

**CITY OF HOBART PLAN COMMISSION
MINUTES OF APRIL 1, 2021**

Due to the absence of Maria Galka, Mr. Chhutani motioned for Mr. Vinzant to chair the meeting, seconded by Mr. Allen. All ayes, motion carried. (5-0) Dave Vinzant called the meeting to order at 7:00 p.m. with the recitation of the Pledge of Allegiance. Members in attendance: Stuart Allen, Michael Chhutani, Rich Lain, Jason Spain and Dave Vinzant. Members absent: Lloyd Emig, Maria Galka, Craig Brooks and Phil Gralik, City Engineer. Also in attendance: Ross Pietrzak, City Planner and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Allen motioned to approve the minutes of March 4, 2020 as presented, seconded by Mr. Lain. All ayes, motion carried. (5-0)

Communications/Acceptance of Agenda: Mr. Lain motioned to table Petition 21-07B seconded by Mr. Allen. Mr. Lain motioned to rescind his motion, seconded by Mr. Allen. Mr. Allen motioned to approve the agenda as presented, seconded by Mr. Lain. All ayes, motion carried. (5-0)

Business of the Day

1. **20-03** Mark Hovanec (Petitioner/Owner) 327/337 Liverpool Road located approx. 1/3 mile south from the SE corner of Liverpool & Old Ridge Roads, zoned M-1, 18.72 acres

Request: Tabled: Site Plan Review

Purpose: Existing concrete recycling operations

Granted _____ Denied _____ Deferred X Vote 5-0

Petitioner was not present. Mr. Allen motioned to move to the end of the agenda, seconded by Mr. Lain. All ayes, motion carried. (5-0) Mr. Hovanec arrived and presented a drawing showing additional berms. He stated that if he were to install the berm to the north as requested by the Commission it would not be feasible due to the 0.3% slope in elevation and he would not be able to dig deep enough to install a culvert for the sheet drainage to flow. He suggested to add a landscaped berm on the east of the adjacent property that they own, extending it along the north and running south which would block the view from Old Ridge Road and Hillman Park. Mr. Vinzant expressed his concern regarding the wood chips piled on the property. Mr. Pietrzak mentioned that upon receiving feedback from Mr. Gralik they will no longer accept woodchips and but they can remain until they are completely sold. Mr. Hovanec noted residents are purchasing them for mulch. Mr. Allen agreed that the landscaped berm Mr. Hovanec proposed would be more appropriate than the berm the Commission originally requested. Mr. Pietrzak received and passed on comments from Mr. Kingsland.

1. Construction of berms may affect the drainage of the site? At this time, I have not seen any drainage plans and/or calculations regarding the site drainage. Please understand that the installation of the berms is a critical issue in order to ensure that the hydrology of the area is not compromised.
2. Construction of berms with material that may be unsuitable for long term stability such as maintenance and sustainability.

3. There is a wetland on-site that may have been encroached upon and potentially removed. To verify this issue, the verification will require a wetland delineation by an engineer who specializes in this type of work.

4. No SWPPP has been submitted. FYI, IDEM has mandated that the COH MS4 is responsible to administrate this site per Rule 5 and Chapter 152 of the city municipal code.

Also, please be aware that the site plan and the SWPPP is closely integral since requirements required as indicated per Chapter 152 and Rule 5 could affect the layout of the site plan as proposed by the Holvanecs.

5. No engineering documentation has been provided regarding the site drainage easements. Location, size and depth of the easements will be predicated upon the submitted engineering calculations to ensure that drainage of the site is not compromise.

6. Installation of post construction BMP's for the project has not been submitted. At this time, I have no idea how this site will be maintained with post construction BMP's to ensure storm water compliance with Chapter 152.

7. Since this site will probably be used for industrial use, there are too many unknowns at this time to provide a more detailed explanation of my concerns without more support documentation from the Holvanecs. As you know, this process has been ongoing way too long to finalize and I'm concern that lack of appropriate responses from the Holvanecs and IDEM ability to provide proper guidance at times has been a challenge.

Mr. Vinzant inquired to what type of business was operating on this site. Mr. Hovanec replied it is a concrete recycling material facility. Mr. Pietrzak stated in order to move forward, site plan will need to be revised to show the proposed landscaped berm, the corrected drainage easements to reflex the onsite system, provide wetland reports, etc., and the timeframe for the existing woodchip pile and how it will be contained. Mr. Allen motioned to Table Petition 20-03 including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (5-0)

2. 20-18 Michael Kors (Petitioner/Owner) 4191 E. Lincoln Highway located 0.4 miles west from the SW corner of US 30 & Clay St. then south on private road, zoned PUD, 10.66 acres

Request: Tabled: Site Plan Review

Purpose: A proposed warehouse/office industrial development

Granted _____ Denied _____ Deferred _____ Vote _____

Mr. Allen recused himself. Mr. Pietrzak noted he received information from the petitioner's attorney that they were proposing to file a PUD rezone and he advised the attorney to remove the proposed site plan prior to filing due to the concerns the site plan would not reflect the changes under a new rezone. No motion due to there being no quorum and was left on table.

3. 20-25A Jim Sapp (Petitioner/Owner) for property located on the NW corner of Clay St. & Harms Rd., zoned PBP, 14.31 acres

Request: Public Hearing: Site Plan

Purpose: For a proposed office/warehouse facility

Granted _____ Denied _____ Deferred X Vote 5-0

Present were Attorney Wieser, 429 W. Lincoln Highway, Schererville and Jim Sapp, owner/petitioner. Also present via Zoom was their engineer, Andy Cash. Mr. Wieser stated Mr. Sapp is proposing a co-warehousing development for short term storage and currently has developments in Indiana and Ohio. He also noted for this proposed development, they are required to provide 160 parking spaces and 154 are currently provided. Mr. Spain felt that due to the nature of the uses for the buildings, the parking spaces are adequate. Water and sanitary sewer are available from US 30 on the west side of the development and will continue in the western easement. The main double ingress/egress is off 83rd Avenue with an emergency ingress/egress on Clay Street. Mr. Pietrzak reminded the Commission that site plan must be granted prior to subdivision approval. The subdivision can be discussed but no motion can be made. Mr. Vinzant opened the public hearings for Petitions 20-25A & 20-25B. Mr. Spain read a letter from a neighbor.

Dear Plan Commission,

My name is Tom Modica, I am the occupied owner of 4916 E 83rd Ave, Merrillville and I own 4900 East 83rd Avenue, my property is directly east of Clay Street from the proposed business park for Petition 20-25A I'd like to resubmit questions for the proposed site plan for Petition 20-25A hearing. I submitted questions and correspondence to the plan commission for the rezoning hearing but I have not received any answers or correspondence back. If you could reply back concerning the questions I have about the business park it would be appreciated.

- 1. The plan shows over 148 parking spaces. How much traffic is proposed to be at this complex?*
- 2. Concerning traffic, will the stop signs at 83rd Ave. and Clay St. be sufficient or will traffic lights be needed?*
- 3. Will there be trucks and construction equipment running in and out of there as a part of daily operations for the businesses at the business park?*
- 4. What type of businesses are being proposed to occupy and what type of noise will they be making?*
- 5. Will the businesses be operating under normal business hours?*
- 6. Will any businesses be using or storing any type of hazardous chemicals?*
- 7. Will the park/businesses house any type of in ground or above ground fuel tanks?*
- 8. Will there be any abnormal smells or smoke that will be released as part of business operations?*
- 9. Will there be any type of significant overhead lighting that could possibly shine down on adjacent properties?*
- 10. What will be done to mitigate drainage/runoff and how will this affect adjacent property's concerning flooding and well water quality?*
- 11. Will there be a plan to deal with trash that could blow over to adjacent properties?*
- 12. Will the street have to be widened and will you have to exercise easement or eminent domain laws on property owners to do this work?*
- 13. To the Petitioner, is this the type of facility that you would want in your back yard?*
- 14. Another concern is the displacement of wildlife that maybe be living on the property.*

Thank you, Tom Modica. J.B. Tucker, 4528 E. 83rd Ave. Mr. Tucker stated he abuts the proposed development and although he wasn't opposed to businesses, he did have concerns regarding items 11 & 14 on Mr. Modica's list. He also mentioned that after speaking with the surrounding neighbors, they all had concerns for their well water and if any chemicals could leach into their wells. Hearing no further public comments Mr. Vinzant closed the public hearings for Petitions 20-25A & 20-25B. Attorney Wieser mentioned Mr. Modica's first 8 items were discussed during the rezone public hearing. Mr. Sapp addressed Mr. Modica's concerns stating they will be connecting to sanitary sewer and water lines. There will be no hazardous materials permitted on the site. 99% of the materials are stored in boxes by Amazon, EBay and big companies. They have monthly inspections on the property and have not had any issues. He stated most of their customers visit the site on a weekly or monthly basis. Traffic is counted as they enter through coded automatic gates totaling approximately 155 vehicles a day. Drainage will be directed to flow to the onsite four-bay pond. He stated there isn't much wildlife on the property that will be displaced. They will have 3 dumpsters onsite that get emptied daily. The proposed buildings will consist of gray siding with black roofs with a 40 year color fast warranty. A combination of 6' chain link and solid composite fencing is proposed

around the property. Lighting will be installed on the buildings facing down in the parking lot. The Commission noted that the utilities were not shown on the site plan. Mr. Pietrzak mentioned he inquired about the utilities not shown on the site and was informed by the petitioner the utilities were private and did not need to be shown on site. He provided Mr. Gralik's comments, "I firmly believe the developer needs to build a complete section of the frontage road along their north property line. The western lot to the north would then build the north/south connection to the existing frontage road and the eastern lot will have to widen Clay Street to add the left turn lane INDOT is requiring. Each development then has an approximately equal share. The Plan Commission also needs to consider improvements to Clay Street and 83rd Avenue. Curb and gutter, widening, sidewalks, etc. Because of these variables we cannot calculate the required bond amount until the PC weighs in." He stated that Mr. Gralik was not specific to the sewers or water lines, and was more qualified to address the issue. He also cited Sec.153.083 (c) in the Subdivision Ordinance that whenever main lines are installed, sewer and water shall be extended to property lines. Mr. Sapp stated the cost of extending the utilities to the property lines as required would cancel the development. Mr. Vinzant inquired what was proposed in the grassy areas between the parking lots and 83rd Ave. & Clay St. Mr. Sapp explained berms and landscaping will be installed in those areas. Sidewalks are proposed along 83rd Ave. & Clay St. Mr. Cash stated there will be a roadside swale that will be maintained by the petitioner and will install a culvert under the ingress/egress if required. Mr. Allen stated that included in a site plan, is the engineering for the sanitary sewers, stubs, manholes, which was not provided, and inquired how the water line is looped through the development. Mr. Allen also requested written confirmation from the Merrillville Conservancy District (MCD) and Indiana American Water stating no additional public utilities need to be extended. Mr. Cash stated MCD instructed them to connect into the existing manhole with an 8" main line that will run on the west of buildings 21 through 25 and connecting the buildings with 36" laterals. Mr. Pietrzak mentioned the Thoroughfare Plan identifies Harms Road (83rd Ave.) as an arterial road which is an 80' wide right of way, 40' from the center line. Discussed was whether dedicating an additional 10' would impede their site plan. Mr. Cash stated if the 25' bufferyard remains then they could move the 45' building setback line north and dedicate the additional 10' of right of way. Mr. Pietrzak noted the 25' bufferyard is normally required in addition to the building setback line but the Plan Commission has allowed it in the past but only in a PUD. He felt the Commission could recommend a 15' bufferyard. He requested direction from the Commission on whether to allow the proposed 30' right of way dedication or request 40'. Also discussed was a right of way easement in which Mr. Pietrzak mentioned that would need to be determined by the City Engineer. Mr. Pietrzak felt there are too many variables to be addressed to grant approval such as correspondence from MCD and Indiana American Water Co. regarding the utilities and the right of way easement agreement and whether it would have an effect on future projects along 83rd Ave. Mr. Spain motioned to Table Petition 20-25A including all discussion, seconded by Mr. Allen. All ayes, motion carried. (5-0)

4. **20-25B** Jim Sapp (Petitioner/Owner) for property located on the NW corner of Clay St. & Harms Rd., zoned PBP, 12.5 acres

Request: Public Hearing: Rise Hobart

Purpose: A proposed 1-lot subdivision

Preliminary Plat Denied Deferred Vote 5-0

Mr. Spain motioned to Table Petition 20-25B including all discussion, seconded by Mr. Lain. All ayes, motion carried. (5-0)

5. **21-01** Marco Tamayo (Petitioner/Owner) 7197 Mississippi Street located approx. 575 feet north from the NE corner of Mississippi St. & 73rd Ave., zoned R-2, 5.33 acres

Request: **Tabled; Public Hearing:** Site Plan

Purpose: For a proposed fill permit, driveway, parking area and ground cover

Granted ___ Denied ___ Removed X Deferred ___ Vote 5-0

Mr. Pietrzak mentioned the last communication we received was from Mr. Tamayo's attorney requesting to be tabled for the February meeting and have not reached out or been to the meetings since. He sent a letter to Mr. Tamayo, his attorney and Attorney McCarthy informing them that per the Plan Commission Policies & Procedures when a petitioner fails to appear at two (2) consecutive meetings the case shall be dismissed for want of prosecution. Mr. Allen motioned to Remove Petition 21-01 from the agenda including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (5-0)

6. **21-07B** Paul Thurston/Becknell (Petitioner/Owner) located 800' east from the NE corner of 69th Ave. & Mississippi St., zoned PUD (M-1), 51.96 acres

Request: **Public Hearing:** Northwind Crossings South Replat of Lot 1

Purpose: A proposed 2-lot subdivision

Preliminary Plat X Denied ___ Deferred ___ Vote 5-0

During the acceptance of the agenda, Mr. Pietrzak requested direction from Attorney McCarthy regarding whether we were able to proceed with their public hearing or to table until next month since we had not received the certified green cards or receipts from the post office as proof that they notified the abutting property owners. He mentioned we received the proof of publication from the newspaper and the sign is posted on the property. Joe Hallak, Becknell Industrial, stated he had not received all the green cards but assured everyone he would deliver them next week to the office next week and requested to move forward with the public hearing. Attorney McCarthy allowed his request. Joe Hallak was present via Zoom. Mr. Hallak mentioned last year they received approval for a 1-lot subdivision and a large facility. He has returned requesting to subdivide the one lot since their client downsized the building. Mr. Vinzant opened the public hearing for Petition 21-07B. *Steven Hovanec, 1963 E. 69th Avenue, 765-8913: Mr. Hovanec expressed his concerns regarding the vacant house across the street from him mostly due to an unprotected swimming pool in the back yard. His concern is there may be a danger to children.* Mr. Vinzant mentioned at a prior meeting regarding demolishing the abandoned house and a Becknell representative stated it had been budgeted with the cost for the development. He was also instructed to contact Code Enforcement and file a complaint. Also explained that the building was approved on the proposed east lot and that Becknell will be required to return with the improvements for the proposed vacant to the west. *Millie Hovanec, 1963 E. 69th Avenue, 942-3413 also inquired as to the demolition of the house.* Hearing no further public comments Mr. Vinzant closed the public hearing for Petition 21-07B. Mr. Pietrzak stated lot 1 of the proposed 2 lot subdivision does not include the NIPSCO easement or the right of way. A Plat of Correction is required for the original 1-lot subdivision and reference the Plat of Correction document number on the proposed subdivision to address the right of way issues. Mr. Pietrzak also conveyed the city engineer's

comments stating that the Plat of Correction should be a requirement of any approval, the bond amount for the sidewalk should be at least \$85,000, he felt retaining the bond from the previous development was permitted as long as the amount and the expiration date covered the city. Mr. Allen motioned for Preliminary Plat Approval for Petition 21-07B including all discussion, seconded by Mr. Lain. All ayes, motion carried. (5-0)

7. 21-08 Michael Stanczak/Motion Inc. (Petitioner/Agent) 208 S. Linda Street located 300' north from the NW corner of Linda & 3rd Streets, zoned R-2, 1 acre +/-

Request: Tabled; Public Hearing: Rezone from R-2 to B-2

Purpose: For a proposed gastropub

Favorable Rec. X Unfavorable Rec. Deferred Vote 5-0

Present were Michael Stanczak & David Hill and are requesting to rezone the property from R-2 to B-2. Mr. Stanczak mentioned he is proposing to purchase the former American Legion and convert it into a gastropub. He stated they will offer elevated food with wine, whiskey and craft beer tasting. Mr. Vinzant opened and closed the public hearing for Petition 21-08 without public comments. Mr. Chhutani motioned for a Favorable Recommendation to the Common Council for Petition 21-08 including all discussion and Findings of Fact, seconded by Mr. Lain. All ayes, motion carried. (5-0)

8. 21-09 Shawn & Dana Bock (Petitioner/Owner) located 1,100' south from the SE corner of Hobart Rd. & 10th St., zoned R-1, 5 acres +/-

Request: Public Hearing; Saddle Brook First Resubdivision

Purpose: Proposed 2-lot subdivision

Preliminary Plat X Denied Deferred Vote 5-0

Present were Dana Bock and Jerry Rubush. Mr. Rubush is proposing to purchase approximately an acre from Mr. & Mrs. Bock for the construction of his home and is requesting to create a 2-lot subdivision. Mr. Gralik felt the arrows for the ingress/egress and the sanitary sewer easements point to lines and, on the final plat, need to point to specific areas. It was felt that an agreement needs to be in place for the shared drive maintenance and should the need arrive, to include separate driveways on the final plat. Mr. Vinzant opened and closed the public hearing for Petition 21-09 without public comments. Discussed were past issues with shared driveways and that each lot should have the ability to have their own driveway. Mr. Lain motioned to Grant Preliminary Plat Approval for Petition 21-09 contingent upon showing separate driveways on the final plat including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (5-0)

9. 21-10 SIR RLJ, LLC/James Dragon (Petitioner/Agent) 5441 E. Lincoln Hwy. located approx. 1/3 mile west from the SW corner of US 30 & Grand Blvd. & approx. 1/3 mile west from the NW corner of Grand Blvd. & 83rd Ave. zoned B-3, R-2 & PBP, 44.19 acres

Request: Public Hearing: Rezone B-3, R-2 & PBP to PUD

Purpose: Proposed light manufacturing

Favorable Rec. ____ Unfavorable Rec. ____ Deferred X Vote 5-0

James Dragon presented a preliminary plan for the proposed expansions to the east of their property. He also stated the proposed rezone request is part of the changes to the usage of the back half of the property to support their growth. The purchase of several properties are contingent upon the rezone approval. Mr. Vinzant opened the public hearing for Petition 21-10. Edward Swofford, 5205 E. 83rd Ave., 219-808-1458: *Mr. Swofford noted the water treatment plant is producing noise, inquired if traffic will be directed onto 83rd Avenue and had concerns for the wildlife in the wooded area.* Mr. Spain read a submitted letter:

Subject: Albanese Candy Factory Petition 21-10

I would like to bring to the Boards attention of a very big problem with the recently built Water Filtration building of Albanese Candy Factory. The noise it emits is not acceptable. It has been intermittent during 2020 and 2021 running only short periods of time which I thought was caused by construction machinery. On March 18, 2021 a. m., noise started and ran until around 4 p.m. March 19, 2021. The noise is a constant drone and made sitting in my front rooms unbearable, the windows would rattle every so often. Of course, the noise outside in my yard is like machinery running continuously. I called on March 18, 2021 Hobart official, Ross Pietrzak, and explain things to him. He advised me to call the Police and have it documented. I did call the Hobart Police, Friday, March 19, 2021 because I could not stand the irritation this noise was causing me. While I was waiting for the Police, my neighbor Edward Swofford at 5205 E 83rd Ave, drove up. He was very concerned about the noise coming through his bedrooms and his windows shaking, he had called our Councilman who showed up shortly. The Hobart Police came and I made a report. Neighbors: Richard Koby at 5123 E 83rd Ave and Brandan Bank at 5423 E 83rd Ave. are also very affected by this noise and vibration. My suggestion before you grant Albanese anymore request they have to follow through with their present problems. The impression given at the council meeting for permission to build this filtration building was that the noise would be housed inside the buildings' 6 inch thick walls. There also was no mention of the units on top of the building as you can see in the enclosed picture. I can see 3 very large rectangular units and 3 circular units. There are also at least 10 pipes coming out the back wall, there was no mention of these either, just what is going to come out of these pipes? Smoke, Steam, Fumes?

My suggestion is to build a noise barrier wall. There are several pictures on the internet and also some built along the expresses. This wall should be higher than their building and the units on top, built on the north side of the existing dirt berm. The dirt berm should be improved on, with extension and height on the west end. Thank you. John & Roxie Bank Steve Hovanec felt there should be something simple to fix the noise problem. Hearing no further public comments Mr. Vinzant closed the public hearing.

Mr. Dragon addressed concerns and also apologized for the noise that the treatment facility has created and stated they have been shutting down the facility at night and have ordered silencers for the intake blowers to reduce the noise. Isolator bands were installed on the pipes for the blowers. For the short term, the pipes will be directed down and moved to the west side of the building. He stated he will conduct a noise study, per City Ordinance, 150' away from the facility. He stated long term plans will include an employee only entrance, no semis, on 83rd Avenue on the far east side away from the residential properties. The pipes coming out of the facility are for emergency overflow. The wooded area will eventually be cut down. Mr. Pietrzak reviewed the proposed requested revisions to the covenants:

IV(A)(1)(d)-Maximum Lot coverage: Seventy-five (75%) for all primary and accessory structures, drives and parking. Requested was ninety (90%) *Mr. Dragon agreed to remove the requested 90% and Phase 3.*

IV((B)(b)-Side Yard Setback: Minimum forty feet (40'). The horizontal space between the side lot lines and the side setback lines, extending to the front and rear lot lines, generally parallel with and measured from each side lot line, defining the area in which no building or structure may be located above ground, except as provided here in. For corner and through lots, any side of a structure that faces a street shall meet front setback requirements. They are requesting 25' along the eastern property line; *Mr. Dragon explained the proposed building to the east needs to move closer to the property line to allow for the truck docks proposed on the west side of the building.*

IV(F)3(a)2-Loading berths shall provide for a minimum total depth of one hundred thirty feet (130') of clear area pavement (no parking included). They are requesting 120'. *Mr. Dragon explained studies showed a 53' tractor trailer with a sleeper is able to back into 120' berths with no issues.*

They requested to remove the recessed loading berths as identified in the Site Plan Design Guidelines. They are requesting to meet 2 of the 7 Architectural Standards features, where a minimum of 4 of the 7 are required.

IV(I)(c)1-Maximum building height on lots/parcel/site twenty (20) acres or greater shall not exceed fifty feet (50') in height. They are requesting 150'. *Mr. Dragon explained the need for the excessive height of the proposed building is to store pallets.* It was discussed to include language for buildings exceeding 50' in height.

IV(J)(5)-Barbed wire on fences is prohibited, alternative security fence design is recommended. Unless required for utilities. They are requesting barbed wire for utilities. *Mr. Dragon explained the barbed wire is a law with NIPSCO that any high voltage switch gear substation must contain barbed wire.*

IV(k)(6)(b)1-They are also requesting a 300 sq. ft. reader board sign. Mr. Pietrzak requested confirmation that it will be for the Albanese use and not for off-site advertising. He also requested direction from the Plan Commission for future billboards on the property. Albanese do not want future billboards on their property and since there is currently a billboard on site should it be grandfathered or include language not permitting any future signs. *Mr. Pietrzak reiterated that the reader board is specific to Albanese and the messages aren't allowed to change sooner than 10 seconds and no off site advertising will be permitted. Mr. Dragon noted currently there is an agreement with the sign company for the existing billboard. Once the agreement has expired, the billboard will no longer be permitted.*

Mr. Pietrzak explained that the approval of the PUD is based on the preliminary development. They will be required to return in two years for final detailed plan approval for Phase 1 and the remaining phases in five years, or request an extension. He also felt it was necessary to table the rezone to ensure the language has been corrected by Albanese and that the Commission has time to review prior to approving or to schedule a special meeting prior to the next Common Council's meeting. Mr. Lain motioned to Table Petition 21-10 and set a special meeting date including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (5-0)

- 10. 21-11 Alka Properties LLC/Alex Kutanovski (Petitioner/Owner) 7305 Grand Blvd. located 1,300' north from the NE corner of Grand Blvd. & 73rd Ave., zoned B-1, 2 acres
- Request: Site Plan Review
- Purpose: Proposed storage facility for boats & RV parking and future climate controlled storage
- Granted ___ Denied ___ Deferred __ Vote 4-1

Present via Zoom was Alex Kutanovski. He is operating an outdoor storage facility for boats and RVs and proposed future climate control storage inside the building. He is proposing landscaping in front of the existing chain link fence. Signage and lighting are also existing. Mr. Spain informed the Commission that

Mr. Kutanovski appeared before the BZA requesting approval for a variance for the existing galvanized chain link fence which does not meet current standards for a chain link fence to be black vinyl coated. The variance was tabled pending site plan approval. Mr. Allen added during the public hearing, a neighbor across the street was opposed to the existing fence noting that the height of the fence and the 4' bushes don't help to conceal the 12' RVs and that when the gate opened and closed was noisy. Mr. Vinzant agreed that it is not an appealing fence and that it doesn't meet code. Mr. Kutanovski stated he is proposing to install slats in the fence to block the stored vehicles. They also felt there a need for areas on the driveways on the outside/front of the fence to enable vehicles to turn around and pulling out verses backing out onto Grand Blvd. The northern driveway is proposed for emergency vehicles only and the southern drive proposed for the public. Mr. Kutanovski mentioned the gate on the north side is only temporary. The proposed gate on the south will be an aluminum style and will slide on rollers and not chain link. Mr. Allen motioned to Deny Petition 21-11 including all discussion, seconded by Mr. Lain. (4-1) Quorum was not achieved. No action taken.

11. 21-12 Bud Scheffer (Petitioner/Agent) 8203 Utah St. located 500' south from the SE corner of Utah St. & US 30, zoned PUD, 1 acre

Request: Public Hearing: Rezone from PUD to B-3

Purpose: For a proposed machine shop & paint booth for printing machinery

Favorable Rec. Unfavorable Rec. Deferred Vote 5-0

Petitions 21-12 & 21-12A were discussed together. Mr. Scheffer explained they are an engineering, manufacturing and sales/service company that was established in 2008. The products are designed and built for the purpose of producing direct mail (junk mail) and magazine covers from a printed roll. Due to the nature of the industry becoming digital, they are downsizing from their previous location in Crown Point to the Utah Street location. The paint booth is certified with the State of Indiana and a State of Indiana fire suppression system. Mr. Scheffer also proposed a 1-lot subdivision (Utah Business Center). Mr. Vinzant opened and closed the public hearings for Petition 21-12 & 21-12A without hearing public comments. Mr. Spain noted that Mr. Scheffer appeared before the BZA for a Use Variance which was given a Favorable Recommendation to the Common Council contingent upon the approved rezone. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 21-12 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (5-0)

12. 21-12A Bud Scheffer (Petitioner/Agent) 8203 Utah St. located 500' south from the SE corner of Utah St. & US 30, zoned PUD, 1 acre

Request: Public Hearing: Utah Business Center

Purpose: Proposed 1-lot subdivision

Preliminary/Final Plat Denied Deferred Vote 5-0

Mr. Allen motioned to Grant Preliminary & Final Plat Approval for Petition 21-12A including all discussion and Findings & Decision seconded by Mr. Lain. All ayes, motion carried. (5-0)

13. 21-13 Alan Levine (Petitioner/Agent) 3815 W. 39th Avenue located south of the 39th Ave. & Montgomery St. intersection, zoned R-2, 38 acres +/-

Request: Site Plan Review

Purpose: Proposed 368 sq. ft. mausoleum & 322 sq. ft. chapel

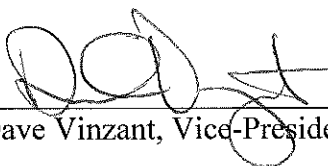
Granted X Denied ___ Deferred ___ Vote 5-0

Mr. Levine proposed a 368 sq. ft. mausoleum to the north of the existing mausoleum. An indoor chapel/viewing area is also proposed that will connect the existing and proposed mausoleums. Mr. Pietrzak noted the northeast corner of the proposed sidewalk along the east of the proposed development is located under the fence and will need to angle west. It was discussed that the property line extends into Old Ridge Road. Mr. Allen mentioned there may be a Commissioner's Deed/Right of Way Grant for the road and sidewalk and if that is the case, the right-of-way is at the back of the sidewalk and the proposed mausoleum encroaches into the 25' front yard setback. Mr. Levine stated the proposed addition is not able to be located to the south or west of the existing building as there are existing burial lots. It was discussed that a variance may need to be filed to encroach into the 25' front yard setback and that their hardship is they can't relocate it to another location because of existing burial lots. Mr. Spain motioned to Grant Site Plan Approval for Petition 21-13 contingent upon meeting the 25' front yard setback or the approval of a variance including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (5-0)

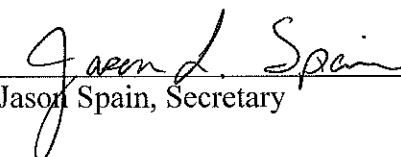
Consultation/Discussion: Re: Project Des. No. 1401034, Parcel 2 - A.M. Plus, Inc. property
Right of Access Colorado Street & US 30

The property owners south and east of the US 30 & Colorado Street intersection identified a preference for a curb cut on Colorado Street and requested direction from the Plan Commission if it was feasible. The Plan Commission agreed to permit the curb cut on the northern half of the designated area.

There being no further comments or discussion Mr. Lain motioned to adjourn, seconded by Mr. Allen. All ayes, motion carried. (5-0) Meeting adjourned at 11:30 p.m.



Dave Vinzant, Vice-President



Jason Spain, Secretary