

**MUNSTER PLAN COMMISSION**  
**MINUTES OF BUSINESS MEETING**  
Meeting Date: August 10, 2021

**Call to Order:** 7:41 PM

The announced meeting location was Munster Town Hall. In accordance with the Governor's Executive Orders 20-09 and subsequent orders related to the COVID-19 pandemic placing restrictions on the number of people allowed to gather in one location, some members attended the meeting remotely via Zoom, a video conferencing application.

**Pledge of Allegiance**

**Members in Attendance:**

William Baker  
Stuart Friedman (via Zoom)  
Chuck Gardiner  
Lee Ann Mellon  
Roland Raffin  
Brian Specht  
Steve Tulowitzki

**Members Absent:**

**Staff Present:**

Dustin Anderson, Town Manager  
Jill DiTommaso, Town Engineer  
Tom Vander Woude, Planning  
Director  
David Wickland, Attorney

**Approval of Minutes:**

- a. **July 13, 2021 Regular Meeting Minutes**

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

**Second:** Mr. Gardiner

**Resolved:** Yes: 7. No: 0. Abstain: 0

**Preliminary Hearings:**

- a. **PC Docket No. 21-009 Parth Patel requesting approval of a 1 lot subdivision to construct a 3-unit commercial building including a Smoothie King at 8130-8138 Calumet Avenue.**

Mr. Vander Woude reported that the applicant owns two lots at the subject address. He said he is proposing to consolidate two lots, which each have a vacant building, demolish the existing buildings, and construct a single 3600 square foot three-unit commercial building. He said he is proposing a Smoothie King in the south unit. He said the other two tenants have not been determined, but the number of parking spaces will only permit a single retail use, the other uses can be any combination of office or personal service. He said that the applicant submitted a request for a parking variance which has been tabled by the Board of Zoning Appeals. He said the project includes a shared driveway at the south end of the property and a ten-foot alley along the west edge of the property. He said that it is a subdivision which requires a preliminary plat and next month it will require a public hearing and approval of a development plan, which would include detailed architectural renderings, landscaping, and lighting. He said that they reviewed the project at the Site Plan Review Committee and found the project to comply with the Town's codes and standards. Mr. Gardiner asked about the parking variance. Mr. Vander Woude said that restaurants require more spaces so to have a second restaurant, the site

would require a variance. Mr. Raffin asked when the building will be reviewed and asked whether he would need approval from the Board of Zoning Appeals approval is required first. Mr. Vander Woude said that the project could be approved without the variance, but the uses would be limited. He said he believes the applicant has decided to delay seeking the variance until he has a specific tenant that would need it.

Mr. Specht stated that he was recusing himself from the conversation since the applicant has a relationship with his employer.

Mr. Parth Patel introduced himself. He said that he had been seeking a variance to permit a restaurant user in one of the other tenant spaces. He said that he has decided to move forward with the building as is, which means he can get a retail user, an office user, or two office users. He said if they find restaurant user, then they will try to go back for the parking variance. He said the development plan had been forwarded to staff. Mr. Baker said that they can review the development plan next month.

**Motion:** Mr. Raffin moved to set a public hearing for PC 21-009.

**Second:** Mr. Gardiner

Discussion: Mr. Tulowitzki asked whether the drive through would cause issues on Calumet. Mr. Patel said that this revision does not have a drive through. Ms. Mellon stated that she was recusing herself because the applicant has a relationship with her husband's employer.

**Resolved:** Yes: 5. No: 0. Abstain: 2

#### **Public Hearings:**

- a. **PC 20-009 Guy Costanza/GM Contracting requesting approval of a development plan for a commercial development at 407-411 Ridge Road.**

Mr. Vander Woude said that he did not have a staff report prepared because he had been told two weeks ago by the applicant's architect that they were going to redesign the building as a two-story structure but had reversed that decision earlier this week. He said the project is a 2500 square foot building on Ridge Road, east of the south shore railroad. He said that the site plan complies with the zoning ordinance with the exception of the multiple variances that have been granted by the Board of Zoning Appeals. He said that because he hasn't reviewed the architectural renderings in detail, he recommends approval of the development plan contingent upon a final review of the architecture by staff to ensure that it complies with the zoning standards. Mr. John Reed, attorney for the applicant, said that they would agree to that condition. Mr. Vander Woude said that the preliminary plat has been approved conditional upon the approval of the development plan.

Mr. Gardiner asked when staff was informed by the applicant that they wanted to receive approval tonight. Mr. Vander Woude said he spoke to the project architect two weeks ago who told him that the design was being changed and then was informed today by the architect and engineer for the project that the negotiations with the tenant had fallen through and they were going with their original plan.

Mr. John Reed introduced himself as the applicant's attorney. He said that they have been before the Plan Commission multiple times and have worked out the details of the development plan. He said he believes they meet or exceed all the requirements for the development plan. Mr. Baker asked if the parking was sufficient for the users. Mr. Reed said that they were only having carryout restaurants. Mr.

Baker asked if they could have seats. Mr. Reed said they were limited to 70 seats by their variance. Mr. Gardiner said that he is not comfortable approving a petition without staff review. Mr. Reed said that it was not their intention to table the project, and staff has been careful, but they're coming up to the end of the construction season. Mr. Reed said that they had wanted to know the end user, but they didn't know that, so they had to wait until they had an end user. Mr. Gardiner said that his concern is that the staff has not had a chance to review the plan for the building. Mr. Vander Woude said that the staff has reviewed the site plan multiple times and they have received variances for the areas where they needed them and that he is comfortable with the site plan. He said that he doesn't think the board has reviewed the architecture in detail either, so they could either approve it conditionally or table the project. Mr. Tulowitzki asked if there were tenants. Mr. Reed said that they have known the tenants for some time. Mr. Baker asked if the roof top units would be screened. Mr. Ted Rohn with Rohn Associates Architects said there will be two rooftop units and they will be screened mainly by the parapet. He said there will be very tall parapet walls and will ensure that all rooftops will be screened. Mr. Rohn said the building is all masonry. Mr. Baker opened the public hearing. No comments. Mr. Baker closed the public hearing.

Mr. Specht said he has less concern about the staff reviewing the architecture for the building and he would think that there will be very few changes. Mr. Tulowitzki asked Mr. Vander Woude what he would be reviewing. Mr. Vander Woude said that he would only be reviewing the building because the site plan has already been reviewed. Mr. Raffin said that he was hoping the building would look better, similar to the buildings he's seen in Naperville or Hinsdale around the train station. He said this looks more like the Dunkin Donuts on 47<sup>th</sup> and Western. He said that the building is just ok. Mr. Tulowitzki said that they are reviewing plans for the train station designs and he said that the developer could review those and try to match them.

**Motion:** Mr. Gardiner moved to table PC 20-009

**Second:** Mr. Raffin

**Resolved:** Yes: 6. No: 1. Abstain: 0. Mr. Baker voting against.

**b. PC 21-006 HP Munster Investment LLC requesting approval of a development plan for a Hyatt Place Hotel at 9420 Calumet Ave. in the Maple Leaf Crossing PUD.**

Mr. Vander Woude stated that this is a continued public hearing. The subject of the approval is the building architecture. He said there were a few areas where they reviewed the building and there some points where it was not clear whether the project complied with the standards: the materials, the building composition, whether or not it had a distinct cap, center, and base, and whether the building had enough articulation and transparency. He said that he had received revised renderings. He said the main ground floor façade has been broken up with additional Nichiha materials and some additional windows were added to the north façade. Mr. Amit Shah introduced himself as the applicant. He said that they have added a limestone band to the building underneath every window on 2, 3, and 4; they added string lighting on the north elevation; they distinguished the base middle and cap with a different brick. Mr. Raffin asked how the hotel will handle the Nichiha when it reaches the end of its lifespan in 10 or 15 years. Mr. Shah said Nichiha provided a warranty of about 20 years. Mr. Raffin said that there are a lot of lawsuits for the fiber cement. Mr. Shah said that typically they do a full gut within 10 years depending on wear and tear. Mr. Gardiner asked whether they considered adding windows and other elements to the north façade. Mr. Shah said that the east and west sides contain stairwells which are refuge areas that cannot have windows. He said on the east area, they have the banquet hall and they wouldn't want to add windows in that area. He said the north section, the left side is banquet storage,

which is not a place to add windows, and the right side is storage areas. Mr. Gardiner said that the PUD standards call for additional windows. Mr. Gardiner said the north wall faces the road and should have some aesthetic elements on the ground floor. Mr. Shah said they could add fake windows. Mr. Baker asked if there is landscaping on the north side. Ms. Mellon asked whether a living wall could be added to the north side. Mr. Baker asked if they could include additional landscaping. Mr. Vander Woude said the site plan doesn't allow for much landscaping. Mr. Shah said he's willing to install landscaping on the wall. Mr. Tulowitzki said this is important because more development will be constructed behind it. Mr. Shah said he prefers a faux window because it is less maintenance.

Mr. Baker opened the public hearing. No comments. Mr. Baker closed the public hearing.

Mr. Gardiner suggested that additional windows on the ground floor of the north side to match the existing windows. Mr. Vander Woude said that the site plan does not show any landscaping on the north side of the building.

**Motion:** Mr. Specht moved to approve the plan as presented with minor adjustments to the north wall with the Town Planner's approval.

**Second:** Ms. Mellon.

**Resolved:** Yes: 7. No: 0. Abstain: 0

Mr. Amit Shah asked whether it was just the windows on the north elevation. Mr. Specht replied that it was windows and living wall described by Ms. Mellon.

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

- a. **PC 20-008 BCORE Corridor Chicago LLC represented by Kimley-Horn requesting approval of a development plan to expand the driveway, alter a parking lot, and install landscaping and screening at the GE Appliance Distribution Center at 475 Superior Avenue.**

**Motion:** Mr. Gardiner moved to approve.

**Second:** Mr. Raffin.

**Resolved:** Yes: 7. No: 0. Abstain: 0

- b. **PC Docket No. 21-005 Stephen Richard Westerberg requesting approval of a preliminary plat consolidating the three residential lots at 10125 Norwich Drive, 10111 Norwich Drive, and 10110 Whitehall Garden.**

**Motion:** Mr. Gardiner moved to approve.

**Second:** Mr. Tulowitzki.

**Resolved:** Yes: 7. No: 0. Abstain: 0

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

- a. **Plan Commission discussion of density standards**

Mr. Vander Woude said there was a discussion at the last meeting of the Plan Commission about the need to review and potentially change density standards in the CD-4.A, CD-4.B, and CD-5, mixed-use zoning districts. He described the location of the districts, the actual density standards in each, and the approval process for mixed use development. He pointed out that the Town requires vertical mixed-use buildings, with commercial uses on the ground floor; with special requirements that prohibit residential on the ground floor. He said the permitted density in the CD-4 districts is 12 units per acre and the permitted density in the CD-5 district is 96 units per acre. He said that the Town doesn't regulate density on a lot-by-lot basis but rather by the development parcel, which is 80 acres or more. He said they also include commercial uses in their density calculation. Mr. Vander Woude presented some examples of existing multifamily development and their density levels in Munster and nearby communities. Ms. Mellon stated that the 96 units per acre would require a tall building and very intense use of land. Mr. Vander Woude agreed that would likely require a six-story building with structured parking to achieve that level of density. Mr. Anderson said that there are other restrictions in place that limit density, such as minimum on-site parking standards. Ms. Mellon pointed out that there is no ground floor commercial requirement at the property west of the Main Street station. Mr. Tulowitzki also stated that the Town would not review the density on a site that small, because the density calculation only applies to an 80-acre parcel. Ms. Mellon asked if the staff had been able to determine the maximum number of units permitted in the Town if the entire Town was built out. Mr. Vander Woude said that is difficult to determine because there is no standard size of the units which would determine the overall density of a particular lot. Mr. Vander Woude said that the way density is limited is by building height, which is capped at 4 stories in the CD-4 districts and 6 stories in the CD-5 districts, and by requirements such as the minimum onsite parking spaces and landscaping requirements. He said the parking and landscaping requirements are not an intentional limitation of density, but they do serve to reduce the amount of density onsite. He said they also limit the overall lot width in a CD-5 district, which limits the size of a building, and restrict ground floor residential uses in the mixed-use districts which eliminates one floor of residential uses. He said that the parking in the CD-5 district would likely have to be structured which increases the cost of the development project. Mr. Vander Woude demonstrated that the proposed building on 407-411 Ridge Road would be unable to develop with any residential units because of the requirements for parking. Ms. Mellon said that if the project was profitable, a developer would build a project and with a density of up to 96 units per acre. Mr. Vander Woude said that would be permitted, but it would be an expensive project. Mr. Raffin asked how dense the project proposed for Manor Avenue would have been. Mr. Vander Woude said that project was never formally submitted to the Town in any way, so he didn't have that number. Mr. Gardiner pointed out that the developer of that project was hoping to receive a Town incentive. Mr. Baker asked if the Town still wanted to have higher density TOD around the train station.

Ms. Mellon said that they had not included the school board in the discussions of the density limits when the zoning ordinance was revised. She said that the schools existing facilities may not be able to accommodate additional students. She said that the RDA was not necessarily pushing for increased density. Mr. Anderson said that the Town staff and the Plan Commission attempted to include the types of buildings and development in the zoning code that were identified by the residents and other attendees of the public events and stakeholder meetings. He said that we are not trying to push any particular development type on the Town or schools. Ms. Mellon said that she wants to make sure that the development of the Town is intentional and recalled that a majority of participants said that they wanted to see small homes and rowhouses, but not necessarily large multifamily developments. Mr. Vander Woude said that they had tried to interpret the feedback accurately, but it is legitimate to make

changes to the code over time to reflect current preferences. Mr. Tulowitzki suggested that we review these building types based on economic factors, such as tax revenue, as well.

Mr. Vander Woude reviewed the approval process. He said that every project must submit a development plan that has to be approved by the Munster Plan Commission. He said that the factors that are reviewed are the code standards, but also there are requirements that the project not burden existing services such as police, schools, fire, utilities, or the transportation system. Mr. Raffin suggested that the Town should quantify this so we know whether or not projects can be accommodated ahead of time. Mr. Vander Woude said that we know that information for some of our infrastructure such as roads, but we don't know that information for much of the Town infrastructure, but we learn it as we complete various projects. Mr. Tulowitzki suggested that it would be a good exercise to review the map and see what capacities we have in different areas, which would be beneficial and useful for prospective developers. Mr. Raffin asked whether a school fee impact fee could be enacted. Mr. Vander Woude said that they have a land dedication or fee in lieu requirement for residential subdivisions.

Mr. Vander Woude said that larger, more complex projects can be evaluated based on these criteria. Mr. Tulowitzki asked if it would be wise to have specific metrics that define the undue burden for these items. Mr. Wickland said that lately courts have required Towns to prove that an applicant didn't meet the standards. Mr. Raffin noted that there were members of the school board in the audience and asked them whether they are seeing an increase in the number of students. A member stated that 3800 – 4200 students is normal over the last 40 years and they are now at 4132 students. He said they don't have space to accommodate a large increase in students. He said they are close to their higher end. Mr. Gardiner said that our code appears to cover us and the CD-5 districts are mostly already built out. He said he is comfortable with our plan. Mr. Raffin asked if we should impose a ground floor commercial requirement at the property south of West Lakes.

Mr. Anderson suggested that designating mixed-use development a conditional use. Ms. Mellon asked if staff had quantified the number of units that could be constructed on the property near Harley-Davidson. Mr. Vander Woude said that he could not do that because the number of units will change depending on the size of the units and the Town doesn't regulate the size of units. Ms. Mellon said that if the school cannot accommodate more students, then it may be best to not permit multifamily at all. Mr. Anderson said that we should identify a stopgap measure that we can implement in the near term and then give some thought to a permanent solution that will not impact the capacity of the schools. Mr. Specht said that there is a balance between adhering to high standards and promoting the growth and development of the Town. The member of the school board said that they have the benefit of slow growth rather than the explosive growth of the southern communities. Mr. Tulowitzki said that the Town should update its comprehensive plan to bring together each of the perspectives of the board and school board. He said that a conditional use for 5 or 6 stories and no residential on the ground floor. He said that as an IT consultant they would say that the IT department doesn't determine what the business is going to do, the business determines what it wants to become and then we build the IT system to support it. He said that the first step is a comprehensive plan and more legal controls in the code. Ms. DiTommaso said that sewage and water is going to be an issue as we develop the south side of Town. Mr. Tulowitzki asked if we had those numbers. Ms. DiTommaso said they did a study of the pump station at 45<sup>th</sup> and Calumet a few years ago. She said any transit development will have to go through that pump station which will need an upgrade or its own pump station. She said they need to do a master plan process for the underground infrastructure. Mr. Anderson said that is linked to the rate study. Mr. Tulowitzki said that having this information will help the Town apply for grant funding. Ms.

Mellon asked if they should schedule a work-study or if they should ask the Town departments to provide additional information. Mr. Anderson said that the amount of work that staff has to do to acquire that information could take 8 or 9 months and there appears to be some urgency to the request from the Plan Commission to make some changes to the code. Ms. Mellon said that the staff should come back with some stopgap measures at the next meeting. Mr. Gardiner said that additional classrooms have been built over the years, but we should have a historical picture of the school so they see what the schools looked like over the years. The member of the school board said that the Town should also ask the community whether they would trade larger class sizes for more tax dollars.

**Next Meeting:** Mr. Baker announced that the next regular business meeting will be August 10, 2021, at 7:30 p.m.

**Adjournment:**

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

**Second:** Mr. Raffin.

**Resolved:** Yes: 7. No: 0. Abstain: 0. Motion carries.

Meeting adjourned at 10:04 p.m.

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President Bill Baker  
Plan Commission

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Date of Approval

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Executive Secretary Thomas Vander Woude  
Plan Commission

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Date of Approval