

**MERRILLVILLE PLAN COMMISSION MEETING**  
**August 19, 2014**  
**6:30 PM**

President Shawn Pettit called the Meeting of the Merrillville Plan Commission of August 19, 2014 at 6:34 PM to order and led the group in the Pledge of the Allegiance. Members in attendance were Mr. Holtz present, Mr. Spann present, Mrs. Krafft here, Mr. Widing here, Mrs. Palmateer here, Mr. Dering and Mr. Pettit here. Staff present was Dorinda Gregor, Attorney Touchette and Sedrick Green, Robinson Engineering.

President Pettit said we have 7 members present. We have a quorum

**MINUTES:**

July 15, 2014

Mr. Widing said so moved, seconded by Don Spann

President Pettit said we have a motion by Mr. Widing and a second by Mr. Spann to approve the minutes

As presented is there any further discussion seeing none all those in favor by saying aye. Motion carries

Communications we will read with their petition.

**OLD BUSINESS:**

**P5tS-0714 DVG, INC., PETITIONER**

**CVP DEVELOPMENT, OWNER,** Located approximately at the northeast corner of 86<sup>th</sup> Avenue and Merrillville Road for a Tentative Subdivision Approval in an R-3, Two Family Residential zoning district on 18.80 acres to be known as Hunter's Glen North for Two Family residential development consisting of 31 lots (62 Units)

President Pettit said it was deferred by the Plan Commission on July 15<sup>th</sup> 2014 for the record ladies and gentlemen we have a communication

Dated August 19,

Mrs. Dorinda Gregor

Town of Merrillville

7820 Broadway

Merrillville, In 46410

Subject: Plan Commission Tentative Plat Petition

Hunter's Glen North Subdivision Development

CVP Development Company, Inc.

**MEETING DEFERENTIAL REQUEST**

Dear Dorinda

On behalf of CVP Development Company, Inc., the developer and property owner of the proposed Hunters Glen North Subdivision Development, we respectfully request a meeting deferral from August 19, 2014 Plan Commission meeting agenda. We request that the current petition for Tentative Plat approval be deferred to the next regularly scheduled Plan Commission meeting. This deferral request is necessary at the Town's direction to finalize amending the agreement

amendment between the petitioner and the Northwest Indiana Hindu Religious Center.

If you should have any questions regarding this petition deferral request, please feel free to call our office.

Very truly yours,  
DVG Inc.  
Jeffrey R Ban  
Project Manager

Cc: Glen Boren-Plumb Tuckett & Associates  
CVP Development Company Inc.

President Pettit said the pleasure of the commission.

Mr. Widing said motion to accept, seconded by Mr. Spann.

President Pettit said we have a motion by Mr. Widing and a second by Mr. Spann to accept the deferral letter submitted by DVG Inc. through Jeff Ban. Now is there any discussion.

Mr. Dering said the question that our attorney imposed is we had a meeting before the July 15<sup>th</sup> meeting between the Town Attorney at the direction of the Plan Commission and DVG and the Hindu Religious Center representatives and their attorney and they received a deferral if Mr. Touchette wants to refresh us on what was discussed there so we are all on the same page of where they are going to go with this thing.

Attorney Touchette said well at that meeting I believe that all of the issues between the Hindu Society and the developer have been agreed to and there were notes that Jeff Ban had taken and he said that he would go through the items and it appeared that there was an agreement they were going to.....I suggested that they finalize and agreement and they bring a final agreement to the meeting so that we are not again having to postpone the meeting because the agreement is not finalized. I think before we had the workshop meeting earlier this month Dorinda talked to Attorney Richard Anderson who represents the Hindu Society and he had just received a copy of a draft agreement the developer

Mrs. Gregor said he said that he could not review it in a day's time so therefore we ended up deferring this at the public meeting in July and now we are going to defer it again. My question is probably to Shawn because he is on the commission for maybe economic development where you had talked about putting the road in. My concern is let's say that they come back next month and you put a condition conditioned upon them receiving the approval if the town will install the road. Well Tentative Subdivision approvals only last one year and is it going to take more than one years for that road to be installed and why are we just knocking our heads against the wall.

President Pettit said my initial reaction to that Dorinda is no I am not going to go to the Redevelopment Commission unless Councilperson Barron absolutely kicks and screams. I am not putting this road in until they receive final Subdivision Approval. Until we start seeing something from this guy and no disrespect their

not hear and we have had this discussion before and Brian your Dad lived through it back here and Teal Crossing and he does a nice product but you know what I want to see the guy here. I want to talk to the guy I want these things answered I want to stop wasting the 9 of us time. No disrespect I have to pay Sedrick, Don and Ron and I have to pay Sedrick to be here we have to pay Bill to be here we are all being paid to be here on the taxpayer's dime and we are not getting anything accomplished and these guys don't show up. They have had plenty of time to answer these questions. First and foremost he bought the property with the agreement buyer beware Craig if you didn't want the agreement you shouldn't have signed the papers nobody held a gun to your head to buy the property in the first place. He knew this trade had gone on with Edward Rose back when Joe Shudick was on the Council with us

Mrs. Gregor said I don't think they are going to move forward unless they are guaranteed that the road is going to be put in so my question is why are we still racking our brain out on this.

Mr. Dering said the thing with Craig the thing with the subdivision even they can put a construction road in they can do their thing and it is not that far back off of Madison Street that they are going to have to pave out a very expensive road they would put a construction road in any way we wouldn't do a darn thing

Mrs. Gregor replied a construction road but no one would be able to live there.

Mr. Dering said that is his issue.

President Pettit said I tried to help Craig out. With all due respect Craig this is how I get paid or Ron and Don and I get paid being on the RDC get paid back. We offered to build this road for this guy and he doesn't due us the respect by getting his excuse me ladies getting his \_\_\_\_\_ together and getting the answers. He met with our Attorney time again we have to pay Bill I am sorry you had plenty of time.

Mr. Dering said he wasn't even at the meeting in July with you guys to get this agreement and again as Shawn says that there is an existing agreement knew there was an existing agreement and I don't know what the problem is. I know just from discussion with Bill and Richard that they have offered to do a land swap give us our pond back and keep the money they are even letting them keep the money

President Pettit said here is the other thing thou Dorinda with the road it is very simple guys your the one creating the demand right now Councilperson Barron is not asking for it she asked that Merrillville Road be repaved and we did that through the paving. The demand your creating the demand Craig your putting the 62 units in I will put the road in or the RDC will put the road in after you start turning dirt after I see sidewalks in there and underground and clearing the land and following through you can't even get yourself through Tentative Subdivision approval man come on

Mrs. Gregor said this is the 3<sup>rd</sup> time

Mr. Dering replied and he never shows up

President Pettit said I am not going to spend a million dollars of Merrillville Road TIF money on a speculation and then this guy ups and leaves

Mr. Dering said sells it to somebody else

Mrs. Gregor said I think that he needs to take something to the bank to say that that road is going to be put in otherwise we are going to sit on this for another 18 months and he is going to have to come back again for another Tentative Subdivision.

Mr. Touchette replied that is even why if the agreement is written up between the Hindu Society and the developer I believe it will be done.

Mrs. Gregor said if it doesn't then that agreement will revert back to the original agreement that is what Mr. Anderson stated.

Mr. Touchette said they seem to have a meeting of the minds

Mrs. Krafft asked if papers were signed. If papers are signed and sealed

Mr. Touchette said there was an original agreement

Mrs. Krafft said so they are responsible if they signed something

Mr. Dering said that it goes back to Edward Rose owned a piece of land and the Hindu owned a piece of land and they did a land swap and they came up with this agreement Edward Rose put money into escrow to take care of the Hindu's for this land swap so that everything would line up better over there. I have not read the agreement I have asked to be provided the agreement by Mr. Van Prooyen but I don't have the agreement.

Mr. Touchette replied I have a copy of the agreement

Mr. Dering said with all that being said they did this land swap with Edward Rose there is an agreement in place when Craig bought that land he bought that agreement period that is what it comes down to.

Mr. Touchette said the thing is I really don't think there is a problem now with the Hindu Center and the developer. I think that they are going to finalize their agreement. The bigger issue is what Shawn is saying you need to have the developer show up here so you can coordinate the million dollar road and the subdivision and it needs to be done in relatively in short order or else you could only assume that he is not interested

Mr. Dering said Bill that goes to where my opinion of this whole thing is ok get the thing with the Hindu's off of the table let's just talk about him building subdivisions. He wanted to build Madison Meadows he came in here and we went round and round about drainage this that and everything and I ended up on the Plan Commission and he started building and granted it was better economic times but even when the down turn he was still over there turning dirt finishing his road off we saw progress going on and as soon as he got that approval the only hold up on his approval was getting the agreements with Southmoor Park and the other residence together. Once he had his agreements he was in there like gang busters

let's get this thing done. Your agreement with the Hindu' is done tell us what you are going to do and then Shawn can go to Redevelopment and say hey this is what we want to do and we can get you some kind of guarantee but until you show up and tell us you are ready to go.

Mrs. Gregor replied he needs to approach the Redevelopment Commission first and say is this feasible can the Town do something.

President Pettit asked Sedrick we have a proposal I believe from you guys for design for about \$190,000.00 does that sound right or is it \$119,000.00.

Mr. Greene said the number escapes me know

President Pettit said Ron gave Bruce something

Mr. Touchette said I thought it was mentioned at \$150,000.00

Mr. Dering said so somewhere between \$110,000.00 and \$150,000.00 to design

President Pettit said the design and the right of way obviously would be there so the only thing that I can offer you Dorinda is Bruce and I talked this afternoon on the phone after the Council meeting Ron and Don were supposed to have a RBC. There is one resolution that we got to do for Ameri-Plex to keep it going so if Dorinda between you and I we talk to Bruce and bring it up under other business to back up to Ron and Don and then Rich and Tom and say guys what do you want to do. Do we want to go forward with this road with no guarantee that Van Prooyen is going to build? Is there a demand we would have to lean on Sedrick and Ron? Is there a demand for traffic relief to connect Broadway and Merrillville Road is what you are doing with 86<sup>th</sup> Avenue do we go ahead and move forward with that. I don't know how much demand there would be Sedrick.

Mrs. Gregor said I don't know we already have 84<sup>th</sup> Avenue going through and 87<sup>th</sup>

Mr. Dering said I use 84<sup>th</sup> every day when I am working. I go to and from work down 84<sup>th</sup>. I have never seen it that bad where you weren't there for more than one light

President Pettit said it is with 84<sup>th</sup> and Broadway with the frontage road is where you get the back up. Did we do 87<sup>th</sup> Ron did we repave 87<sup>th</sup> and 89<sup>th</sup> was that one of Chrissy's roads

87<sup>th</sup> doesn't need repaving

Sedrick replied I think 87<sup>th</sup> is getting done right now.

Ron replied that is getting done

President Pettit said around Spring Hill or Spring Mill but I don't know

Mr. Dering said we can always use another cut to Broadway but with 93<sup>rd</sup> and 84<sup>th</sup> I don't see it is going to cost the Town a million bucks

President Pettit said here is another thing as far as priorities out of the Merrillville Road TIF which kind of gets into a discussion Ron and Don and I have to have with the other two guys at RDC again Carol and I are ear marking Madison for widening. We are ear marking 73<sup>rd</sup> Avenue for widening. Eventuality as I told Bruce 80<sup>th</sup> Place is going to have to be redone or repaved in the business area between by the Greek Church and on to Broadway that needs to be repaved that could come out of Merrillville Road so what priorities are we going to use out of Merrillville road TIF. Merrillville Road south is 3 lanes

Mr. Dering said if we are not going to get 63 new families I can't see putting that road through personally. If there is 63 new families that would help a lot with both subdivisions on both side of Merrillville Road.

Ron Widing made a motion for deferral seconded by Don Spann

President Pettit said well we have a motion and a second on the floor for deferral.

Mr. Touchette asked to the next scheduled meeting does that mean the workshop meeting.

Mrs. Gregor replied yes.

President Pettit asked if we have other petitions besides these two.

Mrs. Gregor replied we have one more.

President Pettit said those in favor signify by saying aye. Opposed

Motion carries

President Pettit said the next item under old business is

**P6rS-0714 BRAVO PROPERTIES, PETITIONER & OWNER**, Located at the northeast corner of Connecticut Street and Georgia Street for a Resubdivision of Tract G, Phase 1 in a C-3, Highway Commercial zoning district on 6.96 acres consisting of 2 lots for Commercial Development on proposed Lot 1 **DEFERRED BY THE MERR PLAN COMMISSION ON JULY 15, 2014**

President Pettit read the communication that Dorinda received. The time on this was Tuesday August 19, 2014 at 12:37PM

Dear Dorinda,

Per your email below, I would like to request a deferral of tonight's Plan Commission workshop on the above-referenced re-subdivision until the Plan Commission workshop scheduled on September 2 and the public meeting scheduled on September 16.

Best,

Zach Leonard

Bravo Properties, L.L.C.

President stated he is the petitioner. Now I should note that again BZA action, Council action Don and Ron we will see these Special Exception tomorrow night

for the assisted living this is only subdivision so I suppose obviously we can move forward on the zoning aspect of it tomorrow night and next Tuesday.

Mrs. Gregor said with the condition that the subdivision approval goes through.

Mr. Widing made a motion for deferral, seconded by Pam Palmateer.

President Pettit said we have a motion by Mr. Widing and a second by Mrs. Palmateer any further discussion on this one. Obviously this one is near and dear to my heart as the Broadfield drainage so I don't know maybe I scared them. All in favor Signy by saying aye, opposed

Motion carries

### **COMMUNICATIONS:**

Read at the time of each petition

### **NEW BUSINESS**

President Pettit said I have one that is kind of new business or other business that I want to run by every one Dorinda and if they are familiar with it and I don't know if you could add you gave me the information. The Town of Schererville is looking at doing some things over by the old Broadmoor Country Club with a subdivision plan correct. They want to rezone a parcel

Mrs. Gregor said they are rezoning a parcel from R-1 Single family to institutional which is like parks and governmental agencies. The property is actually land locked they were considering extending the properties to the north giving them some of that property so instead of being a complete 17 acre parcel it would be reduced by a small amount. However my concern was when we approved that phase of Foxmoor in Merrillville and it was never recorded though so it is kind of up in the air. Schererville was going to have to enter through our side to get into that piece of property and there was going to be a street connected into that side now there isn't or are we going to be required if Foxmoor does move forward into that last phase are we going to be required to provide them with an entry way or access to that piece of property. Right now the only access would be through the bike trail.

Mr. Touchette asked what is Schererville's question.

Mrs. Gregor said it wasn't their question it was mine.

Mr. Dering said Dorinda the way I see it on that plan is it the piece on their side of the bike trail

Mrs. Gregor said yes but it abuts

Mr. Dering said it is landlocked

Mr. Touchette said on the Foxmoor subdivision now that land has been purchased right.

Mrs. Gregor said well not that last phase. That last phase is kind of up in the air.

The Schererville phase

President Pettit asked how much of our phase has streets in it.

Mr. Greene said the eastern side of the property.

Mrs. Gregor said it really kind of goes to the middle

Mr. Dering asked how many homes are out there.

Mr. Greene said two homes but 2 duplexes.

Mr. Touchette said the developers that acquired the property. The roads only have rough blacktop. The new developers are going to finish the road is that right.

Mrs. Gregor said we are going to require them to.

Mr. Greene said I think what you need to know is that they are not purchasing the other phase of what the full Foxmoor that would include the Merrillville and Schererville.

Mr. Dering asked they are just purchasing the Merrillville side.

Mrs. Gregor said I think that they may have donated it to Schererville because the Town of Schererville was the owner of the property.

Mr. Touchette asked who was the donor, the bank that foreclosed on it or was it

Mrs. Gregor said I don't know

Mr. Touchette said I don't think that you are obligated to provide any road accessing their property.

Mrs. Gregor said what is probably going to come up in the future if any development occurs

Mr. Touchette said I can tell you that these guys have approached the Merrillville Conservancy District and that Merrillville Conservancy is accepting the sewers that were put in by the prior developer and then I think that there is a 7 acre parcel that these new guys acquired and it is in IHCD's territory and MCD has indicated to the developer that they will do the sewers if IHCD agrees to MCD to annex that 7 acres or they may have to get sewers through IHCD but that is the only real estate that we talked about. They probably did not acquire the Schererville

Mrs. Gregor said no just the outstanding Merrillville side as you can see it was probably going to be extended somewhere through here.

Mr. Dering asked how were they going to gain access to the Schererville side before.

Mr. Touchette said the subdivision you approved the subdivision but you say

Mrs. Gregor said it was never recorded so it is null



Mr. Touchette said so they would have to start over they will probably cut off the part that has to do with Schererville. I have talked to Glen Borom the surveyor on this and I have talked to Richard Anderson he is their attorney and they want to follow the plan that was done because they don't want to reinvent wheel.

Mr. Dering said they would have to have updated approvals

Mr. Touchette said they didn't even record the plat for the one that they started

Mrs. Gregor said oh yes that has all been recorded.

Mr. Greene said the other side where you can see there are no roads in and it is still

Mr. Dering said that is the part of the Oak grove that they were supposed to preserve and that kind of stuff.

Mrs. Gregor used a map to show where they were going to extend some lots a little bit more and this was all still going to remain park however I guess what they are doing is using it for

Mr. Touchette said as a bike park because that is the only way you can get in.

Mrs. Gregor said they race their motor cycles on it and stuff

Mr. Touchette said I don't see any way that you have to provide access

Mr. Dering said we don't have to provide Schererville with anything as a good neighbor we can recommend to the developer to give them access but I don't think it is up to us to say to the developer you have to do this they own the land.

Mr. Greene said that is why they are coming to us.

Mrs. Gregor said they aren't coming to us I saw it on their agenda and I talked to our Fire Chief Ed Yerga and he was going to talk to their Fire Chief to see how they handle it. Of course they could go down the bike trail but

Mr. Dering said I don't think that they could get the big trucks. What property land locks that on the Schererville side? That would be the subdivision and there is also a business there. The storage and the heating and cooling it used to be Klawinski.

President Pettit said that is on the other side of the bike trail.

Mr. Dering said why they couldn't go to Foxwood and extend something from their side.

Mrs. Gregor said because it is all built up so anyway this was a rezone and I did put in a call and she felt that our concerns where good but

Mr. Dering said I think that their solution is that they go to the owner of the property and they buy a right of way and put it in to the existing entrance on Rt. 30 where the entrance to the subdivision was going to be and extend the road that is

their issue they can pay for the whole thing. We can help facilitate between them and the new owner.

Mrs. Gregor said there is nothing on the Schererville side for them to access that is what I am telling you.

Mr. Greene said there is no room for a right of way

Mrs. Gregor said no

Mr. Dering said but it still butts up against the owner of the property on our side of the line. So they have to go to that owner

Mrs. Gregor said so originally the owner owned all of that

Mr. Dering said right I understand but they have to go to the new owner whether it is the developer or the bank or whoever they have to go to the new owner and negotiate with them. I think that it is as simple as that. How can we get involved in a private property like that?

Mrs. Gregor said I can just hear our residence say we have this park behind us and blah, blah and who is going to put the fence up.

Mr. Dering said again that is all Schererville.

Mrs. Gregor said just so you know what is coming up.

Mr. Dering said I don't mind helping them out but it isn't our concern or monetary issue.

Mrs. Gregor said it isn't our monetary issue Brian. It is just a concern.

President Pettit said it is just an access issue. Ok is there anything else. We have a meeting next month.

Mrs. Gregor replied yes on the 2<sup>nd</sup>

President Pettit said these two and another one. Is it controversial? We aren't deferring it or anything.

Mrs. Gregor said it is going to be a resub of Meijer's property for a coffee shop.

President Pettit do we have a motion.

Mr. Holtz made a motion to adjourn, seconded by Mr. Spann

Meeting adjourned

At 7:02 P.M.

Respectfully Submitted

Janet Rosko

