

MERRILLVILLE BOARD OF ZONING APPEALS
February 25, 2015
6:30 PM

The Board of Zoning Appeals meeting of February 25, 2015 was called to order by Chairman John Minchuk at 6:30pm and led the group in the Pledge of Allegiance.

ROLL CALL

Members in attendance were Mr. Holtz here, Chuck Stojakovich absent, Mr. Minchuk here, Robert Bigelow here and Tim Fortier absent. Staff in attendance was Dorinda Gregor, Attorney Touchette and Sedrick Green of Robinson Engineers.

Chairman Minchuk said as you can see we have only 3 voting members up here so you would have to have a unanimous vote or defer until the next meeting. I want to thank Mr. Hardaway for attending tonight. Councilman Hardaway thank you.

MINUTES: NONE

COMMENTS FROM THE CHAIRMAN:

I will call the case by case number and name of the petitioners I would ask that you come forward state your name and address for public record at which time you will be given an opportunity to present your case accompanied by any professionals that you may have with you. After that we will open the case for further comment. If you are desirous of speaking for or against any case we ask that you please sign in at the registry in the center of the isle. We will have a question and answer period followed by a staff report pertaining to each case presented this evening. We will also render a decision either for or against or a deferral for more information or any other reasons which we will state. Would you please at this time silence any communication devises, cell phones or pagers. We will appreciate it. Thank you.

COMMUNICATIONS: Letter from Andrean High School dated October 6, 2014 referencing petition #3 on agenda

OLD BUSINESS

None

NEW BUSINESS

Z5uV3-0215 LANDMARK SIGN GROUP, PETITIONER

THE NEW INNSBROOK COUNTRY CLUB, LLC.

GREGG MCCOLLY, OWNER,

located at 6701 Taft Street for a Variance of use approval for a special exception use freestanding sign and allow a digital message center sign to be included on the proposed freestanding sign in an R-1, Single Family Residential Zoning District advertisement for an on premise business (Innsbrook County Club).

Larry Yurko and I represent Landmark Sign Group at 7424 Industrial Avenue in Chesterton, Indiana. I am here this evening to seek approval to fabricate and install a freestanding sign for Innsbrook County Club as Dorinda has stated. Our proposed sign is larger than code allows. Code would allow for a monument sign at this location. But we needed a taller sign for visibility so that cars don't see it at the last second. Given the operation of the Country Club with the restaurant open to the public and the banquet facility open to the public and with all that the club has going on the need for an electronic message center on the technology curve is important for our client.

Chairman Minchuk said that will be our next digital.

Mr. Yurko said yes that will be important. The sign itself if internally illuminated with a routed background so at night so just the copy is illuminated and the back ground is opaque so we don't have an excessive amount of light coming from the permanent section of the sign. The LED section would be able to list different messages or events that are going on at the club.

Chairman Minchuk asked Dorinda if she explained to them what our ordinance are.

Mrs. Gregor read the staff report. We also want to reference the other petition because they are married together for variance. Petition if approved at this location only for this use only and for advertisement for the Innsbrook Country Club only. I am going to read the next one because it relates to the first case

Z6V3-0215 LANDMARK SIGN GROUP, PETITIONER,

THE NEW INNSBROOK COUNTRY CLUB, LLC/GREGG MCCOLLY, OWNER, Located at 6701 Taft Street for a Variance approval from Sec. 21-189 (3) to allow a 2nd sign (proposed special exception use freestanding sign) and a variance approval from Sec. 21-193 (f) to allow a digital center display area on proposed 2nd sign to exceed the twenty percent (20%) of the maximum area permitted in an R-1, Single Family Residential Zoning District for advertisement for private golf course, banquet facility and restaurant (Innsbrook Country Club)

Mrs. Gregor said there is currently a sign on the south brick entry way going into the Country Club property. The proposed sign is going to be 23' 8" in height and the size of the proposed sign would be 142.38 square feet double faced located on the south side of the drive within the fenced area entered the County Club property. The proposed freestanding sign would have to meet all other sign code requirements. The size of the proposed electric message display area is 62.15 square feet which should not exceed an area 12.8 square feet and then I did the calculations. The signs would provide visibility to vehicular traffic traveling 45 miles an hour on Taft Street for advertisement of activities occurring at the site. A request for an offsite monument sign to be located at 6755 Taft Street for advertisement was presented to the BZA under petition Z7uv-2014 and received no recommendation and then it was withdrawn at the Town Council meeting on June 24, 2014 and once again conditioned if approved for this petitioner only at this location only for this use and advertisement for business at the Innsbrook Country Club property only.

Chairman Minchuk asked my question is there hours set that they can illuminate sign or have anything flashing.

Mrs. Gregor said again you can discuss.

Chairman Minchuk said that is what I wanted..what are your hours that you are going to have the sign on what time. What I am worried about are the houses across the street are a little ways off but if it is late at night flashing it is kind of a dark area I am worried about the people in that area living there how it is going to affect them.

Mr. Yurko replied I have spoken to my client and they are willing to put the sign into a sleep mode after 10:00 or whatever the case may be. Ideally we would like to have the sign operational if there are any events going in at the club. However we can put it into a sleep mode. We would be open to that maybe just to have the time on the sign or we can shut it off all together.

Chairman Minchuk said Dorinda has any of the neighbors been contacted about this.

Mrs. Gregor replied all the neighbors have been contacted

Chairman Minchuk said no letters or nothing

Mrs. Gregor said no we did have a couple of representatives from the Brookwood Subdivision here tonight.

Chairman Minchuk said if anyone we will make a little discussion here and let the people talk. At this time does anyone else have any questions? Board members

Mr. Bigelow said just one question from me. I don't see anything on any of these drawings that says how far the sign is going to be set back from that wrought iron fence.

Mr. Yurko replied we would set it back 10 feet. We would meet the setbacks by the Town. It would be 10 feet from the property line

Mr. Touchette asked will the sign be in the blacktop parking area

Mr. Yurko replied no Sir it will be in the grass area just to the north of the blacktop just south of the fence line. But it will be on the Clubs property.

Mr. Holtz said it will be on the inside of the fence.

Mr. Yurko replied yes Sir.

Chairman Minchuk asked if anybody in the audience that would like to speak for or against.

Good Evening gentlemen I am Ted Kennedy the treasurer for the Brookwood Homeowners Association. I use to be on your committee and I had the same concerns about the sign be lighted at night as you expressed John would certainly because of the size and the height those people on the west side of Taft are going to be affected more than the people in Brookwood. I think that we have to give consideration to them and suggest that the message board be at least turned off between 10:00PM and 6:00AM. I am a little confused are they talking about a monument sign and a freestanding sign.

Mrs. Gregor said no the

Mr. Kennedy said they withdrew the monument sign.

Mrs. Gregor said no if they would have had a sign the monument sign could be no larger than 64 square feet in height however they do have a second sign on the entry way brick wall that says Innsbrook Country Club that is where this comes in as a second sign.

Mr. Kennedy said ok so they are not adding anything that the freestanding sign. So that would be my recommendation to shut the lights down at nighttime.

Chairman Minchuk said Thank you.

Milan Dakich said my concern is probably one of safety. I am looking at this sign and people driving going south it would be a little hard to see that sign from the trees and going north you are really on an incline going up that is why it is probably a good idea that it is that tall. But my real concern is that the speed limit there is 45 miles per hour. I live right next door to that and people I fine usually drive 5 miles over the speed limit so it is about 50 miles per hour so my feeling is that whatever the writing up there should be at a minimum I mean if you put too much writing and some jackass stops to read that and a car coming 50 miles per hour are behind it and the traffic that flows on Taft Street is unbelievable. It takes me sometimes 10 minutes to get out of the Brookwood subdivision so you know I guess my real concern is safety. I think it will be helpful to the business and if they don't too much writing up there or maybe they should lower that speed limit to 40 miles per hour we were discussing the speed limit but it is 45 miles per hour and it is interesting geography when you come from Strack and Van Til and Admiral you are going downhill and you are a flatland and suddenly the railroad track you are going up at an incline if you are back about a football field back you won't see the taillights of that car so they will come on that and then before they know it they are the sign. But the fact that it has that very high elevation that is helpful to see.

Chairman Minchuk said we have the very same thing up on 65 you have signs that flash and read whatever and they are going 75 and 80 miles an hour.

Mr. Dakich replied well that is true.

Chairman Minchuk said if somebody does that I mean it is high enough to where I don't think that it would affect traffic.

Mr. Dakich said on I see then What Ted was talking about I agree that it be shut off at 10:00PM so the neighbors so see any kind of a flash or a glowing sign so Ok. Thanks

Chairman Minchuk asked is there anybody else. Dorinda I don't know about the other members but my personally feeling is I think that 10:00PM is really. I think that if they are having a doings that night I think that by 12:00 everybody will be gone but I think that 10:00PM Monday thru Friday would be. It is up to them if they want to do it that way other than that I wouldn't be for putting the mechanical or flashing sign up but if you shut it off by 10:00 Monday thru Friday I think that will be fine.

Mr. Yurko said that would be a rare occasion but we don't have a problem with that.

Chairman Minchuk said can I add that too.

Mr. Touchette said put it in the sleep mode and have the sign lighted or do you mean to turn the lights off completely.

Chairman Minchuk asked no flashing

Mrs. Gregor said no electronic message center.

Chairman Minchuk said yes just the electronic message but no flashing. I agree with Ted flashing in your windows and nobody wants that. I agree it is probably hard to see the sign when you go by there now. We did that to the schools and churches and everybody else so I don't see why Innsbrook should be exempt from that.

Mrs. Gregor said so can we vote on Z5uV3-0215.

Chairman Minchuk said yes you put them both together so

Mrs. Gregor said so let's vote on them separately

Chairman Minchuk said so you want to do them separately.

Mrs. Gregor said to allow a digital message center sign to be included on the proposed freestanding Special Exception use sign in an R-1.

Mr. Touchette said so that would be 0215

Mrs. Gregor said Z5uV3-0215

Mr. Holtz said if that the one we will put the stipulation on as far as time.

Mrs. Gregor said we should put the stipulation on both of them.

Mr. Holtz said I just have one question a monument should only be about 8 feet tall. So that is our standard

Mrs. Gregor said yes.

Mr. Holtz said you are saying that the digital is only going to be 64 square feet and that is what our code is.

Mrs. Gregor said no our code says it can only be 20% of the maximize size of that particular sign so 20% of 60 square feet should only be 12 feet.

Chairman Minchuk said it is going to be farther back

Mr. Holtz said so the whole sign is 64 square feet

Mrs. Gregor said no

Mr. Holtz said the digital portion of the sign is going to be 12 foot out of the 64.

Mrs. Gregor said the actual freestanding sign will be 23 feet in height it will also be 142.38 square feet or where 64 square feet is permitted and the digital message center will not meet the code which would be 62.15 square feet. So the digital message center and the entire sign as a package is 142.38 square feet and if you want to deduct the 62.15 square feet that leaves a remainder to just the actual sign that says.

Mr. Yurko said Innsbrook Country Club and Lansford Grill and Banquets.

Mr. Holt said the digital part stated that it would be only advertising

Mr. Yurko replied on premises activities, club activities, and the restaurant.

Chairman Minchuk said how about if Merrillville needs to post something on there like they regularly do would it be available.

Mr. Yurko replied yes. Amber alerts.

Mrs. Gregor said high water.

Chairman Minchuk asked if there are any more questions. Motion please Mr. Holtz said he would like to make a motion for Z5uV3-0215 for this petitioner only at this location only for this use only the digital portion of the lights should be Sunday through Saturday be turned off at 10:00P.M and then it will be turned back on at 6:00am in the morning.

Mrs. Gregor said so will be 7 days a week then you want that turned off at 10:00P.M.

Chairman Minchuk said I was talking Monday through Friday and then Saturday or Sunday if they have a dinner or something they could go 7 days a week until 10:00P.M.

Mr. Yurko said I would like in the event that there is some activities going on during the weekends we would like to have that availability not saying that we will.

Chairman Minchuk said that was my consideration. My Saturday night or Friday night they might have something going. They could have it until midnight after that I think that the people wouldn't appreciate it flashing in their front rooms.

Mr. Bigelow said I think that portion should be best turned off at 10:00P.M. Sunday night through Thursday night that it be turned off on Friday evening and Saturday evening later.

Chairman Minchuk said Monday through Thursday and then if you had something going on Friday night or Saturday night you could keep it on a hour or two more it is ok but if they go beyond that too many times I would definitely have someone go over and talk to them.

Mr. Yurko said we want to be good neighbors not to tear it apart or anything. If there is a problem we are approachable and we will keep our eyes on things as well..

Mr. Holtz said would you want it to midnight on Friday and Saturday.

Mr. Yurko said that is fair.

Chairman Minchuk said I would go along with that Ric

Mrs. Gregor said then it could be turned on at 6:00am in the morning.

Mr. Yurko said it needs some time to rest it is busy it works 24-7.

Mr. Holt said Ted is it agreeable to you guys.

Mr. Kennedy said strictly speaking I don't think that it is going to directly affect the Brookwood people but the people on the other side of the street.

Mr. Touchette said they knew about it and they are not here tonight.

Mr. Kennedy said they are not saying anything about it so let them know what it is like. If they have a problem between 10:00pm and midnight let them come in and complain.

Chairman Minchuk said that was my biggest thing Ted was if we go 2 or 3:00am that is going a little over board.

Mr. Kennedy said that there is no reason for that.

Chairman Minchuk said like you sat Sunday through Thursday. Friday and Saturday midnight the latest. Is that ok.

Mr. Dakich said Thursday through Saturday if there is a special event it is ok but if there is nothing going on

Chairman Minchuk said if there was an event on Friday or Saturday that would be the only time that they would use it. It would only be until midnight and that is it we are only talking about Friday and Saturday night that is it. After that is it agreeable. Ric is that agreeable. Members agreeable.

Mr. Holtz replied yes.

Mrs. Gregor said we want to allow nonprofit organizations to advertise if they seek out that use. Lets say if the Town wants to advertise their ball and emergency services.

Chairman Minchuk said do you want to read that motion again.

Mr. Holtz said approve Z5uV3-0215 for this petitioner only at this location only for this use only and with the digital portion functioning between the hours of 6:00AM and 10:00 PM on Sunday through Thursday and on Friday and Saturday operational FROM 6:00AM TO Midnight on days that they have events and then they will be able THE Town or any organizations can use it for nonprofits or alerts.

Mr. Bigelow seconded the motion.

Chairman Minchuk asked for a roll call.

Mr. Bigelow yes, Mr. Holtz yes, and John Minchuk yes.

Chairman Minchuk said go over everything with Dorinda

Mrs. Gregor said now a Use Variance moves on to the Town Council

Z6V3-0215 LANDMARK SIGN GROUP, PETITIONER,
THE NEW INNSBROOK COUNTRY CLUB, LLC/GREGG MCCOLLY,
OWNER, Located at 6701 Taft Street for a Variance approval from Sec. 21-189 (3) to allow a 2nd sign (proposed special exception use freestanding sign) and a variance approval from Sec. 21-193 (f) to allow a digital center display area on proposed 2nd sign to exceed the twenty percent (20%) of the maximum area permitted in an R-1, Single Family Residential Zoning District for advertisement for private golf course, banquet facility and restaurant (Innsbrook Country Club)

Mrs. Gregor said so it is the second sign and it is the size and the height of the sign to exceed the maximize size for the digital. So we are going to vote on each one of those separately.

Chairman Minchuk said we voted on one and know we have to vote on this one.

Mr. Touchette said now you are at Z6V3-0215.

Mrs. Gregor said so now you are going to allow the second sign.

Chairman Minchuk said it is behind the fence

Mrs. Gregor said yes this is the sign that we are talking about the same sign.

Mr. Holtz said don't we need a motion first.

Mr. Holtz said I would like to approve Z6V3-0215 for the Variance for the second sign.

Mr. Bigelow second the motion.

Robert Bigelow yes, Ric Holtz yes and John Minchuk yes.

Motion carries.

Mrs. Gregor said the size and the height of the sign to exceed what is what is permitted would be the next request.

Mr. Holtz made a motion to approve Z6V3-0215 for this petition only for this sue only and the increase of the size of the sign.

Mr. Bigelow second the motion.

Chairman Minchuk asked for a roll call vote.

Robert Bigelow yes, Ric Holtz yes and John Minchuk yes.

Motion carries

Mrs. Gregor said the third portion for the LED message center to exceed the 20% of the allowable sign.

Chairman Minchuk said plus this is where the times come in.

Mrs. Gregor said we are going to attach all the conditions that we had on the first one with this one too.

Mr. Holtz said he would like to approve Z6V3-0215 to exceed the 20% maximum and again with all the conditions for this petitioner at this location only for this use only and the times as we proposed the first time.

Mr. Bigelow said I will second that.

Chairman Minchuk asked for a roll call vote

Bob Bigelow yes, Ric Holtz yes and John Minchuk yes.

Motion carries.

Mrs., Gregor said so the Variance of Use will move on to the Town Council and I will contact you.

Z7E1-0215 FILIP GRANT, PETITIONER.

MANUAL GRANT, OWNER, Located at 5891 Broadway for a Special exception approval in a C-2, Community Commercial Zoning District for a drive up window at existing restaurant (PJ'S Grill)

My name is Jack Hultz, DVG 11065 Broadway in Crown Point. I am here representing PJ'S Grill. Filip Grant is here next to me is the owner/operator of the restaurant location of 5891 Broadway which is directly north of Andean High School on Broadway on the east side of the road and he currently (I am going to put a board in front of you) operates a restaurant fast food and about 90% of his operation take out and is in need of a drive through at that location and is here seeing a Special Exception in the C-2 zone. The restaurant is a permitted use but a drive thru at a restaurant is allowed by a Special Exception So that is what they are seeking. Currently

the drive way or the parking lot is a large is a large field of asphalt at about 100 x 100 and you enter off of Broadway through a single entrance. You cannot get to the alley on the east side because there is curb there about 5 to 10 feet away from that location. We put together a proposed plan where we would have a drive thru where we would have 5 stacking that is what is required by ordinance and we would maintain the required parking spaces by ordinance and we would have the traffic moving through the site so you would enter off of Broadway you would make a decision whether to park or whether you want to go through the drive thru. If you wanted to go through the drive thru you would pull up to the reader board you would order if you wanted to park you would head to the south a little bit thru that isle which has adequate parking there also a provided walk way to get to the entrance. The average serve time is 3-5 minutes so we have provided 4 spaces calling it drive thru waiting so those spaces would allow somebody to pull up and order pay for the food and then pull off to that drive thru waiting much the same way as Culvers drive thru waiting that would allow people then to enter the drive aisle on the south side and then they would exit either drive thru or the pass thru parking to the east to the alley and then would exit to the south we are placing right turn only signs at those locations and then back out we think that is the logical way that people will approach that traffic because you can see across the parking . It is very easy to get around and back to Broadway that way. If you decide to head north you have a long and skinny alley to head down and we are trying to make it real easy for them to head around. So that is the petition that is before you is there any questions.

Mrs. Gregor read the staff report. We have communication from Andean High School which will be read. Conditions if approved for this petitioner only at this location only for this use only and maintenance and repairs would be the responsibility of the owner from the north and south property lines and they work with Andean High School doe maintaining the portion of the d rive they will be using for the restaurant.

Chairman Minchuk asked if there are any questions from the board.

Mr. Holtz said where they will be ordering

Mr. Hultz said the reader board would be where it says number 3.

Chairman Minchuk said I will tell you want do we have anyone in the audience that would like to come up please come up now I would appreciate it.

My name is Tom Alford I represent two properties 5860-5858. I am the current owner of those properties and they back up to that restaurant. Historically I have not been to happy with then having to clean up stuff in that alley. We have had raccoon problems because of like stuff not being maintained. My concern is do I want to have people here when they order when they are having a family function throughout the night no. There is a thing called quiet enjoyment anybody even these guys would not want somebody taking an orders throughout the night while their kids are trying to do their homework and you can hear them on the loud speaker give me chicken wings, give me this and that depending on a couple of things and I am an engineer by the way. What kind of decimal are they going to be installing where is that speaker going to be I mean I don't even see the picture that is why I wanted to see exactly where it is laid out.

Mr. Hultz showed him a layout.

Mr. Alford said if it is going in the alley I have a big problem with it being in the alley.

Mr. Hultz said I appreciate your concern so on the south side of the building near the front entrance which would be the southwest corner.

Mr. Hukz said so the alley is here and the south road is right here and so the restaurant is here parking field.

Mr. Alford asked where is the speaker going to be.

Mr. Hultz replied right they will be right over here. It will be on the south front of the building

Mr. Alford said closer to Broadway

Mr. Hultz replied right closer to the Broadway than to the alley.

Mr. Alford said and no encroachment on the alley.

Mr. Hultz said no the alley is only being used for traffic flow.

Mr. Alford asked how loud are these going to be when they are taking orders.

Mr. Hultz said not really loud like when people and spouses walking back and forth speaking in the parking lot.

Mr. Alford asked if you are going to be expanding any hours

Mr. Grant said definitely not we will do just what we do and close up.

Mr. Alford said that was my concern if you were going to have that alley secured. If you are going to be using that alley I would have a problem with that.

Mrs. Gregor said he will be using the alley way to be exiting from his drive thru or his parking.

Mr. Alford said oh you will be using that alley.

Mr. Hultz said just like if someone would park their car in 1,2,or 3 someone could pull up there so we are not talking about that much closer they are parking right there.

Mr. Touchette said just so I'm clear it looks like there are 2 exits off of your parking lot into the alley right one is straight from the drive thru and the other is just to the south of the 1 & 2 numbers there.

Mr. Alford said there is no use like that for that alley right now.

Mr. Touchette said I have a question on the alley what is to the north. Is this a one way alley or a two way alley?

Mr. Huls said it is a 20 foot wide alley and I don't think that there is any directional control that is established. What we would be proposing is an exit into the alley. There will be a sign on our property that tells them go to the right.

Mr. Touchette said is there a curb or something that keeps people from turning north. I have seen those where you can't turn to the north.

Mr. Huls said because of the proximity of the building to the alley there really isn't any way to put in a pork chop or some type of traffic control device there but we feel that the alley does narrow right at the property on the north side of the property line does narrow so we feel that the alley

Attorney Touchette said I was just curious as to where the alley go when it goes north is another street that it runs into

Mr. Grant said I think it is 57th I think

Mr. Hultz said it is about a 1,000 feet back of the businesses on Broadway.

Mr. Alford asked is there room if a car is it 59th to the south and it wants to turn north into that alley

Mr. Hultz said that should not be a problem. If somebody wanted to use the alley for its intended purpose we are not preventing or restricting that from happening.

Mr. Alford said there is a lot of traffic coming out of Andean every day and they have to have a Merrillville cop there is every day.

Chairman Minchuk said that is usually a county police. My question too is you were talking about rodents and having problems with garbage. We can't have that either

Mr. Alford said when you have a drive thru you people.

Mr. Grant said I will do a good job maintaining it. I will do a good job

Chairman Minchuk said we have an ordinance officer go by there and if we see any garbage then you will be cited for that. That will be part of your restriction that you keep that alley way clear. If we do it. Will you agree to that Sir.

Mr. Alford said on the problem that I still have is them going through that alley because he saying they use that alley and I am saying no they don't. That alley is so narrow who actually would use that alley.

Chairman Minchuk said if you go further north to Dunkin Donuts it is kind of the same thing and if you go through there you are lucky if you don't lose a tire.

Mr. Alford said to have garbage back there I guess as long as the speaker is not loud it won't be disrupted but I know there is going to be more garbage. I am going to drive by that alley again.

Chairman Minchuk said if we could make that a part of you call Dorinda and we will send an Ordinance Officer out there and if there is we will almost guarantee that a citation will be issued immediately. But that is only if you agree with that.

Mr. Alford said yes that is fine I am going to drive through that alley again. I have never seen any of his customers going through there that alley

Mr. Touchette replied I don't think that alley is open now is it. Is there a curb there now there or not.

Mr. Huls said that there is an opening there the drive thru opening is there. People do roll through it and roll around it go through the alley. It is paved but very old but I plan on using my own money make it wider whatever you guys want.

Mr. Touchette asked if you have employees patrol the area and pick up trash

Mr. Huks said I think that it is from the liquor store it just blows. We clean all day and very day and we look outside

Mrs. Gregor said it could be the kids from Andean too getting out of school.

Mr. Huks said the Doctor next door says the same thing. He has the same problem just garbage. We try our best to clean it every day.

Chairman Minchuk said that was what I was talking about.

Mr. Alford said trapping raccoons but if they are feeding.

Mr. Huls said our garbage has a gate around it a very tall strong gate like I said it could be from just anyone. I will maintain it.

Mrs. Gregor said can I read a couple of letters in to the record.

PJ's Grill, Mr. Grant at 5891 Broadway Merrillville Indiana

Dear Philip

Please use this letter as support for you to move forward with your improvement plans. Andean High School is aware of the plans to add a drive thru window and we are supportive of the initiative. You have shared your drawings and have articulated your plans to me. Andean High

School will continue to work with you regarding signage, landscaping and snow removal. We believe that drivers are presented with more than one option for egress and for all parties whether they are at PJ's Grill or Andean will be following the rules of the road allowing for controlled access to Broadway.

Best Wishes as you grow your business

Sincerely

Harry Vande Velde,

President

Mrs. Gregor said and also we have an E Mail from Bruce Spires. We discussed this and he doesn't feel that there are any issues with the petitioner's request to improve the public alley way for the purpose of entry to their proposed drive thru. It really should be exiting the petitioner will be responsible for all maintenance and repairs to the alley because it will still be considered a private drive.

Bruce Spires

Town Manager

Mrs. Gregor said the Town Engineer had some comments also.

Robert Csanyi said he presented it to Mr. Huls also before the meeting. There are a few comments there that really are not that huge that he could address. The parking stall adjacent to the existing garbage area partially blocks access. We are concerned with the last parking spot by the garbage area is not rearranged this will reduce parking by one spot leaving a total of parking to 14 space. The required parking spaces needed are (15). This may require a variance from the BZA. If I can I would like to discuss the hours of operation are going to be going from 11:00am to 10:30 or something like that.

Mr. Huls said the hours we are thinking about shortening the hours to 10:00PM. So the garbage pick-up is on Mondays they get there very early so those parking spaces

Mr. Huls said so just that we are kind of clear this is a pavement marking plan. The pavement is remaining asphalt so for people and for plowing can have full access to the parking lot so we are just guiding traffic in certain directions with pavement markings. There were some request for some additional dimensions and stuff like that from Robinson and we can provide those definitely. This petition is consistent with your master plan there is lots of businesses up and down Broadway we feel that this petition is also in the best interest of public safety. There is an ingress and egress on Broadway by currently right from their parking lot. The busy hours of lunch time and dinner time it is a very congested location and having the traffic go through the site is better for safety also the arrangement of the parking lot is much more organized than what you expect at this type of a business and so then finally this Special Exception has been granted at other facilities in the area.

Chairman Minchuk asked Councilman Hardaway is this your Ward.

Councilman Hardaway said yes.

Chairman Minchuk said do you have anything to say.

Councilman Hardaway said I had the opportunity this afternoon after speaking with Dorinda to go down and rode through the alley from 57th all the way down to 59th I think it is right there by Andean and the alley is in deplorable shape but it is utilized because people there had their garbage cans in the alley meaning that someone has to come and dump them. That is the first thing and the second thing that there is nobody that can come off of 59th Ave and turn north up that alley because that is a one way coming out of Andean and it has always been that way. Filip took me through and what their intentions were he showed me where the window would be, and where the menu would be and I think that it could only enhance the area. We always look for ways to improve our living conditions here in the Town of Merrillville and I think what he is doing there will definitely improve the area and I don't agree with trying to put a curb there to keep people from only going right because the garbage people whoever is picking up the garbage there has to come all the way through and if you block that off then that creates another problem because they would have to come down get the garbage dump it and then try and back out.

Which creates more of a safety issue that if they just go all the way through. So I firmly support this and I really understand what he is saying when he says at 9:00PM that he would like to close up the inside and just have the drive thru for safety reasons and I support that 100%. There are a lot of things that happen now in all business throughout not only Merrillville, Gary Crown Point. So the ore you can protect your employees the better we are. So I think that what he runs a clean business and I have never heard of anybody complain that is there and I remember when it was closed for a while we were concerned about it and now they have come back and they have enhanced everything there so I think that it would be a welcome improvement but if the BZA would give it some consideration tonight and approve this action. Thank you

Chairman Minchuk said I personally go along with that as long as the gentlemen there is taking care of we can't be throwing garbage in is back yard or raccoons or rodents that is the only concern I have right now is our citizens.

Mr. Grant replied there is a very tall fence protecting the residential property and also a row of tall bushes.

Chairman Minchuk asked you are going to maintain your drive around.

Mr. Grant replied oh yes.

Chairman Minchuk replied like I said if we get any complaints from this gentlemen we will send a officer over there to make sure it is cleaned up.

Mr. Alford said that was what I was thinking but I came kind of unprepared. The traffic should be able to flow through that alley so. Are they going to reduce the number of spaces for the drive though so that the garbage people can get through?

Mrs. Gregor said that the garbage people comes through in the morning. The people that will be parking there that will be waiting for their food will be in operational hours.

Mr. Alford said you have a lot of commercial businesses down there too. Commercial business don't necessarily use they may come at different times because I got a commercial building and the guy came at 3:00PM. Yesterday.

Mrs. Gregor said those spaces are not going to be in the alley way they are going to be on his property.

Mr. Alford said that is what I was trying to make sure.

Mrs. Gregor said it is all on his property.

Chairman Minchuk said if there are no other questions I would like to have a motion

Mr. Holtz said are you for sure that you are going to change your hours from 11:00 am to 10:00pm

Mr. Hardaway made a motion to approve Z7E1-0215 with the conditions for this petitioner only at this location only for this use only. Will pave parking lot from property line to 59th Avenue and maintain their alley.

Mr. Bigelow said you will work with Andrean to maintain their part of 59th Avenue

Mr. Bigelow seconded the motion.

Chairman Minchuk asked for Roll call

Mr. Fortier yes, Mr. Holtz yes. Bigelow yes, Mr. Stojakovich yes and Mr. Minchuk yes.

Motion carries 5-0

Chairman Minchuk asked for a motion to adjourn.

Mr. Hardaway made a motion to adjourn

Mr. Bigelow seconded the motion

Meeting adjourned at 8:00P.M.

Respectfully Submitted
Janet Rosko