O'Connor ditch is still maintained by the county stormwater management board. The minimum age for the second occupant is 19 years or above. The pond concept is to detain water not retain water. The required BMP booklet would be the guide for the homeowner's association to understand maintain and keep the pond flowing and usable.

There was some additional conversation regarding the enforcement of the 55 year and over age restriction requirement. Attorney Babcock cited once again the recorded deed restrictions, covenants and self-policing.

Member G. Stone questioned if the current rendition of the project is in compliance with B-3 Zoning as it relates to "Retirement village."

Attorney C. Nolan commented that the proposal would satisfy the requirements for this particular use in a B-3 Zone.

Town Engineer M. O'Dell found there to be no issues as the preliminary plat as it relates to a B-3 Zone.

Member Kopko asked about the ratio between greenspace and hard space. He wondered if decks or patios would be installed in the rear yards.

It was indicated that there was approximately 60% greenspace and 40 % hard space. The developer said he had no intention of installing decks or patios.

Member J. Kowalski commented that its important to remember this property is Zoned R-3. He found this version of the project much more desirable than this original concept. The zoning designation could result in something far more intrusive than what is currently being proposed. He wondered if the development would market the retirement village as having the ability to serve meals.

Attorney Babcock said they would not market this community as offering meals. There would be a kitchen available to you in the community center if you choose to utilize it. The developer would install the infrastructure and build a model for viewing and sale. The community center would be built once the village reaches 50 percent capacity.

Member F. Owens commented that he understood the desire for this type of development in the town.

Member J. Trout felt that this development provided the next level in a housing product that is currently not offered in our town. He thought it a good product.

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There being no further comment president S. Darnell closed the public hearing.

Member J. Trout moved to approve the Primary Plat for Duneland Prairie Retirement Village Development, JVJ Development, LLC, contingent upon the hydraulic grade line and BMP Booklet being approved seconded by member G. Stone and passed by a unanimous roll call vote of 7 to 0.

OLD BUSINESS- None

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 8:21 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

S. Darnell, President