

MUNSTER PLAN COMMISSION
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: March 12, 2024

The announced meeting location was Munster Town Hall and could be accessed remotely via Zoom, a video conferencing application.

Call to Order: 7:30 pm by President Baker

Pledge of Allegiance

Members in Attendance:

Bill Baker
Rachel Branagan
Joseph Hofferth
Jonathan Petersen
George Shinkan

Members Absent:

Jennifer Johns (With Notice)
Roland Raffin (With Notice)

Staff Present:

Sergio Mendoza, Planning Director
David Wickland, Attorney

Approval of Minutes:

a. February 12, 2024, Draft Minutes

Motion: Mr. Petersen moved approve the February 13, 2024, minutes as presented.

Second: Ms. Branagan

Vote: Yes – 5 No – 0 Abstain – 0. Motion carries

Preliminary Hearings:

a. PC24-001 Jason Spain with HWC Engineering, representing Lake Business Center (LBCOI) is requesting an Amendment to the Lake Business Center Planned Unit Development to modify LAKE BUSINESS CENTER SUBDIVISION, RESUBDIVISION of Lot 1 at 9200 Calumet Avenue.

Mr. Mendoza said this property is operating under a LAKE BUSINESS CENTER Planned Unit Development. The lot is highlighted in blue in the staff report. Lot 1, as seen in the project briefing, was established as one development lot. The intent of this request is to create individual lots out of Lot 1 with no changes to the structures or the uses of them. The lots have been created or have been parceled out, so they are now requesting that they be recognized as individual lots of record and that the PUD amendment, which was initially established under one lot, be amended. Mr. Baker said that this lot is showing as a new tax parcel in GIS. He asked if this request is something needed to solidify this parcel of the PUD internally. Mr. Mendoza said yes, the three parcels that are created are for tax purposes. There was document that was recorded in 2023 identified under the subdivision process. That it is not recognized by the Town of Munster. Our requirements are that any changes to the PUD come before the Plan Commission. Mr. Baker asked if that means everyone is on board for this except the Town of Munster. Mr. Mendoza said it is his understanding that this transfer occurred because of various interests and parties; we are just being made aware of it.

Jason Spain of HWC Engineering, 2929 Carlson Avenue, Hammond, IN, introduced himself. He said Mr. Mendoza did a good job of explaining what is happening here. His client, LCBOI, parceled out the eastern portion of Lot 1 which was the medical center, the surgery center portion of that building, while retaining the rear portion of Lot 1, the west side, which contains some light industrial uses, and some warehouse uses. As part of that parcel transfer, it requires a subdivision which (HWC) made them aware at the time of the sale. That is why they are here tonight, to make sure it is properly lotted out. He also mentioned the outlot to the northwest corner, Outlot A in red in the staff report, was comprised because of a stormwater management easement that encompasses that entire outlot. The developer wanted to look into developing that but (HWC) suggested that it become an outlot because of the nature of the easement. Mr. Baker said that the Plan Commission had seen this one before when there was a proposed hotel going there. He referenced the GIS where it is still being considered as part of the blue area. He asked if this process is going to carve that out as a new lot even though it is not going through the same process that the Commission went through before. Mr. Mendoza said that is correct, this process would create a new lot of record, identified as Lot 8. There is even a stormwater easement already recorded on this parcel which would now be entered into that lot of record. In fact, there is already an underground storage structure existing on that parcel. Dr. Hofferth asked if this would be for future development. Mr. Spain explained that it is for existing development. It was placed during the construction of the hotel which is directly east of it on Lot 7. After that, it was determined that an outlot should be created. Mr. Petersen asked Mr. Spain for clarification on what is being adjusted on the map. Mr. Spain explained, referencing the staff report map, that it is three different portions. The blue portion will remain Lot 1, the yellow portion will become Lot 3 because there is already a Lot 2, and the red portion will become Outlot A. Mr. Petersen reiterated that the red portion is the one with the stormwater retention; Mr. Spain confirmed this. Mr. Petersen said Lot 1 is an unusual configuration, he asked about the appendage. Mr. Spain said that is an access drive; it is an ingress/egress easement. It has access to the Pepsi facility, which is Lot 2, in the white portion of that lot. Mr. Petersen asked if there is a shared easement, so Pepsi is not being landlocked. Mr. Spain said there are access easements all the way around. The drive entrance to the south is for Lot 1 and there are two drive accesses on the yellow portion for a total of three. Mr. Petersen asked Mr. Mendoza if he had copies of those access agreements. Mr. Mendoza said they are identified as part of the recording of the lot and then they are identified and recorded as part of the proposed amendments to the documents for the PUD and the three lots. Mr. Petersen asked if Mr. Mendoza had reviewed those easements and if he was comfortable with them because he doesn't want a dispute about access from parcel owners a year from now. Mr. Mendoza said he has reviewed them and has also reached out to our engineer.

Motion: Mr. Petersen moved to set PC Docket No. 24-001 to a public hearing at the next regularly scheduled Plan Commission meeting on April 9, 2024, and include all conversations and discussions. The petitioner is advised to make and return all public notice requirements as evidence of that.

Second: Ms. Branagan.

Vote: Yes –5 No – 0 Abstain – 0. Motion carries

- b. PC24-001 Jason Spain with HWC Engineering, representing Lake Business Center (LBCOI) is Business Center (LBCOI) is requesting an Amendment to the Lake Business Center Planned Unit Development to modify LAKE BUSINESS CENTER SUBDIVISION, RESUBDIVISION of Lot 1 at 9200 Calumet Avenue.**

Mr. Mendoza said this is follow up to the previous PUD Amendment petition, now we are working on the subdivision process. He showed on screen from the staff report the recorded lot of record, which is Lot 1 of Lake Business Center Subdivision, Resubdivision of Lot 1. They are proposing these three lots of record which were initially parceled out. The red line identifies the separation of the three separate lots. The exhibits that are identified at the end of the staff report notes that the recorded deeds and easements will be included in the plat itself. Ms. Branagan asked if this is just a more detailed version of what they just saw. Mr. Mendoza said since this is operating under a PUD, the PUD opens up for additional amendments for additional uses or changes to uses. In this case they are not changing those. He said we have had other PUD amendments that amend lots and certain lots that identify certain changes to design standards or zoning; here they are not. In this case, this PUD is recorded as one lot, they are subdividing it into three lots. Mr. Baker asked if this process provides them with an opportunity to develop Lot A, which has water detention. Mr. Mendoza said he has never seen a development built over an underground storage facility. He has seen development over a parking lot but not over a structure.

Mr. Spain said he agrees with Mr. Mendoza. There is no precedence for building on top of an underground detention facility other than parking, not a building. He added that there is one additional component of this subdivision that was added since the previous version of the Lake Business Center Subdivision. There is a common wall agreement. There are portions where the buildings adjoin each other. At those locations, they added a party wall agreement as part of the subdivision. Mr. Baker asked if this was part of the old warehousing space or where all the medical is now. Mr. Spain said the eastern wall is all medical facilities. There is a common wall which is an access to the light industrial portion of the building. The buildings are all together. Mr. Baker asked if that was part of the PUD amendment, so they don't have to do this again. Mr. Mendoza said it is identified as part of the PUD within the plat that is being recorded. It is an exhibit and part of the PUD.

Motion: Mr. Petersen moved to set PC Docket No. 24-002 to a public hearing at the next regularly scheduled Plan Commission meeting on April 9, 2024, and include all conversations and discussions. He asked the staff to advise the petitioner to obtain the necessary public disclosures and return them to staff.

Second: Ms. Branagan.

Vote: Yes –5 No – 0 Abstain – 0. Motion carries

Public Hearings: None

Findings of Fact: None

Other Items/ Additional Items for Discussion:

- a. **Foundation of Northwest Indiana requesting approval of a CERTIFICATE OF AMENDMENT for Community Foundation Inc. Addition, Block 5, Lot 3 recorded as 730 Treadway Drive and amended to 10240 Calumet Avenue.**

Mr. Mendoza said when the Plan Commission awards the Final Plat approval and it gets recorded, any changes to that should be brought back to the body that originally approved it. In this case, they received plat approval, and the lot was recorded and identified as 730 Treadway Drive. They are now

asking it to be recognized as 10240 Calumet Avenue. The adjacent lot is an outlot for storm drainage. The petitioner and applicant are applying for an amendment to the Plan Commission, the body that originally approved the Final Plat, so that address can be updated and recognized, and the records and permits issued for the site can be updated. It could also then be recognized by USPS and so they can start being recognized at that address. Ms. Branagan said she was looking back through the documents from when was brought to them initially and she recalled a discussion about a traffic light at that intersection. She said it is not up yet. Mr. Mendoza said it is not. They have had some discussion with the developer on getting that installed. They are working on the intersection as part of that installation. In answer to Ms. Branagan's question, he confirmed that the traffic light would happen. Mr. Baker said they would have had to put up a bond to get to where they are now anyway.

Motion: Mr. Petersen moved to approve the Certificate of Amendment for Community Foundation Inc. Addition, Block 5, Lot 3 to recognize the recorded plat address to be 10240 Calumet Avenue including all discussions and findings.

Second: Ms. Branagan.

Vote: Yes –5 No – 0 Abstain – 0. Motion carries

b. PC 24-004 TIF RESOLUTION, an amendment to the Ridge Road/Calumet Avenue Economic Development Plan to expand funding uses.

NOTE: The correct docket number for this TIF resolution is PC24-004, not PC24-003.

Mr. Baker said this is new. Mr. Mendoza said it is new because the state legislature changed the opportunities for funding within district groups. The Town Council wants to take advantage of those opportunities for funding. As a part of that process, they have initiated a resolution, and it is now before the Plan Commission in one step to amend the Economic Development Plan or TIF to allow additional uses of funding opportunities. Ms. Branagan asked what the benefits would be for doing this and what might be taken away from the way TIFs were previously used in this town, since we are dealing with the same pocket of money. Mr. Mendoza said he does not have information on what projects were approved or what, if any, funding was allocated for certain projects. He knows what this does is allow more opportunities within the toolbox so funds can be expended and exhausted as a priority comes in. As part of the Redevelopment Commission's exhibit, they have identified the section of the amendment, and these uses are very general in the sense of how they can be exhausted. Mr. Baker asked if this resolution mirrors the resolution that was made by the Redevelopment group. Mr. Mendoza said it is, essentially, they are the keepers of the economic development area of the plan. As part of the plan, it goes before the Plan Commission to recognize this as part of the Comprehensive Plan and to support this. Ms. Branagan asked the Town Council members in attendance if there is a specific use they are going after with this change. Mr. Petersen said he has had conversations with counsel, we are expanding the potential use of TIF monies to the legal limits of the law. One of the things that has been in discussions before the members of the Town Council has been adjusting police salaries and providing for a change in the way we provide public safety vehicles. By making this change, they will now make TIF money one of the potential funding mechanisms for addressing those proposals. They want to have all the options available so when the Council sits down, they can come up with the best funding solution for these policy objectives. This is helping them do that. He asked Ms. Branagan if he'd answered her question; she said yes. Mr. Baker asked if there was any paperwork for them to see other than the resolution exhibit. Mr. Mendoza said what the members have is exhibit A which is the resolution. There is also exhibit B which outlines the expanded funding opportunities. It identifies opportunities for public safety, infrastructure, public park improvements, acquisitions and more. Mr. Baker asked if this could be used anywhere or only within the salmon colored TIF district or designated area. Mr. Mendoza said he is

not completely familiar with the new policy. Mr. Baker said that all the TIF money had to be used inside the district. He doesn't know if that got changed in 2023 but he has also learned you can change the rules.

Motion: Mr. Petersen moved to adopt a resolution to the Town of Munster Plan Commission approving amendments to the declaratory resolution to the development plan for the Ridge Road/Calumet Avenue Economic Development Area including all discussions and findings.

Second: Mr. Shinkan.

Ms. Branagan voted No.

Vote: Yes – 4 No – 1 Abstain – 0. Motion carries

c. Commission Training Opportunities

Mr. Mendoza gave an update on Plan Commission member training. He said they had discussed bringing someone in to assist with refresher training as a benefit to the members. He said two individuals have been contacted and he has met with one. The second was not available until after March 18th so he will have more information after that time. He said the individual he is hoping to work with is a fellow AICP member who has provided training and workshops nationally, locally, throughout the state. She is based in Indianapolis. The intent is to find out what type of training the members are looking for. The feedback he has received so far is from the Plan Commission questioning how we can use the new Comprehensive Plan being adopted this year as a tool to move forward with new developments that come in the future. They also asked us to look at some previous actions to see how our current zoning codes and development standards were applied. If any opportunities were missed, we can learn from that and move forward with other developments. There was also a question about the conditions we can impose on certain projects; to understand the parameters and limits. When a developer comes in, we want to understand how far back we can say absolutely no to a request or if they are within our current codes. He said that a few weeks ago, he emailed the members some Citizen Planners Guides. The person they hope to collaborate with is the author of some of those chapters. He will continue to update the members when he receives more information.

Next Meeting: Mr. Baker announced that the next Regular Business Meeting will be April 9, 2024.

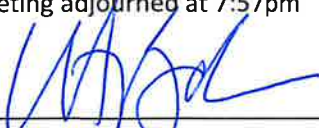
Adjournment:

Motion: Mr. Petersen moved to adjourn.

Second: Mr. Shinkan

Vote: Yes – 5 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 7:57pm



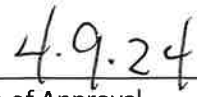
President Bill Baker
Plan Commission



Date of Approval



Executive Secretary Sergio Mendoza
Plan Commission



Date of Approval