

MERRILLVILLE PLAN COMMISSION MEETING
April 15, 2014
6:30 PM

President Shawn Pettit called the Meeting of the Merrillville Plan Commission of April 15, 2014 at 6:30 PM to order and led the group in the Pledge of the Allegiance. Members in attendance were Mr. Holtz here, Mr. Spann absent, Mrs. Krafft here, Mr. Widing here, Mrs. Palmateer here, Mr. Dering present and Mr. Pettit here. Staff present was Dorinda Gregor, Attorney Touchette and Sedrick Green, Robinson Engineering.

President Pettit said we have 6 members we have a quorum.

MINUTES: January 28, 2014
March 18, 2014

President Pettit said next on the agenda we have two sets of minutes. January 28, 2014 and March 18, 2014. Dorinda if I am not mistaken we did not have a February meeting.

Mrs. Gregor replied we did not.

President Pettit said so what is your pleasure.

Mr. Widing made a motion to approve

President Pettit said we have a motion by Mr. Widing.

Mr. Holtz seconded the motion

President Pettit said we have a motion from Mr. Widing and a second from Mr. Holtz. Is that for both sets gentlemen or do we need to take them one at a time.

Mr. Touchette said no unless someone has an issue.

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

COMMUNICATIONS:
None

OLD BUSINESS:

None

NEW BUSINESS

P3fP-0414 BOASK MOTOR SALES, PETITIONER & OWNER, Located approximately at 83rd Lane and 83rd Ave and Taney Place for a Final Planned Unit Development for Phase Two of Heritage North for continuation of the Two family residential development 21 lots/Lots 11-18 & 27-39.

Mr. Widing asked Mr. Green if you have looked everything over and you are fine with everything

Mr. Green said yes the only issue that we don't think it will be an issue drainage outlet pipe just to the west of their property and we are going to schedule a meeting for the next week to go out and do a site visit to verify.

President Pettit said John do you guys just for the record state your name and everything then we will have Dorinda read the staff report for the record.

John Borucki and Skip Bosak with Bosak Motor Sales at 3111 West Lincoln Highway Merrillville Indiana. We are here for approval of the second phase of the Heritage North PUD. It is 21 lots and it is sharing plans approved with the preliminary.

President Pettit said alright Dorinda do you want to read your staff report before I take questions or comments from the commission.

Mrs. Gregor read her staff report.

Mr. Borucki said the reason The Rule 5 permit was renewed in 2012 and Mr. Green now has a copy of that permit.

President Pettit said just for the record folks I am going to go ahead and quickly read Sedrick letter and this is dated April 1st 2014.

John Bosak
Bosak Motors Sales
3111 Lincoln Highway
Merrillville In 46410

RE: Heritage North – Phase 2
Planned Unit Development (PUD)
Initial Review

Dear Bosak,
Robinson Engineering Ltd. has received your request for a PUD plan review for the above subject project.

The Town of Merrillville and Robinson have instituted a new ordinance for the procedure of collecting engineering review fees for site development within the town limits.

Per the new ordinance the Developer/Owner to pay the Town's engineer a retainer prior to any plan reviews. This plan is based on an estimate provided by the Town engineer based on typical site developments of similar scope and size. Any review costs over the retainage collected will be paid at T & M prior to final approval is granted. This fee is to cover our office and field review fees. Upon written request any money that is not used will be refunded after the improvement is completed and accepted by the Town.

In order to expedite the review I have included my initial review comments with this letter. These need to be addressed and the revised plans along with a deposition of these comments and a check for the estimated engineering fees of \$2,000.00 need to be resubmitted in order for the review process to continue.

Final Plat

1. Replace subdivision with Planned Unit Development (PUD) in titles and sheet names
2. Per the advisement of the Plan Commission Attorney, Under Public Utility and Drainage Easements Provisions, on line three after Merrillville, add Sanitary Sewer Conservancy Districts.

Final Planned Unit Development Plan-Phase Plan

1. Replace subdivision with Planned Unit Development (PUD) in the title

Drainage Report

1. Please explain bypass flows through your site.
2. Please explain discharge pipe elevation and over land flow north of your site to existing pond.

Although there has been a time lapse of construction and the state of the economy in the past several years has been down, Robinson would like to recommend that this Developer not start at the Preliminary Stage for a PUD but continue from this point with the revised PUD Phase Plan submitted. However, all items must be addressed before final approval is granted.

President Pettit asked Sedrick if everything in your letter been met then.

Mr. Green said just about like I said next week we are going to schedule the site visit to make sure...

Mr. Borucki stated to make sure the outlet pipe to make sure it is not clogged and it has sufficient...It is something that exists already. We are just going to verify that it has the capacity for the development.

President Pettit said lets open it up for questions.

Mr. Dering said I just have some questions for our attorney. So then any motion to approve has to include the changes of subdivision to Planned Unit Development it has to take care of that laundry list right there so that

Mr. Borucki said that should be on the revised thing in your packet.

President Pettit said this is what it is all about John. The second one is all the corrections.

Mr. Touchette said some of the conservancy language been added here and the title has been changed.

Mr. Dering said so we have to when we make that motion we have to make that motion with those items.

Mr. Borucki said I would say per the letter from the Town Engineer. The April 1st letter.

Mr. Touchette said you could make note that Heritage North has submitted a revised plat for Phase Two for a Plan Unit Development.

President Pettit said as I commented earlier to Councilperson Barron again this goes to the Town Council for final approval. So there will be a final check off by Dorinda and the Council that the conditions have been met and you gentlemen will have Skip there at the council workshop next month. You won't make tomorrow night because everything has gone out already but next month in May the 3rd Wednesday come in and present it to the entire council and then the 4th Tuesday if the Council President wants to she can place it on the agenda for a vote and you will be all set.

Mrs. Gregor said as an ordinance

President Pettit said as an ordinance yes it is an actual ordinance now. So with that being said are there are other questions of commission members.

Mr. Dering said the only question I had was for Sedrick we had asked him to take a look at the conditions of the road leading in there the one that is from Rte. 30 that stub does it meet Town standards when we accept the rest of that piece into the inventory will it meet our needs and our standards as far as ordinance.

Mr. Green said there was a discrepancy and they have a document to provide to me as far as the road that is there at the County Lake County GIS it shows that it is not dedicated within the town but on ALTA survey that they show that it has been dedicated. I know that Dorinda and I spoke and she has also a copy in the packet that shows a fork in the road ok. Currently it has stood up from the time of their trucks and everything coming through.

President Pettit said well if it is not dedicated then it doesn't really need to be Town standards and we won't accept it until it is refurbished and/or does meet Town standards which you guys go back out and investigate and recommend to Bruce that the Council accept it into the inventory.

Mr. Green said yes once we have the documentation that shows that it has been recorded and everything I think that is one of the

President Pettit said Skip you own the right of way now for all of

Mr. Borucki said we had an ALTA done Shawn and the ALTA

It shows back in 1975.

Mr. Borucki said we had an ALTA survey done and that is why if you look at the engineering plans you will see a real unique place where we determine development and connect into what is existing and that was based upon an ALTA survey that was done by our surveyor who did note on the plans that it had been dedicated. Now I am going to furnish that group with a copy of that. If that document was in avertedly obviously we are going to work it out one way or another.

Mr. Dering said I think the question is whether it belongs to us or not you guys will work that out through paper work. When it does belong to us I stopped over the other day and granted I am no engineer but it looked like it has held up all these years it is in great shape there should not be a problem. Is that what we are finding?

Mr. Green replied yes I would say it would not be a problem.

Mr. Dering said I think that Shawn's biggest concern last week was that down the road when this whole thing is done when we start accepting the roads that stub is in good enough condition that it meets our standards.

President Pettit said because and once again history lesson for the guys that have been around and Ron remembers this Grant Street south was a disaster and no disrespect but I think that Dorinda and Ron can attest to this where it was put in by we cut and patched and the base failed it was a mess because it wasn't put in right. Just kind of a FYI to make sure.

Mrs. Krafft asked some questions about the surface of the road that they are talking about.

Mr. Borucki said the surface is asphalt, but see this road has been in place since the mid-seventies.

Mr. Dering asked if there has been any refurbishing recently.

Mr. Borucki said just the top coat. But it is the same sub grade and there has been car haulers on it pretty much every day.

Mr. Dering said I know that the road is used and I know what Shawn's concern was and as long and also you are taking your construction equipment through there. So I think that as long as it is in good enough shape then we should be fine in accepting it into our inventory.

Mrs. Krafft asked if it will hold up under all the heavy traffic.

Mr. Widing said before we can accept it into our inventory it has got to be brought up to standard and that is going to be down the road.

Mrs. Gregor said it has to be attached to a certain phase too.

Mr. Green said I would like to also bring to the commissioners attention the road that is out in front the access road across there appears not to be dedicated either on both sides we would also.

Mr. Dering said the frontage road there.

President Pettit said the frontage road I think that Bruce ran into that when the state was doing the frontage road.

Mrs. Gregor said I think that Schepel owns their frontage road too. We do not plow those frontage roads there

Mr. Dering said Skip do you think that you own that entire frontage road or just in front of you and Schepel owns his part.

Mr. Bosak replied I would assume everybody owns their part.

President Pettit said what we did a while back when they rebuilt that McDonalds we vacated the frontage road on the north side because that was part of the trade off in reconfiguring that with the Modraks was to get rid of that frontage road and give them more parking lot and in exchange they took care of a section of Taney Place for us north so we did own on the north side and I don't know about the south side.

Mr. Green said like I said when you look on the Lake County GIS for right now without going through and pulling all the documents but it does appear to show in front of Schepels there may be a portion that maybe dedicated.

Mr. Touchette said my questions are there formal dedication agreements normally when roads are taken in.

Mrs. Gregor said yes.

Mr. Touchette said they should be recorded at the recorder's office right. So I would image John that your surveyor would go.

Mr. Borucki said this is the only place that I have seen this dedication was on the ALTA survey and that was the basis for the design of this road. If we had not seen the dedication then it would have been a discussion as to how you want to bring this road within. It doesn't have curbs on it but a street like that with all those trucks you don't want curbs on it they won't last they will get crushed by the trucks.

President Pettit asked if Acura dedicated theirs, did Mueller dedicate their frontage with their new design.

Mrs. Gregor replied I don't think so.

Mr. Dering said again here is the big question Shawn granted we have done the big frontage road project north and south from Broadway going west bound. How many years is it going to take become an issue where the state is going to come back in and do another set of frontage roads going west of Taft Street.

President Pettit said well the nice thing Skip and Schepel and Acura are on the south side.

Mr. Touchette said I would recommend that somebody look and see if there is a recorded dedication agreement on this property for the road and if there is not I think that you should start getting into the

habit of having dedication agreements when subdivisions do get platted and that way later on there's really no question of this.

Mrs. Gregor said but then once again that comes in during that particular phase that they are ready to have...

Mr. Dering said wouldn't you say

Mr. Touchette said Phase Two we have part of Taney Place here coming in now right

Mrs. Gregor said that is what I talked about we are only going to accept as a dedicated portion that stub.

Mr. Dering said wouldn't you say and I don't what to belabor this subject but real quick don't you think that this is a rare situation where you have got a business owner facing a highway that is building a subdivision and already has a road in that has been in for 40 years stubbing into their subdivision. Usually they would buy a right of way.

President Pettit said that was what Art Hill did down by Meijer that is the same situation.

Mr. Touchette said I don't think that is that unusual Brian and I think that somebody needs to look for dedication prints because I think that Mr. Bosak is just saying that this may already be dedicated and if it already

President Pettit said with Skips family or the Schepel's or the Fairchild's those guys were out there before probably before Merrillville was incorporated. They were probably built under the County. Was your dealership built...

Mr. Bosak said it was started in 1975

President Pettit said so we were a town

Mr. Green said it may not be dedicated to the Town of Merrillville and once he brings in the ALTA survey with a document number we can pull that.

President Pettit said so we are past the Chairman's deadline so are there any more questions. Chairs going to entertain a motion.

Mr. Widing said motion for approval to include the April 1st letter from the Town of Attorney

Mrs. Palmateer second the motion

President Pettit said we have a motion by Mr. Widing and 2nd by Mrs. Palmateer to approve P3fP-0414 with the correction that the letter was from the Town Engineer.

Mr. Holtz yes, Mrs. Krafft yes, Mr. Widing yes, Mrs. Palmateer yes, Mr. Dering yes and Mr. Pettit yes.

President Pettit said the motion carries 6-0. Check with Dorinda on the May schedule guys for the Council and the Workshop. The only other business that I have Ladies and Gentlemen is I was telling Sylvia before we started our workshop next month do we have anything.

Mrs. Gregor said we are going to have a Conceptual for Van Prooyen north of 86th he is going to come in and get subdivision

President Pettit said a conceptual PUD. Is he the only item? Well it is what it is point being that May 6 is election day so I am going to move the workshop to May 7th at 6:30.

Mrs. Gregor said she had already made that notice.

Mr. Widing made a motion to adjourn 2nd by Mr. Dering.

Meeting adjourned at 6:50

Respectfully submitted
Janet Rosko

