

**CITY OF HOBART PLAN COMMISSION  
MINUTES OF MAY 4, 2023**

Maria Galka called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Members in attendance: Stuart Allen, Lloyd Emig, Michael Chhutani, Rich Lain, Jason Spain, Maria Galka, Dave Vinzant, Matt SeDoris and Phil Gralik, City Engineer. Also in attendance: Heather McCarthy, City Attorney; Connor Miller, Zoning Administrator and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Emig motioned to approve the minutes of April 6, 2023 as presented, seconded by Mr. Chhutani. All ayes, motion carried. (9-0) Mr. Lain motioned to approve the special meeting minutes of April 13, 2023 as presented, seconded by Mr. Chhutani. All ayes, motion carried. (9-0)

Communications/Acceptance of Agenda: Mr. Spain requested to Table Petition 23-10 & 23-10A. Mr. Vinzant motioned to approve the agenda as presented, seconded by Mr. Emig. All ayes, motion carried. (9-0)

**Old Business**

1.     **23-03**            Kyle Grothoff (Petitioner/Owner) 501 N Colorado St located on the NE corner of Colorado St. & 40<sup>th</sup> Ave. zoned R-2, 0.937 acre
- Request:**        **Tabled:** Grothoff Subdivision
- Purpose:**        Proposed 1-lot subdivision
- Final Plat Approval   X   Denied      Deferred      Vote   9-0

Mylars were provided. Mr. Chhutani motioned to Grant Final Plat Approval for Petition 23-03 including all discussion, seconded by Mr. Emig. All ayes, motion carried. (9-0)

2.     **23-05**            Robert Hennessey (Petitioner/Owner) for property located approx. 150' north  
      *(Comp to PC 23-05A)*    from the NE corner of Lake Park Ave. & 10<sup>th</sup> St. zoned R-2, 0.3512 acre
- Request:**        **Tabled:** Rezone
- Purpose:**        Proposed rezone from R-2 to PUD
- Favorable Rec      Unfavorable Rec      Deferred   X   Vote   9-0

Petition was heard with companion PC 23-05A. Mr. Allen motioned to Table Petition 23-05 including all discussion, seconded by Mr. Gralik. All ayes, motion carried. (9-0)

3.     **23-05A**     Robert Hennessey (Petitioner/Owner) for property located approx. 150' north from the NE corner of Lake Park Ave. & 10<sup>th</sup> St. zoned R-2, 0.3512 acre
- Request:**     **Tabled:** Replat of Lot 1 Robbins Addition
- Purpose:**     Proposed 1-lot subdivision
- Preliminary Plat \_\_\_ Denied \_\_\_ Deferred X Vote 9-0

Present was Robert Hennessey and provided plans to revise the proposed 3-unit building to a 2-unit building enabling it to meet the setback requirements. Ms. Galka included Mr. Pietrzak's comments that there has been no communication with the petitioner since the revised site plan was proposed, was waiting on the PUD language and approval from the HOA. Mr. Hennessey stated HOA approval was provided. Mr. Gralik mentioned there were engineering issues which may have been resolved on the revised plans but given the revised plans were just provided, they have not been reviewed. Ms. Galka felt it was appropriate to table the petitions to allow Staff to review the revisions. Mr. Allen requested sidewalk ADA elevations. Mr. Allen motioned to Table Petition 23-05A including all discussion, seconded by Mr. Gralik. All ayes, motion carried. (9-0)

4.     **23-10**     Wkpt Limited Liability Co./James Thomas (Petitioner/Agent) located approx. 1,000' south of the Lincoln Hwy. & Dakota St. intersection, zoned PUD, 2.41 acres
- Request:**     **Tabled:**
- Purpose:**     Proposed amendment to the PUD
- Favorable Rec. \_\_\_ Unfavorable Rec. \_\_\_ Deferred X Vote 9-0

Tabled at acceptance of agenda.

5.     **23-10A**     Wkpt Limited Liability Co./James Thomas (Petitioner/Agent) located approx. 1,000' south of the Lincoln Hwy. & Dakota St. intersection, zoned PUD, 2.41 acres
- Request:**     **Tabled:** Site Plan
- Purpose:**     Proposed smaller storage unit buildings
- Granted \_\_\_ Denied \_\_\_ Deferred X Vote 9-0

Tabled at acceptance of agenda.

6.     **23-11**     Jeff Austgen (Petitioner/Owner) 1000 Georgiana St. located approx. 800' east from the Georgiana & Illinois St. intersection, zoned M-1, 2.83 acres +/-

**Request:** Tabled: Site Plan

**Purpose:** Proposed 70'x124' building

Granted X Denied \_\_\_ Deferred \_\_\_ Vote 9-0

Present and requesting site plan approval was Jeff Austgen. Mr. Gralik noted Mr. Homeier provided him with a revised site plan but not to the Planning Department or Commissioners. Mr. Gralik noted that Mr. Austgen purchased the property with the existing drainage issues and explained to lessen the flooding problems on the site, Mr. Homeier proposed to install a pipe to catch the drainage and direct it to the lower property to the east which is also owned by Mr. Austgen. He also felt it appropriate should the Commission grant site plan, it be contingent on consolidating the 2 parcels into a 1-lot subdivision. Mr. Vinzant motioned to Grant Site Plan Approval for Petition 23-11 contingent on the City Engineer's satisfaction with the drainage and to file for a 1-lot subdivision within 60 days from today (5.4.23) including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (9-0)

**New Business:**

7. **21-24A** Chick-Fil-A/Dustin Korbus (Petitioner/Agent) 2385 Southlake Mall zoned PUD, 1.4 acres

**Request:** Site Plan Review

**Purpose:** Proposed addition of 2 new doors in drive-thru cockpit

Granted X Denied \_\_\_ Deferred \_\_\_ Vote 9-0

Present via Zoom was Dustin Korbus, Chipman Design Architects requested approval for an interior renovation to add 2 doors in the drive thru lane to allow employees to deliver food order to waiting parked customers. Ms. Galka provided comments from Mr. Olesker, Deputy Engineer that the top landing for the ramp has to be a minimum of 5' long and the detail shows only 3'10". The landing is also required, at minimum, to be as wide as the ramp, per ADA requirements. Mr. Spain motioned to Grant Site Plan Approval for Petition 21-24A contingent on the landing be ADA compliant including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (9-0)

8. **22-11A** D&M Auto Collision/David Lackey (Petitioner/Owner) 455 S. Shelby St. located on the NE corner of Shelby St. & State Rd. 130, zoned M-1, 0.65 acre

**Request:** Site Plan Review

**Purpose:** A proposed asphalted parking area within fenced area

Granted X Denied \_\_\_ Deferred \_\_\_ Vote 9-0

In attendance were Dave Lackey and Mario Hurtado requesting approval for additional asphalted parking inside the fenced area in the rear and south of the building. Mr. Gralik noted that it is currently an impervious gravel area. He stated along State Rd. 130 there are drainage issues due to the ditches not flowing well but did not feel the proposed asphalt would make the situation much worse. A grading plan was not provided but felt the drainage sheets to the south in the grass. Mr. Allen motioned to Grant Site Plan Approval for Petition 22-11A contingent on working with the Engineering Department to ensure the asphalt will not impact the neighbor to the east and drains south to the ditch along State Rd. 130 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (9-0)

9.     **22-25B**         Lineage Logistics/Rob Sangdahl (Petitioner/Owner) 2201 North Wind Parkway, located approx. ¼ mile east from the North Wind Pkwy. & Marcella Blvd. intersection, zoned PUD (M-1), 49.145 acres

**Request:**         Lineage 2<sup>nd</sup> Addition Subdivision

**Purpose:**           Proposed 1-lot subdivision

Final Plat Approval  X  Denied       Deferred       Vote  8-0

Mr. Allen recused himself. Present were John Brown, V3 Engineering and via Zoom Rob Sangdahl. Mr. Gralik noted the mylars were provided but will not be sent to the Board of Works until the Performance Bond is provided. Mr. Vinzant motioned to Grant Final Plat Approval for Petition 22-25B contingent on providing the bond for the Board of Works including all discussion and Findings & Decision, seconded by Mr. Lain. All ayes, motion carried. (8-0)

10.    **23-07B**         St. Mary Medical Center, LLC (Petitioner/Agent) 320 W. 61<sup>st</sup> Ave. located 300' north from the NW corner of Ash St. & 61<sup>st</sup> Ave., zoned PUD, 3.50 acres

**Request:**         St. Mary Outpatient Rehab Subdivision

**Purpose:**           Proposed 1-lot subdivision

Final Plat Approval     Denied     Deferred  X  Vote  9-0

Petitioner was not present. Mr. Gralik noted the updated plans and drainage calculation have not be provided that addressed the comments from April's meeting nor has the bond been provided. Mr. Vinzant motioned to Table Petition 23-07B including all discussion, seconded by Mr. Emig. All ayes, motion carried. (9-0)

11.    **23-08**           Sava B. Micic (Petitioner/Agent) 4830 E. 73<sup>rd</sup> Ave. located 900' west from the NW corner of 73<sup>rd</sup> Ave. & DeKalb St. zoned R-3, 24.8 acres

**Request:**         Colvin Addition to the City of Hobart

**Purpose:**           Proposed 2-lot subdivision

Final Plat Approval X Denied \_\_\_ Deferred \_\_\_ Vote 9-0

Present was Randy Peterson, Krull/Abonmarche requesting final plat approval. It was noted that a performance bond or cashier's check has not been provided for the street extension and turn around improvements. Mr. Peterson stated the petitioner has made arrangements for the improvements to be installed. Mr. Spain motioned to Grant Final Plat Approval for Petition 23-08 contingent on providing a bond if the improvements are not installed including all discussion and Findings & Decision, seconded by Mr. Vinzant. All ayes, motion carried. (9-0)

12. 23-09 Grant & Susan Liechty (Petitioners/Owners) 936 Garfield St. located east of Lake Park Ave. between 13<sup>th</sup> Pl. & 14<sup>th</sup> St., zoned R-2, 6 acres +/- acres

**Request:** Liechty Estates  
**Purpose:** Proposed 1-lot subdivision

Final Plat Approval X Denied \_\_\_ Deferred \_\_\_ Vote 8-0

Mr. Allen recused himself. Mr. Chhutani motioned to Grant Final Plat Approval for Petition 23-09 including all discussion and Findings & Decision, seconded by Mr. Vinzant. All ayes, motion carried. (8-0)

13. 23-12 Hickory Hollow NWI, LLC/Dan Steiner (Petitioner/Agent) located approx. 600' & 400' north from the NW corner of 61<sup>st</sup> Ave. & Arizona St., zoned R-1 & R-3, 32.5 acres

**Request:** Public Hearing: Hickory Hollow

**Purpose:** A proposed 67-lot subdivision

Preliminary Plat Approval \_\_\_ Denied \_\_\_ Deferred X Vote 9-0

In attendance were Attorney Todd Leeth, Dan Steiner and John Hannon/Great Lakes Engineering. Mr. Leeth proposed the subdivision to be a combination of duplexes, townhouses and single family housing. A right of way has been recently vacated and is now incorporated into the subdivision and a temporary easement has been provided to substitute for the right of way. Proposed will be a detention pond to the north to capture stormwater. Mr. Leeth noted they have not been able to address comments from the staff and requested to defer once the public hearing has been opened. Ms. Galka opened and closed the public hearing for Petition 23-12 without public comments. Mr. Spain read a letter remonstrating the vacation of the right of way which was resolved in July 2022.

*Dated: Public Hearing before the Commission on May 5, 2023*

*Dear Commission Members, City Planner and Staff:*

*Please allow this submission to serve as the Written Remonstrance and Objection on behalf of adjacent landowners, John & Jean Rakoczy, Rakoczy Trust and Lake County Trust 3423 in opposition to PC 23-12, a Petition for a 67-lot subdivision (Hickory Hollow).*

*The owners of the adjacent real estate listed in this Remonstrance respectfully request that you deny the petition PC 23-12 set for public hearing this evening on the grounds that granting the subdivision of the property as proposed would be directly contrary to the requirements of the 60'-wide permanent Public*

*Right-of-Way which was previously dedicated by the City of Hobart on December 27, 2000 along the northern portion of the western property line of the petitioned property. The permanent Public Right-of-Way was improperly vacated by the Plan Commission in response to PC 22-18. The vacating of the permanent Right-of-Way and the current petition render those adjacent parcels entirely inaccessible by public way and/or rendering access to those parcels by public way difficult or inconvenient. Further, granting the petition to vacate would hinder the growth and orderly development of the neighborhood in which it is located and to which it is contiguous.*

*The proposed subdivision places residential lots, a detention pond and a park directly within and upon the area of the permanent Public Right-of-Way and are not uses properly permitted with the Right-of-Way.*

*The Remonstrators' properties are adjacent to the Public Right-of-Way and the property proposed to be subdivided in PC 23-12.*

*As noted in the year 2000 Declaration which created it, the Public Right-of-Way was intended to be permanent, not temporary or subject to the desires of land developers or revenue needs of the City of Hobart. A recorded copy of the year 2000 dedication which created this Public Right-of-Way is attached to this Remonstrance as Exhibit "A." The Declaration states, "The Board of Public Works and Safety of the City of Hobart does hereby permanently dedicate the following tract of land as a public street for public use . . . ." and it then gives the legal description of the parcel which is the subject of the Right-of-Way. (See, Exhibit A, emphasis added.) It was created specifically to allow Public Right-of-Way access for the remonstrators' properties in response to the changes created by the sub-development of the Amber Creek Estates, Unit 1 Subdivision in the years 1999 and 2000. Since that time, the adjacent owners maintained the Public Right-of-Way, used it for access to their respective properties and reasonably relied on its continued existence and planned accordingly for future development of their properties.*

*Granting the subdivision as proposed in PC 23-12 would directly interfere with the adjacent parcel owners' ability to develop their properties and would destroy and/or directly hinder reasonable public access to the parcels, would destroy vested property rights of the owners of said parcels to access and would severely diminish the highest and best use valuations of the adjacent parcels.*

*Based on the applicable Indiana Statutes and based on all the equities and circumstances presented, we respectfully request that the Hobart Plan Commission deny PC 23-12.*

*Exhibit attached to and incorporated into this Remonstrance:*

*A—Recorded Public Right-of-Way Dedication*

*Respectfully submitted,*

*/s/ Glenn W. Kuchel*

*Glenn W. Kuchel (10855-46)*

*Plum Creek Center*

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*Schererville, IN 46375*

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*Email: gkuchel@greenkuchel.com*

*Attorney for Remonstrators Lake County Trust Company Trust 3423,*

*John & Jean Rakoczy and the Rakoczy Trust*

*Mr. Leeth explained that a temporary access easement is currently in place to the property to the north and once the platted subdivision is recorded, the temporary easement will be replaced by a dedicated right of way in the same terminus of the right of way that was vacated. He noted for the record, the temporary access easement dated June 27, 2022 was recorded as Doc. No. 2022-024959 followed by Ordinance 2022-15, recorded as Doc. No. 2022-024960, for the vacate. Mr. Hannon also proposed is an 8' wide recreational trail to allow residents to access the private park within the subdivision. Mr. Vinzant motioned to Table Petition 23-12 including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (9-0)*

14. 23-13 Michael & Allison Urbanczyk (Petitioner/Owner) located approx. 1/3 mile west & south from the SW corner of 10<sup>th</sup> & Decatur Streets, zoned R-2, 4.19 acres

**Request:** Public Hearing: Lake George Plateau Unit 7, Phase 2 First Resub

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

Preliminary Plat Approval X Denied \_\_\_ Deferred \_\_\_ Vote 9-0

Present was Doug Rettig, DVG proposed to consolidate 3 lots to create a 1 lot subdivision and requested preliminary plat approval. Also in attendance were Michael & Allison Urbanczyk. Mr. Galik mentioned the drainage easement lines were extended as requested to include the culvert. Tim Kingsland, MS4 Coordinator, recommended the petitioners submit a site plan for review prior to filing a building permit so that stormwater/floodplain concerns can be addressed. Ms. Galka opened and closed the public hearing for Petition 23-13 without public comments. Mr. Allen motioned to Grant Preliminary Plat Approval for Petition 23-13 including all discussion, seconded by Mr. SeDoris. All ayes, motion carried. (9-0)

15. 23-14 Jonathon Barley (Petitioner/Agent) 3823 E. Lincoln Highway located on the SW corner of Lincoln Hwy. & Utah St. zoned B-3, 3.63 acres

**Request:** Site Plan

**Purpose:** Proposed canopies to existing buildings

Granted X Denied \_\_\_ Deferred \_\_\_ Vote 9-0

Present was Jonathon Barley. The Commissioners noted they did not receive the proposed site plan in their mailed packets. Mr. Olesker, Deputy Engineer, requested to include City's Standards with the submitted site plan, widen parking spaces to ADA Standards and add City Standards radius off Utah Street. Mr. Allen motioned to Grant Site Plan Approval for Petition 23-14 contingent on adding City Standards radius, improve parking to meet ADA Standards and to include City Standards with the site plan including all discussion, seconded by Mr. Vinzant. All ayes, motion carried. (9-0)

16. 23-15 Atkore/David Chang (Petitioner/Agent) 2400 E. 69<sup>th</sup> Avenue located 800' east of the NE corner of 69<sup>th</sup> Ave. & Mississippi St. zoned PUD (M-1), 48.18 acres

**Request:** Public Hearing: Amend Preliminary Plan

**Purpose:** To include proposed outdoor storage, additional parking & correct a scrivener's error where the wrong regulations were incorporated into the PUD

Favorable Rec X Unfavorable Rec \_\_\_ Deferred \_\_\_ Vote 9-0

Present were Paul Thurston/Becknell Industrial, David Chang, manager and head of operations for the solar product facility Atkore and Ned Colson/Becknell Industrial. Mr. Thurston requested approval for additional

paving and outdoor storage, as well as, a truck court on the south side of the building. Also proposed was a berm and a 6' screening fence on the west side of the property, duplicating the berm along 69<sup>th</sup> Avenue. Ms. Galka opened and closed the public hearing for Petition 23-15 without public comments. Mr. Chang stated they propose to park semi cabs overnight on the south side of the building and store bundles of solar panels backing tubes on 3' x4' dunnage racks in the outdoor storage area on the west. Discussed was a revision of the western berm that will extend further to the south and a curved road allowing the loaded trucks to exit. Mr. Vinzant requested the future truck stalls on the south be removed from the site plan. Mr. Vinzant motioned for a Favorable Recommendation to the Common Council for Petition 23-15 contingent on including the revisions discussed for the west berm, the roadway and remove referencing the south side future truck stalls from the site plan including all discussion, seconded by Mr. Allen. All ayes, motion carried. (9-0)

17. 23-16 Target/Kyle Tornow (Petitioner/Agent) 2661 E. Lincoln Highway located approx. 600' west & south from the SW corner of Lincoln Hwy. & Colorado St.

**Request:** Site Plan

**Purpose:** The addition of a proposed rear exterior door and stoop

Granted X Denied     Deferred     Vote 9-0

Reeve Ridgeway was present via Zoom and requested to install an additional exterior door and a 4'x5' stoop off the water service room in the rear of the building for maintenance purposes. The Commission noted they did not receive the proposed plans. Mr. Allen motioned to Grant Site Plan Approval for Petition 23-16 including all discussion, seconded by Mr. Vinzant. All ayes, motion carried. (9-0)

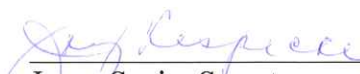
Consultation/Discussion:

Petition 22-44 Ebberts Estates, 1-lot Subdivision Clay Street (Final Plat Approval 12-1-22)  
6-month extension to record mylars: An asphalt driveway was installed, inspected and approved by the Building Inspector. Mr. Vinzant motioned to Grant a 6-month extension from December 1, 2022 for Petition 22-22 to record the mylars including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (9-0)

2020 Annual Report Approval: Mr. Allen motioned to Approve the 2020 Annual Report including all discussion, seconded by Mr. Vinzant. All ayes, motion carried. (9-0)

There being no further comments or discussion, Mr. Gralik motioned to adjourn, seconded by Mr. Allen. All ayes, motion carried. (9-0) Meeting adjourned at 8:50 p.m.

  
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Maria Galka, President

  
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Jason Spain, Secretary ATTEST;