

**MUNSTER PLAN COMMISSION**  
**MINUTES OF REGULAR BUSINESS MEETING**  
Meeting Date: August 9, 2016  
Date of Approval: \_\_\_\_\_

**Call to Order:** A regular business meeting of the Munster Plan Commission, was held in Munster Town Hall, Munster, Indiana on September, 2016. The meeting convened at 8:50 pm, Vice Chairman William Baker presiding and Beth Miller, secretary.

***Pledge of Allegiance***

***Members in Attendance:***

Vice Chairman William Baker  
Stuart Friedman  
David Nellans  
Joseph Simonetto

***Members Absent:***

Andy Koultourides  
Roland Raffin  
Chairman Michael Mellon

***Staff Present:***

David Wickland (*Attorney*)  
Beth Miller (*Executive Secretary*)  
Dustin Anderson (*Town Manager*)

***Approval of Minutes:***

**Motion:** Mr. Friedman moved to approve minutes as presented for the Regular Business Meeting on July 12, 2016 meeting of the Munster Plan Commission.

**Second:** Mr. Friedman seconded the motion.

**Vote:** Yea—4    Nay—0    Abstain—0

**Resolved:** Minutes from the Regular Business Meeting on July 12, 2016 were approved with no modifications.

***Preliminary Hearings:***

- a. None.

***Public Hearings:***

- a. **Petition PC 16-011**—Dunkin Donuts, 10415 Calumet Avenue – requested approval for proposed Dunkin Donuts site for Preliminary Plat.

Mr. Scott Yhane was present to represent the petitioners. Mr. Yhane stated that they are aware that the submission is lacking. Since the Public Hearing notices were already sent out and there is public present to speak, the Petitioners request to still have their Public Hearing.

Mr. Wickland stated that the public notice and greencards are in order.

Mr. Nellans can sympathize with both sides of the discussion and believes that a traffic study and a better buffer zone between the residents and the business should be provided.

The BZA moved to continue the Public Hearing for the drive-thru facility until the September meeting and will re-open the Public Hearing at the Chair's discretion.

It will be the responsibility of the owner of the site to maintain the interior roads and landscaping. The Commission would like to see that the egress onto Calumet Avenue is an exit only. There was a request to be sure that the volume for the order box be controlled to an appropriate level as not to disturb the neighboring residents. The Petitioner is currently unaware of what other business that will go into the neighboring space. The Commission recommended that the building be reduced to only the Dunkin Donuts space.

Vice Chairman Baker opened the Public Hearing. After three declarations of an open hearing, no comment was heard. Vice Chairman Baker closed the Public Hearing.

Discussion was held by the Commission.

***Motion:*** Mr. Friedman moved to continue.

***Second:*** Mr. Simonetto seconded the motion.

***Vote:*** Yea—4    Nay—0    Abstain—0

***Resolved:*** Motion carries.

- b. **Petition PC 16-014**—West Lakes Subdivision, c/o Don Torrenza— requesting favorable recommendation to Town Council for Preliminary Plat of proposed development of West Lakes Subdivision Unit 4.

Mr. Don Torrenza was present to represent the petitioner. The previous developer donated 25 acres including a one acre tot park. At that time, the developer was only required to donate 10 acres of parkland. As requested, the Petitioner provided a proposed tot park on the site plan which is 0.3 acres and includes a 10 foot access easement into the park. Mr. Nellans stated that homeowners would not appreciate the tot park right in their back yards. The Commission agrees that this seems like an inappropriate location for the park.

There had been concerns raised about the density of the housing in this phase but the Petitioner stated that every lot proposed is the same size or larger than others in the development.

The Commission would like it verified that the covenants have been attached to the plan.

The Munster Town Ordinance states that the developer may donate money in lieu of land.

***Motion:*** Mr. Nellans moved to reopen the Public Hearing.

***Second:*** Mr. Simonetto seconded the motion.

***Vote:*** Yea—4    Nay—0    Abstain—0

***Resolved:*** Motion carries.

Mr. Dennis Larson stated that we have enough parks in this development. The proposed tot park would be too close to the one that already exists. When Mr. Larson takes his grandchildren, the existing tot park is never heavily used. He also believes that the proposed location would have an issue with the isolation effect with children and teens. There is a concern that Margo Lane is very busy.

After no further public comment, the Public Hearing was closed.

The Petitioner stated that he feels the Commission is imposing a penalty on this developer as they have completely complied with the law. This will be an \$850,000 purchase from the school board and the third time that this property has been under contract.

Mr. Nellans asked the developer if he would be willing to donate the retail cost of the 0.3 acres plus the cost to install the access sidewalk to the Parks Department for use in the existing tot park. The existing tot park has no existing infrastructure. Mr. Simonetto is not comfortable with that suggestion. Mr. Friedman and Mr. Baker agree with Mr. Nellans suggestion. The Commission recommended that the Petitioner work with Mr. Vitale to get some trees in the existing tot park.

Discussion was held by the Commission.

**Motion:** Mr. Nellans moved to approve the Preliminary Plat contingent upon the developer donating the retail value of the proposed 0.3 acre tot lot and the cost to build the access sidewalk and remove the proposed tot lot from the plat.

**Second:** Mr. Friedman seconded the motion.

**Vote:** Yea—3    Nay—1 (Simonetto)    Abstain—0

**Resolved:** Motion fails.

**Motion:** Mr. Simonetto moved to approve as presented.

**Resolved:** Motion fails because of no second.

**Motion:** Mr. Nellans moved to continue.

**Second:** Mr. Friedman seconded the motion.

**Vote:** Yea—4    Nay—0    Abstain—0

**Resolved:** Motion carries.

Mr. Simonetto believes that agreeing to pay for the lot ahead of the approval may be seen as paying for a motion. The Petitioner doesn't feel any more extorted from having to donate money than from having to donate the land.

***Developmental Plan Review:***

- a. **Petition PC 16-010**—Dunkin Donuts, 10415 Calumet Avenue – requesting site plan review for proposed Dunkin Donuts site.

Petitioner requested to continue to September.

**Motion:** Mr. Friedman moved to continue.

**Second:** Mr. Simonetto seconded the motion.

**Vote:** Yea—4    Nay—0    Abstain—0

**Resolved:** Motion carries.

- b. **Petition PC 16-013**—ARA Dialysis, 10010 Donald Powers Drive, c/o NWI Medical Realty, LLC, 9201 Calumet Ave, - requesting site plan approval for a new building development for a dialysis center along Calumet Avenue.

Mr. Brian McMorro was present to represent the Petitioner. The Petitioner has provided the reduced parking as asked. The Petitioner is willing to substitute the requested plant species. The need for parking is far less that what is required by the ordinance, the real demand is 72 spaces and 95 spaces are being proposed. The Commission asked what happens when the proposed business moves out? The Petitioner has provided "banked parking" but that they believe that any business that moves in would not need it.

Mr. Nellans approves of the spacing of the greenspaces. The Commission reiterated that there will be no mechanicals seen from anywhere on the building.

Discussion was held by the Commission.

**Motion:** Mr. Simonetto moved to approve as presented.

**Second:** Mr. Nellans seconded the motion.

**Vote:** Yea—4    Nay—0    Abstain—0

**Resolved:** Motion carries.

- c. **Petition PC 16-016**—821 Main St, LLC, c/o Don Torrenza, Torrenza Engineering - requesting site plan approval for a new building development.

Mr. Don Torrenza was present to represent the Petitioners. The site in question is Lot 2 of the RNR Subdivision.

The Commission requested views of all sides of the building. The Commission also made it clear that all mechanicals must be unseen from all sides of the building by a parapet wall.

There is currently no pedestrian access proposed from Main Street to the site, this connection should be included. The Petitioner was agreeable to adding the sidewalk. The Commission does not like the current vehicular access as presented. They also believe that the building is too large for the site and the parking does not work.

The Petitioner stated that they own 15 locations of the Anytime Fitness and this is not like a big box gym. This will be a 24 hours a day, seven days a week facility. In regards to the parking, if the facility is full, there would be about 20 customers and five employees. There are 47 parking spaces proposed. The Petitioner stated that they do not know what will be going into the other tenant spaces but that they would like be national chain businesses. The Commission stated that there will be significant traffic at this site and should have a traffic study done.

Mr. Nellans believes that this site is a mess and the proposal needs work.

The materials should be changed to real brick or real stone. The Gingko species should be changed. Work with Staff on these items.

The easement for CVS is recorded as part of the titlework and was approved by a past Plan Commission. This easement cannot be removed. Commission has required that the Petitioner provide a traffic study that show how this development will affect the traffic within the site and how it will affect Calumet Avenue and Main Street. This traffic study can be in conjunction with the traffic study for the Dunkin Donuts site.

Discussion was held by the Commission.

**Motion:** Mr. Nellans moved to continue.

**Second:** Mr. Friedman seconded the motion.

**Vote:** Yea—4    Nay—0    Abstain—0

**Resolved:** Motion carries.

### ***Findings of Fact:***

- a. None.

***Other Business / Additional Items for Discussion:***

- a. **Donation Bin Ordinance**

- i. Did not discuss this item.

***Next Meeting:*** Vice Chairman Baker announced that the next regular business meeting will be September 13, 2016 at 7:30 pm.

***Adjournment:***

***Motion:*** Mr. Simonetto moved to adjourn the meeting.

***Second:*** Mr. Nellans seconded the motion.

***Vote:*** Yea—4    Nay—0    Abstain—0

***Resolved:*** *Motion carries.*

Meeting adjourned at 10:52 pm.

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Executive Secretary Beth Miller  
Munster Plan Commission

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Date of Approval

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Chairman Michael Mellon  
Munster Plan Commission

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