

CHESTERTON ADVISORY PLAN COMMISSION
AUGUST 15, 2019
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members J. Trout, G. Stone, T. Kopko, N. Cobbs, J. Kowalski and Vice President F. Owens who chaired the meeting. President S. Darnell was absent. Town Engineer M. Odell and Town Manager B. Doyle were in attendance. Attorney C. Parkinson and C. Nolan were present as legal representation. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member J. Trout moved approval of the minutes from July 18, 2019 seconded by member G. Stone and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC

Ann Macker of 210 S. 14th St., Chesterton was present to speak in opposition to the proposed Dollar General Store. The store would be located at 1300 Broadway, Chesterton if the Thomas E. Lipinski property is successfully rezoned. Ms. Macker told the board her particular concern is for physical, mental and economic wellbeing of our community. We have dismal health rates in Indiana where smoking, obesity and diabetes are contributing factors. She felt that Dollar General targets lower income neighborhoods. They increase access to cigarettes, alcohol and low nutrition foods. In a community trying to raise healthy children. Economically dollar stores are choking out our small-town America. We currently have two-dollar stores within a 1.8-mile radius of the proposed location. If we have people within our community who can't access the basic needs in their life, we need to be looking what we can do to improve that. Whether that means ride shares, meals on wheels or food sharing and cooperative efforts the answer is not low nutrition low cost goods that will further harm their health.

Marti Pizzini of 119 S. 11th St., Chesterton was present to speak in support of the petition. She said that as a former social worker and nurse she sees the struggle her community faces in obtaining basic goods for daily life without leaving their community. Since the Kmart closed, she has heard all too often of these struggles. Many people walk to the resale shop to get basic lower cost goods. The problem of income distribution and health is not something that the dollar store can help. They can help bring convenience to households on a weekly basis. Furthermore, she would like to see some of the trees surrounding that property saved. She suggested Dollar General contact the tree committee to see if there are trees worth saving.

PRELIMINARY HEARINGS

**Thomas Edward Lipinski, Trustee of the Thomas Edward Lipinski Living Trust,
Dated August 10, 2005, and Thomas E. Lipinski, Individually, Requesting a Change In The
Chesterton Zoning Map.**

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Thomas Edward Lipinski, Trustee of the Thomas Edward Lipinski Living Trust, Dated August 10, 2005, and Thomas E. Lipinski, Individually, Requesting Plattage of Property. Attorney G. Babcock was present as representation for the petitioner. He was accompanied by Mr. Michael A. Young, PLS Project Manager for Falk PLI. Attorney Babcock understood the plattage of property is contingent upon the successful rezoning of the property. The property is located on 1300 Broadway, Chesterton. Lot-1 located on the east side of the property would be commercially developed into a Dollar General Store. The proposed building would have a floor space of 9,100 square feet. The sites zoning will need to be changed to B-3 to support the Dollar General Store. The properties end users have adjusted their plans for signage and parking to comply with the Ordinance and eliminate any need to seek variances from the BZA. Lot-2 located on the west side of the property will keep the existing buildings that are on site. The building is being rented to a mechanic and towing service. There would be a few items that would be adjusted on the plat prior to the public hearing as per the request of Town Engineer M. O'Dell. He respectfully requested that the Lipinski Petitions be set for public hearing at the September 19, 2019 meeting.

Town Engineer M. O'Dell noted that the Lipinski building would still remain a legal non-conforming building. Attorney G. Babcock and Town Attorney C. Parkinson agreed. There would be no change to the building which has been there since 1960.

Member J. Kowalski wondered if there is a wide enough turn radius for delivery trucks.

Mr. Michael Young of Falk Engineering said trucks would pull in and then back up to the unloading area.

Town Engineer M. O'Dell confirmed that there would not be a change to the use of the property. Although it has been closed for 6 months, the automotive repair and enclosed tow yard would still be an acceptable use on the property that remains an I-1 Zone.

Member G. Stone moved to set this item for public hearing at the September 19, 2019 seconded by member J. Trout and passed by unanimous voice vote.

Park Impact Fee

Attorney C. Parkinson told the board the Park Impact Fee is set by Ordinance and by law the Park Impact Fee expires automatically after five years. In order to renew the Park Impact Fee a public hearing needs to be set. The board reviewed the proposed Ordinance and a draft of the impact fee study. The finalized fee study would be available for review at least ten days prior to the public hearing. The preliminary report indicates that the fee will raise but remain comparable if not less than adjacent communities and significantly less than other communities. He respectfully requested the board to consider setting this item for public hearing at the September 19, 2019 meeting.

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Member T. Kopko moved to set this item for public hearing at the September 19, 2019 meeting seconded by member J. Trout and passed by unanimous voice vote.

CONCEPT REVIEW- None

PUBLIC HEARINGS

Amendment to Portions of the Text of The Unified Comprehensive Zoning And Subdivision Ordinance of Chesterton. Rules for conducting a public hearing were read aloud. Proof of publication was verified. Attorney C. Parkinson explained that this is an amendment to the definition of Lot Line Front, which defines in the Ordinance what constitutes the front lot line. The front lot line is used for determining setbacks. The proposal would put into place what is commonly known throughout most communities as the front lot lines. Typically, one would think of the front lot line as being where the front door or front of the structure is. On a corner lot, either can be considered the front lot line unless there is a specific exception noted in the plat.

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 declared closed.

Member J. Trout moved to close the public hearing and forward a favorable recommendation to the town council on this item seconded by member T. Kopko and passed by unanimous roll call vote.

OLD BUSINESS

Member J. Trout thought the board would discuss the legal opinion of "retirement village" as it would relate to a concept plan presented to the board at the previous meeting by John Nekus.

Attorney C. Parkinson reminded the board that when this petition was last presented, he told the board the next time they would address the development would be in the submission of a plat if that was the opinion. That is the opinion and we need to see a plat. The next step is a petition for plattage.

Attorney G. Babcock asked if they could receive a copy of the legal opinion.

Attorney C. Parkinson said no. That was sent to the board as attorney-client confidentiality. Unless the board wants to waive that privilege, he would not share the opinion. He said he would discuss the process without sharing the opinion which contains privilege communication. He told Attorney Babcock the proposal may proceed as a platted subdivision.

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Member J. Trout express his surprise that Attorney C. Parkinson would not share his opinion with Attorney G. Babcock.

Attorney C. Parkinson told members of the board there are elements of the opinion that should remain confidential. Members of the board could waive that privilege if they were in agreement.

Member J. Kowalski felt they should follow Town Attorney C. Parkinson's opinion. It was the general consensus of the board to not share the opinion.

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no other business before the board member G. Stone moved adjournment seconded by member T. Kopko and passed by unanimous voice vote. The meeting adjourned at 7:17 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

President S. Darnell`