

PLAN COMMISSION

January 10, 2022

REGULAR MEETING

ROLL CALL

The meeting was called to order at 7:00p.m. and the assemblage was invited to stand and recite the Pledge of Allegiance. President John Marshall asked for the roll call to be conducted. Members in attendance and absent are listed below:

Members Present:

President John Marshall, Vice President Daniel Rohaley, Michael Conquest, Laura Sauerman, Chad Jeffries, Richard Day, Scott Evorik

Members Absent: None

Staff Present:

Commission Attorney Joe Irak, City Attorney Alex Kutanovski, Executive Secretary Anthony Schlueter, Recording Secretary Jenni Pause

APPROVAL OF MINUTES

President John Marshall asked the Commission to approve the December 13, 2021, meeting notes. Laura Sauerman motioned to approve the December 13 meeting minutes as presented. Richard Day seconded the motion. A roll call vote was taken, by a vote of 7 Yeas, 0 Nays, 0 Abstentions, the motion unanimously passed, and the meeting notes are now official record of the body.

Plan Commission Officer Elections took place.

Michael Conquest nominated John Marshall as President; Daniel Rohaley seconded the nomination. With no other nominations, Laura Sauerman motioned to close nominations, Conquest seconded the motion, and the nominations were closed. A roll call vote was taken, by a vote of 7 Yeas, 0 Nays, 0 Abstentions, John Marshall was elected as the President.

Sauerman nominated Dan Rohaley as Vice-President Richard Day seconded the motion. Chad Jeffries motioned to close nominations, Scott Evorik seconded the motion, and the nominations were closed. A roll call vote was taken, by a vote of 7 Yeas, 0 Nays, 0 Abstentions, Daniel Rohaley was elected as the Vice President.

Evorik nominated Anthony Schlueter as Executive Secretary, Sauerman seconded the nomination. With no other nominations, Jeffries motioned to close nominations, Day seconded the motion, and the

nominations were closed. A roll call vote was taken, by a vote of 7 Yeas, 0 Nays, 0 Abstentions, Anthony Schlueter was elected as the Executive Secretary.

OLD BUSINESS

21-32 Ancon Construction, Petitioner/Jerald J. Good, David R. Hubinger T/C, David W. Hubinger, Owner
Request: Primary Subdivision (1 Lot)
Purpose: Goodwill Store
Location: 11191 Broadway

John Marshall informed the Board that after several deferrals, the petitioner is requesting the petition be withdrawn. Executive Secretary, Anthony Schlueter, stated the petitioners are still not ready and would like to withdraw and come back with a new petition when they are ready.

Marshall entertained a motion for Petition #21-32. Evorik motioned to withdraw Petition # 21-32. Day seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 7 Ayes, 0 Nays, and 0 Abstentions, Petition #21-32 was withdrawn.

21-36 Tomish Developers, LLC, Petitioner/JACM Capital, LLC, Owner
Request: Site Development
Purpose: Commercial Business Center
Location: 1712 East Porter Street

Aaron McDermott, 817 Alderbrook Ct., came before the Board as a representative of the buying group and developer. McDermott provided an overview of the petition.

Marshall asked Schlueter to fill the board in on what has happened over the last 30 days. Schlueter reported on the location, proposed development and parking. Schlueter reported the petition was deferred due to maintenance responsibility questions regarding the private road. Schlueter reported the plat states the owners of the properties served by the private road shall be responsible for the maintenance of any road fronting their road. Schlueter reported the city has sent correspondence to the property owners requesting that they contact the legal dept. to discuss addressing the road conditions. Schlueter reported the petitioner has fully agreed to improve the section of road adjacent to his property. Schlueter reported the site plan does meet the minimum requirements of the city's Subdivision and Zoning code. Schlueter recommended approval of the petition.

Commission Attorney Joe Irak stated one of the options for the city that they are aggressive pursuing is to declare this as a nuisance. Irak stated they letters from the Fire Chief indicating the road is dangerous and must be repaired. Irak reported if the owners do not do it voluntarily, the city has remedies within its ordinances to prevent nuisances where they can go in and do the improvements themselves then collect against the landowners for all the costs including the improvements legal and engineering fees.

City Attorney Alex Kutanovski informed the Board he has heard from or 6 of the property owners that have agreed that they are responsible for the road and are willing to do the improvements, it is just a matter of getting a cost and timeline. Kutanovski stated he told the owners to work together to get that cost estimate and a timeline on when it will be repaired. Kutanovski stated the asphalt plants will not open back up until at least April. Kutanovski stated there are probably going to be a few owners that may resist initially but he is hoping they can get them to fall in line over the next few weeks. Kutanovski stated the city does want to have to take the steps that Irak mentioned but if they have to they will to get the road improved.

Day asked Kutanovski to verify that if they agree to the improvements now is it more cost effective than if the city needs to file a nuisance order. Day asked if there are additional costs if they do not comply now. Kutanovski stated that per the ordinance the fine is \$300 per day.

McDermott stated he has been a Crown Point resident for 20 years and his business is located less than a block from this location. McDermott stated they only do high end, quality properties. McDermott stated they will work with the city and do whatever the city requests of them and will work with the current surrounding property owners to help fix the rest of the problems.

Evorik asked the petitioner if they would go all the way to the Evorik property line. McDermott stated they would not go that far. Evorik stated then Woodbridge and Simko would still need to fix their portion of the road. Evorik stated then it would still be piece-mealed. McDermott stated some of the property owners may not even know that it is their responsibility to improve the road and the letter may have been the first they heard that they were responsible. McDermott stated they are committed to getting everyone together to resolve the situation. Evorik asked if they can get a date for when the improvements will be done. Evorik stated he knows it has nothing to do with this petition but wants to know if they can get a date. Kutanovski stated he feels the appropriate thing to do would be the record reflect that the legal dept. will push it as fast as possible. Evorik stated he hopes they are able to do that within 60 days of the asphalt plant opening. Kutanovski stated he does not know whether they will be able to do that with some of the non-cooperating property owners. Evorik stated if they decide as the city they don't cooperate, will the city decide to fix it and charge the property owners. Kutanovski confirmed it will all be actioned through Board of Works to move forward with the authority to fix it and the citation will be done through the city's code enforcement. Irak reiterated the fines would be up to \$300 per day with each day being a separate violation.

Evorik asked Schlueter to verify that the stormwater and drainage has been addressed. Schlueter confirmed it has all been approved by Christopher Burke. Schlueter reported the petitioner will provide their own detention. And have met the city's requirements.

Mike Conquest stated he welcomes this, but his concern is public safety. Conquest stated he went out to the property and observed that the gravel road is only about 15'. Conquest asked what the improved road will be. Schlueter stated this is not a city road and was inherited from Lake County and is not up to city standards. Irak asked what the width of the easement is. Kutanovski stated it is 60' on the plat and

there is plenty of room there for a full-size ingress/egress. Conquest stated he just wants to make sure the Fire Dept. approves the improved road. Conquest wants to make sure it is not a one lane drive. Marshall stated he feels 24' is a fair width. Conquest agreed. Schlueter agreed. Conquest voiced his concerns with making the owners asphalt the road before the construction is done because of the damage the construction trucks can cause. Conquest recommended just letting them stone everything and then start construction which would help compact the stone. Kutanovski stated that is what he told the owners that he wants to get them in front of a contractor that specializes in this and can advise them appropriately.

Rohaley stated he feels this is the best result they are going to get for this property that has been there for 38 years. Rohaley stated it is best to separate these two issues out because it is not fair to penalize the petitioner for a right of way issue. Rohaley stated the legal teams remedy is exactly what he had in mind at the last meeting to try to resolve this issue. Rohaley thanked the petitioner for stepping up, recognizing this could be a problem and see that the city is trying to resolve the issues.

Evorik asked if the property owners do comply and they get the road up to par with the other side, are they going to make the other owners widen the road. Evorik stated if the city is going to take it over. Kutanovski stated the city is not talking about taking the road over. Evorik stated down the road they will. Kutanovski stated they will not because of the cost to bring that up to city standard makes it not feasible. Evorik stated that after they comply, get it all nice and in a year, it is destroyed then what. Kutanovski stated then they are back in the same situation and if it is a public safety hazard the legal dept. will notify the owners again of the public nuisance and possible fines. Evorik stated then he will be watching it like a hawk as long as he lives.

Marshall entertained a motion for Petition #21-36. Sauerman motioned to approve Petition # 21-36 subject to Staff comments and legal review. Conquest asked if they make it contingent upon satisfying everything. Marshall stated he does not think they can penalize this petitioner for the road and just let Irak and Kutanovski handle it. Rohaley seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 7 Ayes, 0 Nays, and 0 Abstentions, Petition #21-36 was approved.

NEW BUSINESS

None

MISC. AND PUBLIC COMMENT

No Public.

No Misc.

ADJOURNMENT

At 7:28p.m. Marshall motioned to adjourn, seconded by Evorik.

ATTESTMENTS OF MEETING MINUTES

The above minutes were approved and adopted by majority on the _____ day of _____, 2022.

John Marshall, President

Anthony Schlueter, Executive Secretary