

**CHESTERTON ADVISORY PLAN COMMISSION**  
**SEPTEMBER 19, 2019**  
**6:30 P.M.**

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

**APPROVAL OF MINUTES**

Member J. Kowalski moved approval of the minutes from August 15, 2019 seconded by member J. Trout and passed by unanimous voice vote.

**COMMENTS FROM THE PUBLIC**

Attorney Greg Bouwer was present as legal representation for Eagle Crossing Apartments. He told the board his client is interested in planting honey locust trees within the area of the parkways. In contacting the town, they recommended that the property owner/developer provide assurances that the trees be maintained and any damages that might be caused by the trees and where they are installed also be addressed in their commitment. He prepared a declaration to record with the apartment project that would ensure the trees are maintained and any damage is repaired. The arbor specification contained in the Tree Ordinance is a permitted tree. He distributed a site plan and gestured to the areas where the honey locust would be planted.

It was the general consensus of staff and the board that the trees, property surrounding the trees and sight lines be maintained by the developer.

Town Engineer M. O'Dell commented that the honey locust is a large specie tree. The board would take this matter under advisement. There was no action taken.

**Olsen Farms LLC, Maintenance Guarantee, Exp. 09/21/19**

Katherine Harris Vice President of Development for Olsen Farms, LLC. was present. She told the board their Phase I, maintenance bond would expire on 9/21/19. She formally requested the release of the bond.

Town Engineer M. O'Dell told the board there are no issues. Attorney C. Parkinson said the bond would expire on its own. There was no action necessary.

**PRELIMINARY HEARINGS**

**Villages of Sand Creek Owners Association, Inc. An Amendment to the Planned Unit Development District Ordinance.** Attorney Clay Patton of Osan & Patton, LLP was present as

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representation for the home owner's association. The proposed amendment would delete sidewalks/walking trails that had not been installed. The amendment would expand and existing play area and make it ADA compliant.

Attorney C. Parkinson said the only issue they are currently working on is the notice requirement. The list of owners within 300 feet was not submitted with the proposed ordinance. He confirmed that notice could be provided by certified mail or hand delivery. It was further clarified that only property owners within the 300 feet of the affected area need be noticed not the entire subdivision.

Member J. Trout moved to set this item for public hearing at the October 17, 2019 seconded by member J. Kowalski and passed by unanimous voice vote.

**CONCEPT REVIEW- None**

**PUBLIC HEARINGS**

**Rules for conducting a public hearing were read aloud.**

**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. The review of the park impact fee is a result of a study by Lehman & Lehman, Inc. for the Town of Chesterton. The Recreation Zone Improvement Plan 2019-2028 was presented by Chuck Lehman, Landscape Architects and Planner.

Mr. Chuck Lehman walked the board and community members in attendance through a brief overview of a 10-year forecast for the town of Chesterton which would expire in 5 years. The impact fee is driven by projection of the number of new residential permits. Commercial and industrial properties are not a consideration. A copy of the recreation impact fee study process and a copy of recreation impact fee statistics for neighboring municipalities in the state of Indiana are; hereto attached and made a part of these minutes.

Attorney C. Parkinson clarified that once adopted by the town council, the proposed recreation impact fee of \$994.00 will go into effect in February.

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.

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Member J. Kowalski moved to send a favorable recommendation to the town council for the Park Impact Fee seconded by member F. Owens and passed by unanimous voice vote.

**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.** The secretary verified proof of notification, publication and payment. Attorney G. Babcock was present as legal advisor for the petitioner. He was accompanied by Mr. Tom Lipinski, Mr. Michael A. Young, Project Manager and Jeff Leith, both from Falk PLI Engineering. Attorney Babcock told the board the property is located on 1300 Broadway, Chesterton the west side of the property where the garage is located is currently being operated as an auto repair facility and is not a part of this rezoning consideration. It is Zoned I-1. The portion of the site to be rezoned is 1.76 acres of the eastern portion of the site. They seek to rezone the property to B-3. Mr. Lipinski has owned the property since the mid 1970's. There has not been an industrial use on that site in a long time nor has there been any offers to utilize that property as industrial. Attorney Babcock called attention to various mixed uses of properties neighboring the site. He distributed a list of uses within the I-1 and B-3 zones pointing out that most of the uses are similar in nature. A change to a B-3 zone would add a significant number of possible uses to redevelop that site. The added retail designation would draw the community to the west end of town. If successful in the rezoning of this property, Mr. Lipinski has been approached by Dollar General to purchase the property and construct a store on the site.

Attorney Babcock said the Dollar General that Mr. Lipinski has entered into an agreement with is ranked 119<sup>th</sup> in the Fortune 500 Corporations. They have retail stores of over 15,500. The proposed store would be just over 9,000 square feet. He told the board a store of this size would have a staff of approximately 6 to 7 total employees which would include a store manager, an assistant manager, lead associates and cashiers. Hours of operation would be between 8:00 A.M. until 10: P.M.

Mr. Jeff Leith of Falk PLI Engineering gestured to a rendering of the proposed Dollar General. He highlighted some of the upgraded features proposed for this Dollar General site. The parking lot would be enhanced with planting.

Attorney G. Babcock called attention to the tax dollar increases to the town.

Mr. Michael Young of Falk PLI Engineering gestured to a site plan indicating traffic flow and pointing out where dumpsters and the loading dock would be located. They would contain stormwater on site with the addition of a detention pond. They would install a concrete sidewalk in front of the site.

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Attorney G. Babcock felt that the rezoning of this site would be a great infill project and become a more productive piece of property. He reminded the board this rezone would only be the east side of the property owned by Mr. Lipinski. The western portion would remain I-1 with the continued use as an auto repair/towing location. This rezone and project would bring different traffic to the area and enhance business in the area. He respectfully requested the board to consider sending a favorable recommendation to the town council regarding this item.

Deanna Brown of Chesterton was present to speak in support of the petition. She told the board she lives and owns property within blocks of the site. "Lipinski's has been a junk yard for so many years depreciating her property value and that of the neighborhood." She welcomed any improvement that the rezoning and Dollar General would provide. She felt that the Dollar General would provide a badly needed convenience in that location.

Linda Burton of 1032 Park Ave., Chesterton was present to speak in support of the petition. She commented that when there was a grocery store in that part of town years ago the area was considered trending and was considered a higher taxed area. The grocery store has been gone for years and the taxes never went down. She commented that the convenience of having a Dollar General on the west end of town is welcomed.

John Bolla of 801 Essex Dr., Porter was present to speak in support of the petition. He said he would like to see a store on the west end of town.

Ann Macker of 210 S. 14<sup>th</sup>. St., Chesterton was present to speak in opposition to the petition. She 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 at 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. She distributed to the board documentation supporting America's Health Ranking with a focus on Indiana being ranked 41. Documentation would also include Dollar General Stores located in North West Indiana within close proximity of each other. Additionally, she referenced a service group PCACS offering programs for seniors, disabled and low-income residents. Furthermore, she expressed concerns about the increased traffic to the neighborhood. She felt we should focus on highlighting and promoting our towns tourism and commit to health and wellness. In closing, "Convenience always comes at a much greater long-term cost than quality."

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Cole Murray of 13<sup>th</sup> St., Chesterton was present to speak in opposition to the petition. He echoed the statements of Ann Macker. He did not want to see the zoning changed to accommodate a Dollar General Store. He expressed concerns for increased traffic.

Barb Teater of 14<sup>th</sup> St., Chesterton was present to speak in opposition to the petition. She too was in agreement with Ann Macker. She felt that the addition of a Dollar General was a waste of good space. She said she would appreciate an Aldi store in that part of town.

Mark Hopkins of 228 E. Tradibis Rd., Chesterton was present. He told the board that when he had first read about the proposed Dollar General store going into this location, he was against it. Since then he has had the opportunity to speak with many people in the Chesterton community. He asked what they thought of Dollar General going into this location. He felt that age is a big factor in a person's willingness to cross SR49 to shop for goods. Older folks just don't like to have to come to the east side of SR49 or go to Valparaiso, Michigan City or Portage to shop for everyday items. He said the temperature he got from folks with an opinion was about 80 percent to 20 percent did not embrace the thought of the Dollar General Store coming to downtown Chesterton. He found that what people liked best about their community was that it is quiet and safe. He asked the board to move forward cautiously with progression and consider how that could play out within our community.

There being no others present to speak, the public comment portion of the public hearing was declared closed.

Attorney G. Babcock said he knew it would be difficult to petition the board for the rezoning of this property without looking at the company that looks to do business in that location. He commented that he was unsure how Dollar General got the state of Indiana to be ranked 41<sup>st</sup> in America for overall health and wellbeing. He felt the Dollar General would offer many people the opportunity to purchase daily goods without leaving their side of town or community. He found that often times smaller surrounding communities strive to be like Valparaiso and they have three Dollar Generals located in their town. By comparison he took offense when people say that this is going into a low income, poverty-stricken area. He urged those present to focus on the petition. This petition is for the ability to take a piece of property that is unused and make it more useful by offering other uses in that zone. He said that through their literacy foundation Dollar General gives about 12 million dollars per year in enhancing literacy. There are positives with a company of that size.

Member J. Kowalski reminded those present that the petitioner could have come into the town and requested a rezoning which would make his property more marketable and never mentioned that an end user might be Dollar General. He found it offensive that people look at the west end of town and might considered it a lower income part of town. He felt that the addition of a Dollar General on the west side of town would give those residents an opportunity to walk to a store for daily needs. In closing he commented, "Dollar General is not a super villain."

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Member J. Trout commented that the site is not a good location for an I-1 Zone. The rezoning of the property makes the site far more attractive. If Dollar General is going to make a success of a business in that area, it's a win/win for our community.

Member N. Cobbs was in agreement with member Trout. An I-1 Zone does not fit in that area. If neighbors don't go there and shop there will be a good-looking building on a cleaned-up lot in a B-3 Zone.

Member J. Kowalski commented that the remaining I-1 Zoned property would continue to operate as an auto repair/towing facility. He was interested in see ongoing cleanup efforts to the site. He questioned the ability use the site as a tow facility.

Attorney G. Babcock commented that the zoning would remain I-1. Mr. Recktenwall would continue to use the site as an auto repair/tow facility. He also called attention to improvements being made to the site and the building.

Member J. Trout moved to forward a favorable recommendation to the town council for this item seconded by member N. Cobbs and passed by unanimous voice vote.

Attorney C. Parkinson clarified that there were no excluded uses from the B-3 Zone.

**Thomas Edward Lipinski, Trustee of the Thomas Edward Lipinski Living Trust, Dated August 10, 2005, and Thomas E. Lipinski, Individually, Requesting Plottage of Property.** The secretary verified proof of notification, publication and payment. Attorney G. Babcock was present as legal advisor for the petitioner. He told the board the property has seven different tax bills. The site was platted in 1898 and a second time in 1910. Throughout the years several factors contributed to the site we look at today. If successful, the petition would allow two lots to be created. The lot on the east side would be zoned B-3 the west side lot would remain I-1.

Mr. Michael Young of Falk PLI Engineering gestured to a site plan indicating the portion of the site that would be rezoned. He indicated where the pond would be located in the front and around the side of the site. He identified public easements. There would be a deceleration lane when headed westbound into the site.

Attorney Babcock told the board that the MS-4 plan and SWPPP plans have not been 100 percent reviewed by Town Engineer M. O'Dell. He requested the board to approve the petition contingent upon the ability to approve the complete plan. This approval would come before any secondary plat application.

There was no one present to speak in support of the petition.

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

Member Kopko questioned what the final detention pond landscape might look like. He commented that he would like to see it well maintained all the time. It needs to be nice looking all the time.

Town Engineer M. O'Dell commented that there was no final landscape plan in place yet. He added that the detention of stormwater is about 90 percent complete. They worked with the town on the deceleration lane and lastly the lighting plan would also be addressed. These items are not critical in holding up the primary plat.

Member J. Trout moved to approve the primary plat for this item subject to the four above mentioned items being satisfied seconded by member J. Kowalski and passed by unanimous voice vote.

**OLD BUSINESS- None**

**Olsen Farms LLC, Maintenance Guarantee, Exp. 09/21/19 (See comments from the Public)**

**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member T. Kopko moved adjournment seconded by member J. Kowalski and passed by unanimous voice vote. The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

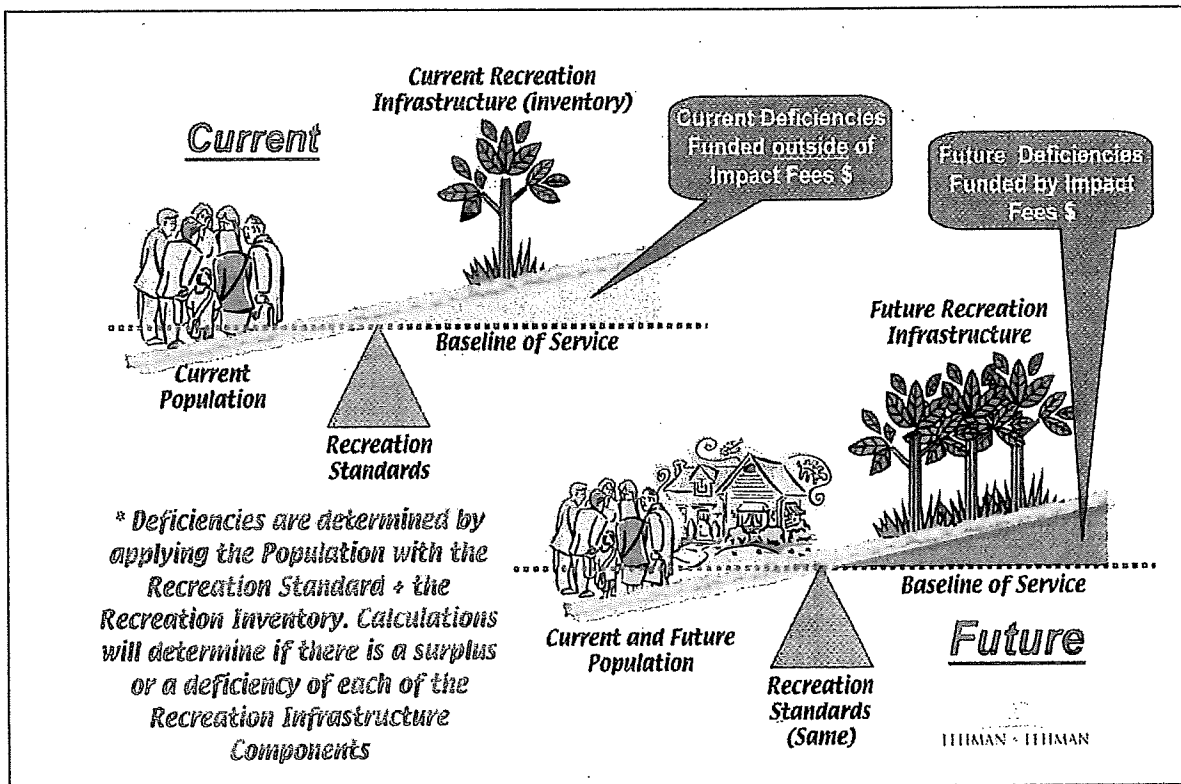
S. Darnell, President

## Recreation Impact Fee Study Process

The process of defining a Recreation Impact Fee for a community involves a series of steps. Those steps include the following:

1. Establish the Park Impact Fee Advisory Committee
2. Define the Impact Zone
3. Collect current census populations and trends
4. Inventory the current recreation infrastructure for land and facilities (Current Level of Service)
5. Establish Community Level of Service for recreation land and facilities
6. Analyze housing building permits and trends (both inside Town limits and within the planning area)
7. Analyze current deficiencies and 10-year infrastructure needs based on Community Level of Service and projected population forecasts
8. Determine costs for meeting current deficiencies and future needs based on Community Level of Service
9.  $RIF = \text{Future Recreation Infrastructure Need Costs} / \text{Projected 10-year Residential Building Permits}$   
(As per IC 36-7-4-1321 which states that the Impact Fee = Impact Costs – Non-Local Revenues – Impact Deductions / 10-Year Forecast Building Permits)
10. Prepare a Zone Improvement Plan
11. Recommendations to the Parks and Recreation Board and the Advisory Plan Commission
12. Ordinance for Town Council's Review and Adoption

**Figure 2 – Community Level of Service Illustration**





# Chesterton Recreation Zone Improvement Plan Study

## National Averages of Recreation Impact Fees

The firm of *Clancy Mullen, Duncan Associates* annually tracks Impact Fees throughout the country. Their 2015 *National Impact Fee Survey* results serve only as a reference to this study. The averages of the 2015 survey found the following:

- Average Recreation Impact Fees of 195 municipalities ----- \$2,812

## Recreation Impact Fee Statistics – State of Indiana

Current Recreation Impact Fees of the noted municipalities (with ordinance dates noted).

• City of Greenfield (ordinance 2019) -----	\$1,313
• City of Valparaiso (ordinance 2015) -----	\$1,288
• City of Carmel (ordinance, 2019) -----	\$2,981
• City of Noblesville (ordinance, 2019) -----	\$2,118
• City of Fishers (ordinance, 2016) -----	\$1,070
• City of Franklin (ordinance, 2005) -----	\$870
• City of Westfield (ordinance, 2018) -----	\$1,440
• Town of Plainfield (ordinance, 2017) -----	\$1,289
• Town of Cicero (ordinance, 2012) -----	\$843
• Town of St. John (ordinance, 2018) -----	\$1,886
• Town of Schererville (ordinance, 2018) -----	\$2,172
• Town of Whitestown (ordinance, 2016) -----	\$953
• City of Crown Point (ordinance, 2017) -----	1,159
• City of Portage (ordinance, 2019) -----	\$986
• Town of Brownsburg (ordinance, 2018) -----	\$1,191
• Town of Zionsville (ordinance, 2011) -----	\$1,221
• City of Greenwood (ordinance 2015) -----	\$1,206
• City of Shelbyville (ordinance, 2019) -----	\$1,005
• Town of Danville (ordinance 2016) -----	\$789
• Town of Avon (ordinance, 2017) -----	\$1,095
• Town of Bargersville (ordinance, 2017) -----	\$748
• <b>Average Recreation Impact Fees of the above noted communities</b> -----	<b>\$1,315</b>
• <i>Proposed Recreation Impact Fee for Town of Chesterton (2019)</i> -----	<i>\$994</i>

