

**CITY OF HOBART PLAN COMMISSION  
MINUTES OF MAY 5, 2022**

Maria Galka called the meeting to order at 7:00 p.m. with the recitation of the Pledge of Allegiance. Members in attendance: Stuart Allen, Lloyd Emig, Michael Chhutani, Rich Lain, Jason Spain, Maria Galka, Dave Vinzant and Craig Brooks. Member absent: Phil Gralik, City Engineer. Also in attendance: Ross Pietrzak, City Planner; Joy Respecke, Recording Secretary and via Zoom Attorney Heather McCarthy and Alex Olesker, Deputy Engineer.

Approval of Minutes: Mr. Lain motioned to approve the minutes of April 7, 2022 as presented, seconded by Mr. Brooks. All ayes, motion carried. (8-0)

Communications/Acceptance of Agenda: Mr. Pietrzak noted the Hobart Comprehensive Plan website is now active for the vision plan for the next 20 years. The Lakota Group created the website, [www.hobart2040plan.com](http://www.hobart2040plan.com). and the link can be found on the Planning Department's page and on the City's webpage. Individuals can sign up for notifications of events, surveys and documents related to the Comprehensive Plan. He mentioned the importance of the public's input and feedback to accurately reflect the Community's plans on moving forward. Mr. Vinzant motioned to approve the agenda as presented, seconded by Mr. Allen. All ayes, motion carried. (8-0)

**Business of the Day**

1. **21-22B** Mark Shapland/Becknell (Petitioner/Agent) 2100 E. 69<sup>th</sup> Avenue located 800' east from the NE corner of 69<sup>th</sup> Ave. & Mississippi St. zoned PUD (M-1), 48.18 acres.

**Request:** Site Plan

**Purpose:** An additional dock on south side & additional pavement for cooling towers

Granted  Denied  Deferred  Vote 8-0

Present via Zoom was Ethan Frisch, Becknell, and proposed to revise the plans to include a truck dock on the south side of the building and four (4) cooling towers on the northwest corner of the western side of the facility. Mr. Frisch noted the cooling towers will not consist of shiny metal and will blend with the building. Mr. Pietrzak stated that previously the doors have been drive in and inquired if that is still the intent of the proposed south door. Mr. Frisch stated the door will not be a drive thru but a loading berth and used in the daily operations for trucks to back up to deliver equipment. Mr. Frisch was asked if the trucks would be visible from the south side of the berm, the time frame to load/unload the trucks, if it will be in operation for 24 hours and the purpose for the cooling towers; if there will be metal cutting & welding inside the building and he was not able to give specific answers. Ms. Galka noted the initial approval of the facility included drive-thru doors only on the south side of the building and no idling parked trucks loading and unloading materials. She felt the cooling towers did not pose an issue as long as they blended with the building but had an issue with the southern dock door since there are no assurances of how long and often trucks will be parked and idling. Mr. Allen also questioned their plans indicating future pavement and curbs along the entire front of the building on the south side. Mr. Frisch stated they are not requesting the pavement and curbs at this time, but they are included on the plans in order to plan out the maximum use of the site. Mr. Pietrzak stated that should the Commission approve the request, it could be with the exception of the future

curb and pavement as indicated on the site plan. Ms. Galka requested to review the minutes that approved the initial site plan indicating the southern doors as drive-thru. Mr. Spain mentioned that he felt the intent of the prior discussion was to limit as little traffic and improvements on the south side of the building due to the residential properties along 69<sup>th</sup> Avenue. Mr. Vinzant motioned to Table Petition 21-22B to allow an alternate solution for the idling trucks loading and unloading materials on the south side of the building, discussion ensued regarding the timeframe and number of trucks including all discussion, seconded by Mr. Lain. All ayes, motion carried. (8-0)

2.     **21-39A**           Clyde Imboden (Petitioner/Agent) 661 Main Street located  
NE from the Main & 7<sup>th</sup> Street intersection, zoned B-1, 2.50 acres
- Request:**     *Tabled:* Site Plan Review
- Purpose:**       A proposed 20'x24' covered storage shed addition to existing 20'x48' covered  
storage shed
- Granted   X   Denied     Deferred     Vote   7-0

Mr. Chhutani recused himself. Karl Imboden was present. He stated a 1-lot subdivision was created to allow for a proposed addition to the existing storage building. Mr. Pietrzak noted the addition was completed prior to approval or obtaining a permit. Mr. Vinzant motioned to Grant Site Plan Approval for Petition 21-39A including all discussion and Findings of Fact, seconded by Mr. Brooks. All ayes, motion carried. (7-0)

3.     **22-08**           Haresh Patel (Petitioner/Owner) 4716 W. 61<sup>st</sup> Ave. located NW of the 61<sup>st</sup>  
Avenue & Marcella Boulevard intersection, zoned B-3, 6.4 acres
- Request:**     *Tabled:* Site Plan
- Purpose:**       Proposed 2,323 sq. ft. Dunkin' quick service restaurant
- Granted     Denied     Deferred   X   Vote   8-0

Petitioner was not present. Mr. Pietrzak noted revised plans have not been submitted and felt it was appropriate to table. Mr. Allen motioned to Table Petition 22-08, seconded by Mr. Lain. All ayes, motion carried. (8-0)

4.     **22-12**           Hobart Police Dept./Hobart Sanitary District (Petitioner/Agent) 3400  
Montgomery Street located 1/3 mile north & 0.2 mile west from the NW  
intersection of Ridge Road & Hobart Road, zoned R-1, 59.54 acres
- Request:**     *Site Plan Review*
- Purpose:**       A proposed 30'x40' temporary carport on existing graveled area at the gun  
range

Granted  Denied  Deferred  Vote 8-0

Present was Police Chief Garrett Ciszewski. Chief Ciszewski requested approval to construct a proposed 30'x40' shelter at the gun range on the Sanitary District property. The shelter will be attached to the ground with mobile home anchors in the graveled area and will offer the officers protection from the sun and rain. The Sanitary Board motioned to approve the proposed shelter at their March 22, 2022 meeting. Chief Ciszewski informed Mr. Spain there will not be no guns fired while under the shelter. Mr. Allen motioned to Grant Site Plan Approval for Petition 22-12 including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (8-0)

5.      22-13            Area Sheet Metal/David Leonard (Petitioner/Owner) 400 S. Sullivan Street located approx. 700' north from the NW corner of Sullivan Street & State Road 130, zoned M-1, 4 acres +/-

**Request:**      Public Hearing: Site Plan

**Purpose:**        A proposed 48'x165' addition to the existing building and a drainage swale

Granted  Denied  Deferred  Vote 8-0

Present was David Leonard, 856 Main St., 942-7270. Mr. Leonard mentioned the proposed building received site plan approval at the May 6, 2021 meeting but in order for the columns to align, they need to relocate the building 2 feet to the back and 3 feet to the east to allow for the overhead crane. Mr. Allen noted the BZA approved the side and rear yard setback variances at their prior meeting contingent on approval of the revised site plan. Ms. Galka opened and closed the public hearing for Petition 22-13 without public comments. Mr. Spain motioned to Grant Site Plan Approval for Petition 22-13, seconded by Mr. Lain. Mr. Pietrzak noted the Engineering Department is working with Mr. Leonard on finalizing a drainage plan. Mr. Spain amended his motion to Grant Site Plan Approval for Petition 22-13 contingent on the Engineering Department approving the drainage plan including all discussion and Findings & Fact, seconded by Mr. Lain. All ayes, motion carried. (8-0)

6.      22-14            Joe & Kim Kenjic (Petitioner/Owner) 1123 E. 14<sup>th</sup> Street located on the SW corner of 14<sup>th</sup> & Joliet Streets, zoned A-1, 0.837 acre

**Request:**      Public Hearing: Rezone

**Purpose:**        Proposed from A-1 to R-1

Favorable Rec.  Unfavorable Rec.  Deferred  Vote 8-0

Present were Joe & Kim Kenjic. Ms. Kenjic mentioned they have lived in their home for 23 years and were unaware they were zoned agriculture until they applied for a building permit to add on to their house and were temporarily denied. Ms. Galka opened and closed the public hearing for PC 22-14 without public comments. Mr. Pietrzak mentioned homes are not allowed on agricultural zoned lots less than 5 acres and to move forward with the addition, would cause them to file for variances. He noted they were doing the City a service by providing housecleaning and requesting to rezone to residential. Mr. Allen motioned for a Favorable recommendation to the Common Council for Petition 22-14 including all discussion and Findings

& Fact, seconded by Mr. Chhutani. All ayes, motion carried. (8-0)

7.     **22-15**           St. Mary Medical Center, Inc. (Petitioner/Owner) 1500 S. Lake Park Avenue located on the SW corner of Lake Park Avenue & 14<sup>th</sup> Street zoned PUD, 36.93 acres

**Request:**     *Site Plan Review*

**Purpose:**       A proposed 14.67'x10.67' morgue addition

Granted X Denied \_\_\_ Deferred \_\_\_ Vote 7-0

Mr. Allen recused himself. Present was Jeff Strickley, Construction Manager for St. Mary Medical proposing to construct a morgue cooler addition on the northeast corner of the hospital. Mr. Allen noted, if approved, the proposed morgue addition, as well as, the current construction for the CT scanner on the southwest will be reflected on the PUD Amendment. He is proposing to file for the June meeting Mr. Pietrzak mentioned the plans show removing and replacing a 6" vitrified clay pipe with a 6" ductile iron pipe but the Engineering Department noted there is no end point, does not know what it is being used for and where it is going to and requested clarification from Mr. Allen. Mr. Allen stated it connects into the sanitary sewer. Mr. Olesker, via Zoom, inquired if there will be new connections inside the building to the pipe and Mike York, JMA Architects, replied no. Mr. Vinzant motioned to Grant Site Plan Approval for Petition 22-15 including all discussion, seconded by Mr. Brooks. All ayes, motion carried. (7-0)

8.     **22-16**           Richard & Cynthia Harter (Petitioner/Owner) for property located south of 13<sup>th</sup> Place & Virginia Street, Lake George Plateau, Unit 6, zoned R-1, 7.04 acres

**Request:**     *Public Hearing:* (The Backwoods)

**Purpose:**       A proposed 1-lot subdivision

Approve X Denied \_\_\_ Deferred \_\_\_ Vote 8-0

Present was Rich Piazza/Krull Abonmarche, Richard & Cynthia Harter. Mr. Pietrzak explained, at some point, the 7 acres parcel was sold and split off from the larger parcel and is not a lot of record. It did not go through the subdivision process and is not recognized by the City. There is already a house on the recognized lot and in order to build another home, it needs to be parceled off. Mr. Piazza stated he corrected the plat after receiving comments from the Engineering and Fire Departments. The corrections are as follows: Drainage and Utility Easements should be added along the north property line to get a total of 25' between the two properties (10' west of the cul-de-sac, 15' east of the cul-de-sac). A 10' Utility Easement should wrap around the cul-de-sac continuing the north/south easements in Lake George Plateau. The 685.32 north line should be showing with tick marks along the extents of that dimension. In the legal description, there is not a direction or degree/minute/second bearing before the final distance was missing ("Thence \_\_\_\_\_ 685.32 feet to the point of beginning..."). Engineering made a note that it would be "south 86 degrees 38 minutes 57 seconds east". The cul-de-sac needs to be widened to 60' radius to accommodate sidewalks outside the cul-de-sac and additional right of way for maintenance. Ms. Galka opened and closed the public hearing for Petition 22-16 without public comments. Mylars were not provided but Mr. Piazza requested preliminary and final plat approval. Mr. Allen motioned to Grant Preliminary &

Final Plat Approval for Petition 22-16 contingent upon adding the easement along the north property line, the widening of the cul-de-sac and receiving mylars including all discussion and Finding and Decision, seconded by Mr. Vinzant. All ayes, motion carried. (8-0)

9. 22-17 Matthew Pomales (Petitioner/Owner) for property located north of the Hickey & Illinois Street intersection, zoned R-2, 2 acres

**Request:** Public Hearing: Vacate

**Purpose:** A proposed 262' +/- by 50' section of unimproved Illinois Street ROW

Favorable Rec. X Unfavorable Rec. \_\_\_\_ Deferred \_\_\_\_ Vote 8-0

Petition was heard with companion Petition 22-17A. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 22-17 including all discussion, seconded by Mr. Vinzant. All ayes, motion carried. (8-0)

10. 22-17A Matthew Pomales (Petitioner/Owner) for property located north of the Hickey & Illinois Street intersection, zoned R-2, 2 acres

**Request:** Public Hearing: (Pomales Homestead)

**Purpose:** A proposed 1-lot subdivision

Preliminary & Final Plat X Denied \_\_\_\_ Deferred \_\_\_\_ Vote 8-0

Mr. Pietrzak recommended hearing the vacation and subdivision together. Present were Matthew & Rebecca Pomales. Mr. Pomales stated they are requesting to vacate a portion of unimproved Illinois Street and create a 1-lot subdivision to allow them to construct their house. The proposed house will be centered on the property and front on Hickey Street. He is also proposing to purchase additional lots to the north at the next tax sale. He noted there are no existing utilities located in or along Illinois Street. Rich Piazza, Krull/Abonmarche, stated at one time, the lots were originally one lot and were pieced off over time and Illinois Street was dedicated in the 1960s but never improved. The parcels to the north will not be landlocked and able to be developed upon improving Illinois Street from the north off High Street. Ms. Galka opened the public hearing for Petitions 22-17 & 22-17A. Linda Hanson, 200 Kelly St. is in favor; John Carlson, 206 Kelly St. 219-942-5783 He discussed issues in prior proposed vacations and developments for Illinois St. but was in favor of the vacation; Rebecca Buehler, 216 Kelly St. was in favor. Hearing no further public comments Ms. Galka closed the public hearings. Mr. Pietrzak recommended only preliminary plat after receiving comments from the Engineering Department and that if the vacation was approved, further information and guidance is required regarding Illinois Street. Mr. Pietrzak noted the dedication of 25' of right of way along Hickey Street on the southwest portion of the property, and that an additional 25' of right of way also be dedicated on the eastern portion of the property along Hickey Street to allow future servicing and extension of the sanitary sewer line. Mr. Allen felt to provide a 25' drainage/utility easement in lieu of right of way and to provide a 20' drainage/utility easement on the west, north and east property lines. It was also determined that if the properties to the north develop, a cul-de-sac or some sort of a turn-around will not encroach onto Mr. Pomales's property. Mr. Allen motioned to Grant Preliminary & Final Plat Approval for Petition 22-17A contingent on the approval of the vacation of the section of Illinois Street, the 25' drainage/utility easement along the southeast property line and a 20'

drainage/utility easement along the west, north and east property lines including all discussion and Findings and Decision, seconded by Mr. Vinzant. All ayes, motion carried. (8-0)

11. 22-18 Hoepfner Wagner & Evans LLP/Todd Leath (Petitioner/Agent) for property located north of 61<sup>st</sup> Avenue, east of Emerald Drive & west of Arizona Street, zoned R-1, 1.432 acre

**Request:** Public Hearing: Vacate

**Purpose:** A proposed 1,039.59'x60' ROW

Favorable Rec. \_\_\_\_ Unfavorable Rec. \_\_\_\_ Deferred X Vote 8-0

Present were Attorney Todd Leath and John Hannon/Great Lakes Engineering requesting to vacate a 1,039.59'x60' of right of way located on the northwest corner of a proposed subdivision. Mr. Hannon provided a conceptual subdivision plan incorporating the proposed vacated right of way to increase the size of the western lots. Proposed is a new road allowing access to the north. Attorney Leath stated he was aware of the concerns from the northern property owners and will also dedicate a 60' right of way to the west of the new proposed road for future access to the north. Ms. Galka opened the public hearing for Petition 22-18. Attorney Glenn Kuchel/Green & Kuchel, P.C., 322 Indianapolis Blvd. Schererville, IN: Attorney Kuchel was present representing John & Jean Rakoczy, 3.37 & 29.2 acres; Rakoczy Trust, 3.37 acres; and Lake County Trust 3423, 69.8 acres and requested to speak for 10 minutes. Mr. Vinzant motioned to waive the 3 minute rule in the Rules of Practice and Procedure and allow Attorney Kuchel to speak for 10 minutes including all discussion, seconded by Mr. Allen. All ayes, motion carried. (8-0) *Attorney Kuchel stated all the properties adjacent to the right of way will be landlocked if the right of way is vacated. He continued to cite State Statute Sec. 36-7-3-13(b) Grounds for filing of remonstrances: (b) If a remonstrance or objection is filed or raised by an aggrieved person under subsection (a)(2) and; (1) the lands of the aggrieved person do not abut any other public way other the public way to which the vacation petition applies; or (2) the vacation of the public way would cause the lands of the aggrieved person to become landlocked with no other convenient or reasonable means of ingress or egress via another public way; the appropriate legislative body shall deny the petition to vacate the public way. He stated since the right of way was dedicated 22 years ago, the Rakoczys have maintained, cut the grass. He also provided a map of the properties that will be considered landlocked. He felt that by landlocking the parcels or reducing access by vacating the right of way, will hinder the orderly development of the neighborhood, the orderly development of the properties and would constitute a taking under administrative taking.* Hearing no further public comments Ms. Galka closed the public hearing for Petition 22-18. Attorney Leath stated there should not be any parcels that will be landlocked if the right of way is vacated. He felt what they are proposing will better serve the parcels with two points of future access. Mr. Hannon mentioned that Mr. Steiner has not yet purchased the property from the Redevelopment Commission and that the Redevelopment Commission could incorporate the language of the dedication of the 60' right of way into the land purchase contract. Mr. Pietrzak provided on the GIS, the proposed access points in reference to the parcels of land in question. Also the claim that the Rakoczys utilize the right of way northeast of Emerald Drive for access is incorrect. This is a utility/ingress/egress easement on a private lot and the Rakoczy's driveway leading to their home is on that easement. He stated parcels that are under a different ownership may be considered landlocked. Mr. Pietrzak also mentioned that if the Rakoczys are using the proposed vacated right of way to access their property, it should have been improved by them. He read the December 27, 2000 minutes of the Board of Works when they approved the right of way stating *the City has no desire to construct or improve the public street but will permit any party to construct and improve the street at a private expense, provided it is*

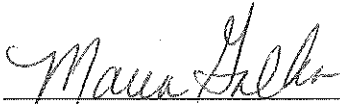
*constructed and improved in accordance with the designs of development standards of the Hobart Subdivision Ordinance.*” Mr. Pietrzak suggested to table and allow for a subdivision plat that includes the vacation for the Commissioner’s review. At that point, they would be running concurrently. He also stated that if the Commission felt the right of way should stay in place until the new access points are provided, to make the right of way a temporary easement that could be drawn up between all parties allowing the right of way to continue to be used as access until such point as when access is appropriate. Mr. Vinzant motioned to Table Petition 22-18 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (8-0)

Consultation/Discussion: Mr. Pietrzak mentioned that Target came through a short time back for site plan approval for the drive-thru lanes and then requested to amend the approval to add doors in the rear. They are now requesting a special meeting to further amend their site plan. As of yet, they have not filed for the site plan but is asking the Commission whether they were available for a special meeting.

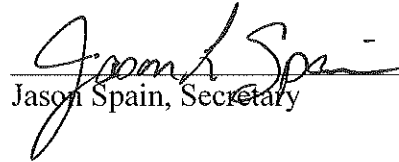
Mr. Vinzant updated the Commission stating the Common Council tabled Becknell’s rezone to allow the Ordinance Committee to review the list of permitted uses.

Mr. Pietrzak also informed the Commission that a Use Variance appeared before the BZA for a massage therapy clinic due to the Zoning Ordinance classifies them under adult entertainment uses. The Commission and Attorney McCarthy felt the use should be removed from the adult entertainment uses.

Hearing no further comments or discussion Mr. Vinzant motioned to adjourn, seconded by Mr. Allen. All ayes, motion carried. (8-0) Meeting adjourned at 9:20 p.m.



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Maria Galka, President



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Jason Spain, Secretary