

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: February 8, 2022

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.

Call to Order: 6:45 pm

Pledge of Allegiance

Members in Attendance:

Stuart Friedman (via Zoom)
Daniel Buksa
Sharon Mayer (via Zoom)
Roland Raffin (Absent)

Staff Present:

Tom Vander Woude, Planning Director
Dave Wickland, Attorney

Approval of Minutes:

Motion: Mr. Friedman moved to approve the minutes of the January 11, 2021 meeting.

Second: Mr. Buksa

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

Preliminary Hearings

a. BZA 22-001 Brian McShane of 45th Street Properties LLC requesting approval of variances to install entrance door signage and directional signage both that exceed the maximum permitted area and do not comply with sign material standards

Mr. Vander Woude said the property in question is at the southeast corner of 45th Street and Fran Lin, the Pavilion at 45th Street. The owner of this property, Brian McShane representing 45th Street Partners, LLC, is requesting variances from the sign ordinance to install directional signs on the property and some rear door signs on the back of the main building, for the Hi Tec Self Storage facility. Mr. McShane has installed some directional signs on various locations on the property to direct customers to the rear of the building to access the garage entry area. He has also installed some signs on the rear of the building indicating where those doors are located. Mr. Vander Woude said the intent is that the customer will follow the signs along the driveways to get to the rear of the building. There are also signs next to the garage doors in the back. Mr. Vander Woude said the Town permits both directional signs and additional signs that can be installed in the rear of the building if you have a public entrance there. Those signs are restricted in both the size and materials. He said the maximum area of a rear entry sign is 6 square feet. They are proposing 2 of them, 1 on either side of the rear garage doors, each of which are 32 square feet. For directional signs, the maximum area is 6 square feet. They are proposing 4 signs in total, 2 of which are 8 square feet and 2 are 18 square feet. He said that the code does not permit signs to be installed on exposed metal poles. Three of the signs are metal sign face base installed on exposed metal poles. Three of the directional signs are metal face base installed on steel U channel poles. With respect to materials, the sign face may be painted metal. He said two of the signs they are proposing are vinyl on aluminum panels.

Mr. McShane explained that the reason for the size of the signs is due to the size of the property. When you enter, you would not see the signs unless you got very close to the sign. The signs need to be seen from a distance of 300-400 feet. That is the reason they are requesting a variance. Referencing the signs in the back, he said there is no other retail establishment there. It is a dead-end street with train tracks on the south. They placed the signage in the back, 2 on the building and 1 on the fence pointing to the entrances. He said this has no bearing on the neighbors. Ms. Mayer asked that he introduce himself. He did so as Brian McShane, 9747 Wildflower Lane in Munster. Ms. Mayer asked for confirmation that the signs were in place. Mr. McShane said that when he had looked at the sign ordinance, he did not see an information on directional signs. Ms. Mayer asked if any board member had questions. Mr. Friedman asked if the signs were in the rear except for the directional ones leading there. Mr. McShane said that the only one visible to the people on the north side of the property where all the business entrances are, is the sign on the northeast corner which is visible when driving out from Danny Z's or Eastwood Mall. The other sign can be seen from where Fran Lin dead-ends. This is the back entrance that had been used by semi-trucks to deliver to the grocery store. This lane is now used to drive into the building, the door closes, they can place their stuff in the self-storage unit and exit, all using the app. Mr. Friedman asked if the business is planning to replace the signs with illuminated ones. He added that they are not attractive now. Mr. Vander Woude advised that illuminating the signs would also require a variance. The signs could be externally illuminated but not internally illuminated. Mr. McShane said they would not illuminate them since there is plenty of light. He said they had put up lights for the people driving in the rear to enter the building. Ms. Mayer said there was also a matter of the size and material of the signs. Mr. Vander Woude confirmed that Munster code permits directional signs in certain circumstances and a permit is not required to install them, provided they comply with the standard for size. This is to allow for situations where a certain amount of direction is needed for customers and for the safety of people. The Town of Munster does not want a directional sign to turn into a free standing sign. Mr. Friedman asked whether a permit is required, Mr. Vander Woude replied that it is not. Ms. Mayer asked how the business owner is to know that he is not compliant with the code before installing the sign. Mr. Vander Woude explained that it is the same way anyone would know; either by asking the town staff or by reading the ordinance. Ms. Mayer said that a business owner spends money on the signs not realizing that the signs are not compliant, and they now must replace them with compliant signs. This could be avoided if there had been a review of a permit. Mr. Vander said this may be true but the sign contractor in this case did not contact the town in any way so had there been a permit required, we would be in the same situation. They did not apply for a permit, did not try to apply for a permit, and they did not seek any type of application. Mr. McShane apologized and said that he did read the ordinance and he did not find where it stipulated that a permit is required for a private property sign. Ms. Mayer asked if Mr. McShane had used a sign contractor to which he answered that the use Affordable Signs for all their signs. In this case, he did not view the signs. His partner did this, so he doesn't know how the conversation went. They would have needed a variance regardless because the allowable 1' X 4' sign would barely fit the name and an arrow. He doesn't think it would be noticed; you would have to be close to it to even see it. He said that the other thing to consider is that there is no one looking at the property from either side. It is highly protected from other views. Mr. Friedman asked what the staff is suggesting they replace these signs with, better materials, for instance. Mr. Vander cited the ordinance requirements that directional signs must comply with standards for size and materials. There may be a case to be made that a larger sign may be warranted in the rear where it needs to be seen, that is a reasonable request. Historically, the BZA has remained true to the material requirements for signs. When asked what material should be used, Mr. Vander Woude said there is a myriad of different types of signs that can be installed there. He demonstrated on screen a direction sign installed at Franciscan Hospital on Calumet Avenue which is a finished sign with posts that are integral to the sign. This differs from the one in question which is just a metal panel mounted on 2 steel U-channel posts. This would be

approved as a temporary sign but not as a permanent one. Mr. Friedman asked the petitioner if he would be willing to replace these temporary type signs with signs that are appropriately posted and of the correct material. Mr. McShane said he would be willing to do this for the northeast sign. He is not sure for the southwest sign because unless you are driving down the dead-end street all the way to the end, you will not see it. Mr. Friedman said he would not have a problem granting the variance provided the signs were replaced with appropriate materials and were much more attractive. Regardless of whether these signs are on a dead-end street or not, they should all be consistent with the ordinance.

Motion: Mr. Buksa moved to set BZA Docket 22-001 for a public hearing provided that the petitioner comply with all the town's notice requirements

Second: Mr. Friedman

Vote: Yes –3 No – 0 Abstain – 0. Motion carries.

Public Hearings

a. BZA 21-011 Kimley-Horn & Associates on behalf of Target Corporation requesting approval of multiple variances from Section 26-6.405.Q Private Lighting Standards to install nonconforming parking lot lighting at 8005 Calumet Avenue.

Connor Strege representing Kimley-Horn attended this meeting via Zoom. Ms. Mayer opened the public hearing. No comments were received. Ms. Mayer closed the public hearing. She reported that the last item discussed was about Mr. Strege going back to Target to gather information on the video cameras. Mr. Strege said an action item from the last meeting was that Mr. Vander Woude's staff would coordinate with the Police Department to engage Target to determine what kind of lighting fixtures they have on site currently and the petitioner would reach out to Target to determine if additional fixtures would be installed. He believed both items have been resolved. It is his understanding that the Deputy Chief of Police was able to evaluate the site and determine that the existing cameras are in compliance with their expectations. The petitioner received a request from the BZA asking for additional security cameras as an added security measure. He was able to confirm with Target that there will be additional cameras proposed to be installed with the remodel work. One will be dedicated to the entry/exit at the building to serve drive up stalls and a second camera to be installed serving the stalls as its sole function. He said Target will also install security monitors within a designated room within their building that will allow constant surveillance and monitoring of these camera feeds. Ms. Mayer asked if Mr. Vander Woude had been part of the conversation with the Police Department. He answered that yes, he spoke with Lt. Dan Broelmann about the Target site. He had said that there are currently cameras primarily covering the main entrance and the walkway in front of the building. By their standards, that would be acceptable, but said it would be desirable for Target to add some cameras that focused more on the parking lot and the driver pickup area, specifically, because there will be merchandise going back and forth in that area. He had communicated this to Mr. Strege who spoke to Target and confirmed that Target would do that. The Police Department found that to be acceptable. Mr. Vander Woude recalled that, after the last meeting, the BZA has indicated that they were pleased with the idea of having additional lighting and additional security. He thought that these were last outstanding issues that the BZA wanted addressed. Ms. Mayer said that the lingering issue was the addition of 2 shoe box type lights on 2 poles in the drop off/pickup area. Mr. Strege said that was correct and 2 additional fixtures will be added on 2 poles for a total of 4 fixtures are to be added. Ms. Mayer asked for confirmation, whether they were to be added to the top or to the center. Mr. Strege said they would be added to the top of the poles. The existing fixtures would be modified to allow sufficient space for the fixtures to be added. Ms. Mayer said the discussion had circled around the fixtures, pole height and the fact that current code height maximum is 20'. If they were building today, they would end up with about 3 times

as many pole lights that are 20' tall rather than those on site today. She asked whether the addition of these 2 shoe boxes to these 2 pole lights to provide additional lighting in that isolated area will do the job and accomplish what Target wants. She said the greater issue is that the parking lot appears dim and yet the lighting map seems to show adequate light. It does not appear adequate, and she asked what could be done to provide more lighting in general to the parking lot and still consider the homes to the south side of the site. Mr. Strege said if the question were posed to the petitioner, the answer would be simple. If they are looking to add more lighting, they would add poles and fixtures, that there are many options. If the discussion is to improve the lighting the existing parking lot, with the residential homes to the south in mind, he would ask the board what they would like to see done. Ms. Mayer said that, in her opinion, the board doesn't want them to tear up the parking lot so adding more poles is not the solution. One solution may be to add 1 shoe box fixture to more poles near the building but not in the outlying areas. This may help improve lighting where most people park. Mr. Strege said that this was noted and asked if this was representative of the entire board's view. If so, he can take this suggestion to the Target team and continue the discussion into the next meeting. Mr. Vander Woude said that from the staff perspective, although the parking lot may appear dim, if the photometric plan is accurate, the existing lighting exceeds our maximum and is brighter than what we require or even permit. He said in fact, this is one of the variances that is being sought. Mr. Friedman said that, originally, the board was not happy with the lighting fixtures and old-fashioned poles, then the board wanted better security with respect to cameras which Target has agreed to. He understands what Mr. Vander Woude is saying but his own impression is that the lot is not brightly lit for security purposes. He said whether it is adequate or not from the Town of Munster standard is one issue, but it really is not adequate for the people who go there at night and must park in outlying areas of the lot. He said if the petitioner wanted an opinion of the board, he for one would be in favor of better lighting however that can be done and be economically feasible to Target. He said it would be a good compromise solution to not only have security cameras but also brighter lighting than exists today. He understands that it should not be so bright at the edges of the lot, but he thinks it does need more lighting. Ms. Mayer asked Mr. Buksa if he had any comments. Mr. Buksa said that he has a concern that the town is asking the petitioner to exceed its own standard as represented by Mr. Vander Woude. He doesn't know if it is appropriate to require a petitioner to exceed those standards. Ms. Mayer said this is understood, however, the petitioner is making the drop off and pickup area and wants to increase lighting in that specific area. It is not asking too much to broaden that specific area. Mr. Vander Woude said that the addition of the fixtures will illuminate the front of the building. It will be very bright under these fixtures - 13-14-foot candles. Ms. Mayer pointed out that Target will not be adding lights to the front of the store so most of the people will need to walk through a dimmer area than the pickup area will be. Mr. Vander Woude said that the new lights will increase the overall illumination of the lot. He also pointed out that the existing range is 3 ½ foot candles which is quite bright and well within the normal parking lot standard. Ms. Mayer said she is not suggesting adding any shoe boxes to the south edge of the parking lot because they are too close to the homes across the street. She said she would add to the 2 poles in front of the doors and to the 2 poles on the other side of the pickup and go area. Mr. Vander Woude asked, to clarify, if the suggestion is to add additional fixtures to the 4 existing poles surrounding the new pickup area. Ms. Mayer said yes. Mr. Strege said that as a petitioner, he would be willing to communicate this with Target. Ms. Mayer said that one option is to add 1 additional shoe box fixture to each of the 4 poles, 2 on each of the 4 poles is not needed. It doesn't need to have the same amount of light as in the new pickup area, just more light on those 4 poles. Mr. Friedman moved to grant the variance provided Kimley-Horn would add enough extra light to the immediate area. Ms. Mayer asked to clarify the motion whether it is to include adding the 2 poles to the pickup area or the other 4 as well. Ms. Mayer said it should include all 6 but the 4 surrounding could add 1 shoe box each. Mr. Friedman said he agrees to Ms. Mayer's approach and asked that it be added to the motion. Mr. Vander Woude said to clarify the

motion, include the variance on the condition that additional lighting be added to the 2 poles directly to the north and the 2 poles directly to the south. Mr. Wickland said the law allows for reasonable conditions to be granted. Mr. Friedman amended the motion to add the understanding that Target will install additional security cameras to those new poles. Mr. Strege clarified that of the 2 additional cameras, 1 would be added to the drive-up parking area and the other to serve the dedicated drive-up door to the building. Ms. Mayer asked if Mr. Vander Woude noted those details. Mr. Buksa said he failed to see the compelling government interest in requiring the petitioner to exceed the town's standards. Mr. Friedman said he understands that he would be asking the petitioner to exceed the town's own standard, but the reason Target is before them is to that they want to make this a secure area for their customers and for their employees to travel between this area and the front door of the store. They had discussed the fact that he doesn't think the lighting is adequate to provide that security even though it is adequate from the town's standards. He does not see this as an unreasonable request. If Target chooses not to do this, the board will evaluate on that basis. He would like to propose it to see if there is any objection by the petitioner. Mr. Buksa said he is not a lighting engineer, and he would not substitute his own personal preferences when the staff of the town has indicated the petitioner has met his burden. Mr. Friedman asked Mr. Wickland if the chairperson can second a motion. Mr. Wickland said he believes that she must first pass the gavel and then she could second the motion. Ms. Mayer asked if Mr. Strege would want to table this and go back to Target and return next month. Mr. Strege said he would be willing to go back to Target and communicate this discussion and return next month for another hearing. Mr. Friedman asked when they were planning to start construction if the variances were granted. Mr. Strege said he believes this store is officially behind schedule. He didn't have an exact date immediately available, but it is listed as a 2021 store in his records. Mr. Friedman asked if they would be able to complete the work before the next meeting had the variances been granted this evening. Mr. Strege said that if the direct question was whether they could start the work within 1 month, he said it would unlikely now since various items need to be done. An ILP and building permit would need to be obtained before work can begin. For clarity, pushing back 1 month does mean that the construction would be pushed back 1 month but he doesn't think it is feasible for construction to start within 1 month from today. Mr. Friedman said since the motion failed for a second, he moved to table the matter until the next BZA meeting to give the petitioner the opportunity to gather more information and inform the staff and the board members.

Motion: Mr. Friedman moved to table the matter until the next BZA meeting on March 8, 2022 to give the petitioner the opportunity to gather more information from Target on adding additional lighting to the 4 poles surrounding the pickup areas and to inform the Town and the Board of Zoning Appeals members.

Mr. Buksa moved to approve the multiple variances from Section 26-6.405.Q with the condition to add 2 additional security cameras as suggested. Ms. Mayer said that with no second, the motion fails.

Second: Mr. Buksa

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

Mr. Strege asked the board members to clarify for him the fixtures to be installed on 1 per pole to the north and south of the drive-up stalls, confirming that these would be the same type fixtures as existing and currently proposed for the 4 new fixtures on the drive-up stalls. Ms. Mayer said yes.

Findings of Fact

a. None

Additional Business/Items for Discussion

a. None

Next Meeting: Ms. Mayer announced that the next regular business meeting will be March 8, 2022, at 6:45 p.m.

Adjournment:

Motion: Mr. Buksa moved to adjourn.

Second: Mr. Friedman

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 7:42 p.m.

President Sharon Mayer
Board of Zoning Appeals

Date of Approval

Executive Secretary Thomas Vander Woude
Board of Zoning Appeals

Date of Approval