

PLAN COMMISSION

August 8, 2022

REGULAR MEETING

ROLL CALL

The meeting was called to order at 7:01p.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, Executive Secretary Anthony Schlueter, Assistant Planner Josh Watson, Recording Secretary Jenni Pause, Public Works Director Terry Cicciora

APPROVAL OF MINUTES

President John Marshall asked the Commission to approve the July 11, 2022, meeting notes. Scott Evorik motioned to approve the July 11th 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.

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

John Schmaltz, Burke, Constanza, & Carberry, 9191 Broadway, Merrillville, came before the Board and provided an overview of the petition. Schmaltz provided details on the location and annexation of the property. Schmaltz stated the property came into the city zoned R1 and will remain an R1 subdivision. Schmaltz stated the plat application and site plan will be submitted with that R1 designation in mind.

Schmaltz stated the detention basin will be on the northside of the property with a natural outflow. Schmaltz provided a letter to the Board from Randall Peterson of Abonmarche Engineering that speaks to particular issues with the stormwater drainage. Schmaltz stated the configuration, design and engineering allows for the development to occur once all city services are provided within the 3 year period following the annexation. Schmaltz stated what they are looking for the commission to do is exercise its duty under the statute. Schmaltz stated their position is everything has been submitted and now refined satisfies the requirement by the ordinance and the commission's duty is to determine whether the plat qualifies for primary approval. Schmaltz stated there is a difference of opinions between engineers and engineering staff. Schmaltz stated a portion of the drainage is outside of the city's jurisdiction. Schmaltz stated the Lake County drainage Board found that the mutual drain exists in its location, serves this property and was in need of repair. Schmaltz stated the surveyor staff is undertaking that repair later this year before any work would get underway at this site. Schmaltz stated the petitioner has provided the storage and the outlot on this property that meet the city's requirements.

Executive Secretary Anthony Schlueter reported the petitioner is requesting primary approval for a new subdivision known as the Orchard, located at the Southwest corner of 109th & Iowa St. or the former Mowry Apple Orchard. Schlueter reported the property was annexed into the City with an R-1 zoning classification and participated in the 109th traffic improvement with additional right of way for the future Iowa roundabout intersection improvement. Schlueter reported the Orchard will be a 75-lot R-1 subdivision with custom-built, single-family homes and there are two full access entrances along Iowa Street. Schlueter reported one of the entrances is aligned with the existing secondary entrance to Heather Ridge subdivision to the East and both entrances are separated in excess of 300' and are served with accel and decel lanes. Schlueter reported the park is located within Outlot A, Outlot B contains the subdivision lift station, Outlots C & D contain detention ponds. Schlueter reported the primary plat calls for all outlots to be owned and maintained by the Orchard Subdivision HOA. Schlueter reported the petition has been deferred several times in the last couple months to allow the petitioner time to bring the subdivision up to city code regarding the stormwater.

Don Oliphant, Stormwater Consultant for the City, came before the Board and explained the petitioner has taken it upon themselves over the last few months to go through the mutual drain statute process through the Lake County Drainage Board and possibly the Surveyor's office. Oliphant stated it is his opinion and he believes city staff's opinion that as the 8" mutual drain as it sits now, from the Orchards up to Niles Ditch, was going to be replaced. Oliphant stated the action taken upon the Lake County Drainage Board at last month's meeting was that they were only going to repair one sinkhole or blowout section, essentially 300' south of the Niles Ditch tie in. Oliphant reported, in his opinion causes an issue because the entire Orchard subdivision is proposing to outlet to an 8" drain tile that is most likely 50+ years old and was installed for agricultural purposes and now changing that use. Oliphant reported that pipe does not meet several sections of the stormwater ordinance including size and materials requirements. Oliphant reported the other issue is the drain is not in a utility easement. Oliphant stated the mutual drain statute primarily applies to drainage boards not municipalities. Oliphant stated the issue with that is when the drain pipe fails, city staff when it becomes their responsibility to take over the storm sewer system doesn't have ready access to repair anything because there is not an easement. Oliphant reported that gives great concerns about the viability of the outfall for this subdivision.

Oliphant stated the Lake County Drainage Board's own report states you can clean the pipe out but once you do that you are just going to get a failure somewhere else. Oliphant stated this type of clay is super brittle and prone to failure. Oliphant reiterated that the original use of this property and what the drain was built for was agricultural and now they are proposing to pump a whole lot of volume into this pipe and expecting it to function in perpetuity and he does not feel it will. Oliphant discussed the grade of the property and his concern that it is mostly flat. Oliphant stated the slope is way below what it needs to be for a pipe that size. Oliphant stated there are lots of things about this pipe that do not meet stormwater requirements or the city's new standards and specifications for pipe type and pipe slope. Oliphant stated he is not a fan of outletting a subdivision of this size into a drain of that size, he feels it will be a problem. Oliphant provided a copy of the exhibit from the Lake County Surveyors report to show where the drain tile is located. Oliphant detailed the drainpipe and the locations of the two sinkholes they located. Oliphant stated he has concerns because only a surface evaluation was performed. Oliphant stated all the things he listed are ordinance requirements not a matter of opinion.

Daniel Rohaley asked Oliphant to give the Board a crash course on the requirements of the petitioner's responsibilities of draining his surface water according to the ordinance. Rohaley asked if the petitioner has to keep all of the stormwater on his site and make arrangements for drainage. Oliphant stated it is the petitioner's responsibility to find a suitable outflow for their stormwater. Oliphant read part of the City of Crown Point's ordinance regarding the stormwater outflow requiring the petitioner to either improve downstream systems or find another way to an appropriate outflow system. Rohaley asked Oliphant to verify that it is the petitioner's obligation is to take the stormwater off their property and release it across another piece of property as long as it is documented, and it actually works. Oliphant confirmed. Rohaley stated the outlots have the good language for the plat, but he thinks a no access easement needs to be added for 109th and Iowa Street. Ryan Fleming stated he has no issues adding those to the plat. Rohaley stated there is language on the plat for the wetlands but does not see them denoted on the plat. Fleming stated they can add that to the plat as well. Rohaley stated they also need to show the utility, drainage, and wetland easements on the plat. Fleming stated he will make sure that is adjusted for secondary plat. Rohaley asked for verification that if the petitioner has the responsibility to provide the outflow for their drainage and that has not been provided then the plat has not met the concrete standards. Oliphant confirmed that would be his opinion. Rohaley stated the petition does not meet the standards of the city. Fleming stated he would defer to his attorney. Schmaltz stated he thinks the question is whether a plat doesn't meet the standards if it is dead or otherwise must be denied. Schmaltz read from the standards which included wording that the Plan Commission may waive the requirement. Schmaltz stated their opinion is the ordinance requires a appropriate outflow and they feel this development does. Rohaley stated the standard has not been met. Schmaltz stated he disagrees.

Scott Evorik asked what the drain tile size requirement is for this subdivision. Oliphant reported the minimum size for any storm sewer being installed in the city is 12". Oliphant stated the only reason they would allow for smaller would be for things like sump pump connections or roof drains. Oliphant stated for the primary/main outfall of a large detention basin should be 12" or greater unless it is restricted by a smaller restrictor but then it would need to be in good working order and be a viable system in perpetuity.

Marshall asked Oliphant if this 8" line actually worked, and they had proof it worked would he still recommended not approving the draining plan because it is only 8". Oliphant stated if it was built with current accepted materials or according to the stormwater ordinance or to city specs he would be more apt to consider it but would also still recommend that it be under an easement to allow access in the

future if needed to repair or replace. Oliphant voiced his concern with the repairs not even being done yet and if the 8" line gets clogged it is going to overtop 109th. Oliphant voiced his opinion on how important and necessary designated it as an easement is. Marshall asked Oliphant to verify that to even be considered it would need to be in working order and have an easement for repair or maintenance. Oliphant confirmed.

Chad Jeffries asked Schmaltz for verification of the location of the detention area. Schmaltz detailed the area. Jeffries asked if there has just been a surface check or did they camera the pipe. Fleming detailed the process they went through. Fleming stated the decision was made by the drain board and they decided it was a mutual drain that needed to be established by repair. Fleming stated they have established that they have a path for which water can flow from their property to the Niles Ditch. Fleming admitted he would like it to be better and this is definitely not ideal. Fleming stated this is what they have to live with. Fleming detailed the history of the drainage. Fleming stated they have established that this is a mutual drain. Fleming stated he believes the drain can be repaired by the county and they can come at it from several directions. Fleming stated everything being installed on their site meets city code, but he cannot change the existing pipe size. Fleming stated his engineer discussed all of that in his letter. Fleming stated if they had a friendly neighbor this would be a different scenario. Jeffries asked Irak if the county has determined that this is a mutual drain is there a way that if something happens to this drain is there a legal way to get access to the drain to repair. Irak stated he does not know anything about drainage laws, but he would assume that even though this is private property there is a way for the county to gain access. Fleming reiterated that he does not like the way it is but feels things were misconstrued because he never said the drain was going to be replaced, if the county tells him to jump, he will say how high. Fleming stated if county wanted him to do an 8" or even a 12" brand new he would but he does not have the authority to that without the county physically saying it needs to be done. Fleming stated because of the process they went through the county is in the driver's seat of fixing the drain and then they will bill appropriately. Fleming stated any repairs done would be a shared cost whether it is now or later and becomes the responsibility of the HOA. Jeffries asked Fleming if he has had a conversation with Bill Emerson about upsizing that pipe to 12". Fleming stated that is what he has been saying for the last 6 months. Fleming stated they have offered anything they wanted and detailed several options they offered. Fleming stated the drainage board's decision was to repair the pipe.

Michal Conquest asked Fleming why he doesn't go through the county and work through the drainage first. Conquest stated the last couple years have been some of the wettest they have ever have and asked who covers the people's damaged by flooding. Conquest asked Fleming if they would cover that flood damage. Conquest stated he feels they are putting the cart before the horse. Conquest stated flooding and drainage are a real issue in Crown point. Fleming stated they have exhausted their opportunities they have with county to make that happen. Fleming stated they have successfully established that there is a mutual drain that will allow water to flow to Niles ditch. Conquest asked about a pump station. Fleming stated that would be New Orleans style pumps and cost plus you really shouldn't try to make water go uphill. Conquest stated they pump water north all the time in the city.

Rich Day asked Fleming if he knows where the subdivision next to this property drains to. Fleming stated it splits and stated there are a difference of opinions on this. Fleming stated they have designed their subdivision to accommodate a portion of the Niles creek flow across their property. Fleming stated the

drainage board is of the assumption that all the water flow from Niles Creek goes to the east and none comes through this subdivision, but they have accommodated that because there was a comment from Engineering. Fleming stated that did change their original design substantially. Fleming stated everything they have done was from taking the bullet points from that review.

Oliphant stated Niles Creek was designed in the early 90's and they have plans that show that the primary outflow drains to the east. Oliphant stated part of their detention basin does encroach on the southeast corner of this property and a 15-20% portion of the subdivision will continue to drain into that. Oliphant stated the remainder of the subdivision will drain northeast.

Evorik stated he has no disrespect for Oliphant's expertise but feels Fleming has always done things the right way and does not feel they will have any issues with them this time. Evorik stated he has never even heard of a problem with any of their subdivisions with flooding.

Sauerman stated with attorneys in the room some of what she is going to say is anecdotal and personal to her, but she has experienced personal flooding problems which have been ongoing for 15-20 years and were caused partially by the city and some poorly designed drainage situations of property that was developed in the last 25 years. Sauerman stated it was directly caused by the tap in to probably an 8" clay pipe that ran through their property that had been tapped into without their knowledge by others. Sauerman stated this caused the whole thing to blow out and over time the flooding got worse and worse. Sauerman stated when they said someone needed to come fix it they found out they were responsible for fixing it until recently when some things happened and now Sauerman Woods is being property owner they have been dealing with understands by not allowing the changes to take place in a private agreement he is putting his own land at risk because if the pipe fails it will be on his property. Sauerman reiterated that an ounce of prevention is worth more than a pound of cure and she does appreciate that the petitioner has gone to great lengths to try to fix it with the right permissions and not just assume it is going to be ok. Sauerman stated she is very concerned that they already know the pipe is not the right size and is not made of the right materials. Fleming stated water runs downhill and there is a county ditch 800-1000' and water is always going to run that way. Fleming stated it is not a perfect situation but that is the way it is designed to work and it will get to the Niles Ditch. Sauerman stated the property is fairly flat though. Fleming asked Oliphant to verify whether he was talking about the drain slope itself or the topography of the land. Oliphant stated he was talking about the actual tile. Oliphant stated Fleming is right the natural overland flow path is to the north but if that ever got clogged it would cut off 109th in an overflow event. Oliphant stated this is complicated because if that ever overtops you are going to close a major throughfare and they are relying on a sensitive drainage that may or may not be in good working order. Oliphant stated he heard someone ask if any cameraing was done and his understanding is there was only a surface report done no subsurface or televising done. Sauerman stated they did not get attention until 231 flooded.

Marshall stated he does not feel there is any way they can consider this petition if they do not have drainage. Marshall stated he thinks the Flemings are great developers and have done wonderful things in the city but if it doesn't drain they cannot do anything. Fleming stated they have established a mutual drain for the water to go no different than any county or city infrastructure, it could be obstructed at some point in time, how it is repaired by the county may be different than what the city would do. Fleming stated they do have an outflow from the property and everything they are bringing to the edge of the property meets city standards for size and materials. Fleming stated this is an existing situation.

Rohaley stated he shares the same concerns. Rohaley stated Fleming has provided pursuant to the standard A, easement for outflow, but they have t listen to their city engineers that say the pipe is not big enough and it is not working. Rohaley what happens when this doesn't work, and people's houses and basement floods. Fleming stated they have done everything they can, there is nothing else he can do. Schmaltz stated their engineers think the 8" will work.

Evorik asked why county won't give them a straight answer. Fleming stated they did it is just not ideal. Schmaltz detailed the process again and stated ultimately it is up to the drainage board and surveyor on how the mutual drain will be treated. Schmaltz stated Irak's assumptions were correct that the surveyor has the ability and the legal right to enter the property, investigate, assess and to repair. Schmaltz stated even though it is not labeled an easement it is something that county will be allowed to inspect and repair and kept operating.

Rohaley asked if there is any statutory authority that allows the developer to go on that property. Schmaltz stated there is not they would have to go through the county.

Jeffries stated he would think that during the discussion with the drainage board the petitioner went in and said we are going to put in 1000' of o 12" plastic pipe, we are going to directional drill the 600' so we are not disturbing anything, he cannot believe that they wouldn't let you do it unless they don't even know what other kind of tiles they have merging into that. Jeffries asked if the county's thought process is that don't want to disturb that clay. Fleming stated he has been to many drainage board meetings, and he doesn't think it was anything to do with logistics but with private property rights. Schmaltz agreed and stated he doesn't think their decision was based on the fact that the clay is superior but more because a repair is the least invasive. Jeffries sated if they are willing to come in and directional drill it, it is not invasive at all. Fleming & Schmaltz agreed. Jeffries stated he quickly went through their engineer's report regarding the emergency overflows and stated very rarely has he seen the emergency overflows ever be needed. Jeffries stated it look like they raised up their high-water line to 1.25 to give them that much more capacity to hold before they would ever hit that emergency overflow. Fleming confirmed and stated they do have room to grow. Jeffries stated he is not concern about overtopping 109th with the emergency overflow. Jeffries stated his biggest concern is the fact they are putting that capacity in an undersized in an 80–100-year-old tile, what does it do to that tile. Jeffries voiced his concern with a large rain event jeopardizing that clay tile and the developer telling the city that now they have to talk to the county. Fleming stated the beneficiaries of that mutual drain would certainly include the City of Crown Point, as well as the property owner's association so it would not be a solo shot for the city. Fleming stated it has been defined as a mutual drain and Mr. Emerson made the comment that if they do not do a good job the first time, they will definitely be doing a good job the second time. Schmaltz agreed that is an accurate characterization, Emerson does understand and conceives that, that is a possibility that they will be looking at this in the future again and again. Schmaltz stated he believes it would be worth the discussion with the property owner's association that they would be imposing on them the obligation to petition the drainage board. Schmaltz stated through covenants and bylaws that can be a requirement of that association that they petition the drainage board as long as that drain exists in the county.

Oliphant stated he has two items, it is an extremely good point about pushing different types of land use and more runoff volume through an existing 8" tile, there is going to be a lot more pressure than what it receives now. Oliphant stated whether they like it or not stormwater ordinances are rate-based volumes, they do not control volume. Oliphant stated the nature of building a subdivision is you are

putting more in a permeous area, it's not filtrating as much, you are creating more volume. Oliphant stated you are going to push that through this thing well and quite more frequently than it sees now. Oliphant read Surveyor Emerson's conclusion on his report which states historically they have observed where an old, vitrified clay tile has failed, repairing the failed promotion may fix the immediate blockage, but the tile often fails in another area soon after the repair. Oliphant stated that conclusion did not come from, but he agrees with the conclusion and that is the reason you do not use a 100 year old drain for a new subdivision that you expect to last another 100 years because inevitably it is going to fail. Oliphant stated whether it is a mutual drain or not, in his opinion a mutual drain is merely the recognition of a conveyance path, it does not mean it meets requirements for a 30-acre subdivision to drain to it and that is a problem.

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

Jeffries stated he feels Fleming builds a good product and he is trying to think of solutions that would make this project work. Jeffries stated they have already approached the drainage board and let them know they are willing to put in the 12" poly or whatever they need to, to make this work but are kind of getting a roadblock. Jeffries stated he believes the petitioner's attorney and the city engineer even spoke about how doing one thing a lot of times leads to another problem and if they don't get it done right the first time, they will have to come back it a second time. Jeffries stated since the petitioner has offered to put in the new 12" line, if they took the money it would cost to do it and put it into an escrow for future repairs if necessary that way if the responsibility lies on the POA that money sits there for them to petition the county for. Evorik asked if there is an estimate for the cost a new installation of 12" pipe. Fleming stated at this time it would only be off the cuff and he would guess approximately \$40,000 plus or minus \$10,000. Fleming stated this is not about them being abstinent about not wanting to install the new pipe. Flaming stated tell him high to jump and he will do it but he has to do it within the bounds of the law and that is why they went to county and got the result they did. Fleming stated they have a mutual drain that provides a means for water to leave their site.

Marshall stated he does not see any way to approve this without a solid drainage plan. The Board and petitioner discussed the fact that you would think the private property owner would want to work to make sure the drain remains in good working condition.

Conquest asked Fleming if the city could join forces with him and go back to the drainage board for some collaborative effort. Fleming stated he always willing to work in collaboration, but he does not know if they have much more they can do because they have exhausted all their processes. Fleming stated establishing the mutual drain was a positive result.

Sauerman stated Schlueter provided the Staff report which included the recommendation that any approval be subject to Final Engineering approval. Sauerman asked Schlueter to verify that final engineering has not been approved. Schlueter confirmed it has not.

Marshall stated recent policy provides that petitions should not be approved only if final engineering approval has been received. Marshall stated they need to stay consistent.

Marshall entertained a motion for Petition #22-06. Rohaley motioned to deny Petition # 22-06 based on the fact that the concrete standards of the ordinance have not been met per the city engineering consultant. Day seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 5 Ayes, 0 Nays, and 2 Abstentions, Petition #22-06 was denied.

NEW BUSINESS

22-26 Industrial VI Enterprises, LLC, Petitioner/Mississippi Parkway Partners, LLC, Owner

Request: Secondary Subdivision Plat

Purpose: Point 65 Business Park (2 Lots)

Location: 2900ft South of 129th Ave between I65 & Iowa Street

Jeff Ban, of DVG, 1155 Troutwine came before the Board and provided an overview of the petition.

Schlueter reported the petitioner is requesting phase one secondary subdivision approval for a 2 - lot subdivision located 2900 ft south of 129th Avenue between I-65 and Iowa Street. Schlueter reported the subdivision will be known as Point 65 Business Park. Both Outlots A & B will be owned and maintained by Mississippi Parkway Partners. Schlueter reported the secondary plat meets the minimum standards of the Crown Point Zoning and Subdivision Codes and is consistent with primary approval and recommended approval of the petition.

Marshall entertained a motion for Petition #22-26. Jeffries motioned to approve Petition # 22-26. Evorik 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 #22-26 was approved.

22-27 Industrial VI Enterprises, LLC, Petitioner/Mississippi Parkway Partners, LLC, Owner

Request: Site Development Lot 1

Purpose: Industrial Storage Facility

Location: 2900ft South of 129th Ave between I65 & Iowa Street

Marshall stated Petitions #22-27 & #22-28 are identical buildings just 2 separate lots.

Jeff Ban, of DVG, 1155 Troutwine came before the Board and asked that he be able to present both petitions at the same time. Ban provided an overview of the petition.

Dylan Reynolds, of Spaceco, 3850 Priority Way, Indianapolis, IN, came before the board and detailed the Proposed square footage and site plan.

Schlueter reported the petitioner is requesting site development approval for a 206,000 sqft cold storage building located on lot 1 in the Point 65 Business Park. Schlueter reported the entire subdivision received a BZA variance to allow a maximum building height of 65'. Schlueter reported the site plan shows three points of ingress and egress providing access to a 206,000 sq ft warehouse building just over 40' in height. Schlueter reported the site has ample parking surrounding the building with oversized spaces in the rear. Schlueter reported all deliveries will take place thru loading docks located along the rear of the building and all storage of product and materials will be housed within the building. Schlueter reported the site plan meets the minimum requirements of the Crown Point Code for a B-1 Business Park. Schlueter reported the landscape plan is on the September Meeting Agenda and recommended approval of the petition.

Marshall stated the way he sees this laid out is there are three front doors, he asked how many units they plan to have in each building. TJ O'Brien, 330 Blackstone , LaGrange, IL, came before the board and stated both buildings are intended to be multi-unit buildings and they anticipate maybe 4 in building in 1 and building 2 will most likely not exceed 3 tenants but they are trying to be flexible. O'Brien spoke about the entrances and why they designed them the way they did.

Day asked the petitioner to verify that the lighting in the front will be on the building and they will not have light poles out front. Reynolds confirmed.

Marshall asked if there will be signage on the building. Reynolds stated they will wait to see as tenants come in but most of the time yes tenants want signs on the building but would stay within the ordinance. Reynolds stated they do have plans for some monument signs but they will be in the driveways. Marshall asked Reynolds to verify that the monument signs will not be in the setback. Ban confirmed the signs will be behind the setback.

Jeffries asked if they have put this same building up in other business parks. Reynolds stated not the exact same building. Reynolds stated they will go in for a commercial shell building permit with just the four walls and then the interior walls will be handled on the buildout permits.

Conquest asked how they handle interior walls without knowing the number of tenants.

Marshall entertained a motion for Petition #22-27. Sauerman motioned to approve Petition # 22-27 as presented with Staff comments. Evorik 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 #22-27 was approved.

22-28 Industrial VI Enterprises, LLC, Petitioner/Mississippi Parkway Partners, LLC, Owner

Request: Site Development Lot 2

Purpose: Industrial Storage Facility

Location: 2900ft South of 129th Ave between I65 & Iowa Street

Dylan Reynolds, of Spaceco, 3850 Priority Way, Indianapolis, IN, came before the board and provided an overview of the petition. Reynolds detailed the square footage and site plan.

Schlueter reported the petitioner is requesting site development approval for a cold storage building located on lot 2 in the Point 65 Business Park and the entire subdivision received a BZA variance to allow a maximum building height of 65'. Schlueter reported the site plan shows two points of ingress and egress providing access to a 285,000 sqft warehouse building just over 40' in height and the site has ample parking surrounding the building with oversized spaces in the rear. Schlueter reported all deliveries will take place thru loading docks located along the rear of the building and all storage of product and materials will be housed within the building. Schlueter reported the site plan meets the minimum requirements of the Crown Point Code for a B-1 Business Park and the landscape plan is on the September Tree Board Agenda and recommended approval of the petition.

Rohaley asked if the pond in the northwest corner is a wet pond. Ban confirmed and stated that is a wetlands area that they plan to maintain as a wetland.

Marshall entertained a motion for Petition #22-28. Jeffries motioned to approve Petition # 22-18 subject to Staff comments. 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 #22-28 was approved.

22-29 I65 Properties, LLC Petitioner/Owner

Request: Site Development

Purpose: McDonalds Restaurant with Drive Thru

Location: SE Corner of Delaware Parkway and 109th Avenue

Jeff Ban, of DVG, 1155 Troutwine came before the Board with Ryan Marovich of DVG, 1155 Troutwine. Ban detailed the numerous title searches that have been performed on the property. Ban detailed the easements they have found and added and the easements that will be required. Ban stated they have added a no access easement along the entire stretch of 109th Ave and I65.

Schlueter reported the petitioner is requesting secondary approval for a 5 – lot subdivision located at Southwest of I-65 & 109th Avenue, known as Beacon Hill South. Schlueter reported the Primary plat was approved at the July meeting subject to a no access easement along 109th, amendment of the detention pond language and sidewalk easement shown on the plat. Schlueter reported the secondary plat for Beacon Hill South meets the minimum standards of the Crown Point zoning and subdivision codes for a B-3 Subdivision and is consistent with primary approval and recommended approval of the petition.

Marshall asked if there is a pond in the detention area. Ban stated there is a pond in the northeast corner.

Marshall entertained a motion for Petition #22-29. Rohaley motioned to send a favorable recommendation to the City Council for Petition # 22-29. 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 #22-29 received a favorable recommendation

22-30 John Taylor, Petitioner/Dennis Caudill, Owner

Request: Site Development

Purpose: McDonalds Restaurant with a Drive Thru

Location: SE Corner of Delaware Parkway and 109th Avenue

Jeff Ban, of DVG, 1155 Troutwine came before the Board as a representative of the petitioner. Dan Olson of Watermark, 2631 Ginger Woods Pkwy, Aurora, IL came before the Board and provided an overview of the petition. Olson detailed the proposed site plan. Olson detailed the double drive thru. Olson stated they have added sidewalk to the south for connectivity as requested. Olson detailed all sidewalks that will be installed. Olson stated the site is fully ADA accessible. Olson detailed the proposed parking, pedestrian connectivity, bike racks, trash enclosure and signage. Olson stated they would like to get started on construction as soon as possible.

John Kerchener, 158 S. Main St, Lena, IL, came before the board and detailed the building elevations including design and materials.

Schlueter reported the petitioner is requesting site development for a new restaurant located on the SE corner of Delaware Parkway and 109th avenue in the Beacon Hill South Subdivision. Schlueter reported the entire subdivision received BZA variances for setback encroachment with the exception of the principal structures. Schlueter reported the site plan shows three points of ingress and egress with an out only in the Southwest corner and the parking lot has ample spaces with the trash containment located in the Southwest corner, surrounded by brick matching the building. Schlueter reported the monument sign is shown higher than the 20' maximum height and would require a variance and the site plan meets the minimum requirements for the Crown Point Code. Schlueter recommended approval of the petition.

Jeffries asked for clarification of the corner material of the building. Kerchener detailed the metal type material made to look like the old board and batten design. Jeffries stated they look like ribbed panels. Jeffries asked if they are wavy or flat. Kerchener stated they are flat. Jeffries asked for clarification of one of the drive thrus. Ban detailed what the thought process for that specific drive was which is to help with connectivity between sites and help alleviate congestion on 109th Ave.

Marshall entertained a motion for Petition #22-30. Day motioned to approve Petition # 22-30 subject to 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 #22-30 was approved.

MISC. AND PUBLIC COMMENT

No Public
No Misc

ADJOURNMENT

At 9:02p.m. Sauerman motioned to adjourn, seconded by Marshall.

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