MINUTES OF THE PLAN COMMISSION
PUBLIC MEETING
AUGUST 3, 2026

I. CALL TO ORDER

The Plan Commission Public Meeting was called to order at 6:00 P.M. by President Tom Anderson at the Schererville Town Hall, 10 E. Joliet St.

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

B. Roll Call

Roll Call was taken with the following members present: President Tom Anderson, Vice-President William Jarvis, Secretary Gary Immig, Mr. Myles Long, Mr. Robert Kocon, and Mr. Tom Kouros. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz, and Attorney Christian Bartholomew. In the audience was Councilman Tom Schmitt. Absent was Mr. Chris Rak.

C. Approve Minutes of the Plan Commission Public Meeting of July 6, 2026

Mr. Kocon made a motion to approve which was seconded by Mr. Long and carried 6-0.

II. PUBLIC ACTION AND PUBLIC HEARING

A. P.C. Case #26-8-8 7 Brew Coffee

General Location: 990 U.S. 41 – Ryan's Resubdivision of Lot 1

Petitioner(s): Who Brew, LLC – Laura Pacino

Represented by: Engineer, James Hus, Jr. – DVG Team, Inc.

Request: Primary Approval of the U.S. 41 Commercial Corridor Overlay District Development Plan

Mr. James Hus from DVG Engineering reminded the board that they were before them a few weeks ago for the required study session. Mr. Hus summarized that they were looking to repurpose the former Wendy's at 990 US 41; located at the northwest corner of U.S. 41 and Willowbrook Dr. Mr. Hus stated that the intent is to do a ground up teardown of the site to convert into a 7 Brew Coffee stand; and that it is a part of a major expansion push into the Chicagoland and Northwest Indiana market. Mr. Hus informed the board that the packet presented before them was the same as what had been provided at the study session; the only revision being the removal of the pylon sign that the Town did not prefer. Mr. Hus went on to say that the proposed monument sign would be in the same exact location of the Wendy's sign, located at the northeast corner of the property. Mr. Hus said that there had been discussion that the monument sign could be larger than requested and that they did confer with Who Brew LLC. Mr. Hus stated that they would be sticking with the intended illustration that they had presented, which was within the allowable size regulations. Mr. Hus concluded that they are seeking primary approval and are happy to answer any questions. Mr. Anderson asked if the southwest entrance would be closed. Mr. Hus replied that was correct.

Mr. Anderson opened the matter to the floor. There being no comments the matter was closed to the floor and returned to the board. Mr. Kouros asked where the entrance would be. Mr. Hus replied that the site would have two entrances via a shared common roadway that is part of the Reciprocal Easement Agreement (REA). Mr. Hus stated that the illustration shown on the projector screen had been part of the discussion when they first came before the B.Z.A. Mr. Hus continued that during normal operations at a 7 Brew, the queuing of the traffic is generally not that heavy; during those sessions they would use the next entrance north which Wendy's had used as their access. Mr. Hus went on to say that they would be engaging two of the drive lanes as shown on the illustration. Mr. Hus then said that the north entrance would be used for

exits in all conditions; but would generally only be used as an entrance during peak capacity hours on swag days. Mr. Kouros questioned that it would then be coned off and not completely closed. Mr. Hus responded that the entrance closer to the dumpster corral would be coned off. Mr. Anderson stated that it would be the entrance further south that they would close off. Mr. Gorman stated for the record that there are three existing entrances on the property currently. Mr. Immig asked for further explanation on the pass through lane. Mr. Hus responded that they intend to use the pass through lane as a drive thru only during peak operations; but that it is also there for emergencies. Mr. Hus informed the board that often times businesses would have them in case a customer changed their mind because of the wait time. Mr. Hus then said that the unique thing with 7 Brew is they do not have order boards and that workers take the order and payment at the end of the queue; which then reduces the likelihood of customers leaving due to the wait time. Mr. Hus stated for the record that Wendy's didn't have the same traffic demand and that they would have the space; then added that it would not make sense to shrink the site. Mr. Hus went on to say that it provided for a potential third order lane to be used only during peak time; which more than likely would only be for swag days.

Mr. Immig stated that it appeared to be half of the size of the Dyer site; and that the promos generated a lot of traffic. Mr. Hus stated that without any spillage onto the surrounding roadway, this property could queue 172% more than the Dyer location. Mr. Immig responded that would be for stacking, but the square footage of the lot is only half the size of the Dyer location. Mr. Hus replied that could be accurate; however, the functionality of the space on this property for operations, would be much more spacious than the Dyer location. Mr. Immig asked what exactly the promos were that generated a lot of the traffic in Dyer. Mrs. Laura Pacino responded that the promos were for swag days which was on the 7th of each month. Mr. Immig asked if she was the owner of the Dyer stand. Mrs. Pacino responded yes, and that she worked for the franchisee of Who Brew, LLC; which are all franchisee owned. Mrs. Pacino added that they handled all of the Chicagoland and Northwest Indiana (NWI) territory. Mrs. Pacino informed the board that they were bound by the franchise agreement to have events called swag days on the 7th of each month to correlate with the 7 Brew name. Mrs. Pacino continued that nationally the events were from 7am – 8am and again at 7pm – 8pm; because of the amount of traffic and consumers, they now have an agreement with corporate that they could have them from open to close to alleviate that traffic. Mrs. Pacino reiterated that they were required by corporate to have swag days and would be in violation with the franchise agreement if they did not. Mr. Immig stated that the traffic in Dyer was often backed up on a lot of occasions; then asked how it would be any different with this location. Mr. Hus stated that any business was directly a function of how long the queue could stretch; for example, if there were 50 cars but the property could only handle 25 cars, it would have that condition where the queue would leave the property. Mr. Hus said that the difference between this site and the Dyer site was that they could hold 200% more; and that at a certain point a customer would decide not to get coffee if the line were too long. Mr. Hus went on to say that they could hold so many queues on the property compared to the Dyer location that it would be anecdotal than anything else; and that it would be nowhere near the same net effects. Mr. Hus continued that there would not be any vehicles backing up onto Willowbrook because there could be 75 cars in line; and that not many people would wait 75 cars x 3 min just to get a cup of coffee. Mr. Immig responded that was exactly what they did in Dyer. Mr. Hus replied that may be the condition but that site would be 25 cars x 3 min; which would be a different wait time than the Schererville location.

Mr. Immig questioned what the traffic management plan would be once the queue overflowed; and what did they do in Dyer because they have police there. Mr. Immig then asked if they hired their own security. Mrs. Pacino replied that 7 Brew works with the local municipality and the Police Department if they were hirable. Mrs. Pacino informed the board that they had a third party traffic management team who could be at the site within an hour of when they were called. Mrs. Pacino mentioned that the Dyer location was one of the first stands that opened where corporate said they needed a minimum stacking of 15 on half-acre sites. Mrs. Pacino added that would not be the case in Chicagoland and NWI; and that if they were to do it again, they would not do the Dyer stand. Mrs. Pacino went on to say that this would be a zipper location where you drive into a drive-thru lane that would then go to two. Mrs. Pacino then added that they have the capabilities to stack 49 vehicles on site without leaving the property; and that this would be one of the largest queues that they have in all 43 operating stands. Mrs. Pacino said that the traffic studies that they did for all municipalities that required it showed a maximum queue of 34. Mr. Anderson asked if they would shut down the west entrance and use the north entrances on swag days. Mrs. Pacino replied that they would. Mr. Anderson wanted to verify that the traffic would then go straight north and would not be on Willowbrook. Mrs. Pacino responded that he was correct that the traffic would head straight. Mrs. Pacino informed the board that the traffic management consultants they hire would be on site for a certain period of time and that they also trained the employees for when the consultants were off-site; that way the employees were able to manage and control the traffic

just as if the consultants were there. Mrs. Pacino added that they would keep the consultants on-site for as long as possible. Mr. Long asked Mr. Hansen to pull up the satellite imagery. Mr. Anderson showed Mr. Immig on the projector screen how the traffic went straight north. Mr. Jarvis stated that if it were to get backed-up, the cars would stack in front of the sheds in the Home Depot parking lot. Mrs. Pacino said that she believed her legal team is currently in conversations with Home Depot; adding that 7 Brew worked with every large tenant to create a stacking plan that not only works for them but the municipality as well. Mr. Anderson stated that there was another entrance onto the property all the way to the north.

Mr. Kouros reminded the petitioners that he had expressed his concerns at the B.Z.A. meeting that on any given Saturday the traffic on U.S. 41 was atrocious even without 7 Brew; and that the majority of people would be coming from U.S. 41 and then would turn left at the traffic light. Mr. Kouros stated for the record that it would be too close to U.S. 41 and that he had a huge concern with stacking and with the traffic; even with the one entrance being closed. Mr. Kouros continued that it had been stated that they would use Home Depot for stacking, and that conversations were had without anything official from them; if they were to say that they could not use the property, then everything would be messed up. Mr. Hus responded that there was an REA in place for this subdivision; while it did not extend north along the sheds, the northern branch and the west side were legally in place where both lots have access rights to it; whether it be transit or queuing. Mr. Hus continued that it was clearly delineated that there is a shared roadway for the common use of not only Home Depot but the proposed lot as well. Mr. Kouros said that he had been to the Merrillville and Dyer locations and that the traffic was backed up; based on the traffic situation he could not support this development. Mr. Immig stated that he agreed and that even after the initial rush at the Dyer location had settled, it still caused a backup; then asked if they were still doing promos for Dyer. Mrs. Pacino reiterated that they were contractually obligated to by the franchiser agreement. Mr. Immig questioned if there were social media advertisements for the promos that generated a lot of the traffic. Mrs. Pacino said that 7 Brew was a TikTok craze; they do not have a menu board and customers would need to go on TikTok to find the drink they wanted. Mrs. Pacino went on to say that people follow them on social media where it would be advertised what the swag giveaway would be for the 7th of that month; such as a Taylor Swift bracelet, rubber ducky, car coaster, etcetera. Mrs. Pacino repeated that it would be from 7am to 7pm. Mr. Immig repeated that he agreed with Mr. Kouros that it was a high traffic site and that Home Depot was already packed. Mr. Jarvis asked if the workers that took the orders would handle cash or card. Mrs. Pacino replied that they accepted cash but the core customer would be aged 15-25 years and that 95% paid via debit or credit cards. Mr. Jarvis then asked if money would be taken away from them to prevent robbery. Mrs. Pacino stated that every 30 min. – 1 hr. the employees would switch the positions they were working; at that time the money would go into the safe and emptied each night.

Mr. Jarvis then asked if they would consider adding the address on the lower part of the monument sign; there are not many designations along U.S. 41 that showed you were on U.S. 41. Mrs. Pacino replied that she did not remember if the landscaping was along the base of the sign but they could tweak it and add the address on there. Mr. Jarvis stated that as fast as the traffic went, it would let drivers know where they were at in general on U.S. 41. Mr. Anderson asked if there were any further questions, comments, or pleasure of the board. Mr. Jarvis made a motion to approve P.C. Case #26-8-8 pursuant to all State, Local, and Federal Regulations; that all fees paid to the Town of Schererville be kept current; and that the address be located on the monument sign at the bottom. Mr. Kocon seconded the motion and carried 4-2. Mr. Immig and Mr. Kouros were not in favor.

B. P.C. Case #26-8-9 Coffee Cabin Permanent Outdoor Attraction

General Location: 350 W. Lincoln Hwy. – Tract 4 In The Corrected Plat of Lincoln Ridge Planned Unit Development

Petitioner(s): Coffee Cabin, LLC – Jeff Conti, Owner

Request: Primary Approval of the U.S. 30 Commercial Corridor Overlay District Development Plan

Mr. Jeff Conti from Coffee Cabin reminded the board that this matter was before them at the previous study session and that there were just a few issues identified at that time. Mr. Conti stated that one of the requests was to put in a public restroom; and added two on the other side of the existing cabin. Mr. Conti added that they were pushed back to allow more room so that the ADA compliant bathroom could be accessed easier by wheelchair. Mr. Conti went on to say that there is currently a 26" elevation and do not want to mess with the drainage because the site drains extremely well. Mr. Conti continued that there was an existing swale there so that the water would be able to move gradually. Mr. Conti said that the restroom would be on

two tiers, the lower view would be ground level and the second would be 28" up with four steps of 7". Mr. Conti added that the second bathroom would have the utility closet inside for the water heater and a storage area for supplies. Mr. Conti then reminded the board at the previous meeting it had been suggested to reach out to the Health Department but did not find it necessary because he wanted to have the bathrooms. Mr. Conti informed the board that he had submitted plans to the State for review and hoped to get the approval in the next few days; adding that the only concern was with the energy code for the State of Indiana. Mr. Conti continued that the State had a question about the mini-split system that would be used to both heat and air condition the bathrooms that had been satisfied; but had been informed that a storage or shed would not be required to have a State Release, nor would the attraction itself. Mr. Conti stated that it had been discussed that the attraction would be more of a "fancy" fence for all intents and purposes but submitted the plans to the State because the bathrooms would have plumbing and electric. Mr. Conti stated that if the State did not require those approvals he would submit that with the overall development plan for the building departments review. Mr. Conti continued that they would have temporary porta potties in the corner for Halloween and Christmas if the bathrooms were not installed by then.

Mr. Conti reminded the board that the other comment that had been mentioned was for the bollards. Mr. Conti went on to say that his engineer had the opinion that the 4x4 posts cemented 42" into the ground would be perfect wooden bollards; but if the board wanted steel bollards as well he would not have an issue. Mr. Conti continued that he would want to have the steel bollards located inside of the building, but if the board wanted them more visible for any reason he would be happy to do so. Mr. Conti added that there would not be anybody walking around the perimeter of the fence village area, so there would not be a chance of a pedestrian getting hit; there is no sidewalk so the only reason for the bollards would be to keep a vehicle from entering the building. Mr. Conti said that Mr. Rak had mentioned to his wife that there was an issue with the visibility coming northbound off Reed Ln. turning into our parking lot. Mr. Conti added that he wished there was a 4-way stop there because drivers use Reed Ln. as a deceleration lane comping off of U.S. 30; but people always slowed down when coming into their parking lot. Mr. Conti informed the board that there had never been an accident and had never been much of an issue; and that he intentionally moved the pedestrian traffic away from the entrance for that purpose. Mr. Conti went on to say that the reason they currently had pedestrian traffic coming down the drive-thru lane when it would be closed at night was to move people away so that would not happen. Mr. Conti stated that the fence they had designed would have decorative security and did not want to destroy the visibility. Mr. Conti said that he did not want anyone standing on the outside wondering what is in the inside of the fence; adding that he wanted to show off as much of the design as he could. Mr. Conti continued that the design for the fence was very solid with 4x4s and 2x4s and pickets that would only go 36" high. Mr. Conti went on to say that the top half of the fence was a decorative wine mesh or a powder coated baluster; but were still deciding which option they liked better because both were visible and could be seen through them. Mr. Conti then added that they also plan to put in a crosswalk when they restripe the parking lot and would be happy to put up any signage.

Mr. Anderson asked if there were any question or comments from the board. There were none. Mr. Anderson then opened the matter to the floor. There being no comments the matter was closed to the floor and returned to the board. Mr. Anderson then asked if they had submitted the engineering for the bathrooms. Mr. Conti replied that he had not and that everything was with the State right now and the State does not required engineering drawings. Mr. Jarvis asked if the bathrooms would be heated and air conditioned. Mr. Conti replied that it would. Mr. Jarvis asked if the bollards would be built into the fence. Mr. Conti replied that they would do what the Town required them to do. Mr. Jarvis asked if the bathrooms would be individual or multiple. Mr. Conti responded that they would have two individual unisex bathrooms that would even have diaper changing stations; reiterating that the bathrooms would be heated but would not be open to the public January – March. Mr. Immig questioned if the shops would be for display only or if they were retail. Mr. Coni responded that although they were all façade, they have been in contact with Albanese and other local businesses about possibly sponsoring and being a part of the attraction; they would not sell those items in the store but would sell their product in Coffee Cabin. Mr. Immig asked if parking would stay the same or if they would expand the parking area. Mr. Conti replied that the parking would stay the same with 26 spaces; but that they also had 700 additional spaces available to them because they are a part of the Lincoln Ridge PUD. Mr. Conti added that when they restripe the parking lot they would be make 3 of the parking spaces into handicap spaces.

Mr. Kouros questioned that if it were a Tuesday afternoon and a customer wanted coffee they would drive the same route now; and that the drive-thru would stay the same because the attraction would be closed on a Tuesday afternoon. Mr. Conti replied that the attraction would be open and that it depended on the season. Mr. Conti stated that during the busiest times of the year they expect to open the attraction and noon or 1 pm; the regular traffic would be served,

but again they had customers that sit outside all day long. Mr. Kouros then asked if the drive-thru would remain the same if the attraction was open or closed. Mr. Conti replied it would not because currently they slowed down drastically between 4 pm and 6 pm and that during the winter it starts to get dark around 4:30 pm; so they would probably close the drive-thru then. Mr. Conti went on to say that the gates would open on both ends and that only pedestrian traffic would be allowed to go through because they do not want cars competing with people. Mr. Kouros asked what the hours of operation would be. Mr. Conti replied that during peak season they would be open Sunday – Thursday from noon until 10 pm and Friday – Saturday from noon until 11 pm. Mr. Long stated that in regards to the gates on the east side he is concerned about visibility of people coming out of the fenced area and going into that parking lot; adding that he wanted to make sure that it would be visible for those people coming out of the loop and see what they were pulling into. Mr. Conti replied that when the gate is closed it would make it even easier because now people driving through could see straight through the top of the fence. Mr. Long wanted to clarify that there would not be obstruction for drivers pulling out. Mr. Conti stated that there would not be.

Mr. Anderson asked if there were any further questions, comments, or pleasure of the board. Mr. Jarvis made a motion to approve pursuant to all State, Local, and Federal regulations; that all fees paid to the Town of Schererville be kept current; that the bathrooms be heated and air conditioned to the standards and ordinance of the Town of Schererville; that there be bollards within the fence meeting the ordinance; and that this petition approval is to the original owner only and for any reason they leave, it must be taken down. The motion was seconded by Mr. Kocon and carried 6-0.

C. P.C. Case #26-8-10 Pavic's Addition, Lot 1
Removal of the Residential Use Restrictive Covenant

General Location: 1445 Lincoln Hwy. – Pavic's Addition, Lot 1

Petitioner(s): Dejan Pavic and Dragona Pavic

Represented by: Attorney, James L. Wieser – Wieser & Wyllie, LLP

Request: A petition for removal of the residential use restrictive covenant from the property

Mr. Anderson stated that both Items **C** and **D** would be heard together but voted on separately. Mr. Anderson asked if proofs of publication were in order. Attorney Bartholomew replied that they were. Mr. Anderson then read correspondence from Mrs. L. Noreen Adams-Raney dated August 3, 2026 into the record that she had actively been trying to sell her property at 1429 U.S. Hwy 30 but has struggled due to the designated zoning; and then formerly requested a zone change for her property from residential to commercial. Attorney James L. Wieser from Wieser & Wyllie, LLP represented the petitioners. Attorney Wieser said that in light of Mrs. Adams-Raney letter he would like to fill the board in on what had occurred historically with both parcels. Attorney Wieser informed the board that his firm had represented Mrs. Adams-Raney a number of years ago, in an application to rezone her property from residential to commercial, but could not remember if it had been denied. Ms. Sulek stated that the application had been pulled off of the Town Council agenda. Attorney Wieser continued that the reason it had been pulled was because in that neighborhood and subdivision, there was a use restriction that it could only be used and developed as residential property. Attorney Wieser said that it had prevented property owners in that area from making a request and felt they were stymied by that restriction. Attorney Wieser then stated that Mr. Dejan Pavic and Mrs. Dragona Pavic had been before the Plan Commission and the Board of Zoning Appeals to find a way to work around the residential use restriction, adding that it was very cumbersome to even attempt to get that removed. Attorney Wieser informed the board that several years ago there had been discussion between prior legal counsel for Mr. and Mrs. Pavic relative to removing the restriction; ultimately, that is why they had been before the board earlier this year.

Attorney Wieser said that it was the determination of the Town Attorney David M. Austgen, that given the nature of the property and the fact that it was a platted subdivision, that there was a procedure under that statute that could be employed to remove the residential use restriction because that seemed to be the most significant barrier to prevent someone from even making the request to rezone the property. Attorney Wieser informed the board that they had gone over and followed the procedure that Attorney Austgen had laid out in his memorandum to the Plan Commission and Town Council; and that they had followed that process in order to accomplish the removal of the residential use restriction. Attorney Wieser added that it was indicated that the Plan Commission had the authority to do so under that statute, and that it was in the best interest of the community that it be removed. Attorney Wieser repeated that historically there had been a number of property owners in that area that had wanted to have

the restriction removed and zoned commercial, which would be consistent with the U.S. 30 comprehensive plan. Attorney Wieser continued that Mrs. Adams-Raney had tried to sell her residential property for four years but was unable to because it was viewed as a continued commercial developments, similar to the parcels located to the east, north, and west of their property. Attorney Wieser informed the board that if it were required, they could answer any questions about the B.Z.A. process that had taken place several years ago. Attorney Wieser said that the goal for the commercial zoning designation request is for Mr. Pavic to take the existing residential structure (not the garage that is currently being used) or a new structure and make that a commercial office space. Attorney Wieser then stated that this request met the five requirements in the statutory criteria that is consistent with the comprehensive plan; it will not have a deleterious effect on the current structures or values of the adjacent properties; and it would be consistent with the characteristics of those properties. Attorney Wieser informed the board that towards the west of this property there is the Powers Health Medical facility and the St. John Township office right beside them. Attorney Wieser went on to say that not only would the rezone meet the criteria, it would also be right for orderly development. Attorney Wieser concluded that the purpose of this request is to have the residential restriction removed pursuant to the procedure set forth by the Town Attorney and IN Code ***IC36-7-4-714***; followed by a favorable recommendation to the Town Council that the property be rezoned to highway commercial (C-3).

Mr. Anderson asked Attorney Bartholomew if he was in agreement with the referred IN code. Attorney Bartholomew informed the board that he had spoken with Attorney Wieser before the hearing and had a few questions. Attorney Bartholomew then asked what form the restrictive covenant would take; and if it was recorded declarations and covenants on a certain number of parcels that were signed and entered into by all of the owners of those lots. Attorney Wieser replied that it was recorded but could not say if it was signed by all of the owners of this lot. Attorney Bartholomew said that maybe it had been recorded by the sub divider back in the day. Attorney Bartholomew then asked if there was anything in the restrictive covenant itself that creates thresholds for owner approval or changes to the covenant in that private recorded document. Attorney Wieser responded that he did not believe so, and that there were some like what they had dealt with on the east side of Lincoln Hwy when the music facility was there; but they had those in it, adding that he could not say with certainty but did not believe that this did. Attorney Bartholomew stated that the reason he asked was because the referred **Section 714** does give this body the authority to vacate recorded covenants. Attorney Bartholomew added that it would fall under the authority to vacate all or portions of a plat, so it would be the same decision framework as approving or modifying a plat. Attorney Bartholomew went on to say that there are standards set forth and the most relevant would be **Section 714 Part (1):** *the platted area is within an area needing redevelopment and the covenant vacation would promote a recovery of property values in the area needing redevelopment by allowing or encouraging normal development and occupancy of the platted area.* Attorney Bartholomew continued that it certainly seemed consistent with the letter that had been received from another property owner in the area. Attorney Bartholomew said that if this covenant were filed and accompanied with the plat when the land was sub developed, then it would make sense that this body would then have the authority to change it on the basis of this statute. Attorney Bartholomew expressed that his only concern would be if this were a privately recorded covenant amongst the owners that provided for specific thresholds to change it. Attorney Bartholomew went on to say that whether the decision of this body to then vacate it under this statute might be challenged by an aggrieved owner who said that this was a private agreement and not part of this plat when it was approved. Attorney Bartholomew then stated that he did not know which would be the case because he did not have those covenants in front of him. Attorney Wieser informed the board that there had been an affidavit that was attempted to be filed several years ago by prior counsel; and in that affidavit, it indicated that the owners of the property to be vacated, was a restriction in a deed that was recorded in 1953 that the property be used for residential purposes only. Attorney Wieser added that it was not a document that had anything in it that said property owners had to agree to this, or that property owners had to sign off on it, and that it appeared to be filed by the developer at that time.

Mr. Anderson stated for the record that in the minutes from a previous meeting was the affidavit which states: *for approximately sixty-nine (69) years, none of the successive deeds after the January 26, 1953 deed transferring the subject real-estate contained any such residential use restriction upon subsequent transferees/owners of the real estate, including the affiants, Dejan Pavic and Dragana Pavic.* Attorney Wieser responded that it was from the same affidavit that he had read from; so as transfers were made, that restriction was never even referred to. Attorney Wieser continued that he would take a look at the title policy but did know that in Mrs. Adams-Raney's case there was no reference whatsoever, and that there was no knowledge of it until it had been pointed out. Mr. Kouros asked Mr. Hansen to pull up the map showing the aerial view of the parcel strip. Mr. Kouros asked if it were accurate that there was Powers Health, then St. John Township Community Center, then the Pavic property, then Mrs. Adams-

Raney, then two other properties before the Auto Sales. Mr. Gorman stated that there were a lot more properties before the Auto Sales. Mr. Anderson added that several of those lots were vacant. Mr. Kouros stated that he owned a house there and did not want it to be zoned commercial; he then asked if he would still be able to keep it zoned residential. Attorney Wieser replied that the current application would not affect his property one way or another; they are only requesting for the rezoning of the Pavic property. Mr. Kouros clarified that if he were to choose residential or commercial it would not affect his property in any way. Attorney Bartholomew responded that would be an accurate assertion because they were only asking to change their parcel. Mr. Kouros asked if the Pavic's would keep the garage next to the community center; and if there would be a commercial plan like an office type setting or a strip. Attorney Wieser replied that they were not sure what that would be. Mr. Immig questioned if they would need the approval of the other property owners if they were to remove the restriction. Attorney Bartholomew replied that was the crux of the legal question; alot of it would depend on what kind of covenant they were dealing with. Attorney Bartholomew went on to say that if this were a covenant that was instituted at the time of the plat and approved during the development, this body would have the authority to modify it. Attorney Bartholomew continued that if this was a covenant that came from the sub developer individually that was imposed on the property owner, then it could be a private covenant. Attorney Bartholomew went on to say he did not have the covenant in front of him but Attorney Wieser had the title report which should help shed some light on the matter.

Mr. Kouros asked that in regards to the music store if there was something about the homeowners on Lakeview Dr. Mr. Gorman replied that they were a part of it, but it was actually Lincoln not Lakeview. Mr. Kouros stated that Lakeview Dr. was behind the Pavic's. Ms. Sulek stated that was correct. Mr. Kouros questioned that the situation with residents on Lakeview Dr. would be the same situation as the music store. Ms. Sulek responded that this was the same issue as the music store where there was a restrictive covenant placed on the land. Mr. Kouros asked that with this situation would the petitioners have to go to those people. Ms. Sulek replied that the restrictions on the music store were specific in the restrictive covenants that if they were not contested or if they didn't get changed every fifty years they would renew. Ms. Sulek went on to say that it had been brought up before; somebody had petitioned and went door-to-door and 75% of the people had to sign. Mr. Kouros asked if this was the same situation. Ms. Sulek replied that it was not. Attorney Wieser stated that was correct because they had represented the petitioner that went door-to-door, and that they had obtained the approved number of signatures; but it was specifically spelled out in the covenant and that was not the case with the Pavic's. Mr. Immig asked if there had been an issue with the garage being built residential and then if it moved commercial. Mr. Gorman replied that was correct. Attorney Wieser stated that would be an issue that would be addressed and come back to the commission or potentially being brought back relative to the development. Attorney Wieser reiterated that at this point they were only asking for rezoning. Attorney Wieser informed the board that Mr. Nick Georgiou from Region Contractors had given him the findings of facts by the B.Z.A. in 2020 that set forth some restrictions which were approved; and the restriction that Mr. Immig addressed stated in condition No. 5 that no business to be run out of the garage, and that there would not be.

Mr. Anderson opened the matter to the floor. Mrs. Jennifer Pozdzal from 1412 Lakeview Dr. informed the board that she resides in her home with her husband and children, adding that they are concerned about the long-term effects of this property turning into commercial. Mrs. Pozdzal went on to say that there did not seem to be a set plan in action for what would be going here and what it could do to the neighborhood around it. Mrs. Pozdzal continued that it sounded like it could be an office but was not a guarantee and would like to see a plan in action of what would be going near her children and the children in the surrounding area. Mrs. Pozdzal then asked that this matter be tabled until there was more information about their plan of action. Mr. Anderson stated that what the petitioner was asking for was to be zoned C-3 Highway Commercial, so that they could do any business that would fall under zone C-3. St. John Township Trustee Cathy Lareau, from 1515 W. Lincoln Hwy stated for the record that she has the building west of the Pavic property and was present when the board decided to allow the garage to be built. Mrs. Lareau said that she was not there to say if they should be approved or not, but wanted to let the board know that the garage had been an improvement; adding that aesthetically speaking, the Pavic's did what was asked on putting some things up on the west side of that garage. Mrs. Lareau concluded that she wanted the record to show that the Pavic's have cooperated and have been good neighbors. Mr. Alan Doescher from 1450 Lakeview Dr. stated that his residence is located directly behind this property and had no reservations when the garage went up. Mr. Doescher added that it was actually an improvement and the fence he put up helped cut down the amount of noise for the residents, and that he had no reservations as far as the rezoning went. There being no further comments from the floor, the matter was closed to the floor and returned to the board.

Mr. Anderson stated for the record that there were two items that they would be voting on separately: the first is for the petitioner to remove the restrictive covenant, and the second would be a favorable or unfavorable recommendation to the Town Council for the rezone from R-1 to C-3. Mr. Anderson then asked if there were any questions or comments from the board or staff. Mr. Kouros wanted to clarify that it would be either or, and that it would not affect his property unless he went before them like the Pavic's. Attorney Bartholomew repeated that this was an individual by individual basis and that anyone could ask to have their particular parcel of land rezoned; adding that what they are asking pertains to their individual parcel and would not change the zoning map. Mr. Kouros addressed the residents concern about not knowing what the plan would be for this property; they would have to come before the Plan Commission and the residents would be notified again so they would be aware of what they are intending to do on their commercial property. Attorney Bartholomew responded that if they were planning on developing it, then they would need to have a site development plan. Mr. Kouros verified that anyone on the strip that wanted to change to commercial would need to come before the board for approval and say what they intended to do. Attorney Bartholomew replied that it would be just like any other commercial plan. Mr. Jarvis stated that if they wanted to just run an office out of there they would be able to just do that. Mr. Kouros clarified that if they were to change to a strip mall or a structure that would need to come before them. Mr. Anderson replied yes, but if they were just running their trucking business out of an office in their house they would not have to. Mr. Kouros stated that he understood. Mr. Jarvis asked what kind of buffering they had. Mr. Gorman replied that it was loaded with trees. Mr. Jarvis said it was a silent buffer then.

Mr. Immig asked if someone decided to challenge the covenant, would it just be addressed at that time. Attorney Bartholomew replied that he did not think it would be a matter for this board and would be a private dispute because if this were the type of covenant that the board had the authority to modify, then they could do that today with no problem. Attorney Bartholomew went on to say that if it turned out that this was not the sort of covenant that this board had the authority to modify, then this board's decision really would not amount to much. Attorney Bartholomew added that in that case the parties would end up arguing over whether that private covenant still existed between themselves in court, and that it would playout on private grounds like any other agreement or contract would. Attorney Bartholomew said that he did not think that the board was bound by that covenant when it comes to making the overall decision, it could zone it and maybe they're privately bound to do something within that zone that would otherwise be permissible. Attorney Bartholomew continued that if this body made a decision and it turned out that it wasn't quite the right way of doing it, then they still have a problem but it is on them to fix privately.

Mr. Gorman addressed Attorney Bartholomew that he had referenced ***IC36-7-4-714*** and read it for the record; then asked if it qualified. Mr. Gorman went on to say that in order for the Plan Commission to lift the covenants for this property they would have to meet one of the three requirements. Attorney Bartholomew responded that there are three requirements, and if the board chooses to vacate the covenant pursuant to ***Section 714*** it would have to decide one of the three items: (3) *the covenant vacation is needed to lessen or avoid congestion in the public ways.* It does not some applicable based on the facts presented; (2) *the covenant vacation is needed to secure for the public adequate light, air, convenience of access, or safety from fire, flood, or other danger.* I do not know how much we really heard on that; (1) *the platted area is within an area needing redevelopment and the covenant vacation would promote a recovery of property values in the area needing redevelopment by allowing or encouraging normal development and occupancy of the platted area.* We had heard that this is a very commercially developed area and have seen this letter that says this particular property owner is having trouble selling her home as a residential lot because of that commercial development. Attorney Bartholomew went on to say that he believed that would be the factor that the board would make the decision on is whether this area needs this change to redevelop in an appropriate manner.

Mr. Anderson asked if there were any questions or comments from the board or staff. Mr. Jarvis stated that he believed that removing the residential and going to commercial is a plus because they have the medical center, community center, and the body shop and landscaping place right across the street. Mr. Jarvis made a motion to approve P.C. Case #26-8-10 pursuant to all State, Local, and Federal regulations. The motion was seconded by Mr. Kouros and carried 6-0.

D. P.C. Case #26-8-11 1445 Lincoln Hwy.

General Location: 1445 Lincoln Hwy. – Pavic's Addition, Lot 1

Petitioner(s): Dejan Pavic and Dragona Pavic

Represented by: Attorney, James L. Wieser – Wieser & Wyllie, LLP

Request: Rezone from (R-1) Residential to (C-3) Highway Commercial

For discussion see Item **C** above. Mr. Jarvis made a favorable recommendation of P.C. Case #26-8-11 to the Town Council. The recommendation was seconded by Mr. Long and carried 6-0.

III. COMMISSION BUSINESS

A. Findings of Facts

1. P.C. Case #26-6-7 Phil's Collision Center
   Petitioner(s): Eddie K's Collision, LLC – Eddie Kalinowski
   Secondary Approval of U.S. 30 Commercial Corridor Overlay District Development Plan
   APPROVED W/CONDITIONS (6-0) 7/6/26

   Mr. Long made a motion to approve which was seconded by Mr. Kocon and carried 6-0.

2. P.C. Case #25-12-23 Anna Street Second Addition
   General Location: 143 W. Joliet St.
   Petitioner(s): Town of Schererville, James M. Gorman – Town Manager
   Secondary Approval of a 1-Lot (INST.) Institutional Subdivision W/Waivers of the Storm Drainage Control Ordinance No. 2009 Regulations:

   Chapter Five, Paragraph A, Entitled: Design Storm Frequencies
   6) A minimum of twenty-five (25) feet from top of the bank on each side of a new channel shall be designated on the recorded plat as a Drainage Easement. No landscaping is allowed within any Drainage Easement, except for a minimum 25-foot width of filter strip or suitable grass that shall be installed along the top of bank.

   Chapter Five, Paragraph G, Entitled: Drainage Swales
   6) A minimum of twenty (20) along the swale ten (10 feet from each side of the centerline) must be designated on the recorded plat as Drainage Easement.

   Chapter Six, Paragraph D, Entitled: General Detention Basin Design Requirements
   13) A minimum of twenty (20) feet horizontally from the top of bank of the facility, or the 100-year pool if no defined top of bank is present, shall be dedicated as permanent storm water easement if the above noted boundary of the common area does not extent that far: Within this easement area, no trees shall be planted within 50-feet of any pipe outlet entering the pond or the outlet for the pond.

   In addition, an exclusive easement to assure access to the pond rom an adjacent public street/right-of-way shall be required. No above-ground utilities or other obstruction that may hinder access shall be allowed within the exclusive access easement. Additional access easements may be required for larger ponds.

   APPROVED W/CONDITIONS (6-0) 7/6/26

   Mr. Long made a motion to approve which was seconded by Mr. Kocon and carried 6-0.

B. Rescheduled the September 7, 2026 Plan Commission Public Meeting and Plan Commission Study Session to September 14, 2026 – 6:00 P.M.

   Mr. Kocon made a motion to approve which was seconded by Long and carried 6-0.

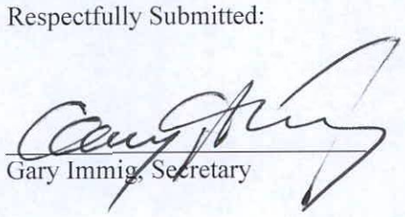
C. Correspondence

   There was no correspondence.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned 7:26 P.M.

Respectfully Submitted:



Gary Immig, Secretary