

**PLAN COMMISSION PUBLIC MEETING
MINUTES
November 1, 2021**

I. CALL TO ORDER

The Plan Commission Public Meeting was called to order at 6:00 P.M. by President Thomas 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 Thomas Anderson, Vice-President William Jarvis, Secretary Gary Immig, Mr. Alex Gorman, Mr. Andrew Hansen, and Mr. Tom Kouros. Absent was Mr. Drew Thomas. Staff present: Town Manager Robert Volkmann, Director of Operations James Gorman, Planning Coordinator/Office Manger Denise Sulek, Recording Secretary Norma Hollingsworth Rico, Attorney Alfredo Estrada, and Councilmen Tom Schmitt, and Caleb Johnson.

C. Approve Minutes of the Plan Commission Public Meeting of September 13, 2021

Mr. Gary Immig made a motion to approve which was seconded by Mr. Tom Kouros and carried 6-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. P.C. Case #21-11-18 CANYON CREEK PUD, PHASE ONE

General Location: 7095 Burr St.

Petitioner(s): Olthof Homes

Represented by: Ed Recktenwall/Jeff Yatsko

Request: Secondary Approval of a 72-Lot (Residential PUD) containing 4-outlots

Mr. Jeff Yatsko with Olthof Homes represented the Petitioners. Mr. Yatsko said that they were seeking Secondary Approval for Phase 1 of Canyon Creek which consists of seventy-two lots on the west side of the arm of Turkey Creek which goes right through the middle of the property. Mr. Yatsko said that this includes four outlots; forty-eight of their single-family homes and twenty-four of their single-family villa homes. Mr. Yatsko also stated that they have posted a performance bond in the amount of \$2,814,816.40, and that they are looking for secondary plat approval. Mr. Yatsko explained that they are building this phase in a Phase 1A and Phase 1B; and that they are platting this all at once because they are looking to get the roads in within the next couple of weeks, and that they will try to pull some building permits before winter.

President Anderson asked if they were looking to get a couple of models up. Mr. Yatsko replied that they are looking to start with eleven lots that they can probably get moving before winter or through the winter; and that they will finish the remainder of Phase 1 throughout the winter

President Anderson asked if there were any changes since the Primary Approval. Mr. Volkmann replied no; and asked Mr. Yatsko which lots they were concentrating on. Mr. Yatsko replied that they would bring Phillips in and that the eleven lots will be Lots 192 and 193 at the northwest corner of Phillips and Sky, Lots 174 and 175, 172, 173, Lots 167 to 170, and then Lot 129.

President Anderson asked for comments from Staff. Mr. Volkmann said that he believes what they are asking for is Secondary Approval for Phase 1 in its entirety as shown; but then also looking for permission to pull permits for those lots once he gets the streets in. Mr. Yatsko said that is correct; and that of course, they would get all of the utilities and roads in, and that they had a meeting discussing which utilities would have to be in place in order for that to happen. Mr. Volkmann stated that he wants the Plan Commission to

be aware. Mr. Volkmann said that he understands that what they are doing is to get a jump on getting some foundations in the ground so that they can build through the winter and be ready in the spring. Mr. Volkmann stated that what they are looking for is Secondary Approval and that if they get their roads completed for those particular lots the Commission will allow them to build. President Andersons said that any motion should not only be for Secondary Approval but also for the permission. Attorney Estrada said it would be easier to motion on the Secondary Approval, and then a second motion on the issue if the Board will allow them to pull permits.

Mr. Jarvis made a motion to approve P.C. Case #21-11-18 pursuant to all State, Federal, and Local Regulations and fees to the town of Schererville be kept current. This was seconded by Mr. Alex Gorman, and carried 5-1 with Mr. Immig casting the no vote.

President Andersons said now to the matter of allowing the Petitioners to start construction and put the foundations in, they would need another motion. Mr. Jarvis made a motion regarding P.C. Case 21-11-18 to allow the eleven lots described earlier with the stipulation that the roads be completed to access those lots. This was seconded by Mr. Alex Gorman and carried 5-1 with Mr. Immig casting the no vote.

B. P.C. Case #21-11-19 CARIBBEAN POOLS PARKING LOT ADDITION

General Location: 28 E. U.S. 30 – Schererville Manor, Lot C, Block 3

Petitioner(s): Frank Giberson, Caribbean Pools

Represented by: Gary Torrenge, P.E. – Torrenge Engineering

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

President Anderson read correspondence from Nies Engineering into the record which stated that the Site Development Plan for P.C. Case #21-11-19 is in compliance for consideration by the Plan Commission; and that it is recommended that the developer provide the Lake County Drainage Board approvals and conditions for this project to the Plan Commission and the Building Department. President Anderson also read correspondence from the Lake County Surveyor stating that the drainage application was approved at their October 20, 2021 Drainage Board meeting contingent upon a perpetual maintenance agreement being executed, notarized, and recorded by the applicant, and application fees being paid to the Lake County Surveyor.

Mr. Gary Torrenge from Torrenge Engineering represented the Petitioners. Mr. Torrenge explained that they had a moderate change made by the Lake County Drainage Board's request which is that all of the parking that was over near the ditch on the west side was to be removed due to an erosion hazard. Mr. Torrenge said that overlooking that are fifty-one parking spaces instead of approximately seventy as originally planned. Mr. Torrenge stated that there is no change in the method of drainage, no change in the method of travel, or anything else other than those parking spaces on the west side of the parking lot that were eliminated. Mr. Torrenge said that they maintained the lane on the west side of the existing house so the traffic can still continue in a circle and aren't faced with making U-Turns.

President Anderson opened the matter to the floor. There being no questions or comments, it was returned to the Board. President Anderson asked if the Surveyor was fine with their north/south traffic lane on the west side; and that he thought they wanted 75'. Mr. Torrenge replied that they don't care about the 75'; and that they got rid of the parking along the ditch, and that they will live with the 75' easement. Mr. Torrenge added that with any luck, they will be able to get that parking in before winter.

Mr. Jarvis stated that he brought up down-lit lighting for the parking lot at the Study Session. Mr. Torrenge replied that he didn't feel they needed it because they are only open during the day, and that they aren't going to park anything over there that they are worried about getting damaged. Mr. Torrenge added that they have their trucks parked behind their building and behind fences; and that Mr. Giberson didn't want to put in lighting over there. Mr. Jarvis said that he can understand him not wanting to, but with all that movement, they are opening Pandora's Box. Mr. Jarvis pointed out that even now it is getting darker early; but that other than that, the plan looks good. President Anderson stated that with that many parking spaces and a lane of traffic adjacent to that waterway, they should have lighting. President Anderson said that their lane runs

parallel with the water; and that they are not asking for a lot of light. President Anderson suggested something mounted on the house that would shine toward that area would help. Mr. Torrenga said that he understands the concerns. President Anderson said he isn't asking for poles in the lot, but something to light the area up in case someone drove west and didn't catch that connecting road. Mr. Torrenga said he didn't think that Mr. Giberson would have any problem doing that. President Anderson said he thinks there needs to be something on the house shining on that area, because next week it is going to be dark. Mr. Jarvis said that he concurs with what President Anderson is saying; and that if there were just a little post light out there in the triangle area and one towards the back, they would be done. Mr. Jarvis pointed out that by putting those in now would be very insignificant; but once that is blacktopped, it will be an entirely different ballgame. President Anderson pointed out that there is already a post on the Route 30 side and a lamp post for the residence. Mr. Torrenga asked if Mr. Jarvis was referring to the southwest corner where the triangle area is. Mr. Jarvis identified three areas for light poles and marked them on the attached plat. Mr. Jarvis advised Mr. Torrenga that he has had experience where cars have run straight into a pond on an unlit street; and that they had to get the Lake County divers out there to bring the car back out. Mr. Jarvis added that not that this is that deep, but safety first.

Mr. Torrenga said he didn't think it would be a problem at all; and that they aren't talking about high-powered lights. President Anderson said yes, and that towards the south side towards the west end, there is already a post out there; and that for the north end, they could just mount something on the house. Mr. Jarvis said he showed Mr. Torrenga three positions of the lights and asked that it go into the record. Mr. Jarvis added that Mr. Torrenga already agreed, so he can make that part of the motion. Attorney Estrada said that we can attach that copy of the plat to the minutes on what the agreement was between Mr. Jarvis and Mr. Torrenga. President Anderson asked Mr. Torrenga if that were affirmative. Mr. Torrenga replied yes.

Mr. Jarvis made a motion to approve P.C. Case #21-11-19 pursuant to all State, Local, and Federal Regulations; that all fees to the Town of Schererville be kept current; and that the placement of three lights as identified on the attached plat, or whatever is acceptable at Staff level. This was seconded by Mr. Alex Gorman and carried 6-0.

C. **P.C. Case #21-11-20 BP GAS STATION**

General Location: 1715 U.S. 41 (U.S. 30 & U.S. 41)

Petitioner(s): Muwafak (Moe) Rizek

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

Mr. Rizek from the BP Gas Station represented himself. President Anderson said that since the last meeting, Mr. Rizek had adjusted the parking. Mr. Rizek said yes, and also the sign, and the landscaping. President Anderson said that he wanted it noted that the retaining wall on the north side of the property and the east side of the property needs some repair as part of the project, and that they want to see it improved over its current condition. Mr. Rizek replied that it wasn't a problem at all.

President Anderson opened the matter to the floor. There being no comments or questions from the floor, the matter was returned to the Board. President Anderson stated that he knows that they want to start their foundation and get a foundation release early; and that he didn't have an issue with that; but that for the record, he wanted a time frame for the removal of the old building once the new building is functional. Mr. Rizek replied absolutely and said that once the new building is functional, the old building can be removed immediately, and that it shouldn't even take a week. Mr. Rizek added that they will not be able to pump any gas until they remove everything, and that they will have to shut it down so they can move the gas into the new building. President Anderson said that Mr. Rizek was referring to all of the computerized items. Mr. Rizek said yes. President Anderson said that as soon as that is done, the old building will come down. Mr. Rizek said yes.

Mr. Jarvis asked if they were going to have a liquor license. Mr. Rizek said that they were going to try. Mr. Jarvis asked for confirmation that it hadn't been established yet. Mr. Rizek said not yet; and added that they are in the early stages of submitting everything. Mr. Jarvis asked if the signage was going to be the same as what they had discussed. Mr. Rizek replied yes.

President Anderson said that the retaining walls are to be updated to make it look nice and that they would start the foundation as soon as possible, and that they are still waiting on the state releases. Mr. Rizek said yes and asked for clarification of the retaining wall. President Anderson replied that it runs on the property line along the north/south road coming up. Mr. James Gorman added that the north side also needs it. Attorney Estrada said that there are two conditions that the Board is proposing; and that he recommends if there is a motion for approval that the member making the motion adds those conditions on to the approval: 1) being the retaining wall needs a rehab; and 2) that the removal of the old building should be done within a certain amount of time. Attorney Estrada said that Mr. Rizek says he can do it in a week, but perhaps the Board would want to give him more time such as thirty days.

President Anderson asked if there were any questions or comments from staff. There being none, he asked for a Course of Action. Mr. William Jarvis made a motion for approval of P.C. Case #21-11-20 pursuant to all State, Local, and Federal Regulations; fees to the Town of Schererville be kept current; that the retaining wall be upgraded to standards; that the foundation release be allowed once the state release has been obtained; and the removal of the old building within thirty days per the occupancy. Attorney Estrada asked Mr. Rizek if he agreed to the conditions. Mr. Rizek replied yes. The motion was seconded by Mr. Alex Gorman and carried 6-0.

III. COMMISSION BUSINESS

A. Plat of Amendment – Oak District, Phase 1

President Anderson stated that for Oak District, Phase 1 which is Chick-fil-A and Longhorn Steakhouse, there is a utility easement between Lot 1 which is Chick-fil-A and Lot 2 which is vacant. President Anderson explained that they are looking to vacate that easement. President Anderson asked if they were adding it on the south side. Mr. Volkmann replied that it was being added on the north side; and pointed out that the Plan Commission is involved with the plotting of the new easement; but the vacation of the old easement will be done at the Town Council level.

Mr. Torrenga explained that they thought they were going to put their power and gas on the south side of Chick-fil-A, but they put in on the north side. Mr. Torrenga said he is adding the easement on the north, and the Amendment of Pat to get rid of that easement on the south side. Mr. Volkmann said that the Plan Commission can accept the amended plot to add the new easement; but that the actual vacation will have to be approved at Town Council. Mr. Volkmann added that the amended plot to add the new easement is appropriate for the Plan Commission to address, but that the vacation will go to the Town Council. Attorney Estrada asked if it was correct that the town has yet to vacate the easement. Mr. Volkmann replied that the Town Council will vacate the easement; but have not done so yet; but that it did not preclude the Plan Commission from accepting the amended plat with the new easement. Attorney Estrada said exactly. President Anderson said that they needed a motion to accept the amended plat. Attorney Estrada said that is appropriate to be considered; knowing that it is not a complete process until the Town Council vacates the other easement.

Mr. Jarvis made a motion to approve the Plat of Amendment for the Oak District Phase 1 for the utility easement to the Town of Schererville. This was seconded by Mr. Alex Gorman and carried 6-0.

B. Findings of Fact:

1. P.C. CASE #21-9-16 D & R ADDITION, UNIT 2, FIRST RESUBDIVISION

Primary Approval of a 1-Lot (C-3) Highway Commercial Re-subdivision with Waiver of the Storm Drainage Control Ordinance No. 1708 & 1708A, Title III, Section 2 – regarding storm water detention requesting that detention will not be required

APPROVED W/CONTINGENCIES (7-0) 9/13/21

Mr. Alex Gorman made a motion to approve which was seconded by Mr. Immig and carried 6-0.

2. P.C. Case #21-9-17 STROM ADDITION

Primary Approval of a 1-Lot (R-1) Residential Subdivision with Waiver of Storm Drainage Control Ordinance No. 1708 & 1708A, Title III, Section 2 – regarding storm water detention requesting that detention will not be required

APPROVED W/CONTINGENCIES (7-0) 9/13/21

Mr. Alex Gorman made a motion to approve which was seconded by Mr. Immig and carried 6-0.

C. Correspondence

Ms. Sulek stated there was no correspondence.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:32 P.M.

Respectfully Submitted:

Gary Immig, Secretary