

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

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

**APPROVAL OF MINUTES**

Member T. Kopko moved approval of the February 21, 2019 minutes as corrected seconded by member G. Stone and passed by unanimous voice vote.

**COMMENTS FROM THE PUBLIC- None**

**PRELIMINARY HEARINGS- None**

**CONCEPT REVIEW- None**

**PUBLIC HEARINGS**

**John Nekus, JVJ Development, Duneland Prairie Residents, Requesting Approval of a Planned Unit Development.** Attorney C. Parkinson reminded the board that this item had been continued from prior months. There had been submissions made and the public comment portion of the hearing was declared closed. He suggested that since there was new material to consider the public comment portion of the public hearing be re-opened.

Member F. Owens moved to re-open the public comment portion of the hearing seconded by N. Cobbs and passed by unanimous voice vote.

Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Mr. Nekus and Jeff Haugh of Radke Engineering. Attorney Babcock distributed a copy of the minor changes made to the PUD Ordinance. Changes made to the ordinance had to do with language as suggested by Attorney Parkinson. Attorney G. Babcock distributed a comparative outline of the changes made to the plan of development by Mr. Nekus. The Duneland Prairie Residence PUD plan included items such as; The reason for the PUD, Zoning, Changes in Site Plan Living Units, Changes in development, Sanitary Sewer Fees, Park Impact Fees, Property Tax Information and Density. The comparison would also include a reduction in the Maximum Lot Coverage Variances being requested. Rear Yard Setbacks and their associated lot numbers were also indicated. A copy; hereto attached and made a part of these minutes. He respectfully requested the board to consider forwarding the PUD with a favorable recommendation.

President S. Darnell then opened the floor for comment from the public outlining the procedure.

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Mr. Joe Troop of 1238 North Brummitt Rd., Chesterton was present to speak in support of the petition. He said that as a young resident of Chesterton he would be looking to live in a development such as this.

Mr. Robert Carstens of 764 E. Oakhill Rd., Chesterton was present to speak in support of the petition. He said as a resident he is looking to downsize his home and sees this as a good way to stay in the community and continue owning a home without all the yardwork.

Ms. Kelly Clark of 1029 Primrose Circle, Chesterton was present to speak in opposition to the petition. She read from a letter which is contained in the petition file. She expressed concerns for the number of variances being requested. The developer stands to make a good profit at the expense of neighbors and taxpayers. Developers should be held to the standards of the Ordinance. She expressed concerns over the tree life that would be destroyed and the bird and wildlife it provides homes for. She respectfully requested the board to deny the petition. In closing "Good Ordinances that are adhered to make good neighbors."

Mr. Tom Albano of 1051 Primrose Circle, Chesterton was present to speak in opposition to the petition. He questioned that the association of members on the board and this project could be a conflict of interest. He felt there might individuals that could easily benefit from the approval of this project. He expressed concerns that this development is a high-density project and should be rejected. The Ordinance is in place to protect neighboring properties.

Ms. Linda Vogt of 144 Richter St., Chesterton was present to speak in opposition to the petition. She expressed concerns about the density of the project and the number of variances. She felt that the setback variances place neighbors to closely.

Ms. Bonnie Thanos of 108 Washington Ave., Chesterton was present to speak in opposition to the petition. She expressed concerns about the increased traffic flow onto surrounding narrow streets. She said Washington Street floods severely and stays flooded for almost 48 hours.

Mr. Tom Byrnes of 1031 Primrose Circle, Chesterton was present to speak in opposition to the petition. He wondered how many homes would there be in this project if the developer was required to build within the code of the Ordinance. He questioned a letter that was read at a meeting after the public comment portion of the public hearing was declared closed.

President S. Darnell said anything that is read during the meeting can become a part of the minutes but is not always a consideration in voting. Comments from the floor when a name and address are given are noted in the minutes.

Mr. Dave Creeder of 110 Washington Ave., Chesterton was present to speak in opposition to the petition. He expressed concerns about traffic as well as flood issues.

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There were no other persons wishing to speak.

Attorney Babcock said in looking at the plan of development the elevations indicate that water on the west side flows from Westchester South to the ditch. Richter Street does not have storm drains so the rear yard drains will be able to collect from that side of the street. He referenced back to their living units per acre comparison. He said that based on trips per day, every amenity that would be a destination would be located off of South Calumet. These would include grocery stores drug stores, schools and restaurants. He commented that the PUD process is in place to assist in the development of land that is unique in style and may have development problems. As the petitioner attempts to create more greenspace properties a placed closer together.

Attorney G. Babcock commented that many years ago he was a part of the development of Venturi the property to the south. That property was sold over 20 years ago. People buy and sell property all the time. He commented he is not a part of any collusion, "but you can't change people's minds on that issue." When you develop property, you do that to make profit. This style of living located on attractive property is currently unavailable in our community. Most of the lots do need some type of variance because there are challenges associated with an infill project. He requested the board to consider sending a favorable recommendation to the town council.

The public comment portion of the public hearing was declared closed.

Member J. Trout addressed the issue that some remonstrators suggested that he might have a questionable partnership or association with the development of this parcel. He asked attorney Parkinson to speak on this issue.

Attorney Parkinson commented that when any matter comes before this board, each member needs to ask themselves if they have a direct financial conflict of interest or an indirect conflict of interest. He trusted that each member considers whether they could have a financial stake or any contracts associated with matters of the board.

Member J. Kowalski noted the cost of the home per square foot would be between \$115.00 to \$125.00. He expressed concerns about the density of the project as well as the lot coverage. He commented that the purpose of a private road in this setting is to make it twenty-five feet in width so they increase the property for development and ignore town standards. He raised questions about the effectiveness of a good homeowner's association. A good development should sell itself and this developer has done nothing but try to sell this development. This community is going to be a sought-after community lets develop it committed to town standards. This property is zoned B-3 if it can't be developed properly then we should just keep it B-3 property.

Member G. Stone noted the Planned Unit Development Ordinance was originally drafted to deal with unique sites, like this that could not be platted in a normal manner because of the size, shape

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or availability to get in and out of them. This talk of how this parcel should be like all the other subdivisions simply does not apply. This is unique development with a unique setting that fulfills a need within our community. He said he had no concern about flooding traffic onto Richter Street. He concurred that this development would be extremely attractive to the target market envisioned by the developer. He felt that the water situation would be improved by the drainage system being installed and not made worse.

Member F. Owens concurred with member Stone on the purpose of the PUD Ordinance but still found the plan very dense and compact.

Member T. Kopko expressed concerns about the storm water drainage plan. He found the project to be too dense. He commented that the board has recently approved many projects with units like this within the community. He didn't want to overbuild this type of housing. "We're a small town and I wonder what our saturation point is with this type of housing."

Member Trout said he looked at housing products in Chesterton currently and did some comparative research. The Enclave is considered a high-end apartment complex. The development contains 88 living units that sit on 6.57 acres. He commented that he has never heard of traffic problems, or people being in danger of anything. Many years ago, the 5<sup>th</sup> Street condominiums were considered a very controversial type of development. He said school children walk by there everyday with no harm or questionable people living in those units. He cited several similar developments that are filled with people that don't mind density. They choose to not shovel snow or mow lawns. They don't want to rent they want to own. Housing products are different today. Peoples needs and wants are different. The PUD Ordinance was created to offer the public this type of housing. He believed there will be no adverse effects by this development. He felt it was a great infill project.

Member N. Cobbs commented that there appears to be a demand for this kind of product. The idea works but there are still many concerns. He expressed concerns regarding density, lot coverage and potential problems with a private road not conforming to town standards. He expressed concerns regarding line of sight and increased traffic on Calumet Road.

President S. Darnell commented that if this was developed as B-3 there would be 10-foot setbacks, but the developer is looking to put homes. The product is a good product but your plopping homes next to residents who have been there for a long time. The close proximity, the density and the impact on the neighboring residents is something she didn't agree with.

Member J. Kowalski moved to close the public hearing seconded by member T. Kopko and passed by unanimous voice vote.

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Member J. Trout moved to forward the petition of John Nekus, JVJ Development, Duneland Prairie Residents on to the town council with a favorable recommendation seconded by member G. Stone.

Member G. Stone noted that when considering reducing density the question of affordability comes into play. Residents on fixed incomes will pay higher HOA dues as a result of fewer units. Density can be looked at as a financial advantage for potential residents.

The motion on the floor to forward a favorable recommendation resulted in a roll call vote of two to five with members F. Owens, T. Kopko, J. Kowalski, N. Cobbs and president S. Darnell voting no. The motion failed by a 2 to 5 vote.

Member T. Kopko moved to forward the petition of John Nekus, JVJ Development, Duneland Prairie Residents to the town council with an unfavorable recommendation seconded by member J. Kowalski and passed by a roll call vote of five to two with members J. Trout and G. Stone voting no. The motion passed by a 5 to 2 vote.

**OLD BUSINESS**

**Lake Erie Land Company**, Requesting Secondary Plat Approval in the 1<sup>st</sup> Addition To Coffee Creek Center Phase "B" Lot 7 & 8. Attorney G. Babcock legal representative for the petitioner said there was no new material at this time.

Member G. Stone moved to drop this item from the agenda until new material is received seconded by member J. Kowalski and passed by unanimous voice vote.

**Olsen Farms LLC.**, Easton Park, Phase I; Infrastructure Guarantee Completion 12/15/2018, Exp. 05/15/2018.

Town Engineer M. O'Dell told the board representatives for this item would be in front of the board next month as there was still some time on the matter.

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**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member T. Kopko moved adjournment seconded by member N. Cobbs and passed by unanimous voice vote. The meeting adjourned at 8:05 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

S. Darnell, President

## Duneland Prairie Residences PUD

### 1. Reason to use the PUD Ordinance

This site is an in-fill site. The lot has an unusual shape and the Statutory Ditch Easement on the South side creates development issues. Additionally, some of the land is in the flood plain which affects the amount of buildable land. The Zoning and Subdivision Ordinance for the Town of Chesterton which is being utilized was originally created in June of 2002. Petitioner believes that housing needs have changed since then as evidenced by the fact that approximately 10,000 baby boomers are turning 65 everyday in the United States. Finally, there is limited housing product of this type currently available in Chesterton and the Petitioner seeks to fill that void.

### 2. Zoning

11.82 acres currently zoned B-3 with the request to do a R-2 PUD

(Westchester South Subdivision and homes along Richter Street and 2<sup>nd</sup> Street to Porter Avenue are zoned R-2.)

### 3. Changes in Site Plan Living Units

a. April 2018 - Site layout as follows:

28 lots (paired cottage homes)	= 56 living units
17 single cottage homes	= 17 living units
Total	= 73 living units

b. August 2018 - Site layout as follows:

34 lots (paired cottage homes)	= 68 living units
3 single cottage homes	= 3 living units
Total	= 71 living units

c. March 2019 - Site layout as follows:

29 lots (paired cottage homes)	= 58 living units
4 single cottage homes	= 4 living units
Total	= 62 living units

#### 4. Changes in the Development

- a. All lots will have 25' front yard setbacks.
- b. The lots on the West side of the property (lots 27-30) bordering Westchester South all now have 25' rear yard setbacks which meets the Ordinance. Additionally the side yard Utility and Drainage Easements are at 12' which meets the Ordinance.
- c. The rear yards in lots 6-10, adjacent to the Post Office went from 10' to 18'6", a reduction in the variance size requested.
- d. The lots adjacent to Richter Street, lots 11-15, still retain the 10' rear yard setback. From the edge of the property to the pavement is 11' of remaining tree line. The road is 21' wide and there is an additional 12' of road right-of-way on the North side. Finally, with their 25' front yard setback, it is 69' from the front of their homes to the edge of the rear yard lot line.
- e. The West, East and North boundaries of the property will have rear yard storm drain systems installed and will be capturing stormwater from the adjacent properties and placing it into the storm detention pond.

#### 5. Sanitary Sewer Fees

\$3,315.00 x 62 living units \$205,530.00

#### 6. Park Impact Fees

\$889.00 x 62 living units = \$55,118.00

#### 7. Property Tax Information

- a. 2018 payable 2019 Property Tax Bill = \$3,086.16
- b. Projected Property Tax - Using the DLGF Tax Calculator
  - i. Assessed Valuation of \$285,000.00, living unit receiving homestead reduction, supplemental homestead reduction and mortgage reduction, net annual tax bill estimated \$2,647.00. Currently the Town of Chesterton receives 9.774% of the tax bill.  $2,647.00 \times 9.774\% = \$258.72 \times 62 \text{ units} = \$16,040.64$



- ii. Assessed Valuation of \$300,000.00, living unit receiving homestead reduction, supplemental homestead reduction and mortgage reduction, net annual tax bill estimated \$2,815.00. Currently the Town of Chesterton receives 9.774% of the tax bill.  
 $2,815.00 \times 9.774\% = \$275.14 \times 62 \text{ units} = \$17,058.68$
- iii. Assessed Valuation of \$325,000.00, living unit receiving homestead reduction, supplemental homestead reduction and mortgage reduction, net annual tax bill estimated \$3,096.00. Currently the Town of Chesterton receives 9.774% of the tax bill.  
 $3,096.00 \times 9.774\% = \$302.60 \times 62 \text{ units} = \$18,761.20$

**8. Density**

**Duneland Prairie Residences**

11.82 acres                      62 living units                      .190 living units per acre

**Village Green Townhouses at Coffee Creek**

18.54 acres                      94 living units                      .197 living units per acre

**Pere Marquette Cottages**

4.61 acres                      25 living units                      .184 living units per acre

**Touch of Green**

7.04 acres                      37 living units                      .190 living units per acre

MAXIMUM LOT COVERAGE VARIANCES

Lot Number	November Variances Requested By %	March Variances Requested By %	Reduction By%
1	38	33	+ 5
2	38	34	+ 4
3	38	34	+ 4
4	23	34	- 11
5	26	10	+16
6	35	22	+13
7	35	32	+ 3
8	35	32	+ 3
9	33	32	+ 1
10	38	29	+ 9
11	38	37	+ 1
12	38	38	0
13	38	38	0
14	23	38	- 15
15	26	27	-1
16	38	19	+19
17	38	29	+9
18	32	29	+3
19	27	18	+9
20	6	34	-28
21	35	34	+1
22	35	0	+35
23	25	0	+25
24	16	34	-18
25	35	34	+ 1
26	35	7	+28
27	27	27	0
28	35	27	+ 8
29	35	27	+ 8
30	13	12	+ 1
31	28	18	+10
32	30	0	+30
33	31	35	- 4
Totals	1023%	854%	+169%

### **Rear Yard Setbacks**

- a. Lots 1-5, 16-18, and 31-33 (numbered 23 on the variance list), still retain the rear yard at 10' versus the Ordinance at 25'. All of these lots back up to the open space.
- b. Lots 6-10 (numbered 24 on the variance list), are now at 18'6" versus the Ordinance at 25'. Previously the rear yards were at 10'.
- c. A new variance was added for lots 19-26 (numbered 25 on the variance list), is now at 14' where the Ordinance is at 25'. These homes located on the island will have 28' between the back of buildings.