

**MERRILLVILLE PLAN COMMISSION MEETING**  
**March 17, 2015**  
**6:30 PM**

President Shawn Pettit called the Meeting of the Merrillville Plan Commission of March 17, 2015 at 6:30 PM to order and then led the group in the Pledge Allegiance.

**ROLL CALL:**

Members in attendance were Mr. Holtz here, Mr. Hardaway here, Mr. Bigelow here, Mr. Widing here Mrs. Palmateer here, Mr. Dering present, President Pettit here. Staff present was Dorinda Gregor, Bob Csanyi, Robinson Engineer, Chrissy Baron, (Councilperson). Attorney Touchette absent.

President Pettit stated we have 7 members we have a quorum. We have in our packets the meeting minutes of December 16, 2014 and January 20, 2015.

Mr. Hardaway said Mr. President before we move on the minutes I would like to say that I will abstain from the December 16<sup>th</sup> 2014 minutes because I wasn't a part of the Plan Commission at that time.

Chair will entertain a motion individually for the minutes whoever makes them ok. So let's take December 16<sup>th</sup> first.

Mr. Bigelow said the same thing applies to me.

Mr. Dering said I would like to move that we approve the minutes of December 16<sup>th</sup> 2014 with two members abstaining.

Mr. Widing seconded the motion.

President Pettit said a motion by Mr. Dering to approve the minutes of December 16, 2014 and was seconded by Mr. Widing to approve the minutes of December 16, 2014. All those in favor by saying aye and then we will let the record show abstention for the new members. Chair will entertain a motion for January 20, 2015.

Mr. Hardaway made a motion to approve the minutes of January 20, 2015

Mr. Widing seconded the motion.

President Pettit asked if there is any comment seeing none. All in favor signify by saying aye, opposed. Motion carries

President Pettit said the next item is communication from our Bond Council Baker, Daniels dated March 13, 2015

Town of Merrillville Plan Commission regarding notice of public hearing regarding to Economic Development Plan for the Broadway Economic Development area.

Dear Sir or Madam

Enclosed please find a copy of a notice of the public hearing on March 24<sup>th</sup>, 2015 relating to the a option of the Town of Merrillville's Redevelopment Commission (the "Redevelopment Commission") of a resolution approving an amendment to the economic development plan for the Broadway Economic Development Area (the "Area"), under Indiana Code 36-7-14. The Redevelopment Commission is filing this notice with the Board of Zoning Appeals pursuant to Indiana Code 36-7-14(b). Please note that under such statutory section during the pendency of the March 24<sup>th</sup> hearing, the Board of Zoning Appeals may not authorize construction or rezoning within the Area.

If you have any questions, please contact me at Scott E Peck.

President Pettit said we are going to take that action next week at the RDC

OLD BUSINESS

None

**NEW BUSINESS**

**P2pP-0315 BOSAK MOTOR SALES, PETITIONER & OWNER,** Located south of U.S.30 & Taney Place for a Preliminary PUD approval review/update on the commercial area, Lots 57,58,59 & 60 (Phase III) in the Heritage North proposed Planned Unit Mixed Use zoning district that was previously approved on 08-21-07 by the Merrillville Plan Commission for a proposed commercial development on Lot 60.

Good Evening Gentlemen.

John Borucki here for the petitioner along with Skip Bosak. What we had discussed in the workshop session and a repeat on that is that the original concept of the 4 commercial lots in the Heritage North PUD was not lot 60 was not wide enough to accommodate the purposed use therefore we have sifted the property line to the south by 20 feet taking it out of lot 59. In addition we have moved the building line or we are asking for the building line to be reset at 30 feet which is still consistent with the C-2 zoning which was the underlying basics for us creating this and as part of our desire to keep as much traffic off of Taney Place. We are proposing that ingress and egress to this lot be handled via and ingress/egress easement that would come from Route 30 along what is used as Taney Place at this time and it would not be turned over to the Town until at which time more of these lots are developed. In addition Mr. Bigelow issued or raised a concern concerning a couple of lines that existed that appeared to be an easement across lot 60. Research done by the title company and the surveyor shows no recorded easement was ever put on to that or where those lines are. There is no utility currently within those 2 boundary lines as a matter of fact we had a drain tile survey done and there is not even a drain tile in that area shocking in itself considering the amount of drain tile for it not be there but to the best of everyone's thought it may have been a plan at one time for NIPSCO to serve this property. This property on paper looks nice and clean but one time there was a very heavy tree line so it is possible that NIPSCO may have approached somebody or doing something at one point but obviously there are no power lines there and it was never recorded and being that there are no utilities there and given the length of time that the Bosak have owned the property being not used it would be considered abandoned. If there was some kind of private agreement that existed at some point which was never recorded with any governmental agency. I hope that answers Mr. Bigelow's question.

President Pettit asked John is that all?

Mr. Borucki replied yes Thank you

President Pettit said why don't we have Dorinda read her staff report and then we will take questions from the members.

Mrs. Gregor read the staff report

President Pettit asked if there are any questions request by the commission members.

Mr. Bigelow said I just wanted to thank them for finding out about that easement.

Mr. Borucki said let's not call it an easement Mr. Bigelow it never was an easement. It was two dotted lines that proposed something at one time.

Mr. Bigelow replied whatever the lines that were there

President Pettit said Dorinda with the request being preliminary PUD review and update this still has to come back to us before the Town Council.

Mrs. Gregor said yes.

President Pettit said I misspoke at lunch today.

Mr. Dering said you had asked at the last meeting if there were any comments from the Councilperson for the area so I see that she is here.

President Pettit asked any comments Chrissy.

Mrs. Baron replied when you are leaving Merrillville and look over to the left hand side you see this and it is going to do great justice to the area. When you are coming in it is the first thing that you see and from my experience when you drive through different cities and you see car dealers do not take the pride that these guys in theirs and I think that it is a wonderful project.

President Pettit asked if there are any other questions or comments.

Mr. Hardaway made a motion to approve, seconded by Mr. Widing.

President Pettit said we have a motion by Mr. Hardaway and a second by Mr. Widing to approve petition P2pP-0315. Is there any further discussion

Mr. Dering asked if the engineer has any.

President Pettit said I am sorry Bob we just kind of blew right past you.

Mr. Csanyi said we discussed some things before there is an existing storm sewer that is on the southern part of lot 60 and there is some concerns out back and the possibility there is some heavy equipment that may need to run across his easement and stay away from the storm sewer. They may need access to the detention area and all the comments I had before. I think that you had mentioned some other access.

Mr. Borucki said the major access for the detention would be coming from between the residential lots but we can also maintain another ingress/egress between 58 and 59 as a secondary access point in addition to what we have which will give you two access points. Might I ask what the next movement we would be doing with the Plan Commission?

Mr. Csanyi replied that would be sufficient.

Mrs. Gregor said you will file for your Final PUD. You can get that into the office sometime this week.

President Pettit said I would relax the standard for the deadline if you can get it in by Friday..

Mrs. Gregor said you have to file for your final PUD and you can get that into our office sometime this week.

Mr. Borucki said as of this point right now trusting that we have a positive vote that we let Tom & Ed's site plan come through and then we would ask that you defer until their site plan and everything and then we will come back with them when they are ready to be approved as well.

President Pettit said John are you ready with a site plan that you can get to Dorinda this week

Mr. Borucki said actually it is their site plan

President Pettit said do you have a site plan that is ready to go

Tom said we are still working with the architect and everything right now.

President Pettit said I was going to say that I would relax the standard for the deadline with Dorinda if you guys got it in by Friday I will set you on the April meeting.

Mrs. Gregor said there is no reason to defer it the site plan is done at the building permit reviews.

President Pettit so this is final PUD and the ordinance that has to be put together and then send to the Town Council. As I was telling you at lunch

Mrs. Gregor said just the footprint of the building

President Pettit said so timing and construction for you guys

Mr. Borucki said Shawn if something changed on the footprint because it being a PUD that would require us coming back to you again if they change something. I appreciate it but to go thought the whole thing again would be just

President Pettit said well lets go back we have a motion and a second on the floor. Mr. Secretary roll call.

Mr. Holtz yes, Mr. Hardaway yes, Mr. Bigelow yes Mr. Widing yes, Mrs. Palmateer yes, myself (Mr. Dering) aye and Chairman Pettit yes.

President Pettit said motion carries 7-0. Andy and Tom whenever you are ready get with John get it into Dorinda it is usually the 15<sup>th</sup> of the month before you are heard. We have two other items under other business

### **OTHER BUSINESS**

#### **1. Amendment to engineering standard booklet-for discussion**

Mrs. Gregor said we are not going to move forward with this we are going to have an informal meeting with the Street Department Assistant Director Kevin Markle, with the Town Engineer Bob, myself and Matt Lake and discuss this to see how handle this

President Pettit said the storm sewers

Mrs. Gregor said and then we are going to bring it back again.

#### **2. Discussion on proposed CVS/Fannie Mae development on Broadway**

President Pettit replied OK. The other item that I asked Dorinda to place on here and she came to me she had gotten a call and now I am doing this for Karen and Chas kind of going public here there are kind of a lot of rumors on the street. For those of you that don't know that CVS has purchased Pepe's and Fannie Mae and they are going to be demolishing both buildings and rebuilding a large CVS Pharmacy on the northeast corner of US 30 and Broadway with an attached Fannie Mae.

Mrs. Gregor said a 1500 square foot building on the east side

President Pettit said so between CVS and Catch 22. The problem that came up is that the Pepe's is a subdivided lot in the Merrillville Corporate Lakes Center first amendment plat is lot 6 and Fanny Mae is on a meets and bounds and although our subdivision ordinance does allow for them to build over the lot line and so to speak and I told Dorinda and I spoke with Attorney Enslin who is representing CVS that I wanted to give the other 6 members the opportunity to see this to hear this and that I would push this through on a 1 lot resub and he will have that ready and I told him I would waive the deadline by Friday.

Mrs. Gregor said a resub of what

President Pettit said of these 2 lots and re-subdivide into 1 lot is what he wants to do

Mrs. Gregor said we had talked about making Fanny Mae into its own lot a 1-lot subdivision which would entail a preliminary and a final subdivision approval that way they can still cross over lot lines and from what I understand from Attorney Enslin that he wants to retain that lot they just want to give a long term lease on that lot so we need to create its own lot.

Mr. Bigelow said so just the lot that Fannie Mae sits on

Mr. Dering said Pepe's is divided into 2 lots

Mrs. Gregor replied no one lot

President Pettit said they are paying the taxes so it is what it is. Personally I would one to want to see a 1-lot subdivision

Mrs. Gregor said we can do that we can do that.

President Pettit said that was how Bill and I left the conversation we were going to do a 1-lot subdivision and clean this thing up and I would get him in and out in April. They're going to be demolishing the building. I said they can continue to work I don't want to lose the project they can work in April and May by the time we get this thing done in May they have to be open by October 1<sup>st</sup> so they are all worried about time lines and deadlines and construction season and I said we can be doing this. This is a house cleaning measure. I would feel much better if it were a one lot subdivision. Now with Bill being gone I would defer to Bill

Mrs. Gregor said the only thing is when you create a 1 lot subdivision for this to vacate lot 6 in Merrillville Corporate Lakes Center you have to vacate that lot and then you have to create a new lot. A 1-lot subdivision that is why we discussed that

President Pettit said can we do those both at the same meeting can we have preliminary subdivision approval for a 1 lot subdivision. Vacate lot 6 as one petition and then right after that have preliminary subdivision approval for a 1 lot subdivision

Mrs. Gregor said yes we can do that.

President Pettit said sequentially

Mr. Bigelow said let's just do that.

President Pettit said I know we allow buildings to go over lot lines but I just don't know. There is something about that it doesn't sit well with me. Bill though he would be able to make the meeting he had a 5:30 redevelopment meeting but obviously he hasn't gotten out of there yet. If you would just relay that message. Is that the consensus of Plan Commission we will agree vacate lot 6 and do a 1 lot subdivision all in the same meeting in April, but the final would have to be in May right so if you would relay that to him and tell him I talked to them and this is the consensus of the Plan Commission

Mrs. Gregor said they are not for sure that they can get the drainage reviewed in a timely manner. Maybe in May or June as long as we allow them

President Pettit said give them their demolition permits in the housekeeping as long as they are out there working

Mr. Dering asked if this is going to be a 24 hour CVS as well as a Fannie Mae separate business

President Pettit said the CVS is going to be a 13225 square feet and the Fannie Mae is 1500 square feet.

Mrs. Gregor said that Walgreen's is a 24 hour so I am sure Fannie Mae will close at their normal regular hours.

President Pettit said ok they show that I think that everyone has that memo look on the back page because one of the things that I would be concerned about Bob are the entrances for 30 and Broadway you have a couple of cuts in there now for Fannie Mae and Pepes they will consolidate all being close to it is one of our billboard signs by Catch 22 there is some concrete in the ditch. If you could talk to INDOT there is a spill away by the drive of Fanny Mae that appears to be really deteriorating. That is part of their drainage

Mrs. Gregor said Fannie Mae drains into that ditch and Corporate Lakes and Pepe's drains into their pond.

President Pettit said when Tris was working with Robinson what we have under 30 is several old railroad tank cars are the culverts. They cut the ends off and stuff them in there. Any other questions on CVS/.Fannie Mae. This was a curtesy to kind of bring this through number 1 you know what is going on and when you start seeing things being built it I tend to call Dorinda with questions I do have a question for you it is either in Ron's ward or Mr. Spann wards. Who is clearing all the land by the animal hospital did you see that on the west side of Taft at the S curve and all those trees. Nobody has come in just curious.

Mr. Hardaway said I have another question for you right at 57<sup>th</sup> and Harrison where it use to be the old video store. What is going in that building?

Mrs. Gregor said it is south of the video store. It used to be a contractors office

Mr. Hardaway said they have equipment out there.

Mrs. Gregor said I will send the building inspector out there tomorrow.

Mr. Widing said I though it went up for auction. They had a auction sign up there.

Mr. Hardaway said they have taken down the fence they need to fix it.

President Pettit asked is there anything?

Mr. Dering made a motion to adjourn.

Mr. Hardaway second the motion to adjourn

Meeting adjourned at 6:54 P.M.

Respectfully submitted  
Janet Rosko