

PLAN COMMISSION

April 11, 2022

REGULAR MEETING

ROLL CALL

The meeting was called to order at 7:15p.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

Members Absent: Scott Evorik

Chad Jeffries showed up to the meeting at 7:55

Staff Present:

Commission Attorney Joe Irak, Executive Secretary Anthony Schlueter, Recording Secretary Jenni Pause, Communications/Media Manager Mary Freda

APPROVAL OF MINUTES

President John Marshall asked the Commission to approve the March 14, 2022, meeting notes. Laura Sauerman motioned to approve the March 14 meeting minutes as presented. Daniel Rohaley 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.

OLD BUSINESS

22-06 CP Prairie, LLC, Petitioner/Owner

Request: Primary Subdivision (75 Lots)

Purpose: The Orchard Subdivision

Location: Southeast corner of 109th Avenue and Iowa Street

Executive Secretary, Anthony Schlueter informed the Board that Staff has requested the petition be deferred to the next meeting. Schlueter reported the Engineering is getting close but they need another month.

Marshall entertained a motion for Petition #22-06. Richard Day motioned to defer Petition # 22-06 Michael Conquest seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions, Petition #22-04 was deferred.

Jeffries was not present for the vote on Petition #22-06.

NEW BUSINESS

22-14 I-65 Partners, LLC, Petitioner/Owner

Request: Workshop

Purpose: Commercial Development

Location: Southeast corner of 109th & Iowa Street

Jeff Ban, of DVG Team, 1155 Troutwine, came before the Board and introduced John Taylor, from McDonalds Corporation and their Engineer, Dan Olsen from Watermark Engineering. Ban provided an overview of the petition stating this is for the property between Delaware Pkwy and I 65 on the south side of 109th Ave. Ban detailed the proposed businesses for this property which will be a Marriott Town Place Extended Stay Suites, a Texas Roadhouse and a McDonalds. Ban stated they have been working months with the development teams from McDonalds, Texas Roadhouse and Marriott to make sure everything fits on the site. Ban Stated they have also been working with Buckeye pipeline on the abandoned railroad and the relocation of the pipeline. Ban detailed the new location and route of the relocated pipeline. Ban stated he has worked with City departments on how to access this property. Ban stated everyone agreed that there should be a new public road that will be called 109th Pl. and will be built to city standards in terms of strength, depth of pavement & base as well as width. Ban stated they will be requesting the new 109th Pl. have reduced dimensions in the north/south directions because of the taking of the land to widen 109th and to place the median. Ban stated they are asking for that right of way width to be reduced to 50' from the standard of 60'. Ban stated they have spoken with the Public Works Dept. about providing the necessary easements for whatever utilities would be needed are willing to do more if required. Ban stated there is not a hardship for Virginia St., so they are proposing to keep it at the 60'. Ban addressed the proposed setbacks off 109th Ave. for the site. Ban addressed the McDonalds lot which is a 3-sided public roadway site and stated they will be requesting a reduced setback off 109th Pl. for this lot. Ban stated to keep 109th Pl. a private road and be able to get the McDonalds or any restaurant on that site the setback reduction would be required. Ban stated on the south side they will need a 5' setback off the new public road. Ban stated when the new I-65 ramp, and roundabout was installed INDOT bought the additional property from the north and south to finalize the improvement. Ban stated they have preserved the 35' setback that is on the west side but will need a variance for the setback that is east of the taking. Ban stated because of the way the site layout they are trying to create inner connectivity between lots and get driveways to line up. Ban stated if the variance is not granted, they will not be able to line up driveways. Ban stated they have spent months trying to

make sure that the sites are marrying up to each other because they rely on each other to exist. Ban addressed the buffer requirement. Ban stated the Buckeye pipeline will not allow any pavement over their pipeline of their older pipeline down by the hotel. Ban stated he cannot encroach any further with the hotel so the proposed location is as far west as they can go. Ban stated what they have proposed is more greenspace and a wet pond with a fountain but will need to encroach the setback. Ban stated they are trying to stay flexible on the south side of 109th so that they can get users in for that property because they do not think they will get large businesses like UC and Lake Shore Bone & Joint. Ban stated this property is unusual in shape because of the infrastructure that must be worked around.

Dan Olsen, Watermark Engineering, 2631 Ginger Woods Pkwy, Aurora, IL and John Taylor, of McDonalds Corp., 3714 Crosby Dr., Valparaiso, IN came before the board. Olsen detailed the proposed site plan for the McDonalds. Olsen detailed the proposed parking, access, cross access and right out only.

Ban spoke about a proposed roundabout and stated they would hammer out all the specifics with the appropriate departments.

Conquest stated he does not have an issue with the proposed setbacks. Conquest informed Ban that they need to take a good look at the road leading to the hotel and Texas Roadhouse because semi-truck traffic making deliveries might have difficulty with that road. Conquest asked if there will be a storm sewer system for the development that will feed to the pond. Ban detailed the proposed storm sewer system and drainage.

Rohaley asked if there is going to be a sidewalk along the north side of 109th. Ban confirmed there will be a 10' bike/walking path along the side of this development. Rohaley stated he would like to see the development be pedestrian friendly throughout the development including the other lots that do not have plans yet. Rohaley stated he feels Ban could easily make an argument for the setback hardships because of the restrictions from the pipeline and 109th Ave. Rohaley stated he does not think they have ever waived on the 100' buffer for I-65. Ban stated there was a waiver for the hospital. Rohaley stated that was because of the ring road. Ban stated this is against a ramp not the interstate itself, will be located much further away. Ban stated from an aesthetic perspective he does not feel they are causing any issues. Ban stated they can add landscaping to enhance this. Rohaley asked if there was room to add additional parking spaces for the hotel on the south. Ban stated they have brainstormed about that green space area being set aside for a possible trailhead for a bike path or that space being used for practice areas for teams visiting the hotel. Rohaley asked about pushing the hotel or roundabout to the west. Ban stated they cannot because they would be getting into the pipeline. Rohaley stated he does not want to set a precedence. Ban stated because of the ramp they would still be about 200' from the pavement of the interstate. Rohaley stated the 50' road might be tight. Rohaley stated it is a tight piece of property and he feels like the hardships are there, but he is not sure about the waiver on the 100' buffer.

Sauerman asked if the proposed parking for the hotel and Texas Roadhouse are per ordinance or a number the petitioner came up with. Ban detailed how they came up with the number which includes about 20-25 in excess, but they feel are needed to marry the two sites.

Day stated he would rather see the excess parking instead of making it too tight. Sauerman stated she was just thinking they could do away with those 17 parking spots in the buffer. Ban stated he can see what he can do but he cannot get the 100' buffer.

Conquest stated he does not feel they need to worry about setting a precedence because the petitioner has such a strange, shaped property along with the Buckeye pipeline. Conquest stated people will appreciate the green area and he thinks the sidewalk will be very beneficial to all. Ban stated the sidewalk is a given and already part of the plan.

Day asked what the history is for the 100'. Marshall stated they have kept it at the 100' except for the new hospital. Day asked if it is for safety reasons or something else. Marshall stated it is mainly for noise and aesthetics. Marshall agreed with Conquest that this would not be setting a precedence. Marshall stated he feels they have a great plan and all their requests for waivers are justified.

Day asked when do they start worrying about having a right out only on the McDonalds property and that it is not too close to the roundabout. Schlueter stated that is a good question and they can request a traffic study.

Marshall stated he feels they have a good plan and appreciate the fact that they moved the pipeline before coming in with the plan.

Schlueter reported Staff feels this is a great plan for the property with all the hardships. Schlueter reported the 109th improvement project is over and done and done and will not be encroaching any farther onto the property.

Ban asked about the process to see if they would need to go before the BZA for variances or whether the Plan Commission had the power to grant the waivers. Irak stated the Plan Commission does have the authority to grant waivers but he what he feels Ban is asking for is development standard variances on a lot of the items. Irak stated he needs to sit down and look at this with Schlueter to determine that. Ban stated he has no issues with what they decide he just needs to know the proper procedure.

MISC. AND PUBLIC COMMENT

Freda read a comment from facebook, from Jersey Dunlap, voicing concerns with more building and no further plans to expand. Dunlap stated at this point Crown Point will be the next Merrillville with the crime too. Dunlap stated people are already tired of the crime and police chases in Crown Point. Dunlap stated an industrial business would mean more employees.

Schlueter brought before the Board the new construction building at 10503 Broadway. Schlueter stated Cory Detamore is the developer and the original building was approved as a NafNaf restaurant, but will now be a MedSpa. Schlueter stated Detamore came in and provided Schlueter with a change of use and some changes to the building for the MedSpa. Schlueter stated he administratively approved them.

Schlueter stated he has now received calls from Commission members concerned with the changes. Schlueter stated the proposed building will no longer have a drive thru and will have additional parking. Schlueter stated the proposed building will be constructed of the same materials, but the colors scheme has changed. Schlueter stated he thinks what the issue is, is the sign area panels at the top of the building. Detamore stated the panels will be a nichiha product. Schlueter reported in his opinion he thought the new color scheme was much tamer than the proposed NafNaf. Schlueter stated moving forward he will not be making those type of administrative decisions anymore.

Sauerman stated she was one of the individuals that had concerns with the new design. Sauerman stated this substantially changes the look and feel of the building with the removal of the awnings and the more horizontal metal, removal of the limestone and more glass. Sauerman stated she felt like the NafNaf was already pushing the boundaries of the guidelines and this is way different. Sauerman stated the building was half finished when she called Schlueter and that was the first she had heard there was a change in use and design. Detamore stated the awnings are still there, they will just be silver. Detamore stated the only thing that has changed is on the front the awnings will be silver instead of black, the awnings on the side were made to match the front. Sauerman stated she would have made a lot more noise on the original building if they had proposed silver awnings. Sauerman stated the proposed side awnings had a much softer feel. Sauerman stated she feels these are some pretty substantial architectural changes in an area that has architectural guidelines. Sauerman stated she is really struggling with this. Detamore provided examples of the color swatches. Detamore asked the Board to let him get the building finished so that they can see the final product. Detamore stated if the tenant were to change 10 years from now, he has the ability to make some adjustments according to their logo and color scheme. Sauerman stated the original color scheme was ok because it was going to kind of match and/or compliment the Popeyes next door, this new color scheme does not at all.

Jeffries stated at the end of the day he is worried about them putting up good quality buildings and he doesn't think anyone is questioning the quality of the building. Jeffries stated he thinks they are finding themselves, in the last 18 months, having things approved at the Plan Commission that when the buildings come to fruition are somewhere between quite different and drastically different than what was approved. Jeffries stated his concern is making sure what is approved at PC is what the end product ends up being. Jeffries stated he feels like they are getting more people asking for forgiveness rather than permissions.

Rohaley stated he likes the new drive thru design. Detamore stated it worked out much better for the Popeyes. Rohaley stated he agrees with Sauerman that the change is pretty striking.

Sauerman stated the colors she feels are very unattractive and she does not want to be stuck with that for 10 years. Sauerman stated the issue is the board has taken such great pains to keep buildings along Broadway to certain standards. Sauerman stated if petitioners tell the board they are going to do "x" then they should have to do "x." Sauerman stated this should not have been done this way and it is a big disappointment.

Rohaley asked if the windows will be green. Detamore stated they will not be.

Day stated he likes both buildings but had the same reaction as Sauerman. Day stated the building is way different than what was approved. Day stated he doesn't want everything to be the same but wants everything to be harmonious on Broadway and compliment each other. Day stated he doesn't want to change people's branding but wants to see things that do not completely stand out and way different than what has been approved previously. Day stated there needs to be some consistency and things should not be changed after they are approved and that is a concern of his. Day stated he likes that this is a service building.

Marshall stated he respects everyone's opinion he does not see what the big hubbub is about. Marshall stated he was not traumatized by the building. Marshall stated he is concerned with hearing that things are not getting built according to approvals and would like some examples. Marshall stated he does have one of those buildings to speak about.

Conquest stated the whole Broadway corridor has been a tough thing for the Board with everyone having strong and varying opinions. Conquest agreed it is aesthetically very different but finds the new color scheme easier on the eyes. Conquest stated the whole corridor has caused a lot of strife.

Sauerman asked why they ask the petitioners to do certain things and the petitioners agree and then they let them do something completely different.

Detamore stated they had to raise the parapet wall to hide everything on the roof and once they raised it they could not add masonry to the top. Sauerman asked again why they sit up there and make approvals only for the products to be different from what was approved.

Marshall stated that is a serious accusation that things are not being built per approvals and is something they need to look into and possibly have a meeting about. Marshall stated he does not feel the changes for this building were that drastic. Marshall stated he would like to see examples because it needs to be addressed.

Jeffries stated they discussed one of those buildings earlier that is off Indiana Ave. Jeffries stated the façade is not what was approved. Marshall stated he was unaware of that. Jeffries stated there are other examples but should be discussed at an executive session.

Schlueter stated he thought the only change for this building was the background of the sign. Schlueter asked at this point in construction what they expect from Detamore and what would satisfy everyone. Detamore detailed what the nichiha product is and the options he could do but that it would be a great expense to him. Detamore stated the colors are the branding for the business. Board and Detamore discussed the differences.

Day stated maybe the building stands out because the sign is not up yet. Day stated maybe that will mute the building. Sauerman stated the background is too busy.

Conquest asked if they could soften it up with landscaping. Detamore stated they could, but they would have to do what the Tree Board approves. Detamore stated the tenants are pressing hard to get open. The Board discussed how plantings and flowers may help. Sauerman stated the landscape board knows what they are doing. Detamore stated he will do as much as he can.

Rohaley stated it is about fundamental fairness to Detamore. Rohaley stated he received approval from Schlueter and bought the products. The Board agreed.

Irak stated everyone is going to have a difference of opinion when it comes to colors. Irak stated Schlueter has made an administrative decision and the petitioner moved forward because of that decision. Irak stated Schlueter has indicated he will not make another decision like this. Marshall asked if a motion was required to back Schlueter's administrative decision. Sauerman stated she does not feel like they need a motion.

Marshall stated they definitely need an Executive Meeting to discuss some of the issues that have been brought up tonight. The Board discussed what changes need to be brought back before the Board.

Irak agreed that no motion is required. Irak stated Schlueter needs to have some leeway to perform his job and stated they need to discuss what needs to come back before the Board. Schlueter stated he does not want to ever be in this position again.

Marshall addressed the petitioner on 231 where they approve the barn being built before the house. Marshall stated there is a lot of stuff there and wants to make sure he is not running a business out of there. Marshall stated the approval was subject to no businesses being ran on the property. Schlueter stated he will investigate it.

ADJOURNMENT

At 8:48p.m. Day motioned to adjourn, seconded by Rohaley.

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