

PLAN COMMISSION

October 10, 2022

REGULAR MEETING

ROLL CALL

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

Members Present:

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

Members Absent: None

Staff Present:

Commission Attorney Joe Irak, Executive Secretary Grace Roman, Assistant Planner Josh Watson, Recording Secretary Jenni Pause, Media Manager Mary Freda

APPROVAL OF MINUTES

President John Marshall asked the Commission to approve the September 12, 2022, meeting notes. Laura Sauerman motioned to approve the September 12 meeting minutes as presented. Scott Evorik 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

21-24 Golden Meadows, LLC, Petitioner/Owner

Request: Primary Plat Extension

Purpose: Golden Meadows Subdivision

Location: West & South Corner of Burrell Drive & Court Street

Ryan Fleming, 219 N. Main St., came before the Board as a representative for the petitioner and provided an overview of the petition. Fleming stated there has been a lot going on with the site it is just not visible. Fleming stated they have gone through an exhaustive process for permit with the Army Corps of Engineers, IDEM and EPA on the process for mitigating the wetlands on the site. Fleming stated

nothing has changed from the original submittal.

Executive Secretary Grace Roman reported the petitioner is requesting Secondary approval for The Cottages at Golden Meadow subdivision that is located South of Burrell Drive and East of Marshall Street. Roman reported this subdivision will consist of 28 single-family ranch homes in the style existing in the Old Town Village section of Ellendale Farms. Roman reported the subdivision received a Variance from Development standards to allow 70' wide lots and 5' side yard setbacks in an R-1 residential district at the June BZA meeting subject to several conditions including the quality, value, and design of Old Town Village. Roman reported the Primary Plat does meet the minimum standards for the Crown Point Zoning and Subdivision Codes and is consistent with the conditions of the BZA variance. Roman recommended approval subject to a waiver of the berm requirement, payment in lieu for the park requirement, and Tree Board approval of the landscape plan of the petition if all Crown Point Engineering Department criteria has been satisfied.

Attorney Irak asked when the original petition expires. Irak stated the approval was September 13, 2021, but does not know when the bond expires. Fleming stated this was for primary, so a bond was not required. Marshall stated he would think a year from today. Irak agreed.

Marshall entertained a motion for Petition #21-24. Evorik motioned to approve Petition # 21-24. Richard 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 #21-24 was approved for the primary plat extension.

21-37 Crown Point Community School Corporation, Petitioner/Owner

Request: Site Development Update

Purpose: Crown Point High School Building Addition

Location: 1500 South Main Street

Don Torrenga, Torrenga Engineering, 907 Ridge Rd., Munster, IN, came before the Board and provided an overview of the changes proposed for the site which include the varsity baseball and softball fields, the JV baseball & softball fields, the JV football field, the Community building, and the parking lots. Torrenga stated all the fields were intended to be natural turf but the baseball field, softball field and football field will now be artificial turf. Torrenga stated the major change to the plans is they have removed the connection between the parking lots. Torrenga detailed all the changes to the fields, parking lots, community building, fencing, and the new scoreboard.

Roman reported the Crown Point Community School Corporation is requesting approval for updates to the site development plan for improvements and additions to the Crown Point High School. Roman reported the initial site development plan was approved by the Plan Commission at a public hearing held on December 13, 2021. Roman reported the updated site plan shows the removal of the 24-foot roadway between the existing parking lot south of the Varsity Football Field and modifications to the north and south entrances to the Varsity Baseball and Softball Fields, a new walkway is also proposed to service the middle area of the athletic campus and the JV Softball Field has been changed from the originally proposed athletic turf field to a natural grass field. Roman reported the overall modifications will reduce the hard surface area of the campus and reduce stormwater contribution to the enlarged detention areas than what was originally proposed. Roman reported all school ingress and egress will

remain the same. Roman reported the updated site plan meets the minimum requirements of the Crown Point Zoning and Subdivision Codes. Roman recommended approval of updates to the petition.

Rohaley stated he is looking at a site plan approved August 22, 2022 and asked what site plan is up on the screen and what the date on it is. Torrenga stated this is the exact same site plan, he just cut it down and added some text. Rohaley stated he is looking at the site plan from August 2022 and it is not the same site plan. Rohaley asked what the date for this site plan is. Torrenga stated he is not sure he submitted the site plan to the Planning Dept. and he cut off the dates. Rohaley stated the reason he brings this up is because many of the items required for site plan review under Section 150.70 are reflective on the August 22nd site plan or this one. Rohaley stated he does not feel this petition is properly before the Board. Rohaley recommended deferral of this petition until the Board has a site plan that meets the code. Marshall asked Roman how she feels about that. Roman provided updated copies of the site plan to the Board members physically present at the meeting and apologized to Rohaley for forgetting he would not physically be at the meeting.

Michael Conquest asked Rohaley to specify the deficiencies. Rohaley started listing all the deficiencies. Rohaley stated the most important one had no building setbacks, covered separation, existing topography wetlands and vegetative areas. Torrenga stated this is an addition to the site plan that was submitted previously and all of that is included in the original plan. Torrenga stated all of that was submitted but they only felt that this was important for the Board. Rohaley asked how the site plan could be a master site plan in August when it doesn't have all the items required. Torrenga stated everything was approved in December. Torrenga stated he did not think he had to go through all 17 items since this was just a codicil to the already approved plan. Rohaley stated he does not have what was originally approved because this is a new petition. Torrenga stated this is a modification to the original petition. Rohaley recommended a deferral for 30 days to allow time to look at a site plan that meets all the requirements.

Marshall stated they need to settle the dispute.

Rohaley motioned to defer Petition # 21-37. Evorik seconded the motion. Conquest asked Irak if he has a legal opinion on this. Irak stated he backs Roman, if staff says it is ready to go, it is ready to go. Sauerman asked if this is a new petition. Roman stated she is considering it a modification to an old petition. Sauerman stated they were not handed all the documents that go along with the original petition they were just handed the document with the changes. Torrenga stated all the documents were provided. Rohaley stated he called with his concerns on Thursday and made everyone aware. Rohaley stated he was told he would receive an updated plan but never received it. Roman apologized and stated she brought that plan to the meeting but did not email it out. Evorik stated no one is blaming Roman he knows it has to be difficult transitioning into her new position. Evorik stated this has been happening for a long time before Roman and they constantly get changes to petitions the day of the meeting. Rohaley agreed and stated this is no reflection on Roman, he just wants the petitioners to submit what is required they would not be having this discussion. Marshall stated he does not feel this is that big of a deal because this is just a change to something that was already approved. Sauerman asked Roman to verify that everything was submitted to her. Roman confirmed. Rohaley asked how they are to make a decision if they do not have all the information. Conquest stated they approved that information in the past, why do they need to approve that information again. Rohaley stated he cannot remember when the last submission was. Marshall stated he does not feel they have an issue here. With no further discussion. Marshall called for roll call. With a roll call vote of 4 Ayes, 3 Nays, and 0 Abstentions, Petition #21-24 was deferred.

22-31 Crown Point Community School Corporation, Petitioner/Owner

Request: Site Development Plan

Purpose: Eisenhower Elementary School Expansion

Location: 1450 South Main Street

Matt Mihalik, Nies Engineering 2421 173rd St. Hammond, IN, came before the Board and provided an overview of the petition. Mihalik stated since the last hearing they have received final stormwater and Engineering review and Tree Board approval.

Marshall asked why the petition was deferred. Mihalik stated last time they did not have the stormwater review completed.

Roman reported the Crown Point Community School Corporation is requesting site development approval for improvements and additions to Eisenhower Elementary. Roman reported improvements include building additions and relocating the existing concrete walkway/fire lane, expansion of the front parking lot as well as upgrading of stormwater infrastructure. Roman reported the site received a variance from development standards for the parking lot to encroach the front setbacks at the August 22, 2022 BZA meeting. Roman reported the front parking lot shows an expanded layout, adding 18 additional parking spaces and extending the lanes for student pick-up & drop off. Roman reported two building additions will be added to the Southwest and Southeast corners of the current structure and the current 20' sidewalk/fire lane will be relocated to give access around the building. Roman reported these improvements will allow for a safer, more controlled parent/student pickup and drop off along with improving the fire safety of the property. Roman reported the site plan will improve traffic flow to a busy intersection during school pickup and drop off time. Roman reported a row of hedges was added to the landscape plan and reviewed and approved at the last Tree Board meeting. Roman reported the site plan meets the minimum requirements of the Crown Point Zoning and Subdivision Code and recommended approval of the petition.

Rohaley stated this petition has everything they need. Rohaley stated the Tree Board approval of the additional landscaping was also part of the deferral.

Jeffries asked Roman to verify they added plantings. Mihalik provided detailed the plantings and stated it was approved by the Tree Board.

Marshall entertained a motion for Petition #22-31. Sauerma motioned to approve Petition # 22-31 subject to Staff comments. Conquest 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 #22-31 was approved.

NEW BUSINESS

22-37 Dennis Caudill, Petitioner/I-65 Properties, LLC, Owner

Request: Site Development Plan

Purpose: Texas Roadhouse Restaurant

Location: Lot 4 of Beacon Hill Subdivision

Jeff Ban, DVG Team, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban stated the building will be about 8000 sq ft and will be a family style restaurant open mostly for dinner. Ban detailed the proposed layout, design, parking, and trash enclosure. Ban stated the stormwater retention was approved as part of the subdivision. Ban detailed the sewer, water and stormwater for the site. Ban stated the site plan was recently updated and provided to staff that morning. Ban stated there were a couple comments that were received from Staff last week that they addressed on the revised site plan. Ban stated the new site plan shows the sign behind the setback, the additional sidewalk and the striping in the rear for the Fire Dept.

Roman reported the petitioner is requesting site development for a new restaurant located at 905 E. 109th Ave. in the Beacon Hill South Subdivision. Roman reported the restaurant received a variance from development standards for on building signage to exceed the maximum square footage at the June 27th, 2022 BZA meeting. Roman reported the site plan shows three points of ingress and egress. Roman reported the parking lot has 197 parking spaces which includes 6 ADA spaces with the trash containment located in the Southeast corner, surrounded by a metal wall paneled enclosure with a brick wall on the west side and a crimp metal roof covering the area. Roman reported the entire Beacon Hill South Subdivision received variances to encroach setbacks along 109th Avenue and 109th Place in addition to a reduction in the 109th Place right-of-way. Roman reported the building has a maximum height of 27 feet 6 inches and will be a total of 7,163 SF. Roman reported the site plan meets the minimum requirements for the Crown Point Code and recommended approval of the petition.

Ban detailed the materials that will be used for the building which includes more masonry than normal for a Texas Roadhouse.

Evorik asked ban why this restaurant is not on the north side of 109th by the hotel. Ban stated this do not particularly fit on the lot next to the hotel. Ban stated that was a decision made by the site selection team and this lot is zoned properly for this restaurant. Ban stated 109th corridor is a retail corridor for these types of businesses. Marshall stated he does not feel it is the Plan Commissions department to locate it only to approve the site plan and make sure it fits all the rules.

Rohaley asked Ban to verify that they submitted a revised site plan with revisions this morning. Ban confirmed. Rohaley stated he has yet to see that. Rohaley stated he called on Thursday morning letting everyone know that they did not have a site plan that fit all the requirements. Rohaley motioned to defer Petition #22-31 for 30 days to allow time for them to get a proper site plan. Sauerman seconded the motion. Roman stated she gave everyone that site plan that was physically at the meeting before it started. Ban stated they submitted everything required a month in advance then submitted a revised site plan depicting the corrections requested by Staff. Ban detailed the Finding of Facts. Ban stated there was no significant changes to the site plan submitted a month ago. Rohaley stated he has yet to see it.

Marshall stated he feels they are just punishing this petitioner for correcting the site plan per Staff request before he got to the meeting. Marshall stated he could of submitted the original site plan without the corrections and the petition could have been approved subject to Staff comments. Rohaley stated it goes to the basic requirement of the number of items in the code. Rohaley stated he stands by his motion to defer.

Conquest asked Irak for legal counsel. Irak stated he is back Staff who thought this was ready for presentation. Conquest stated he has an issue with all this, and it bothers him because it seems like

something is going on behind the scenes and these decisions are personal. Rohaley stated it was not personal. Conquest stated Rohaley said he sent something to everyone about this petition and Conquest never received anything though he is on this board. Rohaley stated he never said he sent anything. Rohaley stated he brought it to everyone's attention last Thursday that all the requirements were not met.

Evorik asked how long they have all been talking about getting things the last second. Evorik stated they have just had enough of getting things so late.

Jeffries stated Ban revised something that the city asked him to revise last week. Jeffries stated he doesn't know how long revisions take but the fact that they are willing to correct these slight modifications for count for something. Jeffries stated he feels like the petitioner is trying to work with the city in good faith. Jeffries stated the fact it was not emailed out was just a hiccup and since Rohaley was not physically at the meeting, he did not get a copy with the revisions. Jeffries stated he feels like the city is benefitting from the petitioner willing to work with us on the minor modifications that were requested by Staff. Ban detailed the three minor changes requested that the new site plan reflects.

Marshall entertained a motion for Petition #22-37. Sauerman motioned to defer Petition # 22-37. Rohaley seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 3 Ayes, 4 Nays, and 0 Abstentions, Petition #22-37 the motion failed.

With motion failed Marshall entertained another motion for Petition #22-37. Jeffries motioned to approve Petition # 22-37 with all Staff comments. Conquest seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 6 Ayes, 4 Nays, and 1 Abstentions, Petition #22-37 was approved.

22-40 Amit Shah, Petitioner/Crown Point Center, LLC, Owner

Request: Workshop

Purpose: Holiday Inn Express Hotel

Location: 125 South Superior Drive

Marshall asked if there was anyone present for the petition. Freda asked Roman if they expected anyone to join them on zoom. Watson stated they were expecting the petitioner to be physically at the meeting.

Marshall entertained a motion for Petition #22-40. Sauerman motioned to defer Petition # 22-40. 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 #22-40 was deferred.

22-41 Lewis Brisbois Bisgaard & Smith, LLP, Petitioner/Commercial Waste Services, Owner

Request: Workshop

Purpose: Mixed Use Development

Location: 601 East 101st Avenue

John Terpstra, 2211 Main St., Highland, IN, came before the Board as a representative of Commercial

Waste Systems and provided an overview of the Petition. Terpstra stated there is about 60 acres and 3 parcels involved in the proposed development. Terpstra stated they would like to resubdivide the property and rezone it. Terpstra stated there would be some truck traffic coming in and out and after discussions with the city they would direct that traffic to 101st then to Mississippi and take that north if they were going to get on to I65 to avoid the roundabouts on 109th. Terpstra detailed the proposed use of the property which would be industrial with commercial condo use so they would want to rezone to I1.

Marshall asked if this is the same Commercial Waste that is on 101st. Terpstra confirmed it is and they plan to move it because they have outgrown that space. Marshall asked if this will be a large building processing center or just an expansion of what they do now. Terpstra stated he does not believe it is going to be a processing center or a transfer station, it is really just a place to onboard and offboard. Terpstra stated the proposed development would house more offices than they currently have. Marshall asked if they plan to have a repair shop on premise for their equipment. Terpstra stated it is not going to be a dedicated repair shop but they will have enough space to service a truck. Marshall asked how many lots they are proposing. Terpstra stated they would work with the city to see what the highest and best use of the property would be but the developers are envisioning a mixed use of commercial condos and warehouse areas. Marshall asked if there will be outdoor storage. Terpstra stated there will be minimal outdoor storage.

Conquest stated on the paperwork they received it stated B3 or I1 but it seems they are saying I1. Terpstra stated in their initial meeting with the city they wanted to go for I1 but are willing to compromise and remain a B3 designation. Terpstra stated that is not ideal because the developer would like to be I1 but they are willing to compromise. Conquest stated he liked that idea.

Jeffries asked if there is dedicated right of way for on/off access off of 65 to 101st. Terpstra stated there is not. Jeffries stated he thought when Ameriplex was designed it was designed for there to be on/off ramps off I65. Jonathan Lauton stated they can look into that more. Lauton asked if there are documents that might help them find out more information about the on/off ramps. Jeffries stated that would have gone through Merrillville for approval as it is not located within our jurisdiction. Terpstra stated he can reach out to a contact at Merrillville and see what he can find out.

Sauerman asked if the zone change from B3 to I1 would affect the 100' berm requirement. Marshall asked Roman if that berm requirements goes along with all zoning. Roman stated she will look into that. Sauerman stated if there was a change of zone she would definitely want the 100' berm. Roman stated the berm would still be required.

Marshall asked if their plan for people to go over the bridge to Mississippi then go north to access I65. Terpstra confirmed.

Rohaley stated he was happy to see this because there is a crying need for industrial property in Crown Point. Rohaley stated he feels this accommodates the master plan. Rohaley stated they need a holistic view of this whole area and does not see how the state of Indiana cannot put an exit someplace on

101st. 93rd, 69th or somewhere to provide some of those semis to get off the streets and on to I65. Rohaley stated he supports this project. Rohaley stated he does think they will need to line up their streets and provide a second access.

Day agreed with Rohaley that this would be a great project for that area. Day stated they just need to work through the details for access points.

Conquest stated he works in an industry where industrial stormwater runoff is a big deal and he wonders if that is the case with the Commercial Waste property and he assumes the north end of the property is kind of a wetland. Lauton asked Conquest if he is asking if they store material outside. Conquest asked if they have to pull annual stormwater samples. Lauton stated they do not. Conquest stated they would not have to worry about that then.

Sauerman asked if the triangular piece that is also outlined. Terpstra stated that is part of the developer's property and they are not exactly sure what that triangular property is going to look like or what it will become.

Marshall asked the petitioner if they have any additional questions. Terpstra stated they do not.

MISC. AND PUBLIC COMMENT

Freda read the comments on Facebook.

Marshall stated on the advice of Irak they need to officially vote Roman into the Executive Secretary position. Rohaley motioned to nominate Roman for Executive Secretary. Evorik seconded the motion. Irak stated they will make that effective that night. With no further discussion. Marshall called for roll call. With a roll call vote of 7 Ayes, 0 Nays, and 0 Abstentions, Roman was elected as the Executive Secretary.

ADJOURNMENT

At 8:23p.m. Jeffries 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

Grace Roman, Executive Secretary