

**CHESTERTON ADVISORY PLAN COMMISSION**  
**JULY 21, 2022**  
**6:30 P.M.**

The meeting was called to order at 6:30 P.M. Present were members S. Darnell, D. Lafata, J. Kowalski, D. Marchetti, T. Kopko and president F. Owens. Member C. Hammar was absent. Town Engineer M. O'Dell and Town Liaison K. Nevers were in attendance. Attorney C. Parkinson was present as legal advisor. The pledge of allegiance was recited.

**APPROVAL OF MINUTES**

Member S. Darnell moved approval of the minutes from June 16, 2022 seconded by member T. Kopko and passed by unanimous voice vote.

**COMMENTS FROM THE PUBLIC- None**

**PRELIMINARY HEARINGS**

**Kenneth J. Allen & Associates** requesting an amendment to the Coffee Creek Center PUD permanent sign and /or BZA Case No. 08-09 & 96-24 to allow the billboard sign to be an electronic "dynamic" sign. (Continued from May 19, 2022) Attorney K. Allen was present. He quoted Abe Lincoln as saying "A lawyer who represents himself has a fool for a client." He told the board his associate/lawyer who has been handling this petition had a medical emergency. He added that it is a serious condition and respectfully requested the board to consider a sixty-day continuance.

Attorney C. Parkinson said he had been in contact with Attorney Ferngren throughout the month and together they had made some amendments to the Ordinance. This item would be ready to set for a public hearing from a legal standpoint. He suggested that the board consider continuing the preliminary hearing until the August 18, 2022 meeting with the understanding that Attorney Ferngren might be available for a September public hearing.

President F. Owens said he didn't want to put the petitioners in a rule violation. He thought it a good idea to continue the preliminary hearing. It was the general consensus of the board to continue the preliminary hearing.

Member D. Marchetti moved to continue the preliminary hearing for this item until August 18, 2022 seconded by member J. Kowalski and passed by a unanimous voice vote.

**CONCEPT REVIEW- None**

**PUBLIC HEARINGS**

**PSR, LLC** requesting to Amend the 1100 Woods PUD. 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 Mrs. Bansal one of the owners and developers of PSR, LLC known as 1100 Woods Subdivision. In the original PUD Ordinance Number 2021-01 which created 1100 Woods Subdivision. The PUD allowed for the owners to construct a lift station for sanitary sewers. Originally, the proposed lift station would be privately owned. Over the course of time, it was determined that the utility board wanted to be able to control that lift station.

**ADVISORY PLAN COMMISSION**  
**JULY 21, 2022**  
**PAGE 2**

Their request tonight is to amend the PUD Ordinance to facilitate this change. A back-up generator would be installed and they would dedicate that lift station to the town utility department. He respectfully requested the board to consider forwarding a favorable recommendation to the Town Council.

There was no one present to speak in support.

There was no one present to speak in opposition to the petition. The public comment portion of the public hearing was declared closed.

Town Engineer M. O'Dell said he had no issues.

Attorney C. Parkinson found the Ordinance to be in order.

Member D. Lafata moved to close the public hearing and forward a favorable recommendation to the Town Council seconded by member T. Kopko and passed by a unanimous roll call vote of 6 to 0.

**Thomas T. Roberts Trustee of the Thomas T. Roberts Revocable Trust Agreement DTD. September 19, 2005 and Thomas T Roberts, Individually,** to the Chesterton Advisory Plan Commission for Plottage of Property. The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal representation for the petitioners. He was accompanied by Mr. and Mrs. T. Roberts and Mr. V. Roberts. Attorney Babcock told the board this process started with three B-3 lots, and one R-3 lot. The lots are located on the backside of the Duneland Cove Subdivision. The process included vacating a portion of the road at the end of Sand Creek Drive and Michael Drive. The property was then rezoned to R-1 single family residences. Their request is to re-plat the R-1 Zone into six single family developable lots. The lots would range in size from  $\frac{3}{4}$  acre to 1.4 acre lots. He noted the placement of the two driveways that had been place not perpendicular to the roads. There would be a swale along the back area of the parcel to capture rainwater. Attorney Babcock said he was informed today that the construction drawings from the Duneland Group were not completed and sent back for M. O'Dell's approval. He asked the board to consider passing approval without final approval of the construction drawings. He respectfully requested the board to consider forwarding a favorable recommendation to the Town Council

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 was declared closed.

Attorney C. Parkinson had no comment.

Town Engineer M. O'Dell said they had forwarded their notes on the project to the Duneland Group. There are still several concerns that the Duneland Group has not responded to. He respectfully requested the board to table this item so he could review the necessary changes to the construction drawings. He commented that there are also concerns regarding the primary plat.

**ADVISORY PLAN COMMISSION**  
**JULY 21, 2022**  
**PAGE 3**

Member S. Darnell said she would like to take the engineers recommendation. The board was in agreement.

There was some conversation about convening a special meeting once the drawings are received and reviewed.

Mr. T. Roberts said that he was completely blind sided by this lack of action on the part of the Duneland Group. He respectfully requested the board to consider granting approval contingent upon M. O'Dell's review and approval. Without the engineer's approval they could not get a building permit. He commented that they had lost a lot of time with various delays. He would abide by the board's decision.

Attorney C. Parkinson said the board could possibly set a special meeting for next week if the petitioners can assure that the necessary items could be turned around within the week.

Town Engineer M. O'Dell said he no plans in his possession.

Mr. T. Roberts said he wanted no detriment to the town. Given the lack of response by the Duneland Group, he agreed to continue this until the regularly scheduled meeting on August 18, 2022.

Member D. Marchetti moved to continue this item until the August 18, 2022 meeting seconded by member S. Darnell and passed by unanimous roll call vote of 6 to 0.

**OLD BUSINESS- None**

**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member T. Kopko moved adjournment seconded by member D. Marchetti and passed by unanimous voice vote. The meeting adjourned at 7:00 P.M.

Respectfully submitted,

Gail Murawski, Secretary

Approved;

F. Owens, President