

**MERRILLVILLE PLAN COMMISSION MINUTES
TUESDAY, SEPTEMBER, 19, 2023
6:30 PM**

Plan Commission President Margaret Uzelac led the Meeting of the Merrillville Plan Commission at 6:33p.m. to order at the Merrillville Municipal Complex, 7820 Broadway, Merrillville, Indiana, and then led the group in the Pledge of Allegiance.

ROLL CALL:

Members in attendance were Mr. Kristopher Mellon, Mr. Luke Rich, Councilman Shawn Pettit, Councilman Jeff Minchuk, Plan Commission Vice President Brian Dering, and Plan Commission President Margaret Uzelac. Staff in attendance were Building Director Sheila Shine, Town Engineer Steve King, and Town Attorney Joseph Svetanoff.

MINUTES: JULY 18, 2023

Plan Commission Vice President Brian Dering made a motion to approve the minutes and the motion was seconded by Councilman Shawn Pettit. The Plan Commission voted 6 – 0 to approve the minutes.

COMMUNICATIONS:

Building Director Sheila Shine stated that the letter of communication will be read during the petition.

COMMENTS FROM CHAIRMAN

NONE

OLD BUSINESS

1. **P5Pp2-0723** **8257 LLC, PETITIONER AND OWNER**
 Located at the Intersection of 82nd & Grant
 Request: Preliminary Planned Unit Development Approval on 5.4 Acres in a PUD
 Purpose: Residential Duplexes and Single- Family Residence

Mr. Terrance Franklin of 8257 Grant, LLC and Stephen Stofko of Mecca Engineering of 5655 Broadway, Merrillville, Indiana came before the Plan Commission. Mr. Franklin stated that he is proposing to build duplexes. He stated that he’s been in the construction business for thirty - seven years. He continued that the berm will be removed.

Mr. Stephen Stofko of Mecca Engineering stated that the plans have been reviewed, the berm on the south side of the property has been removed and has been replaced with a diversion swale to redirect any stormwater from the Sedona Subdivision.

Mr. Terrance Franklin stated that he did not have his attorney’s name, but that he will get that information.

Sheila Shine read the Staff Report.

Sheila Shine stated that the petitioner had met with the following for a meeting: Town Engineer Steve King, Building Director Sheila Shine, Robinson Engineers John Dykstra and Bob Czanyi, and Stormwater Director Matt Lake.

Bob Czanyi with Robinson Engineer stated that different comments were addressed and that the petitioner is beyond the preliminary stage. He continued that there are a few minor comments that the petitioner will need to resolve and that the 18 bullet point requirements for preliminary submittal have been met.

John Dykstra with Robinson Engineering expressed that he and Mecca Engineering reviewed the Stormwater drainage plans and the petitioner has replied with the requests.

Mr. Stephen Stofko stated that the petitioner has received approval from Independence Hill Sewer.

Mr. Kristopher Mellon had no comments.

Plan Commission Vice President Brian Dering inquired of Robinson Engineering if the surrounding properties will not get any stormwater runoff from this proposed project.

Mr. John Dykstra stated that it depends on the grade and that he would need to clarify if surrounding properties would not get any stormwater runoff. He expressed that the berm was eliminated so that it didn't block the water, a swale has been added and the petitioner is proposing to do landscaping. He continued that the water from the south should not be blocked and it will be directed towards Grant Street, some water will go to the east, and that very little water will go towards Lincoln Street which was the preference of the Town to use the culverts on Grant Street. He continued that the petitioner will add a detention pond per code, and that the detention pond has to meet a release rate.

Plan Commission Vice President Brian Dering inquired of Mr. Franklin if the curb cut of the single-family home will be a private drive, will not cut thru to Lincoln Street, nor will it impact the residents that are over to the north and Mr. Franklin answered that is correct.

Councilman Shawn Pettit inquired if this has curb and gutters and Mr. Steve King and Mr. Bob Czyani answered yes.

Councilman Shawn Pettit inquired if these duplexes will have covenants and Mr. Terrance Franklin answered yes.

Councilman Shawn Pettit inquired if these duplexes will be owner occupied and Mr. Terrance Franklin said yes.

Councilman Shawn Pettit asked Mr. Franklin that these duplexes will not be rented, and Mr. Terrance Franklin stated the duplexes will not be rentals.

Mr. Terrance Franklin stated that his total investment for this project is \$4,000,000.00.

Councilman Shawn Pettit stated that this is the public hearing stage, and after preliminary the petitioner will file for the final PUD petition. Then the petition will be presented to the Town Council.

Building Director Sheila Shine stated that there have been several neighborhood meetings with the Sedona residents and other residents from Lincoln Street.

Mr. Terrance Franklin stated that there will be an Homeowners Association for the landscaping portion of the project. He stated that all of the materials that are used in his homes are pristine and high-quality materials. He continued that he does not need any financing, that he is ready to build all of the approved homes for this petition, and that the landscaping trees have a one year warranty with Home Depot.

Attorney Joseph Svetanoff stated that the committee will open up this portion of the meeting for public comment, each person commenting must sign in on the registry, they must state their name and their address for public record, and comments are limited to three minutes.

Melissa Peterson of 1500 West 82nd Place in the Sedona subdivision inquired if a site map could be provided for the public to view and viewed the map.

Pastor Edwin Sims of 1415 West 83rd Avenue, Merrillville inquired about why he and other Sedona residents were not notified about this petition. He also spoke that this proposed project is too small for the 5.4 acres.

Attorney Joseph Svetanoff stated that notice provisions under Indiana State Code is that the Town will notify certain people.

There was a discussion that there were several meetings with residents to discuss this proposed project.

Town Engineer Steve King stated that the streets in the proposed Franklin Estates will be as wide as the streets in the Sedona subdivision.

Plan Commission Margaret Uzelac stated that the meetings that were held with the residents to discuss this proposed project were advertised and that the Town has professionals that will make sure that everything will be in place for this proposed project.

Stephanie Reiser of 8130 Lincoln Street stated that there is a problem with the water flow, which was supposed to have been corrected. She inquired if there would still be a berm separating her property from the new subdivision.

Plan Commission Vice President Brian Dering stated that he inquired of Mr. John Dykstra about the water to flow to make sure that it would not exacerbate the residents surrounding the area.

Mr. Stephen Stofke stated to Ms. Stephanie Reiser that they can't come onto her property to change the drainage on her property. He stated that they can try to catch the water that comes onto the Franklin Estates property. He continued that there will not be a berm so that the berm doesn't hinder the water flow.

Mr. Terrance Franklin stated that his home will be next to Ms. Stephanie Reiser's home.

Mr. Phil Casaday of 8129 Grant Street inquired about the detention pond.

Plan Commission Vice President Brian Dering stated that Mr. Franklin is investing a lot into this project, and his engineering team has to guarantee the integrity of Mr. Casaday's property and that if Mr. Casaday's property floods out, he will have plenty of recourse.

Mr. Tony Holloway of 1415 West 82nd Avenue stated that the excess water on his property is an issue.

There were no other public comments.

Mr. Kristopher Mellon made a motion to approve this petition. The motion was seconded by Councilman Jeff Minchuk. There was a unanimous vote of 6-0 to approve this petition.

NEW BUSINESS

- 2. P9Pp3-0923 TOM FITZPATRICK, P.E./STORAGE OF AMERICA
PETITIONER AND BARBARA A. ALTERS OWNER**
Located at 7300 US Lincoln Highway
Request: Preliminary Planned Unit Development Approval on 18.5 Acres
In a C-3, Highway Commercial Zoning District and R-2, Residential
Zoning District
Purpose: To Allow a Storage Facility

Attorney Mark Anderson of 9211 Broadway was representing the petitioner and submitted some documents to the Plan Commission and stated that the fence will be an eight feet in height, and there will be trees for landscaping on the proposed property. He continued that the first phase of the project would be done in the southeast corner of the project site, and it would have over five hundred units. He stated that lighting would meet the Town's requirement.

Building Director Sheila Shine read the Staff Report.

A letter from Steven Hovanic reads as follows:

We request that the following be constructed from the west property line to the east for parcel number 451320251001000030. Frontage road, water main, sanitary sewer main.
Thank you.

Mr. Bob Czanyi of Robinson Engineering stated that the petitioner has met all of the requirements for the preliminary portion of the proposed project.

Town Engineer Steve King stated that the petitioner has met all of the preliminary requirements.

Mr. Kristopher Mellon had no comments.

Plan Commission Vice President Brian Dering expressed that this property is a nice visible property coming from County Line Road and suggested that the petitioner have low growing landscaping on the frontage of the property. He also suggested that there should be plenty of room near the gate for vehicles waiting to enter into the property.

Councilman Shawn Pettit declared this as a fiduciary conflict of interest and stated that the landscaping can not violate the visibility of the lease. He continued that the waterline is on the south side of U.S. 30 Highway. He stated that maybe it could be part of a condition that there could be a frontage road installed on the Alter's property

Councilman Jeff Minchuk had no comment.

Plan Commission Vice President Brian Dering inquired if the petitioner's property is accessible for Fire and Emergency vehicles.

Mr. Bob Czanyi stated that the plans do show a fire hydrant.

Mr. Steve King stated that the Fire Inspector will review the plans.

Councilman Shawn Pettit stated that he is ok with the land use, and that the Town rezoned five hundred feet deep on each side of U.S. 30 Highway.

Attorney Mark Anderson explained that there should be an efficient amount of water, and that there will be a proper amount of turn-around for the fire and emergency vehicles.

Bob and Laura Farver of 7109 Old Lincoln Highway asked how their property would be protected.

Attorney Mark Anderson explained that trees will be planted on the north side of the petitioner's property, and that this will be a quieter development, there will be an eight feet fence, and that there will be a setback of twenty feet. He continued that the detention pond would keep water on the petitioners' property. He continued that it would not be open 24hours, and it would be monitored by cameras.

Karen Petalas represented Second Hobart Venture located behind the petitioners proposed site and she inquired if there would be access from U.S. 30 Highway.

Town Engineer Steve King stated that it does appear to be an existing crossover.

Plan Commission Vice President Brian Dering made a motion to approve this petition which was seconded by M. Kristopher Mellon.

The Plan Commission voted 5 votes to approve and 1 vote abstained.

**3. P10Pp4-0923 TOM FITZPATRICK, P.E./STORAGE OF AMERICA
PETITIONER AND DONN H WRAY OWNER**

Located at 1213 West US Highway 30

Request: Preliminary Planned Unit Development Approval on 4.23 Acres
In a C-3, Highway Commercial Zoning District and Planned Unit
Development

Purpose: To Allow a Storage Facility with Retail Commercial Offices facing US
Highway 30

Attorney Mark Anderson represented the petitioner and submitted documents to the Plan Commission members while stating that the fencing will be eight feet and the roofline will be revised on the office warehouse building. The office will be in the front and the self-storage buildings in the rear.

Sheila Shine read the Staff report.

Mr. Bob Czanyi of Robinson Engineering stated that the petitioner has met all of the preliminary criteria.

Mr. Bob Wilczinski of Master Tile at 1205 W Lincoln Highway stated that he is not opposed to this petition, but did state that he is concerned about the water runoff from the petitioner's property going onto his property, and that flooding has been a problem in the past.

Mr. Steve King stated that this issue will be reviewed as the petition advances.

There was further discussion about the drainage.

Councilman Jeff Minchuk made a motion to approve this petition and the motion was seconded by Mr. Luke Rich.

There was a unanimous vote of 6 – 0 to approve this petition.

OTHER BUSINESS

None

ADJOURNMENT

Councilman Jeff Minchuk made a motion to adjourn the meeting and the motion was seconded by Plan Commission Vice President Brian Dering.

There was a unanimous vote of 6 – 0 to adjourn the meeting.

The meeting was adjourned at approximately 8:00p.m.

Marie Wilson,
Recording Secretary