

## **PLAN COMMISSION**

July 12, 2021

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, Fire Chief Dave Crane, Public Works Director Terry Ciciora, Executive Secretary Anthony Schlueter, Assistant Planner Grace Roman, Recording Secretary Jenni Pause

### **APPROVAL OF MINUTES**

President John Marshall asked the Commission to approve the June 14, 2021 meeting notes. Daniel Rohaley motioned to approve the June 14<sup>th</sup> meeting minutes as presented. Chad Jeffries 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**

Executive Secretary Anthony Schlueter read correspondence from Attorney regarding the Engineering compliance for the Orchards Subdivision. Schlueter reported that Engineering has yet to receive final approval. Schlueter reported that the attorney stated there is uncertainty over how the city interprets or applies the city ordinances related to storm water management. Schlueter introduced Don Oliphant, the city consultant from Christopher Burke Engineering. Oliphant explained the process of the city reviews petitions. Oliphant detailed the multiple reviews they have done for this property and stated he could go over the comments and issues they have for this property. Schlueter asked Oliphant if that site currently meets city code and ordinances. Oliphant stated as submitted it does not and explained the requirements needed to meet city code. Oliphant stated they have yet to receive the required revisions from the petitioner.

City Attorney Alex Kutanovski came before the Board and stated a portion of the letter stated there is a misunderstanding of the interpretation of the code and he just wanted to make the 3 council members

on the Board aware of the letter and that the petitioner feels there is some unclarity. Kutanovski stated the legal dept. does not see any issues with how the code/ordinance is being interpreted. Kutanovski stated he is not quite sure where the issue is coming into play. Kutanovski stated that he felt it was important to let the Board and council members know that there have been some allegations with regard to a difference of opinion on the interpretation so that if there are any issues that arise from that they are aware of the process used by Oliphant.

Mike Conquest stated there is a sentence in the letter that concerns him. Conquest read the sentence that insinuated that the process has been delayed and stated he wanted it noted that the decision has not been based on politics or what the neighbors want. Conquest stated the decision is based on the city ordinances and the Engineering findings.

Laura Sauerma asked if the approval that was given was conditional upon all Engineering findings. Schlueter confirmed the approval was subject to Engineering findings. Sauerma asked Schlueter if this is any different than anything else, they require. Schlueter stated it is not any different. Schlueter stated all the Engineering findings must be corrected before secondary approval.

Scott Evorik asked for clarification of whether the major delay on this project is because they do not have an emergency run off at this property. Schlueter stated he is not the Engineer, so he is not sure. Schlueter reported the site has a couple issues that they need to correct. Evorik stated he is not an Engineer as well, but if he is not mistaken the neighboring subdivision, Heather Ridge, did not require an emergency run off. Evorik asked why the Orchard subdivision requires one. Kutanovski stated he does not think it is fair to compare one subdivision over another, each property is going to have its own unique circumstances, contours, and different lots proposed. Kutanovski stated each subdivision is going to have a different plan and you cannot compare them apples to apples. Oliphant stated the emergency overflow was one issue but was not the only issue the petitioner had. Oliphant stated this site had some pretty large challenges to deal with and the developer has to meet the requirement of the ordinances.

Marshall stated he is not an Engineer but knows every time it rains this site is full of water.

Conquest stated Heather Ridge may have enough detention area to handle its own water.

## **NEW BUSINESS**

### **21-17 DVG, Inc., Petitioner/Ron Morris-Crown East Warehouses, LLC, Owner**

**Request:** Primary Re-Subdivision

**Purpose:** Crown East Industrial Park Unit 1 Re-Subdivision

**Location:** 11235, 11255 and 11275 Delaware Parkway

Robin Pappenheim, DVG 1155 Troutwine, came before the Board as a representative for the petitioners and provided an overview of both Petition #21-17 and #21-18. Marshall stated they will vote on the petitions separately but both petitions can be heard at the same time. Pappenheim detailed the lots,

zoning and what their proposed use would be. Pappenheim stated all of Morris' lots they are requesting to be Industrial because that is how they plan to use it.

Executive Secretary Anthony Schlueter reported on the location, zoning, history of approvals and proposed use. Schlueter reported lots 1 & 2 do meet the minimum requirements for the Crown Point zoning and subdivision code and recommended approval.

Rohaley asked if these were all platted lots. Pappenheim confirmed. Rohaley stated the easements do not change and asked what determines why they need to a resubdivison. Schlueter stated the easements will change. Schlueter reported what the criteria is and stated they should change that in the code. Jeffries asked for clarification on what easements will change. Schlueter reported on the easements.

Marshall asked Schlueter to verify that Mullaly has come in before for variances for parking. Schlueter confirmed and provided details on the other variance approvals. Marshall asked if they missed the requirement for his business when originally approved or has his business just grown that much. Schlueter reported his business has just grown that much. Marshall stated there have been other businesses that have come back for variances for more parking and voiced his concern with the fact they may not be requiring enough parking. Schlueter reported there is a code requirement but for some businesses they are just busy and need more parking. Marshall voiced his concern with whether the Plan Commission is requiring enough parking. Marshall stated this is the third time Mullaly has been back for more parking. Pappenheim stated Mullaly is not going for any additional parking at this time.

Marshall entertained a motion for Petition #21-17. Sauerma motioned to approve Petition # 21-17 Staff comments. 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 #21-17 was approved.

**21-18 DVG, Inc., Petitioner/Ron Morris-Crown East Warehouses, LLC, Owner**

**Request:** Change of Zone

**Purpose:** Crown East Industrial Park Unit 1 Re-Subdivision

**Location:** 11235, 11255 and 11275 Delaware Parkway

Robin Pappenheim, 1155 Troutwine, came before the Board and provided a detailed overview of the area.

Schlueter reported on the location to be rezoned.

Marshall opened the public portion of the meeting. With no public coming forward, Marshall closed the public portion of the meeting.

Marshall entertained a motion for Petition #21-18. Evorik motioned to approve Petition # 21-18. 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 #21-18 was approved.

### **21-17**

*Irak recommended a motion to reopen Petition #21-17 for public comment. Rohaley motioned to reopen Petition # 21-17 for public comment. Sauerman 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 #21-17 was reopened.*

*Marshall opened the public portion of the meeting. With no public coming forward, Marshall closed the public portion of the meeting.*

*Rohaley motioned to approve Petition #21-17. Sauerman 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 #21-17 was approved.*

### **21-19 Regency of Crown Point, LLC, Petitioner/Tm & V, LLC, Owner**

**Request:** Secondary Plat Approval

**Purpose:** The Fairways Phase 2 (24 Lots)

**Location:** Northeast Corner of 133<sup>rd</sup> & Marshall Street

Doug Ehens, of Providence Real Estate, came before the Board and provided an overview of the petition.

Schlueter reported on the location, zoning, subdivision, and history of approvals. Schlueter reported that the secondary plat is consistent with the primary approval. Schlueter reported the final Engineering has already been approved. Schlueter recommended approval.

Rohaley asked about the offsite drainage and asked if they need the language incorporated regarding the turnover to the city in the event the city must come in and take over. Irak stated the approval could be made conditional upon the language being added. Ehens stated he thinks the language he is looking for is on the recorded Phase 1 plat. Rohaley asked Ehens if he has any problem putting it on this plat as well. Ehens stated he does not. Rohaley asked if the monument sign is in the building line. Ehens, staff and Board discussed. Schlueter stated they will make sure it does not cause a line-of-sight issue. Ehens stated it will mimic the other monuments signs already in place.

Conquest asked if the detention area has an emergency release under Marshall. Ehens stated it does not and detailed how the drainage works.

Jeffries asked what they did with Outlot A. Ehens stated the lift station is on Outlot A.

Marshall entertained a motion for Petition #21-19. Jeffries motioned to approve Petition # 21-19 subject to Staff comments, the addition of the outlot language regarding the takeover of the ponds by the city be added to the plat and the monument sign not causing a line-of-sight issue. 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 #21-19 was approved.

**21-20 Olthof Homes, Petitioner/Matt & Anne Sheaffer and Gina Goggios, Owners**

**Request:** Workshop

**Purpose:** The Willows P.U.D.

**Location:** 12807, 12829, 12929 & 13121 Delaware Street

Chip Kruisemark, 8051 Wicker Ave., St. John, IN, came before the Board and provided an overview of the petition.

Marshall informed the public that this is just a workshop and there would not be a vote, it is simply a workshop to discuss the project and get feedback from Staff and the Board.

Kruisemark detailed the location and surrounding property. Kruisemark provided details regarding the layout and design of the proposed development. Kruisemark stated this project will be designed to accommodate for the possible water main extension and additional overpass that is speculated to be installed over I65. Kruisemark detailed the zoning of the property and stated the 12 acres to the south would need to be annexed into the city. Kruisemark stated their concept plan calls for 227 units total on 57 acres. Kruisemark stated there will be 104 single family attached and 113 townhomes. Kruisemark detailed the proposed square footage. Kruisemark stated there will be an HOA that will oversee the ponds, berms and maintenance of the subdivision. Kruisemark detailed the berms that will be included in the proposed development. Kruisemark detailed the access points for the proposed development. Kruisemark went over the renderings of the proposed single family attached homes and the townhomes.

Marshall asked Kruisemark to verify that there will be a 100' landscaping berm along 65. Kruisemark confirmed there will be.

Jeffries stated he has had a few phone conversations regarding this property and stated he can see there is going to be a little difficulty with the townhomes on the south end. Kruisemark stated they can look at some other options. Jeffries stated he would like to see that become single family out there which would then bump the density level down. Jeffries stated he knows they are dealing with some unknowns with 129<sup>th</sup>. Kruisemark stated he would like some guidance as far as whether the city thinks the overpass is going to happen. Schlueter reported they are pretty confident it is going to happen.

Evorik stated he has real issues with townhomes in this location especially with the close proximity to Schmidt Farms. Evorik voiced his concerns with townhomes bringing down the value of those homes. Kruisemark asked Evorik if he would prefer see single family homes. Evorik stated he would like to see all

of it single family. Kruisemark stated their challenge is the close proximity to I65 and stated you do not see single family up against I65 anywhere and there is a reason for that.

Rohaley asked Schlueter what the Comprehensive Plan calls for in this area. Schlueter reported residential. Rohaley asked if it is supposed to be multi-family. Schlueter stated he does not know off the top of his head. Rohaley asked what the future plans are for Delaware Pkwy, will it be widened, is it a major north/south arterial. Rohaley stated his major issues is they are proposing 227 units putting 454 more cars on Delaware. Rohaley stated unless Delaware is going to be built out or widened that is a pretty far stretch. Rohaley voiced his concern with going against the advisor on the Comprehensive Plan and squandering their proximity to the interstate for residential. Rohaley stated he is not a big fan of this proposal.

Marshall asked Rohaley what he would recommend to not squander the land. Rohaley stated maybe some type of commercial or industrial. Schlueter stated there is commercial/light industrial on the other side.

Conquest stated he is a pro-build person. Conquest stated they could do what Illinois does and tax current owners now and they could pay for new roads in advance, but we usually take the back door and new development ends up paying for additional roads. Conquest stated he would rather go with R1 setbacks and housing. Conquest stated he would like to see a bigger, nicer homes. Conquest stated he does not think they are going to be able to stop growth in and around Crown Point, so they just need to try to control it.

Schlueter stated he feels what they need to see is a traffic study and talk to their consultants to see what improvements are going to be needed that this developer can help with on Delaware to keep things moving efficiently.

Conquest stated he does appreciate the right of way for 129<sup>th</sup> because he does feel it will happen and will be important for the hospital.

Kruisemark stated they felt people would prefer to see residential in this area vs commercial or industrial. Kruisemark stated if people do not like townhomes, they surely won't like commercial or industrial.

Conquest discussed the best options for stormwater.

Sauerman voiced her concern with Delaware already being a speedway. Sauerman stated she would definitely want to see a traffic study. Sauerman stated she feels the residents in that area need to be very aware that if you do not own the land, you cannot control what happens on it so outside of those residents from those subdivisions coming in and purchasing land along I65, it is going to be developed into something. Sauerman stated this is not a horrible option compared to other things they have seen in this area. Sauerman agreed with Jeffries that anything to lessen the density would help. Sauerman stated she would not buy a single-family home with her backyard being the interstate and she does not

feel anyone else will either. Sauerman asked if they are proposing detached garages. Kruisemark confirmed they are. Sauerman stated she does feel the proposed is too dense. Sauerman stated the existing farm properties that are staying will act as a buffer.

Kruisemark stated from a Schmidt Farm's point of view there will be very few homes that will be able to see across the street.

Day agreed with Sauerman that the more marrying that goes on with the subdivisions across the street the better off they will be. Day agreed he would like to see less density. Day voiced his concerns with parking and townhomes. Day agreed with Sauerman and Jeffries that the small area along Delaware should be single family.

Marshall recommended townhomes along I65 and make the rest of the development smaller lot single family homes. Marshall recommended cutting the density down and designing a better buffer for the surrounding subdivisions. Marshall stated he is not happy at all with all the townhomes.

Jeffries asked if Kruisemark knows what the elevation difference is from I65 to this property. Kruisemark stated he does not. Jeffries stated he is curious because the property has to be lower, and his concern is with the way the possible overpass will be constructed.

Marshall stated this is a workshop and they are not going to make this a public hearing, but he will allow anyone that wants to speak a few words.

Jessie Moreno, 1587 Brackenbury Ln, came before the Board and voiced his concern with traffic issues and adding all those homes with the roads and traffic the way they are already. Marshall stated the petitioner will have to have a traffic study.

Assistant Planner, Grace Roman, read some of the concerns off facebook which include traffic concerns on Delaware, too much residential growth in that area and the townhomes in proximity to Schmidt Farms.

Day asked Schlueter if the city owns 129<sup>th</sup> Avenue all the way to Indiana Ave. Schlueter stated he believes it is in their inventory. Public Works Director Terry Ciciora confirmed most of 129<sup>th</sup> is in the city's inventory.

**21-21 Golden Meadows, LLC, Petitioner/Owner**

**Request:** Workshop

**Purpose:** Golden Meadow Subdivision

**Location:** South of Burrell Drive between Marshall Street and W. Burrell Drive

Ryan Fleming came before the Board as a representative of Fleming Real Estate & the petitioner. Fleming introduced Rick Mossel of Heartland Builder, who would be the exclusive builder for the proposed development and provided an overview of the petition. Fleming provided a history of approvals sought for the subdivision. Fleming detailed the proposed subdivision, drainage and stormwater. Fleming provided details on what the cost of the average home would be. Fleming stated there will be a minimum of three types of elevations and three types of floor plans. Fleming provided some of the renderings and color options. Fleming detailed the neighborhood amenities. Fleming stated they are planning for screening along Burrell/125<sup>th</sup>. Fleming stated there is a possibility of a walking path and/or a park. Fleming stated there is a walking path in Wyndham Woods next door, but he is not sure if they could find any connectivity. Fleming reported on the detention and wetlands that would remain wetlands. Fleming stated they are planning in doing some creative planning in those areas to be more conducive to the natural plantings. Fleming stated they will be trying to get some pollinator plants to help with the Monarch butterfly.

Evorik stated he likes this location for this exact development.

Day agreed it is a good product and a good location. Day stated he is curious about lot 9 and the dimensions. Fleming stated they have figured out that they are not going to be able to finagle that lot and that might be where they can dedicate a park. Fleming stated they have not reshuffled it yet.

Rohaley stated he had his reservations when he heard this at BZA, but he thinks this will be a good product, they just need to tie it to a development plan that closely mirrors Old Town Village.

Conquest stated he appreciates them doing something for the Monarch and protecting the wetlands.

Sauerman stated she likes the development but wishes they could get those rear loading garages.

Fleming stated when he comes before the Board for primary plat, he will have a binder put together for elevations so they will know what type of materials and colors they will be using. Fleming stated the materials they will be using will be of the same level of material at Old Town.

Schlueter reported they could have rezoned this property but instead approved variances subject to this development being similar to Old Town and if they do not have similar products the variance will go away.

Marshall stated this is a workshop and they are not going to make this a public hearing, but he will allow anyone that wants to speak a few words.

Gary Longe, 1591 Brackenbury Ln, came before the Board and introduced himself as the President of the HOA for Wyndham Woods. Longe voiced his concern with Fleming taking a wooded lot and destroying it. Longe stated he feels the lot should remain as is. Longe stated they do not want a connecting road; they only have one way in and out of their subdivision and they would like it to stay that way. Longe voiced his concern with the current traffic issues. Longe voiced his concern with the disruption to the wildlife.



Longe voiced his concern with Sawgrass and the fact that it has been under development for 4 years and is not selling. Longe detailed the drainage in the area and stated he feels the addition of this subdivision will cause other issues. Longe stated there was some confusion with the public notice and they would have been in for the variance to oppose the petition. Longe stated there are plenty of farm fields this development could go in. Longe stated he does not want to see people cutting through their subdivision as a short cut. Longe stated they do not have any interest with the petitioner tying into their walking trail.

Roman stated there is a discussion on facebook not necessarily specific to this petition voicing concerns about traffic in Crown Point and how residential growth is affecting that and how people would like to see more commercial growth with more employment opportunities.

Fleming stated he has listened to the concerns of the neighbors.

Conquest asked Fleming if they can do this development in a way that saves some trees. Fleming stated they could look into doing something similar to what they did in Ellendale which was anything larger than 8" in diameter was encapsulate on the engineering and plat to help them plan. Fleming stated they would have more information on this when they go through Engineering. Conquest stated he is sensitive to the wildlife because they do not get choices.

**21-22 AES Restaurant Group, LLC, Petitioner/Focus Realty Group, LLC Owner**

**Request:** Site Development Amendment

**Purpose:** Arby's Restaurant Remodel

**Location:** 1109 North Main Street

Jason Bowman, came before the Board and provided an overview of the petition. Bowman stated they are simply adding an additional drive thru- lane at the restaurant since most of their business is through the drive-thru.

Schlueter reported on the location and proposed drive-thru lane. Schlueter recommended approval.

Marshall entertained a motion for Petition #21-22. Day motioned to approve Petition # 21-12 as presented subject to Staff comments and Engineering findings. 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 #21-22 was approved.

**21-23 Jesus Alvarado, Petitioner/Owner**

**Request:** Site Development

**Purpose:** Antiques on Main

**Location:** 142 North Main Street

Loretta Nosal and Brenda Turner, 142 N. Main St., came before the Commission and stated they are not quite sure why they are before the Board; they were summoned to come.

Schlueter reported on the site and history of approvals. Schlueter reported as part of the approval certain site improvements were required to be completed which included striped angle parking, the installation of a sidewalk and have not been completed. Schlueter recommended approval.

Attorney Irak noted he wanted it on public record that this building is currently involved in litigation and the owner and current tenants are aware of the lawsuit. Irak asked the tenants to verify that they are aware of the lawsuit, the Turner & Nosal confirmed they are aware. Irak asked the tenants to verify that they understand the potential outcome of the litigation could result in the zoning reverting back to B2 zoning. Turner and Nosal confirmed they are aware.

Schlueter reported Fire Chief Dave Crane would like to comment on this petition as well.

Dave Crane came before the Board and informed them they there are currently outstanding fire code violations at this site. Crane stated the Fire Inspector has been working with the tenant for several weeks. Crane reported the tenant needs to add another exit along with a few other things. Crane stated the tenant stated they agreed to get the issues fixed within 30 days, but the project seems to have stalled. Crane stated the additional door required a permit which was issued last week but has not been picked up and paid for. Crane stated his fire inspector asked the tenants to get an architect involved to do some drawings for a layout for the inside of the buildings, the size of the booths and the walkways and to the best of his knowledge has not happened. Crane stated he just wanted to make the Board aware.

Turner claimed they just met with them Thursday. Nosal stated they just found out on Thursday what the state and local fire inspector wanted them to do. Nosal stated they did hire an architect 6 weeks ago and he wrote a letter of what he felt they needed to do and wrote a code review letter. Nosal stated they have had an electrician out to perform some work but was informed on Thursday there was additional work to be done. Turner stated everything is kind of stalled right now. Turner stated the electrician is 3 weeks out.

Schlueter asked Cranes if there was something specific, he has an issue with or a recommendation to the Board of what still needs to be done. Crane reiterated he felt they were aware of what needed to be done and it got started and then it has slowed down to a snail's pace which concerns him especially the second exit. Crane stated they still need to see some drawings with the booth sizes and walkways for the inside. Schlueter asked what the recommendation is for the second exit. Crane stated they are currently against fire code, and he needs a solid timeframe of when that door will be in. Turner stated the doors have been ordered and they accepted a contract with their contractor 3 weeks ago. Nosal stated they did not want to get too ahead of themselves until the inspection happened so the inspector could tell them what they needed. Crane informed the petitioners that is what the architect is for. Crane stated it is not the Fire Departments responsibility to do the designing. Nosal stated they were waiting to see if the architects' drawings were acceptable. Crane stated they never go true drawings on the site.

Schlueter asked Crane if the building is fire code compliant. Crane stated is not. Schlueter asked if the addition of the door would make it compliant. Crane stated they would be a major part of it.

Evorik asked how they were able to move their business in without making it fire code compliant, shouldn't it be done before they move in. Schlueter stated they can move their stuff in at any time and the city gets involved when a permit is required. Schlueter stated once they opened their doors the Fire Dept. was able to go in. Evorik asked the petitioners if they can have this done in 30 days. Nosal stated that is the intention, but she is not sure how long the contractors will take.

Schlueter asked Crane if he is comfortable letting this business operate without the addition of the door. Crane stated he is not real comfortable with it because of the stall in work. Crane stated if they could get the door in by weeks end, he would be happy. Schlueter asked if the recommendation would be the business not operate until the door is installed. Crane stated that is the safest way to do it.

Nosal stated she doesn't understand what they mean by a stall. Nosal stated the initial request was for them to get an architect, that he clarifies some use of the building with the state which he did, receive a letter from the state which he did and do a code review which he did and those were submitted. Nosal stated they did not get a response. Nosal stated she know that the architect recommended the addition of the door and emergency lighting. Schlueter stated what he feels the Chief is saying is without a secondary exit, his recommendation is that they do not operate until the door is installed. Turner stated she is confused because on Thursday that is not what they were told. Schlueter asked if they spoke with Chief Crane. Nosal stated she does not know who the gentlemen were. Schlueter stated Crane has the ultimate authority on this. Schlueter asked at the end of the day what does Crane want to see happen. Crane stated he wants the door installed or they can have a fire watch or some other option. Crane stated he is not there to shut down the business, he just has to take safety into question.

Evorik stated we live in a world where everyone is behind, and they need to be considerate of that. Evorik stated he feels they need to have more than a week to get the door in. Marshall agreed with Evorik. Evorik stated he feels they need to give them 30 days. Schlueter stated he feels they need to be careful because in the meantime they are not fire code compliant and God forbid anything happen. Marshall stated Chief said there could be a fire watch or something. Marshall stated this building has been in use for years without the door. Schlueter stated that was a completely different use with different code requirements.

Conquest compared this to OSHA, with OSHA violations, typically from the time OSHA sends a notice of violation you get 30 days from the time of notice. Conquest stated maybe there is another route in the interim. Conquest stated Irak brought up a lawsuit that could change things. Conquest asked Irak if the lawsuit itself could shut them down. Irak confirmed it could. Turner stated they have a meeting schedule with the neighbor after the hearing.

Nosal & Turner stated to the best of their knowledge everything they needed to do was done or being done.

Conquest asked if the second exit is in an area where the public is going to be. Turner stated eventually. Conquest asked when they will be going in that area. Turner stated once the door is installed. Schlueter informed the Board that the public is going into the building already. Schlueter reported that the building needs a second exit to be code compliant. Crane detailed the area where the door will be installed, and the exit sign is already there. Crane stated this use puts more people in the building than Firestone did which makes the second door required. Conquest asked Crane if they kept people out of that area until the door was installed would that be ok. Crane stated it is required by the number of people in the building now, not whether there are people or booths allowed in that area.

Evorik asked Schlueter to verify that this petition is basically for the parking spaces. Schlueter confirmed. Evorik asked why they can't just approve the parking spaces and Crane can do what he wants with them tomorrow.

Jeffries stated this is supposed to be a site plan and everything is based on several factors. Jeffries stated there were several things they were looking at, one of which was completely different façade remodel which he does not see happening. Jeffries asked if there was anyone from Structure Point present because he has some questions regarding the parking and the numbers on that. Jeffries stated they wanted a complete site plan which they require from everyone that comes in and quite frankly what was presented to them was a restaurant where they scratched out everything out and put retail on. Jeffries stated the site plan is incomplete. Jeffries stated he does not feel any of the milestones that were set for rezone have been met. Jeffries stated part of rezone had stipulations on it which included site plan and a complete façade remodel. Jeffries stated he still feels there needs to be a discussion with INDOT and a shift in the lane. Schlueter detailed the dimensions of the spaces and the sidewalk. Jeffries stated he is concerned with the way that it reads that the size will be reduced by 12'. Jeffries and Schlueter discussed the dimensions of the lanes and parking and what Structure Point is saying. Jeffries stated he wished someone from Structure Point was there to answer questions because he has dissected the plan and feels the math does not work out and they are going to have traffic issues due to the parking. Schlueter recommended reducing the sidewalk to 10' to assure it does not cause an issue. Board and Staff discussed options for the parking and sidewalk dimensions. Marshall stated he feels Jeffries concerns warrant getting some kind of drawings to show measurements and layout to see exactly what it is.

Jeffries asked the Board if anyone else remembers the rezone being based off the façade remodel. Rohaley stated he does, and the variance petitioner was told that his feet would be held to the fire for all the approval requirements and here they are with no drawings with any kind of dimensions. Rohaley agreed with Jeffries concerns with traffic and possible lane reconfiguration.

Marshall stated if the cars are parked as far in as the cars at Austgen's building they should be ok. Rohaley stated they must take into consideration people turning into McDonalds because that throws a monkey wrench into it.

Marshall stated he feels they need to take into consideration they are trying to reoccupy an abandoned building that could potentially be an eyesore.

Schlueter asked Turner & Nosal if they intend to make any exterior improvements to the building. Turner & Nosal stated they will be replacing the signs on the building and some plans for some window boxes and shutters. Schlueter asked what about a wash on the existing exterior. Turner stated they want it to mesh.

Conquest stated 5 more parking spaces on the square are not even worth mentioning and the building is located within a block of city parking he has never seen filled. Schlueter stated he feels those parking spaces are very important. Marshall stated those spots are important and feel it will help this business from impeding on a neighboring business. Jeffries stated he feels the parking is important as well and feels they need to get it right on the first try.

Rohaley motioned to defer Petition #21-23. Marshall stated before they vote on a motion, he wants to talk about they are going to do with this business. Turner stated it would be devastating to their renters if they had to close even for a week. Schlueter stated he does not feel they can let this business go with a current fire code. Marshall and Evorik stated they do not feel right about making that decision. Sauerman stated in all her years on the Boards they have never been asked to enforce Fire Dept. policy, their approvals have been subject to Fire Dept. approval, but she doesn't feel that is their call to make. Irak stated that decision should be for the Fire Chief. Marshall agreed with Sauerman. Schlueter recommended making the approval subject to Fire Dept. approval. Marshall stated there is a motion on the floor for a deferral for Petition #21-23 which he agrees with because they need time to get the site plan together. Day seconded the motion. Rohaley stated before they come back, they need specific drawings from Structure Point. Schlueter reported they will need a site plan. With no further discussion. Marshall called for roll call. With a roll call vote of 7 Ayes, 0 Nays, and 0 Abstentions, Petition #21-23 was deferred.

Marshall stated the deferral does not mean they can not operate. Irak stated it does mean the petitioners will need to deal with the Fire Dept. and they may take action. Irak strongly recommended the petitioners talk to Chief Crane in the morning and enough of they have been there said it was ok, make things right and safe so no one gets hurt in this facility. Irak stated it is not the city's fault that they rented a building from a gentleman without having the proper approval. Marshall recommended the owner of the building attend the next building.

### **MISC. AND PUBLIC COMMENT**

No Public Comment

Schlueter introduced Jennifer from Tobacco Island, 866 Superior Dr., and stated she has a sign application that he felt needed approval from the Board.

Day asked for verification of what they are looking at. Jennifer stated they have rented the unit next to them and will be occupying both units. Jennifer stated the proposed sign will be centered between the two units.

Jeffries asked Jennifer to verify that the picture on the left is the existing sign and they plan to get rid of it. Jennifer confirmed. Jeffries stated he likes the existing sign better. Sauerman agreed. Sauerman asked if they could just move that sign over. Jennifer stated they want a larger sign that will be nicer. Jennifer stated this sign is their logo. Sauerman stated she would not be in favor of the palm tree sign because it does not fit along the Broadway corridor.

Day asked when a business moves out and new business comes in, does the Board approve those signs. Schlueter stated they come through his office, and he generally has a feel for what the Plan Commission is looking for, but he thought this one didn't belong on Broadway and felt it needed brought before the Board. Day asked if everyone was ok with the Smoke Shop sign that went across the street. Schlueter stated that one was black & white.

Evorik agreed with Sauerman that the existing one looks better.

Sauerman asked if the proposed sign is backlit. Jennifer stated it will have halo illumination.

Marshall stated the problem is they have made all the signs the same and she is trying to differentiate herself. Conquest agreed with Marshall that she is trying to brand herself. Marshall asked if the Freshii sign came before the Board. Jeffries stated it came before them because it was going to be backlit. Jeffries agreed with Marshall and Conquest. Schlueter stated he just wanted to make sure this sign would be ok. Sauerman stated Schlueter has been given the authority to make sign decisions unless he comes to one that concerns him, this one concerned him, and she appreciates that he brought it before the Board. Sauerman stated there is a standard along Broadway because everyone wants to be there.

Sauerman asked Jennifer if the letters will be gold lined. Jennifer confirmed. Sauerman stated she has a problem with that.

Sauerman motioned to deny the proposed sign. Rohaley seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 2 Ayes, 5 Nays, and 0 Abstentions, the motion failed.

Day motioned to approve the new sign. Conquest seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 5 Ayes, 2 Nays, and 0 Abstentions, the motion was approved, and the new sign was approved.

Jennifer asked if a General Contractor is required for a commercial property remodel or can they perform the work without one. Pause informed Jennifer that a licensed general contractor is required and all of their sub-contractors must also be licensed.

#### **ADJOURNMENT**

At 9:42p.m. Jeffries motioned to adjourn, seconded by Sauerman.

**ATTESTMENTS OF MEETING MINUTES**

The above minutes were approved and adopted by majority on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
John Marshall, President

\_\_\_\_\_  
Anthony Schlueter, Executive Secretary