

PLAN COMMISSION

March 13, 2023

REGULAR MEETING

ROLL CALL

The meeting was called to order at 7:00 p.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, Carol Drasga, Richard Day

Members Absent: None

Staff Present:

Commission Attorney Joe Irak, Planning & Zoning Administrator Josh Watson, Recording Secretary Jenni Pause, Planning & Zoning Assistant Luke Fricke

APPROVAL OF MINUTES

President John Marshall asked the Commission to approve February 13, 2023, meeting notes. Sauerman motioned to approve the February 13, 2023 meeting minutes as presented. Rohaley seconded the motion. A roll call vote was taken, by a vote of 7 Yeas, 0 Nays, 0 Abstentions, the motion unanimously passed, and the meeting notes are now official record of the body.

OLD BUSINESS

22-49 Olthof Homes, Petitioner/Marr & Anne Sheafer & Ginia Goggio/Gail Siavelis, Owner

Request: Final P.U.D. Approval

Purpose: The Willows

Location: Delaware Parkway & 129th Avenue

Planning & Zoning Administrator, Josh Watson, informed the Board that this petitioner is requesting a deferral. Watson stated he would be reaching out to the petitioner to verify that they have everything taken care of before putting them on next month's meeting. Marshall asked if they will be getting themselves in trouble by doing this. Attorney Irak asked Watson what he recommends. Watson stated he is recommending reaching out to the petitioner to make sure they are 100% ready for the next

meeting and if they are not the petition will be withdrawn from the agenda and the petitioner will need to readvertise when they are ready. Irak stated the Board can do that.

Marshall entertained a motion for Petition #22-49. Rohaley motioned to defer Petition # 22-49 and have Watson let the petitioner know if the petition is not ready for the next meeting it will be removed from the agenda, and they will need to readvertise when everything is completed. Drasga 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 #22-49 was deferred to the next meeting.

NEW BUSINESS

23-04 Drive & Shine, Petitioner/Tech Admin & C&M Division, Federal, Owner

Request: Site Development

Purpose: Car Wash

Location: 235 East 109th Avenue

Russ Pozen, of DVG. 1155 Troutwine, came before the Board and introduced Drive & Shine representative, Frank Hatami, 1350 US Hwy 41, Schererville, IN. Pozen provided an overview of the petition. Pozen detailed the processes the petition has been through so far. Pozen detailed the location, multiple accesses, gates, and an explanation of the lot. Pozen detailed the car wash, detailing center, and lube center. Pozen provided a rendering of the landscaping. Pozen provided a rendering of the proposed facility along with details for materials. Pozen provided a rendering of the signage proposed for the building which already received the variances required.

Watson reported the petitioner is requesting Site Development approval for a car wash located at 235 E 109th Ave. Watson reported the petitioner is proposing to construct a new car wash and lube center, with a potential commercial building on the property to the west. Watson reported the structure will be 24,690 sq ft in size. Watson reported if approved, the Drive & Shine Development would offer car washes, interior cleaning, oil changes, and free vacuuming. Watson reported the petitioner has obtained approval for a Variance from Development Standards for on-building signage to exceed 100sq feet at the January 23, 2023, Board of Zoning Appeals meeting. Watson reported with locations throughout Indiana and Michigan, Drive & Shine is looking to add Crown Point to their growing list of locations. Watson reported the site plan meets the minimum requirements of the Crown Point Zoning and Subdivision Codes and the site plan was reviewed by the Fire, Utilities and Public Works Departments. Watson recommended approval of the petition.

Rohaley asked Watson if the petitioner has received all the approvals from engineering and drainage approval in writing with all certificates. Watson confirmed they already have the permits for those. Rohaley asked if the drive on 109th is a right turn out only. Pozen confirmed and stated it is designed at an angle with a gate so there is no way for anyone to turn into that drive. Pozen stated people will only be leaving the facility at that location. Pozen stated the patrons will be members and will be directed on how to enter and exit the property. Rohaley asked about when people just want to come in and use the free vacuum. Pozen stated they must be members to use the free vacuum, there is a gate they will need a code for to get into that area.

Conquest asked the petitioner to verify that they are planning on recycling their wash water. Pozen confirmed and stated the petitioner has a reclamation system on property. Hatami stated that water will be used for underbodies of vehicles only. Conquest stated his concern would be if there was detergent in the run-off water.

Chad Jeffries stated he mentioned this at workshop, he is still not crazy about the oil change portion of the business. Jeffries asked if that portion requires a variance. Pozen stated they have reviewed that with legal and it is not required to have a variance because it is a subordinate use of the car wash. Irak confirmed it does not require a variance. Irak stated they looked at the other two facilities on Main St. and neither of those required a variance for an almost identical use. Irak asked if there will be additional screening. Pozen stated there will be additional landscaping for screening on the east and north side which blocks the lube center as much as possible. Irak reiterated that two similar facilities did not require a variance.

Watson reported at workshop the board members requested additional landscaping. Jeffries asked if that will be bermed. Pozen stated it will be at the same elevation as the building for the most part, but the screening will be done with mature trees.

Drasga asked if the landscaping plan has been approved. Watson reported it has not because Tree Board usually comes after site plan approval.

Sauerman asked if the plan is to install speed bumps to discourage people from short cutting the corner on 109th & Broadway. Pozen stated they have not looked into speed bumps and if it was requested, they would have to talk to Tech Credit Union because that is a shared ingress/egress. Rohaley stated he thought there were already speed bumps there. Sauerman stated she just wants to voice her concern and does not want to regret not doing something now. Irak stated it is definitely something they can keep an eye on for public safety and if it becomes an issue they can work on a solution. Pozen stated there is a stop sign to help slow people down as well. Jeffries asked if there is just one stop sign. Pozen stated they could put an additional stop sign closer to Broadway. Pozen stated he likes Irak's suggestion and stated speed bumps are easy to add later if needed.

Day asked if people wanting to use the vacuums have to go through the car wash. Hatami confirmed they do need to go through the car wash to make sure their customers are able to use the vacuums when they need to.

Rohaley motioned to approve Petition # 23-04 subject Staff comments. 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 #23-04 was approved.

23-07 Kevko, LLC, Petitioner/109th & Broadway, LLC, Owner

Request: Primary Subdivision Plat Approval

Purpose: Professional Office Buildings

Location: 10977 Broadway

Russ Pozen, of DVG. 1155 Troutwine, came before the Board and provided an overview of the petition. Pozen detailed the history of the lot and variance they have received. Pozen stated there is existing ingress/egress for the site that they plan to utilize. Pozen detailed the other ingress/egress for the site. Pozen reported on the detention and stormwater. Pozen detailed the various easements on the property including the drainage and ingress/egress. Pozen stated the buildings will be used for professional offices. Pozen reported the materials will match those around the site.

Watson reported the petitioner is requesting Primary Plat Approval for the subdivision known as On Broadway North. Watson reported the subdivision would be a 2-lot development with access off

Broadway just to the South of the Coyne Veterinary Clinic and to the North of the On Broadway Office Complex. Watson reported the petitioner received approval to allow development of 2 lot, one of which is not on a public or private street at the January 23, 2023, Board of Zoning Appeals Meeting. Watson recommended approval of the petition. Watson reported all notices have been properly sent out by certified mail, the notice has been published in the newspaper, and no letters of remonstrance or support have been received.

Rohaley asked Watson if the stormwater permits have been received. Watson reported though they have not been received he looked into it, and they are not required at primary. Rohaley asked Watson to verify they will have them by secondary. Watson confirmed. Rohaley asked Pozen to verify that all the stormwater is going to go to the existing pond. Pozen confirmed. Rohaley asked Pozen to verify they will work out mutual agreements. Pozen confirmed.

Conquest asked if EMS and Fire had seen this plan and approved it. Watson reported they have seen this and approved everything except the Fire Dept. has not approved Lot 2 for not having access around the building per state fire code. Watson reported that would be addressed at site development.

Sauerman reminded Pozen that the Coyne building was very edgy for Broadway, and she feels the first rendering is along those lines with the diagonal lines, horizontal awnings and all the glass. Sauerman stated she is not going to be ok with that when it comes to site plan. Matt Rossman, 11035 Broadway, stated he has spoken with the Fire Dept. and detailed what they have requested and believes they are going to be able to work them on the access for Lot 2 but installing a sprinkler system. Rossman stated he has tried to mirror some of the recent buildings but stay true to the buildings they have built in the On Broadway complex. Rossman detailed some of the materials they are proposing to use. Rossman stated some of the features they see were dictated to the petitioner by a prospective tenant for the entire second floor. Sauerman stated she just wants them to let their clients know the design and materials could cause a problem with one or more members.

Jeffries asked what Zone x on lot 2 is. Pozen stated Zone X is not in the flood plan.

Marshall stated he thinks the building looks alright. Marshall stated he does not care for all the square plain brick buildings.

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

Marshall entertained a motion. Rohaley motioned to approve Petition # 23-07 subject to final Engineering and drainage as well as by secondary they have a fully executed easement agreement for ingress/egress and drainage. Jeffries 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 #23-07 was approved.

23-10 M-Details, LLC, Petitioner/Owner

Request: Primary Subdivision Plat Approval

Purpose: Caliber Collision Development

Location: 1018 E Summit Street

Russ Pozen, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Pozen introduced Cory Detamore, the owner, to the Board. Pozen detailed the location and the creation of the one lot subdivision. Pozen detailed the site plan proposal including the detention.

Watson reported the petitioner is requesting Primary Plat Approval for the subdivision known as Summit Park. Watson reported the subdivision would be a 1-lot development with access to the North on Summit St. just to the West of Millennium Dr and to the East of Breuckman. Watson reported if approved, the petitioner will be returning to the Plan Commission to present a Site Development Application for Caliber Collision to go on the property. Watson reported all notices have been properly sent out by certified mail, the notice has been published in the newspaper, and no letters of remonstrance or support have been received.

Rohaley asked about the easement language including billing the owner in the case that the city must take over maintenance. Pozen stated the language is pretty standard, but he has no issues revisiting it and adding the proper language. Rohaley stated the wording gives the city access to the pond but there is no wording for compensation for the city to come in and maintain it if the owner lets it go. Pozen stated they will put it on the recordable plat Rohaley asked if Engineering has been done on this. Watson confirmed it has. Rohaley asked if stormwater had been done. Watson stated it will be done by secondary.

Jeffries stated he is glad to see they have found a suitable location for Caliber Collision.

Drasga thanked Caliber Collision for working with the city and finding a great location.

Marshall opened the public portion of the meeting. With no one coming forward, Marshall closed the Public portion.

Marshall entertained a motion. Rohaley motioned to approve Petition # 23-10 subject Staff comments, revision of the detention easement language to include no liability of the city of Crown Point for clean up or remediation of the pond. 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 #23-10 was approved.

23-11 D & L Wood Products, Petitioner/Owner

Request: Site Development

Purpose: 2 Story Warehouse & Production Facility

Location: 619 North Indiana Avenue

Russ Pozen, of DVG, 1155 Troutwine, came before the Board and introduced the owner of D & L, Bob Ligda, 617 N Indiana Ave. Pozen provided an overview of the petition. Pozen provided a history of D & L Wood Products as well as approved variances received. Pozen detailed the truck access and loading dock. Pozen detailed the circulation of the site as well as the ingress/egress, dumpster enclosure, proposed materials, and design. Ligda stated the materials will match their existing buildings. Ligda detailed the reason for the additional space and stated they have work all the way to 2026 and need as much room as possible.

Watson reported D&L Wood Products is requesting Site Development approval for a 2-Story Warehouse and Production Facility located at 619 N Indiana Ave. Watson reported D&L Wood Products has provided quality fabrication and installation of architectural millwork goods for over 25 years. Exotic veneers, hardwoods, and custom trims are just a few examples of products that they can supply and install. Watson reported the petitioner has obtained approval for a Variance from Development

Standards to allow parking to encroach the minimum front yard setback distance by 20-feet at the February 27, 2023, Board of Zoning Appeals meeting. Watson reported the building will have an area of 23,428 sq feet with a building height of 26 feet 8 inches tall. Watson reported the site plan meets the minimum requirements of the Crown Point Zoning and Subdivision Codes. Watson reported the plan reviewed by the Fire, Utilities and Public Works Departments.

Rohaley stated he sees the landscaping has been done. Rohaley asked Watson if the Engineering has been approved. Watson reported it has gone through Engineering, stormwater and utilities and there are minimal comments on corrections needed. Rohaley asked if the certificate has been issued. Watson reported they have not. Watson and Pozen stated it is only a handful of comments from the Engineering are minor. Rohaley stated he feels they should be consistent and require full approval.

Conquest voiced his concern with the amount of dirt moved and the changing of the elevation. Pozen stated the elevation is changing slightly. Conquest stated years ago when Ligda did his first building there was concerns about flooding and since he has not heard anything he is assuming this has not been a problem and does not want one created with a change in elevation. Pozen stated they will not, this subdivision was created and designed back in 2015 to be built out fully. Pozen stated there will be no flooding.

Drasga stated all the drainage is being shown. Pozen stated Engineering has seen the plans and is ok with the drainage. Drasga asked if anything will come back with a problem. Pozen stated from his perspective nothing will be a problem.

Rohaley asked if the building permit can be issued without the certificates. Pozen stated once a petition gets approved for site plan unless the Building Dept. receives something from Engineering or Planning & Zoning stating a permit application cannot be accepted, the permit can be issued. Rohaley voiced his concern with approving this petition with final Engineering and then not having to come back before the Board. Board and Staff discussed the options of how to handle these types of situations.

Conquest stated anytime a person does land disturbance they have to get a permit from IDEM. Conquest asked Pozen if they could start construction prior to permit. Pozen stated that is part of Christopher Burkes approval. Conquest stated if they don't do it right they will have to answer to IDEM.

Jeffries stated Ligda's building has been a great addition to Indiana Ave. and is happy to hear they have future work. Jeffries stated he feels the rendering looks good and is excited about the new building.

Sauerman asked if the landscaping plan will go before the Tree Board. Watson confirmed.

Drasga stated she had not seen the landscaping plan. Drasga agreed with Rohaley that when petitioners come before the Board everything should be in order and asked Pozen to make sure in the future that he has everything all ready when he comes before the Board. Pozen stated so noted.

Marshall asked for verification that the landscaping plan does not have to be approved prior to site plan. The Board and Staff discussed the approval of landscaping plans and when they should be approved either prior to site plan or after. The Board and petitioner discussed what the procedures are for installation of approved landscaping. Pozen stated his clients know they must have the approved landscaping in place or they will not receive Occupancy of their projects. Marshall asked what the recommendation for the process should be. Watson recommended reversing the current procedures

and requiring Tree Board before site plan. Drasga asked that she have time to speak to the Tree Board so that they do not lose members over this.

Marshall entertained a motion. Drasga motioned to approve Petition # 23-11 subject Staff comments. Jeffries 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 #23-11 was approved.

23-12 Steve DeBold, Petitioner/Barry Levin, Owner

Request: Workshop

Purpose: Automotive Tire Sales, Service & Repair

Location: 275 South Superior Drive

Steve DeBold with Chester Inc. came before the Board as a representative of Levin Tire and provided an overview of the petition. DeBold detailed the location, size, surrounding properties and zoning. DeBold stated Levin has decided to leave the lots facing Broadway for retail space and to construct his facility on Superior. DeBold stated generally cars are not left in the parking lot overnight. DeBold stated they will need to seek a variance of use variance for this type of use.

Jeffries stated he would assume this type of business would have the garage heated in the winter but asked if it will also be air conditioned in the summer. DeBold asked the petitioner how Levin operates in the summer months. Jeff Russell, 9500 Indianapolis Blvd. Highland, IN came before the Board and stated the current Levin Tire in Crown Point is in a residential area and they have never had a complaint. Russell stated most of the time the guys like to work with the doors closed unless it is a really hot day and some of the equipment they use are designed to be as quiet as possible.

Conquest asked how long they have been located at that address. Russell stated they have been there since the mid 80's. Jeffries stated he lived in that area in the 80's and never heard the work being done at that facility. DeBold stated the new proposed site is further away from residential than their current facility on Main St.

Rohaley stated they turned Caliber down twice because they did not want any auto service related on Broadway and asked Joe if this sets any kind of precedence that they don't want an auto facility on Broadway in that area or opens them up to any legal issues. Irak stated there is a distinction between an auto body shop and a retail tire store. Irak stated he does not think there would be a problem. DeBold stated the petitioner looked at Lots 5 & 6 on Broadway but chose to locate the new tire retail store on lot 2 would be a more friendly location which is why they are not proposing to be directly on Broadway.

Day stated he thinks the current operation runs great at its current location and is pretty confident they will make this a tight and nice looking operation. Day stated he thinks this is a good spot.

Drasga voiced her concern with this opening Broadway up to more tire stores.

Sauerman stated she thinks there are reasons this type of business requires a variance and she is not convinced that this is the right location for this, but she is open to being convinced.

Marshall stated he thinks this is a fantastic plan and a great location. Marshall stated he thinks it is a shame that they turned Caliber down who is air conditioned and works with the doors closed. Marshall stated this screams inconsistency.

Jeffries stated he always thinks about what the residential impact is and there is a pretty good buffer between this location and the residential lots.

DeBold stated it is also right behind the Speedway and a great location. DeBold stated the owner has always envisioned themselves at this location and is why they purchased this subdivision. DeBold stated it is just that the ordinance has changed since they purchased the property.

Conquest asked the petitioner if they get into deep repairs. Russell stated they really stress getting cars in and out for same day service. Russell stated if cars need additional repairs, they usually recommend them going to the dealership.

Rohaley asked if someone wants to drop the car off the night before it will be an open lot. Russell confirmed it will and they would be able to do that. Russell stated they are very sensitive to not tying up the lot.

MISC. AND PUBLIC COMMENT

No Public

Conquest stated at the last meeting Watson brought up wanting to abide by the rules which the Board has been operating way outside of the rules he feels. Conquest stated the Planning Dept. needs some help because they are being pressured by developers. Conquest stated he has spoken with Watson, Fricke and Irak regarding these concerns. Conquest recommended suspending the rules in cases where they need to. Conquest stated he would like to change the rules to say a 2/3's majority to suspend the rules. Conquest detailed how he feels that could work. Conquest detailed the changes he is proposing. Conquest stated he feels people could come back and state petitions were not approved properly because the rules were not suspended. The Board and Staff discussed the options and what changes need to be made for petitions and what would be required for each type of petition. Drasga stated she does not want to start accepting exceptions to the rules because it puts the responsibility up in the air. Drasga stated she wants to put the responsibility on the petitioners and it is not unreasonable to ask petitioners to follow the rules. Conquest stated he feels they have somewhat passed petitions illegally and they need to start following the rules they already have. Conquest stated they need to help the Planning Dept. make the developers follow the rules they need their help. Rohaley stated the issue is letting some petitioners come before the Board with a handful of issues still and others not being able to be heard. Day stated it should be that if the petitioner does not have everything they should not be heard. Rohaley agreed. Jeffries voiced his concern with petitioners being at the mercy of our Engineering reviews and having to go back and forth several times. Jeffries stated they need to find a balance. Marshall stated he agrees with everyone. Marshall stated he feels they are panicking. Marshall stated he feels they have a great Board and thinks Watson is doing a fabulous job and things have really improved. Rohaley stated he would have to read the rules and does not want to do anything with them at this time. Rohaley asked Conquest to send him his recommendations. Conquest stated after meeting with Fricke, Watson and Irak realized they are beyond the scope of rules and practice and procedures for Plan Commission because they are supposed to have these things 20 days before the meeting. Conquest stated he feels if they are not going to follow the rules, they need to abolish them. Marshall disagreed and stated he feels the Board can do what they want.

Day stated the difficult part is trying not to put themselves in a trick bag.

Marshall stated things have approved and Watson definitely does a better job than Schlueter because he is quick on responses and is very authoritative.

Conquest asked Watson if there is anything in the rules that gives Watson the authority to make the determination. Watson stated he believes so. Conquest read the rules that stated the petitioner cannot be heard until a meeting that is 20 days after the documents have been submitted.

Rohaley voiced his concern with putting too much on staff. Rohaley stated it may be helpful to take some of the burden off the staff by requiring the petitioners to have everything in place.

Day stated he will follow staff recommendation and is in favor of supporting the staff.

Board and staff discussed procedures for petition approvals, building permit procedures and issuance of occupancies. Irak stated if there is a procedure the Board wants, they should make a motion. Pause recommended Commercial building permits not being accepted until Planning & Zoning Dept. releases that specific address.

Watson thanked Conquest for coming out and speaking to one of the residents who was concerned with drainage with an upcoming subdivision. Watson stated the resident stated he was much more comfortable with the project after speaking with Conquest.

Conquest asked Irak if there is a way for staff to override the rules. Irak stated they need to look into what is really needed before a meeting and get a firm set of criteria that needs to be submitted before primary or the first hearing to let them go forwards. Irak stated they can definitely review the process. Irak stated he does want to hold up projects for small issues. Irak stated he feels they can come up with a proper practice together.

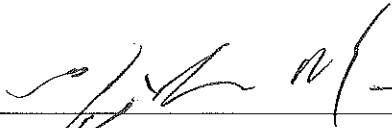
Sauerman stated she just wants to make sure they are being consistent with everyone and not giving special treatment to certain developers. Sauerman stated they need to be objective not subjective. Drasga agreed with Sauerman. Drasga stated she does not feel the control should be making a special phone call to get it pushed through. Irak stated they should take a look at the rules and take Conquest's recommendation under advisement. Irak stated they can follow up at the next meeting. Irak stated it does need to be applied uniformly but not too rigid that they cannot make an exception. Marshall stated they have to have the ability to discuss it. Irak stated he feels they have all been doing a good job.

ADJOURNMENT


At 9:09p.m. Rohaley motioned to adjourn Sauerman, seconded by Drasga.

ATTESTMENTS OF MEETING MINUTES

The above minutes were approved and adopted by majority on the 10 day of April, 2023.



John Marshall, President



Josh Watson, Executive Secretary