

**CHESTERTON ADVISORY PLAN COMMISSION  
JANUARY 21, 2010  
6:30 P.M.**

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

**ELECTION OF OFFICERS**

Member J. Kowalski nominated F. Owens for president seconded by member D. Marchetti and passed by a unanimous voice vote.

Member J. Trout nominated D. Marchetti for vice president seconded by member J. Kowalski and passed by a unanimous voice vote.

Member J. Kowalski nominated G. Murawski for secretary seconded by member C. Hammar and passed by unanimous voice vote.

President F. Owens called for a citizen liaison from the Plan Commission to be appointed to the BZA. Member J. Kowalski is the current liaison to the BZA. Eligibility would also include members C. Hammar and D. Marchetti.

Member S. Darnell nominated J. Kowalski for liaison to the BZA seconded by member T. Kopko and passed by unanimous voice vote.

**APPROVAL OF MINUTES**

Member T. Kopko moved approval of the minutes from December 17, 2020 seconded by member C. Hammar and passed by unanimous voice vote.

**COMMENTS FROM THE PUBLIC- None**

**PRELIMINARY HEARINGS**

**Town of Chesterton Ordinance to Change Publication Requirement** Attorney C. Parkinson outlined proposed changes to the Ordinance which would remove specific references to the Chesterton Tribune in the procedures. The Chesterton Tribune halted service on January 1, 2021. There are five specific references either within the code, within procedures or within the appendices which require publication specifically in the Chesterton Tribune. The change would make publication required in a newspaper general publication within a town that is consistent with the state statute.

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Attorney Parkinson said he had discussed with Attorney Babcock his experience with publishing in The Times. He noted that private party publishing rates are considerably higher than municipal rates. It might be a consideration for the town to take over the publishing procedure and subsequently charge that cost to the petitioner. He requested that this item set for public hearing at the February 18, 2021 meeting. The Ordinance would be finalized once discussion is had with The Times. The proposed Ordinance would be finalized and available at least 10 days prior to the public hearing.

Member J. Trout moved to set this item for public hearing at the February 18, 2021 meeting seconded by member S. Darnell and passed by a unanimous roll call vote of 7 to 0.

**CONCEPT REVIEW- None**

**PUBLIC HEARINGS**

**PSR, LLC, PUD Ordinance** Rules for conducting a public hearing were read aloud. Additionally, with the meeting being broadcast over Zoom and Facebook live, comments would be solicited from those present at tonight's meeting, anyone waiting outside and then those on Zoom or Facebook.

Attorney C. Parkinson noted that several letters had been received from those wishing to comment on tonight's public hearing. He advised the board that one letter in particular needed to be addressed prior to the public hearing. The letter received from Ashley Tolton requests that the public hearing on the matter of the PSR, LLC, PUD Ordinance be cancelled or perhaps continued due to a purported defect in the notice of public hearing. Attorney Parkinson reviewed that allegation of defect in the notice and also reviewed the notice sent out by Attorney Babcock. He found that the notice substantially complied with the requirements of the Ordinance. At the December meeting the board unanimously approved a motion to set this item for public hearing and furthermore allow for publication in a newspaper other than the Chesterton Tribune. It was his legal opinion that the notice was proper. In addition, since Ashley Tolton was present on Facebook live, he believed that motion had been waived. He requested the board make a formal overrule and move forward with the public hearing.

Member J. Trout motioned to overrule the objection from Ashley Tolton based on legal opinion. The motion was seconded by member T. Kopko and passed by a unanimous roll call vote of 7 to 0.

The secretary verified proof of publication, notification and payment.

Attorney G. Babcock was present as representation for the petitioner. Pranati Bansal a member of PSR, LLC. and C. Ray from The Duneland Group accompanied him. Attorney G. Babcock identified the proposed PUD Ordinance for the 1100 Woods Subdivision as being located on

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1100 North, lying south of Dogwood Park and West of Stone Meadows Subdivision. PSR owns 58 acres, 41 of those acres are in the wetland delineated area, leaving 18.34 acres to be developed. It would contain 35 single family residential units. The entire subdivision would be Zoned R-1. There would be three out-lots A, B, C. On out-lot D wetland delineations push the line close to encompassing the lot. It is sized for a single-family home without the need for building relief. If in the future, they choose to go through the Army Corp of Engineers it could be platted as a buildable lot. There would be signage posted in the wetland area prohibiting infill debris or building in the wetland area abutting backyards. Out-lot B would contain the lift station which would be privately owned by the HOA. They would comply with the utility boards requirement for a sanitary lift station to collect and pump west to the manhole outside of Dogwood Estates. If the sanitary lift station was not in proper working order and the HOA was not actively involved in rectifying the problem, the town would have the ability to correct the problem as a public health issue. Additionally, they would have the ability to bill the HOA/homeowners for costs incurred.

Attorney Babcock in an attempt to satisfy concerns said they would commit to cleaning out a ditch running north and south along the western boundary. Furthermore, PSR would repair replace and maintain culverts on the southern boundary. These efforts would take place prior to Secondary plat or selling any lots.

PSR is requesting a variance for a monument sign. The proposed sign would be 8 feet by 10 feet. It would be a stone masonry product surrounded by landscape. In other scaping issues he walked members of the board through fencing requests noting where 6-foot fencing could be installed. He noted setbacks would ensure safe lines of sight while offering privacy.

The north south street is going to be matched up with 23<sup>rd</sup> Street. The proposed sign would be located here at the ingress/egress to the 1100 Woods Subdivision. The far east end of the project has been reconfigured with two large lots (Lots 34 & 35) where each would have their own private driveway exiting out to 1100 North. There would be a 3 way stop where 23<sup>rd</sup> Street meets Pradera Trail which would provide connectivity to Stone Meadows Subdivision. The only other access to the development would be off of CR 50 W. down Pradera Trail and a second off of 1100 North down Terreno Drive. The subdivision would have 20 MPH speed limits posted throughout. Attorney Babcock said it was his belief that collector streets like 1100 North and arterial streets like 23<sup>rd</sup> Street were built to handle the addition of these 35 residential homes.

Attorney Babcock said the lots would be priced comparable to those located in Stone Meadows. The homes would be competitively priced to recover the cost of the lots and infrastructure. He respectfully requested the board forward a favorable recommendation to the Town Council. This recommendation would be conditioned upon Attorney Parkinson reviewing a copy of the variances as outlined this evening. An updated version of the drawings reflecting those changes and any other suggested minor clean up items would also be reviewed by Town Engineer M. O'Dell. He solicited questions from the public and members of the board.

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There were no persons present wishing to speak in support of the petition.

Collin Johnson of 2016 Terreno Dr., Chesterton was present to speak in opposition to the petition. A copy of a letter from Collin Johnson, LT, United States Navy, JAGC and Dr. Reva Johnson, Ph.D. has been entered into the file records. As a resident of Stone Meadows Subdivision Mr. Johnson told the board one of his biggest concerns is traffic and the increased traffic in the area. He suggested additional stop signs and perhaps speed humps be installed to slow the speed of traffic in and through the residence. He expressed concern for the safety of children playing and crossing the street to get to Dogwood Park. He further suggested there be a traffic impact analysis. He encouraged transparency by asking PSR to notify the 25 neighboring homes in Stone Meadows when amendments and changes to the PUD are made.

Ron Zachara Jr. of 2121 Pradera Trail, Chesterton was present to speak in opposition to the petition. He echoed many of the same concerns expressed by Mr. Johnson. There are many children that live and play along Pradera Trail. He felt that the subdivision could effectively slow traffic by installing additional stop signs and installing speed humps.

Bill Stone of 1451 Birdie Way, Chesterton was present to speak in opposition to the petition. He said he was happy to see the PSR, PUD finally commit to R-1, residential homes only. He said he has lived here long enough to see PUD's amended several times. He felt the PUD process is used way to loosely.

Evelyn Komenas of 1087 N. Pearson Rd., Chesterton, unincorporated Liberty Township was present to speak in opposition to the petition. A copy of her letter has been entered into the file records. She expressed concerns about flooding caused by the proposed development. She felt that as long as the culverts are maintained and operating properly sitting water is alleviated. She encouraged PSR to maintain culverts south of their property as well as maintaining the drainage ditch along the western boundary from 1100 North to south CR 1050 North.

There were no other persons in attendance to speak in opposition to the petition.

President F. Owens solicited comments from Facebook Live and Zoom.

Ashley Tolton of 2009 Terreno Dr., Chesterton was present via Zoom to speak in opposition to the petition. A copy of her letter along with a petition from the Stone Meadows homeowners has been entered into the file records. Ms. Tolton noted that she concurred with the concerns raised earlier by remonstrators. She questioned why PSR is seeking to develop this property as a PUD. She felt that the process was a means to bypass the need to obtain variances. She expressed a desire to have the Plan Commission impose a requirement that PSR include in the written commitments of the PUD Ordinance that the intended land use is just single family residential and there would be no commercial development. She was interested in seeing a small sign installed where Stone Meadows and 1100 Woods meet. The sign would signify were

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each subdivision started and stopped. She was interested in having Lots 26 and 27 install some kind of fence. She shared a petition opposing the annexation and rezoning of this parcel known as PSR. The petition was predominately dated with signatures from the year 2018. It contained signatures of more than 400 people from neighboring subdivisions most affected by the annexation and rezoning.

It was noted that four letters were received by the Plan Commission which have been entered into the file records. Correspondence as follows:

Homeowners of Stone Meadows, Marcie Stone DTD. January 11, 2021

Evelyn Komenas, DTD. January 10, 2021

Ashley Tolton, To Sharon Darnell received January 17, 2021

Dr. Reva Johnson and Mr. Collin Johnson received January 19, 2021

Attorney Babcock in rebuttal noted that a traffic impact study is usually only conducted when there is a large need or there is a change in use. He would look for the town's recommendation regarding the idea of speed bumps/humps. This single-family residential subdivision would have some of the same traffic concerns as any other, with kids playing, moms and dads coming and going. The speed limit signs and stop signs are there to be adhered to by all. He explained that the requirement to notify property owners within 300 feet may not always encompass an entire subdivision. The PUD process is designed to customize relief in the form of variance requests. The PUD process incorporates clearly noted variance requests which members of the board review, discuss and have the ability to accept or reject. In other concerns PSR developers would pay for the various items they want to improve regarding the capturing of stormwater and the ditch. There is job to capture the water runoff from their development. The stormwater would be captured metered and outlet at the same rate it is currently going out today. Written commitments included in the PUD include replacing or repairing culverts and cleaning out and maintaining the ditch located on their own property. Part of the subdivision approval process would require a copy of the covenants for the 1100 Woods Subdivision be submitted to the Chesterton Advisory Plan Commission. Commitments that are made within the 1100 Woods PUD Ordinance are required to be disclosed to the people purchasing the lots in the covenants. Attorney Babcock respectfully requested the board to consider forwarding a favorable recommendation to the Town Council subject to town receiving and reviewing a copy of the 1100 Woods PUD Ordinance as discussed, this evening.

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

Attorney C. Parkinson said he and Town Engineer M. O'Dell had reviewed changes made to the Ordinance and from a legal perspective they are fine.

Town Engineer M. O'Dell said all of his comments had been addressed by Attorney Babcock and Charlie Ray of the Duneland Group.

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Member J. Trout made a comparison of the proposed subdivision and the Tamarack subdivision where he resides. He noted that Tamarack was built in two phases and it also has about 85 homes with two access points. "It works great." He felt that the development would compliment the homes in Stone Meadows and bring value to the surrounding neighborhoods. He commented that to amend the PUD later down the road would take just as much work and a public hearing to be altered. He didn't see that location as being attractive for commercial development. He complimented surrounding property owners on how well their comments and concerns were articulated.

Member T. Kopko clarified that the proposed six-foot fences were not being put in with the development but homeowners would have the ability to install them.

Attorney Babcock said installing six-foot fencing would not obstruct sight lines. The ability to install six-foot fencing would offer visual continuity.

Member T. Kopko clarified where the stop signs would be installed. He commented that the installation of the stop signs should prevent motorists from speeding through the subdivisions.

Member C. Hammar commented that the town is willing to look at the concerns regarding the installation of stop signs. There is only so much they can do by law when addressing stop signs.

Town Engineer M. O'Dell said there is a code that the town follows for installing stop signs. Given the short distance of travel and the anticipated traffic volume, there was little likelihood of town installing additional stop signs.

Member J. Kowalski said he was pleased at how the proposed development had evolved over the past months. He considered the proposed PUD for 1100 Woods a win for surrounding neighbors and a win for the developers.

Member D. Marchetti echoed the comments of member Kowalski. The developer had done a great job listening to the community and making modifications to the plan of development. He said, "It's acceptable to most people. It may not be excitable to everyone."

President F. Owens thanked everyone for expressing their concerns in such a professional way. He commented that as an advisory board this item with the board's recommendation would go before the Chesterton Town Council for final approval.

Attorney G. Babcock speculated they would appear before the town council at the February 8, 2021 meeting.

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Member J. Kowalski moved to close the public hearing and forward a favorable recommendation to the town council, contingent upon receiving written commitments and drawings reviewed and approved by Attorney C. Parkinson and Town Engineer M. O'Dell. The motion was seconded by member S. Darnell and passed by a unanimous roll call vote of 7 to 0.

**OLD BUSINESS- None**

**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS**

Member J. Trout welcomed newly appointed Town Manager, David Cincoski and Public Affairs Liaison, Kevin Nevers.

**ADJOURNMENT**

There being no further business before the board, member T. Kopko moved adjournment, seconded by member J. Kowalski and passed by a unanimous roll call vote of 7 to 0. The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

F. Owens, President