

MERRILLVILLE PLAN COMMISSION MEETING
September 16, 2014
6:30 PM

Vice President Don Spann said we will called the Meeting of the Merrillville Plan Commission of September 16, 2014 at 6:30 PM to order. First of all I would like to do a moment of silence for our hero Merrillville's fines and then led the group in the Pledge of the Allegiance. Members in attendance were Mr. Holtz here, Mr. Spann here, Mrs. Krafft here, Mrs. Palmateer here, myself (Mr. Dering) present and President Pettit and Mr. Widing are absent. Staff present was Dorinda Gregor, Attorney Touchette and Sedrick Green, Robinson Engineering.

MINUTES: August 19, 2014

Mr. Holtz said I would like to make a motion to approve the minutes of August 19th, 2014.
Mrs. Palmateer would like to second the motion.

Vice President Spann said it has been approved and seconded. All of those in favor. Anyone opposed
Motion carries 5-0

COMMUNICATIONS:

Mrs. Gregor said yes we do have a letter of communication for the first petition requesting a deferral. That came in today so.

Vice President Spann asked Hunters Glen. All in favor

Mrs. Gregor replied yes

Mr. Dering said it has to be read and then there has to be a motion.

Vice President Spann replied:

OLD BUSINESS:

P5tS-0714 DVG INC., PETITIONER

CVP DEVELOPMENT, OWNER, Located approximately at the northeast corner of 86th 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 Two Family residential development consisting of 31 lots (62 unit)

DEFERRED BY THE MERR. PLAN COMMISSION ON JULY 15, 2014 AND AUGUST 19, 2014

Mr. Dering said nope we have to hear the communication and then a motion and a second.

Mrs. Gregor read the communications.

Dear Dorinda

On behalf of CVP Development Company Inc. the developer and property owner of the proposed Hunter's Glen North subdivision development we respectfully request a meeting deferral from September 16th, 2014 Plan Commission meeting agenda. We request that the current petition for Tentative Plat approval be deferred to the next regular scheduled Plan Commission Meeting. This deferral request is necessary at the Town's direction to finalize the amending agreement between the petitioner and the Northwest Indiana Hindu Religion Center. If you should have any questions regarding the petition deferral request please feel free to contact our office.

Mr. Dering said ok then this is a deferral to the October meeting.

Mrs. Gregor replied yes.

Mr. Holtz asked will there be one

Mr. Dering asked if we have any other petitions.

Mrs. Gregor said not yet no. So I think we should probably say until the next scheduled meeting.

Vice President Span asked for a motion.

Mrs. Palmateer said she will make a motion to defer until the next scheduled meeting.

Mr. Holtz said I think Shawn is not to happy about this particular

Mrs. Gregor said and we don't have a copy of the second agreement yet either. You do have a copy now of the first agreement that were in your packet. So you can compare them once we get the second one.

Mr. Dering said as I have said before I think that it is important that we wrap this up so that granted we have multiply phases. We got Hunters Glen North and they haven't even talked about Hunters Glen South again but let's get this out of the way so it doesn't continue to haunt us. I know that Shawn and myself and everyone here is very concerned that Mr. Van Prooyen make an appearance. We don't ask that the developer come every time.

Mrs. Gregor said I think that he will be here at whatever meeting that we have that will schedule them.

Mr. Dering said so that we can ask him if he is happy with this agreement are you comfortable with it. We will ask the Doctors if their attorney are you happy with it or are you comfortable as long as all parties are happy with whatever they come up with were free of litigation from either side I am more than happy to see this subdivision go forward. I think that everybody else is too. I think that we need to get this wrapped up it has been going on for a long time.

Mr. Holtz asked if they have broken ground.

Mrs. Gregor replied oh no they're not going to this is only tentative so they have to go through preliminary and final anyway. Once they received approval for tentative they really have up to a year to file for preliminary so I think they still need to get some things in order.

Mr. Dering said again we have the whole issue of 86th Avenue going through. They need to make their arrangements and get a decision made so we can make a decision on 86th.

Mrs. Gregor said once again I think that Mr. Van Prooyen will be attending the next meeting whenever that will be.

Vice President Spann said we aren't going to put that road in

Mr. Holtz said he has had two months to finalize this with the Hindu organization so I was just wondering why it is taking so long.

Mrs. Gregor said it is at the attorney's office being reviewed. The agreement so it is at the attorney's office for the Hindu's.

Mr. Dering said it was odd when I read the original agreement it was pretty simple and straight forward I mean it's not a complex agreement when Edward Rose did this land swap. Edward Rose agreed to certain things and I thought it was pretty cut and dry but obviously they want to modify it because it has been so long and whatever they want to do but eventually it is going to come down to we are going to take a vote yea or nay and they need to just get there house in order.

Mrs. Gregor said or at least withdraw this until their ready.

Mr. Dearing said I don't want to see us vote it down because and get him stuck for a year so that where he can't even petition again if it is just some language between the two parties. We have a motion but we still do not have a second.

Mrs. Gregor asked who made that first.

Mr. Dering said Pam Palmateer

Mr. Gregor said I didn't think that the Chair could vote they can only break ties.

Mrs. Krafft seconded the motion.

Vice President Spann asked for a voice vote. All in favor, any opposed.

Mr. Holtz was opposed.

Mr. Dearing said we have a nay from Mr. Holtz, Mr. Spann aye, Mrs. Krafft, aye, Mr. Widing is absent, Mrs. Palmateer aye and myself (Mr. Dering) I will give it an aye.

Mrs. Gregor said this is just accepting the deferral request.

Mr. Dering said we are going to note that this is the third deferral then.

Mr. Touchette said you have to have total I believe

Mrs. Gregor said they have a quorum they have four. The majority

Mr. Dering said we have 4 votes.

Mrs. Gregor said Ric was no.

Vice Chairman Spann said he is tired of it too. The reason I voted for it was because it is a bicker between people.

Mrs. Krafft said that can cost money.

Mr. Dering said they are all paying attorneys and they are the only ones getting rich off of this thing.

P6rS-0714 BRAVO PROPERTIES, PETITIONER & CHICAGO TRUST COMPANY, 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 Purpose for a Commercial Development on proposed Lot 1.
DEFERRED BY THE MERR PLAN COMMISSION ON JULY 15, 2014 AND AUGUST 19, 2014

Vice Chairman Spann said the petitioners are here today.

Mr. Dering said that the petitioners are always here and we appreciate it.

It is not exactly correct because I have not been here before.

Don Torrenge passed out some materials. What I passed out are 3 pages the first page is what we are actually asking for which is a two lot subdivision of the commercial area in Broadfield Center. Lot one is where the proposed nursing home facilities Bravo Properties would like to put up on Lot 2 is nothing is planned to go on that presently however we felt that it would be best if we subdivided that property at the same time. Anyway that brings us to the second page. What we have done to this point we have gone back and forth with the Town Engineers. They brought in Christopher Burke and Associates who did a study for the Lake County highway or the Lake Counties Surveyor's department excuse me after the flooding of Broadfield back in 2008. Christopher Burke did an analyst of the out flow from the Broadfield Center ponds and we have taken that out flow and we have put it into a computer model which we ran and then submitted to Robinson Engineering they are currently reviewing it I am not sure exactly What the status is yet but according to the E mail that I received from John Dykstra of Robison today he is going to get back to me later this week with his review. Anyway on page 2 what the computer model shows. The computer models are a lot more conservative than the type of analyst that was necessary when this subdivision was started in the 1970's so as time has progressed there has been more and more development in this area it has been stale mated for about 10-15 years and there is finally some interest in some of the lots. What we are proposing there you will see and it is kind of hard to tell from this but you will see to the left side of the main page which will see what is the existing lake. The lines that you will see there are actually a series of lines that actually represent contours and that area that lies between those contours are what is necessary to be dug out to satisfy the existing conditions as the subdivision currently exists along with the two lots that we are proposing. So in order to satisfy what has been requested by Matt Lake and by Robinson Engineering backed up by Christopher Burke and Associates that is what is being proposed. Now mind you there are this is a surface area in acres we may make some tweaks to how it actually it looks because this is not really appealing I did this simply in order to satisfy the area necessary for detention. The cross section of the pond this is how it is going to be dug. Three to one side slopes with a safety ledge 18" below the water level and then below the water level 3 to 1 slopes down to maybe 6-7 feet deep maximum. The purpose of digging at the 6-7 feet deep maybe 5 feet deep as long as we are below what a sunlight can penetrate then there should be no cattails will grow in it. However safety ledges are requirements by the ordinance of the Town of Merrillville so there will have to be some maintenance on this thing after it is done because the safety ledges are only 18" deep and sunlight cannot penetrate that based on that what we have right now is the total capacity of the detention areas in Broadfield you will see in the small square is 39 acre feet or 38.99 acre feet of storm water detention. Based on the computer modeling that we did we need to expand that to 56.7 to meet the existing conditions. That is what you see on this map that expands this 56.7 acre feet. If you lifted the second page or 3rd page I am sorry. We also modeled every lot in the subdivision being developed so that we get this thing correct in the end what you see there is on the right hand side there are a 2 or a number of w's that refer to water elevations. That is a wetland area the 1 area that you see immediately north of lots 27,

28 and 29 which is actually a lake right now. That area along with expanding the middle portion even more is what is going to be necessary to satisfy the entire development. To do something like this would require a tremendous amount of excavation and a tremendous amount of money so what Mr. Brant is asking for is for permission to do this in stages based upon what is being developed on site so at this point subject to the review from Robinson what we are asking for is approval based on what you see on page 2 being constructed on the ponds. I would be very happy to answer any questions that you might have.

Mr. Dering said ok I am not an engineer so I am going to rely on you and I am going to rely on Robinson for a few clarification questions for a simple explanation. I am looking at an existing pond with an existing edge of water of elevation of 691.7 your proposed elevation high water level is 696 even with a total elevation of 696.50 now I am looking at the area around there and I noticed elevations of the land between 92nd Drive and the edge of the pond at 695, 697, 695.9 698.3 and then I am looking at here the average evaluation of lots 20, 21, 22 which I know they have had problems in the past are 698.2 and 698. Can you explain to us in simple terms for non-engineers will that be enough difference in the elevations between 696 and 698 we are only talking 2 feet differences in elevation to the homes is this a usual and proper differentiation between the height or are we going to run into if we have a hundred year event like we had last summer not this year but in 2013 is that going to be enough to protect these people.

Mr. Torrenga said If I could answer this and then let Mr. Green speak if he would like. As far as the elevation differences that you see on here yes indeed it is correct there are some elevations that are lower than that around there but we need to have someplace to put some of this dirt too that is where the excavation material from the pond is going to go. It is going to fill in some of these lower area to build the area up around the ponds so that Mr. Brant can actually in the future develop them. As far as the overflow elevation is concerned there are not a lot of elevations because I didn't show the Connecticut Drive going out to 93rd but you will see one elevation of 696.9 that is the high point elevation of Connecticut Drive. If these ponds overflow the water will run down Connecticut Drive in to 93rd and go south. So 698 technically 698 elevation of those homes should never be meet.

Mr. Dering said but is this an optical solutions if we have one of these events and we have water rushing down Connecticut to 93rd.

Mr. Torrenga said that is the purpose of computer modeling. The computer modeling as I said when I started talking that it is very conservative and it is based on a 100 year storm. So if you have something in excess of 100 year storm then yes you will have to have an overflow area which is something that will go down Connecticut Drive that is the same as any detention area that is designed. Detention area are designed to handle or to capture the difference between the 100 year storm and the allowable run off of the property and this particular case if we were to be held to the Merrillville standards it would be 0.2CFS per acre which amounts to something in the neighborhood of a 2 year frequency storm. The problem that we have here is that everything in this subdivision everything in the area all drains to a legal drain which is only 18" in diameter. What Christopher Burke did is they actually they went out there and measured the height of the ponds and they put flow meters in there and they measured how much water was actually I don't know about the flow meters but they measured how much water was actually exited through the 18" pipe that is how this has been modeled so the equivalent out flow from this pond is about maximum 6.50CFS we were held to the standards of Merrillville we would be allowed 30 CFS but we can't take that because the 18" pipe won't except that amount of water.

Mr. Dering said is it a matter of we need a different pipe?

Mr. Torrenga said you can't that particular legal drain pipe runs for a mile and a half ok. But what we are actually presenting here in their study in 2008 is exactly what they suggested. They suggested well let me back up what they suggested being Christopher Burke is that a pipe be put in which intercepts the water before it can flood into the Broadfield Townhome subdivision and is directed to 93rd. That isn't even taken into effect in the modeling because it shouldn't be taken into account so technically what we are proposing to take the outlet flow of 6.50CFS instead of what is allowable which is more model this on a 100 year storm and create detention to handle that. When you throw into that the added caveat that Christopher Burke designed an over flow pipe that currently exists. That pipe is something in the neighborhood of 30" in diameter and I think that it expands to 36" in diameter and it outlets into the roadside swale on the south side of 93rd. Feasible there is really no way that this pond will ever flood the way it did in 2008 again. I say that but who knows if it rains for 40 days and 40 nights we are all going to be swimming.

Mrs. Krafft said you said a number of times about it going to 93rd Avenue. What would it be in a ditch running down 93rd avenue or will it be a field.

Mr. Torrenga said if the pond overflows are you asking.

Mrs. Krafft said yes.

Mr. Torrenga replied yes it will go down 93rd and it will cross 93rd and it will go to the south side and then it will go through the series of there are something like 19 or 20 retention pond in the Purdue

Mrs. Krafft said this water will run across 93rd Avenue

Mr. Torrenga replied it might

Mr. Dering said basically if we get that kind of rain event we are talking Connecticut Street could feasible be closed and

Mr. Torrenga said no the water would never get an 1" deep. If it were a ¼" deep it would running in the gutters.

Mr. Dering said it would be more of a normal flow of water in the streets and down through the gutters and then across 93rd.

Mr. Torrenga said when the catch basin can't handle it finds itself across the street

Mr. Dering said I am really only asking for this much detail because especially we need to know that these folks are protected. I know that Shawn who couldn't be here because he is on vacation and had this planned for a long time he is most concerned about these folks. It is pretty much taking up every waking hour for him and we really need to know between you folks and Robinson that this is the solution the end all be all these folks won't get any water I mean obviously I live on a small hill. When we had the big event 2 years ago or a year and a half ago I even got a little damp in my basement which I have never gotten in my 90 year old house and again I am the highest point and it drops 15 feet in one direction I even got a little water so you can't say that they will never get something some dampness in that kind of event but you know what we went through before you know what these folks have been through we have to do everything we can and Sedrick is this the solution. Will this solve the issue from years ago?

Mr. Green said Robinson is currently still in review and there is going to be some more technical comments with this and I didn't hear the talk of emergency spill way.

Mr. Dering asked if that the spill away running to the east..

Mr. Green said prior to he did say the 18" is the only pipe that actually exits the pond the outlet of the pond. Yes one of the floods actually happened because there was a blockage in the pipe and that is why it overflowed. So there is one of the reasons why there is a request for an emergency overflow structure.

Mr. Dering said is that what is shown in the ditch going off to the east. There is a ditch on page 2 there is the existing edge of the water and then there is that ditch line going off to the east.

Mr. Torrenga said right now there is existing ponds that are tied together.

Mr. Dering said so are those ponds lower so if we have an event it would also go over to those ponds or

Mr. Torrenga replied absolutely.

Mr. Green said there are some technical things that we would have to talk about but the way the ponds are right now is the pond that is to the east is a higher elevations now and they are the natural existing ponds that were there. They haven't appeared to be approved yet and they actually that is the channel that is the ditch that goes from one pond to the other.

Mr. Dering said these are the ponds from when it was farmland

Mr. Green said right

Mr. Torrenga replied right the wetlands

Mr. Green said yes so with the plan that is one of the things they are looking at to see how much they need to dig down and with that they also have to take this plan to get their permits and things like that and as far as if those home will never flood I can't answer that one. For right now it is still under review the reason by John Dykstra from our office isn't here because he is still currently reviewing and he does have some more comments for Don.

Mr. Dering said as far as and I don't mean to maximize from anyone else if someone has a question. As far as the phasing concept which is optimal for Mr. Burke looking at the end plan which would be a very expensive undertaking does the phasing seem at least at an initial review does phasing this seem to work in the long run as long as we are only building this one building right now.

Mr. Green said as we talked it was discussed in the last meeting yes that the phasing be done also as a part of that for this portion right now making sure the pond has adequate storage for the existing and for the one purposed property because on the side that it is actually draining to but also with that there be the document that goes along with all of the property let it be known that it is out there for everyone to know that the pond has to be completed so between the buying and selling whoever comes in

Mr. Dering said if Mr. Burke sells a piece of property down the road. I am sorry Mr. Brant wants to sell a piece of property to another party down the road and they want to build another facility they would have to expand to solve their portion of added water flow.

Mr. Green said I guess that would be their problem with doing it in phasing.

Mr. Touchette said I have a couple of questions on page 2 of your drawing. You said that is not the final shape.

Mr. Torrenga said as far as the modeling is concerned from a computer modeling stand point what we are talking about it doesn't make any difference what the pond looks like as long as it is sufficient.

Mr. Touchette said eventually their going to take a final shape. You will take it as deep as you need to get the volume that you are looking at as long as there are slopes on the side. Ok now what I would like to see here ultimately is something that is written up by Robinson in conjunction with the Merrillville Storm Water facility with their approval to exactly how this is going to work for the build out and I would like for it to be attached to the subdivision plat so that when this resubdivision is recorded at the county that the drainage provision are there attached and anybody that goes everybody is on notice ok. IF it is recorded at the Records Office everything is recorded and quite frankly I don't know anything about drainage other than it is up to the engineer and the storm water department to tell us if this is going to work or not. I don't know if it is going to work or not so whatever is going to be the final plan we need to have something in writing and it needs to be signed by an engineer and if appropriate Merrillville Storm Water and Christopher Burke if he is their engineer he needs to sign off on this to.

Mr. Green said no he is not. The study that was done by Christopher Burke was only a remedy.

Mr. Touchette said then Matt Lake of Merrillville Storm Water he has input in this doesn't he.

Mr. Green replied yes Matt Lake and it was directed by Shawn for Robinson and Matt Lake to review whatever solution they have

Mr. Touchette said however this works out I would like for the developer and his engineer agree to exactly how this is going to work. If it is going to be phased just put it in writing and ultimately the people sign the plat and it gets recorded and the development or the drainage plan is a part of it.

Mr. Green said the other portion that came with that from the last meeting is that all of the other lots that haven't been sold they also need to have that document of what the full.

Mr. Touchette said I think that if you write this up for the full build out I think that page 3 speaks to the full build out.

Mr. Brant said there is another 140 acres

Mr. Torrenga said Bill you are only off by about 80 acres

Mr. Brant said we don't need to dig this now.

Mr. Touchette said but we need to show the plan for later on. If it is recorded on the subdivision plat then everybody is on notice later on. The subsequent buyers if there are 80 acres more and you sell that when they do their due diligent and they look to see what is out there see what the drainage requirements.

Mr. Dering said Ok Bill what I am hearing then is putting it into a motion form is pursuant to the plat there has to be recorded with the mylars a written agreement between the petitioner and his engineering firm, the Town of Merrillville, the Storm Water Management and reviewed by the Town Engineer so that it is to be filed so all future petitioners are advised of the ultimate build out plan for drainage.

Mr. Torrenga said I know this is preliminary subdivision approval

Mrs. Gregor said no it is a resub. One hearing this is it.

Mr. Touchette said I don't think that we are ready for a motion today until this is written out that I can look at it and Dorinda can look at it and I would want Shawn to see it to.

Mr. Dering said it is most important that Shawn see this and also the homeowners.

Mr. Touchette said until it gets down to where it is a form that it is ready to be signed and so

Mr. Green said once we get the comments back and everything is addressed that.

Mr. Touchette said this is the final document and I would like to see the final document what is going to be recorded

Mr. Green said yes there may be some changes

Mr. Touchette said the storm water may have issues later on. Roads things like that we want this all in writing

Mrs. Krafft said it will be to your advantage for this to be all

Mr. Brant said we have no problems we are master planning it and so we know what we are going to do and there is no problem with that as we have other people coming in for another 2 or 3 acres we will know that you will have to provide certain amount of retention for that if we haven't already provided and there is a chance that at this point probably enough to take care of a number of acres.

Mr. Dering said ok but will be need a motion tonight to move this along to next month. Not a motion for approval but a motion to move it along to next month.

Mr. Touchette said until the next scheduled meeting.

Mr. Brant asked if there is going to be a meeting next month. We have had about a three month delay on this.

Mr. Touchette said as soon as you guys come to an agreement to what the written agreement should be that the engineer is going to sign off on and Matt Lakes is going to sign off on we are ready to go.

Mr. Brant said we have information that we are ready to go now.

Mr. Touchette said well their not. Ok I don't know how long they have had this but let's get the paper work finalized here and I don't see any reason for you guys to have to come back for more than one more meeting.

Mrs. Gregor said the next meeting will be a workshop and then 2 weeks after that will be the voting meeting at the public meeting so it will be sometime in the middle of October.

Mr. Touchette said could it be settled by the workshop meeting and that way if anybody has any questions or what's changed here can do that. I wouldn't expect it but

Mr. Dering said I think that gives them a number of weeks to tighten up this agreement, tighten the engineering so let all the parties involved review it with the homeowners.

Mr. Touchette said Mr. Brant

Mr. Brant said we can't go down for financing until I get all are eggs in the basket so we have to wait for your decision

Mr. Touchette said I think that we are to the point that we are ready to go.

Mrs. Krafft said it is close to closure

Mr. Dering said so then we are going to need a motion to move this to the October meetings and we are looking for a written agreement for what we have discussed between the storm water

Mr. Touchette said actually it won't really be a written agreement it is going to be on plat paper work and then people will sign off on the side just like for recording. On a multi-page plat you just have one signature on the front right.

Mrs. Gregor said the President and the Secretary as well as the owners of the property and notarization and the Town engineer.

Mr. Touchette said they are all on the same page so the agreement will be part of the plat.

Mr. Dering said so I think that in October we just need a motion to move this to the October meetings as long as the engineering is worked out and this is written up on the plat we should be able to get this done in October.

Mr. Touchette said if Sedrick gets hold of me and tells me that he has a draft of this where he thinks they got what they need and I will come in and look at it before you guys have to come to a meeting just so I can look at it and it looks in the right form for me hopefully when we come before the board of commission there is not a lot of discussion. Everyone's good with this.

Mrs. Gregor said this is what I am understanding then this actual resub of Tract G then this information over here talking about easements and drainage or whatever it is will refer to an attached document and that document will have a number or documents will have numbers attached to this plat and that is probably how it should be kind of referred to I know that I can't read this but

Mr. Touchette said when it is recorded out at the county it will be on a big

Mr. Torrenga said I only did that so you could have copies.

Mr. Dering said that helps a lot

Mr. Touchette said I think that the drainage you can incorporate by reference the drainage provisions and that drainage provisions can all be written out separately on the drainage.

Mr. Torrenga said I think it would be a simple agreeing as Mr. Brant signs off and agrees to construct the ponds in accordance with a certain set of plans that are approved.

Mr. Touchette said the more important thing is that everybody agrees to what needs to be done and we get something recorded where everybody is on notice so that when people buy the lots later on they don't come and say we didn't know we had to do that we would never have bought this property.

Mr. Dering said that is what it comes down to I don't think that it would just be particularly Mr. Brant. It would be Mr. Brant and any future owners/developers of the property so that it is tighten up so that if he sells a portion of it down the road or he decides again as we talked last time if you just decide to retire one day and you sell off your remaining interest I don't think that you ever will but you sell off any remaining interest that whoever the subsequent owners of the property are will know the minute that they buy it there is what is agreed upon here is what has to be done.

Vice Chairman Spann said you have to have all those ducks in a row and if there is an investment down the road or something they need to know this is the part of this property.

Mr. Dering said we need a motion and second we need a vote to move this to the October meeting with all of the aforementioned parts of the agreement and also the engineering reports.

Vice President Spann said we need a motion Pam we are going to need a motion.

Mr. Holtz has a question so moved to his motion

Mr. Dering said I did not make a motion.

Mr. Holtz said I will make a motion to defer this.

Mrs. Palmateer seconded the motion

Vice Chairman Spann called for a roll call.

Mr. Holtz yes, Mr. Spann yes, Mrs. Krafft yes, Mrs. Palmateer yes and myself (Mr. Dering) yes

Mr. Torrenga thanked the commission

NEW BUSINESS

P7rS-0914 VERSA DEVELOPMENT, PETITIONER

MELJER STORES, LP, OWNER, Located approximately at 725 W 81st Avenue for a resubdivision of Lot 3 of the Meijer Plat proposed restaurant with drive thru to be known as Starbuck's Coffee.

Vice President Spann said this is the Starbucks I do believe.

Justin Crable with Atwell, LLC we are the civil consulting firm that works on this project for Versa Development. Versa Development is our client and Versa is looking to carve out a piece of property out of the Meijer's property as the petition says and purchase that and do a ground lease with Starbucks. From our last meeting nothing has changed from a site layout plan perspective we did receive comments from Robinson late last week and we have reviewed those and there is really no show stopping comments that we can't address and work through. They are all pretty standard comments so our goal is to get in to gain approval tonight and then get in front of the Board of Zoning Appeal for a Special Exception on the 24th and as we move through that process that all goes well we work on permanent permit plans and get those back in front of Robinson to address all their comments and get our drawings ready for construction. So what I was saying is our client is obligated to get through the process by the end of this year or first part of next year to start construction in the spring.

Mrs. Gregor read the staff report. IHCD has issued a sewer availability construction will begin in the spring of 2015. A special exception review for the restaurant use will be discussed at the September 24th Merrillville BZA meeting.

Mr. Dering said help me with the location here even with a magnifying glass I am having a hard time seeing on here. At the light by Meijer's you turn in and you are going south you have a bank to your left and going all the way over passed the tire store and the gas station and you have Meijer's in front of you where are we going to build this.

Mr. Crable said we will be sandwiched between the main parking field of Meijer and the car dealership to the west.

Mr. Dering said so how far back from the divided entry way and the left hand east bound frontage road are you down that main road going to Meijer's.

Mr. Crable said how far back our we I guess what drawings do you have in front of you. Do you have a site layout plan at all the picture says it all really. You are looking at a miniature version there.

Mr. Dering said I can see Rt 30 and I can see a sanitary sewer and I can see lot 3A a point something acres I can't read it.

Mr. Crable asked if they would mind if he brought up a full size plan here.

Mr. Dering said that will help me a lot I am very blind. Ok does anyone else need to see this?

The group looked at the larger map with Mr. Crable to get there site information.

Mr. Dering said you are going to be X amount of feet back from the frontage road.

Mr. Crable replied yes.

Mr. Dering said that will help I was having a hard time visualizing where you were. What is nice is that they have that big wide drive right there. He is back from the frontage road and the entrance off of 30 and it is back from the frontage road going past the other business so it is not like it is going to be a big traffic jam there all the time.

Mrs. Palmateer said you are going to break ground in the spring.

Mr. Crable said that is correct.

Mrs. Palmateer asked if you will be using local union labor to build.

Mr. Crable said I think that this is in the Towns TIF district which requires union labor so that has been conveyed to our client they are fully aware of it and that is what they are planning for.

Mr. Dering said I know that most Starbucks are up scale also but it looks good that you satisfied our commercial design guidelines and you will tighten those up with the actual rendering of the building when we go for final approval and all of that.

Mr. Crable said I believe at the BZA meeting our developer Versa Plans to bring the material boards and a full size renderings of the building. That would explain that in further detail.

Vice President Spann asked if there are any other questions.

Mr. Green said just one to make a comment and a clarification. The drainage plans have been submitted the drainage calculations there was just some issue making clear that where the site is actually going into the Meijer's. There was just something there on the drainage grading plan that it didn't it wasn't quite finished that is the comment. I reviewed that actual lot and there is closure boundaries are good and we have a couple of other little comments that could be taken care of at

Mr. Touchette said any approval tonight would be subject to the developer complying with suggestions by Robinson Engineering.

Mr. Crable said sure and that is what we are hoping for and that is our expectations. A favorable approval conditioned upon their review letter and there comments.

Mr. Dering said I would like to make a motion that we approve P7rS-0914 for Versa Development petitioner unless there are any other questions I will make this one no and this approval is conditional upon the review and final agreement with our Town Engineer and all other parties, landscaping, design review etc and then all future approval will be given with favorable recommendations from all the different entities.

Mr. Holtz seconded the motion.

Mr. Dering said we have a motion and a second.

Vice President Spann said we have a motion and a second all in favor.

Mr. Dering said one at a time

Mr. Holtz yes, Mr. Spann yes, Mrs. Krafft yes, Mrs. Palmateer yes, myself yes (Mr. Dering) and Shawn is absent.

Mr. Dering said we have a unanimous approval.

Vice President Spann said is that all the business we need a motion to approve.

Mr. Dering made a motion to adjourn

Mrs. Palmateer seconded.

Meeting adjourned at 7:30pm

Respectfully Submitted
Janet Rosko