

**MUNSTER PLAN COMMISSION**  
**MINUTES OF REGULAR BUSINESS MEETING**  
Meeting Date: April 12, 2022

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

**Call to Order:** 7:31 PM

**Pledge of Allegiance**

**Members in Attendance:**

Lee Ann Mellon  
William Baker  
Roland Raffin  
Andy Koultourides  
Brian Specht  
Steve Tulowitzki (arriving late)

**Members Absent:**

Stuart Friedman

**Staff Present:**

Tom Vander Woude, Planning Director  
David Wickland, Attorney

**Approval of Minutes:**

**Motion:** Mr. Koultourides moved to approve the minutes of the March 8, 2022 meeting.

**Second:** Mr. Baker

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

**Preliminary Hearings:**

- a. None

**Public Hearings**

- a. **PC 22-001 Jay O'Dell of Aubry Enterprises representing EYM Restaurant Group requesting approval of a Development Plan to construct a 3-unit commercial building including a Pizza Hut at 815 Ridge Road.**

Mr. Vander Woude stated that this is a continued public hearing on the redevelopment at 5 Ridge Road. The proposal is to demolish the existing Pizza Hut building and replace it with a 3 unit, 2 story commercial building. This was presented to the Board in February. Based on comments, the applicant revised the plans with additional detail on the building, additional windows, and a ledge. At the March meeting, the Board suggested pushing the building further back from the property line, approximately 3' from the lot line and differentiate the storefronts from one another. Mr. Vander Woude reported that the applicants moved the building back an additional 1' from the property line. He said the sidewalk now matches the Town's Thoroughfare standard with a planting strip of 4'-6' and an overall distance between the curb and the building line is 12'-12½'. With the 4' setback, the project complies with the zoning setback standard of between 0' and 15', and the thoroughfare standard with the recommended of minimum 12'. Mr. Vander Woude said that the building façade was also revised, but now no longer complies with the window alignment standard. He said they changed the building material from thin brick clad to a full-size brick at the request of the Plan Commission. Mr. Raffin said his only

recommendation is to either push the building back an additional 3' or recess the doorway so it doesn't swing into that 12' walkway zone. Mr. Vander Woude asked him if he would like to see the full 12' free and clear. Mr. Raffin said it was just a suggestion, not a requirement of zoning. Ms. Mellon said she thought that the discussion at the last meeting, was that the push back was causing problems with the parking because of the trash enclosure. She asked whether the parking still works with these new changes. Mr. Vander Woude said if they were to push the building back farther, they would need to reconfigure the parking lot. Mr. Raffin asked if that thoroughfare standard is for Ridge Road from State Line to Columbia or for all of Ridge Road. Mr. Vander Woude said it would be for the entire stretch. There are other standards that can be applied but this is the least difficult to comply with. Mr. Vander Woude said that an alternative to the door problem would be to recess it, so it does not swing out into the walkway. Mr. O'Dell said the whole goal of the building plan was to be consistent with the comprehensive plan and to satisfy requirements specified in the zoning ordinances and state code. They started with a site plan review in 2019. The building was set back to 35'. That did not meet the maximum 15' that is required. The main entrances were as they are today, facing Ridge Road. There was minimal natural stone on the designs for the client. There is also a street frontage buildout requirement they did not meet with the short side fronting Ridge Road. The first meeting was on 12/8. They had a right/right out on Ridge Road to help with traffic control. They placed the parking adjacent to the building per fire code. They complied with the frontage requirement. They shifted the building forward because it was recommended and had a 0' setback at the time. They added natural stone on all the elevations. They didn't ask for variances. Based on the staff report, they met all the requirements for the comprehensive plan, zoning, and ordinances. At this point, he asked that their Plan be approved based on their compliance with the current comprehensive plan and the zoning ordinance. They hope it is approved and, if not, they wish to have the reasons provided to them. Mr. Raffin asked Mr. O'Dell if there were samples of the building materials available to present to the Board. Mr. O'Dell said he had provided the original thin brick sample. He said they are going with the same brick and stone originally presented but with full brick. Mr. Baker asked Mr. O'Dell to tell his client how much the Board appreciates the investment his clients are making in the community. One of the concerns of the Board has had overall is that this will be here for 30 years. One of his concerns is the distance to the building and the property lines in the code. He asked if the property line is the curb on Ridge Road. Mr. Vander Woude said it was not, the property line is the front lot line. Mr. Baker said he is having difficulty determining the front lot line due to all the poles. He clarified that the earlier suggestion to add delineation between the suites was not to add 50 windows. He thought perhaps a column might be added, not more windows. Mr. O'Dell said he could ask the owners if they might be willing to have the doors swing inward or setting the doors back further to keep them from swinging out into the setback. Mr. Raffin said that this is the new type of development they have been hearing about for years. This is just the type of development they wanted on the curb because we are a walking community. He appreciates the investment in the community and thanks them. Mr. O'Dell said the thoroughfare plan that Mr. Vander Woude referenced, the 12' is also inside the right of way. On the exhibit that Mr. Vander Woude showed, the right of way was right at the curb. Ms. Mellon said that the doors are not swinging into the right of way. The doors are swinging into the 12' between the curb and the building. Referencing the thoroughfare, Mr. Vander Woude said there are 3 or 4 different commercial thoroughfare standards. This commercial street thoroughfare standard, which is a minimum 12' walkway represents the narrowest walkway. There are other commercial thoroughfare standards that have much greater minimum sidewalks, 20', for instance. He and the applicants were attempting to find

an applicable standard in the code, where they could find an objective way to measure a walkway, given the conversations between the Board and the applicant. The code states that if the thoroughfare standards cannot be accommodated within the public right of way, it can and should be implemented within the setback. That is why the staff report refers to recessed entryways. This is to allow for that minimum 12' clearance so doors would not be swinging out into the that clear space. This is a way of implementing the thoroughfare standard on a very narrow strip of right of way between the curb and the property line. This represents a compromise between the desires of the Plan Commission, the code standards, and this provision for accommodating the thoroughfare within that private setback. Mr. Raffin opened the public hearing. Dennis Larson 1846 45<sup>th</sup> Street asked for clarification on his previous voiced concerns with the sidewalk on the west side of the property. Mr. Vander Woude said the plan is for the area to be landscaped with grass and shrubs and there will be no sidewalk or concrete. Mr. Larson asked whether the trash enclosures will be moved farther from the neighboring property. Mr. Vander Woude said that the logical placement for the dumpster enclosure is as planned. Mr. Vander Woude explained that there are no standards that require a dumpster enclosure to be set back from a property line. Mr. Larson asked an agreement between the previous owner of the Pizza Hut and the previous owner of the Old Town Hall allowing the use of up to 10 parking spaces for the Old Town Hall customers. Mr. Vander Woude said the Town attorneys reviewed this document and concluded that it may be an agreement between the property owners, but it does not affect the Town's ability to approve the project today and it doesn't affect the Town's standards for minimum parking spaces. Mr. Raffin closed the public hearing. Mr. Baker asked about the signage package. Mr. Vander Woude answered that there have only been conceptual signs, but the final signs would be permitted separately. Mr. Baker asked about the porkchop and how it is to be designed to prevent drivers from making a left hand turn out onto Ridge Road. Mr. Vander Woude said it is the height of a 6' straight curb. Mr. O'Dell said it will run flush with the curb line. Mr. Raffin asked if all the sidewalks in front of the building are to be ADA compliant. Mr. O'Dell said they will be ADA compliant, adding that since this project has utility work planned it will likely to be done at that time. Mr. Raffin asked about the windows and the features above them. There was some discussion about the various renderings. Ms. Mellon said she liked the upper half of the building from version two and the lower half from the final version.

**Motion:** Mr. Specht moved to approve PC docket 22-001 granting development plan approval for a 3-unit commercial building including a Pizza Hut at 815 Ridge Road upon the conditions that

1. The building will comply with the architectural standards of the Munster zoning ordinance.
2. The building entries will be recessed so the doors do not swing out into the sidewalk.
3. The final architectural plans building plans will be revised to incorporate the ground floor from the April submission and the second story from the March submission.

**Second:** Ms. Mellon.

**Vote:** Yes – 5 No – 1 Abstain – 0. Motion carries.

**b. PC 22-002 Town of Munster requesting a zoning map amendment, changing the zoning of the property at 1503 Fairway Avenue from CZ-Civic Zone District to CD-3.R2 Neighborhood - 60' Lot One Family Residence District.**

Mr. Vander Woude said that the Town was contacted by the owner of the property at 1503 Fairway Avenue. He alerted us to the fact that this property is zoned Civic Zone, however, this property has been in continuous use as a single-family home for over 50 years. This issue was presented at a preliminary hearing and the opinion of the Board was to rezone it to correctly reflect the actual use of the property.

The town staff initiated the public notice of the rezoning of the property. Mr. Vander Woude explained that the property is to the south of Beech Park in a single residential lot, but it is contiguous to the driveway leading to Beech Park. Beech Park is owned by the Town and the land directly to the south of the park is owned by the School Town. All the adjacent properties except for the driveway leading to the park are zoned CD-R2 which is a single-family residential district. Currently the property at 1503 Fairway Avenue is legal non-conforming. If it were to burn down or similarly be 50% or more destroyed, it could not be rebuilt as a single-family home. The staff recommendation is to forward a favorable recommendation to the Town Council to rezone 1503 Fairway Avenue from CZ Civic to CD-R2 single family residential zone. Mr. Baker asked who owns the property between the School Town property and 1503 Fairway Avenue. Mr. Vander Woude answered that the property is owned by the Kraay Street homeowner, it is a separate lot and cannot have a house built upon it. Mr. Raffin opened the public hearing. No comments. Mr. Raffin closed the public hearing.

**Motion:** Mr. Tulowitzki moved to forward a favorable recommendation regarding PC 22-002 to the Town Council for a zoning map amendment, changing the zoning of the property at 1503 Fairway Avenue from CZ-Civic Zone District to CD-3.R2 Neighborhood - 60' Lot One Family Residence District

**Second:** Mr. Koultourides.

**Vote:** Yes – 6 No – 0 Abstain – 0. Motion carries.

#### **Findings of Fact**

- a. **PC 22-002 Town of Munster requesting a zoning map amendment, changing the zoning of the property at 1503 Fairway Avenue from CZ-Civic Zone District to CD-3.R2 Neighborhood - 60' Lot One Family Residence District.**

**Motion:** Mr. Baker moved to accept the Finding of Fact for PC 22-002.

**Second:** Mr. Tulowitzki.

**Vote:** Yes – 6 No – 0 Abstain – 0. Motion carries.

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

- a. **407-411 Ridge Road frontage modifications (PC Docket 20-009 Development Plan)**

Mr. Vander Woude reported that the Plan Commission had approved plans for a building to be constructed at 407-411 Ridge Road. They also approved a plat of subdivision consolidating the 2 parcels into a single lot. He said an application for the building foundation was submitted and released. The actual building does not yet have building permit. The Town staff noticed that the foundation appeared to be higher than expected. Upon further investigation, it was determined that the foundation was poured higher than plans had shown and there is a natural grade difference between the building as planned and the sidewalk to the south of the building. The foundation was sticking out of the ground so the building would be inaccessible from the sidewalk. This issue was brought to the attention of the building architect and the engineering firm, Torrenga Engineering. There was some discussion about solutions to fix the distance between the finished floor level and the finished grade. A plan was brought to the Plan Commission last month for discussion. At the time it was presented, there was a proposal to have a stairway in the center of a raised stoop. The proposal was to add a 5' deep concrete stoop that would be at finished floor level and steps going down to the sidewalk level. That stairway would have been in the center and encroached about 5' into the public right of way. Based on the Plan Commission's desire not to have substantial encroachment into the right of way and after additional conversations, an alternative plan that has a stairway that exits to the west off the stoop which is still

there. This new plan encroaches into the right of way about 1.7'. It is still an encroachment which will require some additional approvals, but it is not as severe; it doesn't cause as much concern with the possibility of someone falling down the stairs onto Ridge Road. The plans were reviewed in-house, and the staff suggests a compromise: a dedication of right of way that follows the building line and would then put the entire stoop and all the steps in the public right of way. It would no longer be an encroachment of private property into the Right of way but rather a feature of the right of way. As an alternative to a dedication of property, a sidewalk easement could be provided which will accomplish the same thing. In addition, they recommend that the entire section be paved in keeping with our thoroughfare standards discussed earlier this evening. Staff recommends that the commercial street standards be implemented such that there would be a continuous sidewalk from curb to building. There would be a 4'-6' planting area between the sidewalk and curb. In addition, there are several pieces of infrastructure that are north of the sidewalk. One is a fire hydrant and the other a light pole. Staff recommends that those be relocated out of that main sidewalk area to the 4'-6' planting zone. Mr. Vander Woude noted the Town staff and the Plan Commission did review the plans in accordance with the zoning ordinance and the building code and that none of those standards address the finished grade level of the building, but that is a fundamental aspect of the building design that we is the responsibility of the designer. He said staff reviewed the grading of the site and found it to comply with our standards for drainage and ADA compliance. Mr. Vander Woude said he thinks the Town and the applicant should focus on finding a compromise. Mr. Baker asked this was a construction mistake. Mr. Vander Woude answered that it was a combination of a construction mistake and a design error that resulted in the need for a modification to the plans. Mr. Baker asked if this is a variance. Mr. Vander Woude said it is not a variance, but it is a modification to the development plan that was submitted. There is not a zoning standard addressing the proper grading. He said it is a modification to the plans that they must reroute the sidewalk and add a raised sidewalk in front of the building. If the modification is approved by the Board, there must be a mechanism that would allow either the encroachment of the building stoop into the Town right of way or the expansion of the Town right of way. David Wickland can put together the encroachment agreement at the request of the Board, which would be approved by the Town Council. The staff recommendation to them is not to permit the encroachment but rather to have either a dedication of an easement or the dedication of additional right of way so it is not encroachment into the public right of way. Mr. Raffin asked if the Plan Commission can make that kind of motion or if it goes higher up. Wickland said that it would be a modification to the development plan.

Mr. John Reed 9717 Margo Lane introduced himself as the attorney representing the applicant and Mr. Gary Torrenga of 824 Redwood as the project engineer.

Mr. Reed, said that during the planning of the building, it was moved at least 5 times which required the site to be reengineered. He said this site was selected, not by them but by Tom. It was originally designed to go directly east to west. They were informed that it would be better for the building to be angled to follow the drive line if Ridge Road, that it would be more attractive, and this is what the new code would like to see. The applicants agreed. He said the plans were submitted and approved and ultimately the building permit for the foundation was granted. To his understanding, after the foundation was being poured it is approximately 6' higher out of the ground than the plan that was submitted. The initial suggestion from Mr. Costanza and Mr. Torrenga was to just take those 6' off the top. Mr. Reed said he would be happy to do that, go back to square one and do what they were going to do in the first place. Now, having read the staff report before this evening meeting, he's considered that he has been through a lot of inspection between the various parties. He asked everyone to keep in mind that this is a 2700 SF building. He said this is the most effort he has ever put into a 2700 SF building. He said that Mr. Costanza wants to be a good corporate citizen and Mr. Torrenga has some good ideas that

could be accomplished. Mr. Reed said that after he read the staff report and the talk about moving hydrants and light poles, his advice to his clients is under no circumstances should they do it. They have a building permit; they were told to build it where it was built. He said it was someone's mistake, and they should fix it. Mr. Raffin asked whether the building footings were beneath the frost line. Mr. Guy Costanza said that the foundation was raised by 6" and is now 6" too high. Mr. Torrenga said that the problem is that the original grade of the building is the key to any building. The finished pour was put there because of surrounding properties, the surrounding elevations, and the ability to drain into the parking lot. The elevation was planned at 6.22 and the building when completed will be at 6.22. The cutting of the foundation for the brick ledge may have to do with the architecture not the engineering. He said they did not do anything with the elevation of the footings. He would bow to the architect concerning that. He said what we have here is an elevation of 6.22 on the floor of the building. That 6.22 was fine when the building was set further back. When it was moved to within 3' of the right of way, that 6.22 makes it too steep for the handicapped access and that is his problem. The handicapped access is not clear because the sidewalk ramps to the existing walk would be too steep. The sidewalk to anyplace in the building would be too steep. It cannot be more than a 5% grade. Mr. Raffin asked if they determined the grade of the sidewalk and the curb and translated that into the finished floor and the elevation of the building. Mr. Torrenga said that there is just not enough room, it just won't fit. His solution, for ADA, is to put a walk in front of the building and have a sidewalk ramp on the east side of the building. On the west side, 4 steps down, 6" high each, 14" wide each, to the elevation on the southwest side of the building. That also leaves room for the walk that is planned from the railroad at an angle to match into the existing walk planned on the west of this building. This plan takes care of access not only from the west, handicapped access from the east, a proper sidewalk in the front, the proper width for the handicapped and access to the building. It does not change the elevation of the floor of the building. Mr. Raffin said he would like to see the proposed elevation of the building so he can visualize how much it will stick out. Ms. Mellon said that the location of the building had been moved several times but that is not unusual. This building is going to be in the center of town with the train station right there. It will be very visible, and the view of the foundation will be as much of an issue as the frontage on Ridge Road. She is having a difficult time imagining this new plan since there are ramps where they had not been, the plans had called for even grade. She wants to know if it could have been done correctly as it was planned. Mr. Torrenga says it could have been, but it would not have solved the handicapped access and the steepness of the ramps going out of the building. He said this is because it was forced to be too close to Ridge Road. The building got so close to Ridge Road that the elevation of the floors of the building and the elevation of the existing sidewalk were forced to be too steep. Originally, handicapped access was planned on the west side of the building, not on the front. Mr. Raffin asked that Mr. Torrenga lay out the relationship of the newly planned sidewalks with elevation and size of ramps and stairs and the location of the hydrant and light poles in the walkway. Mr. Torrenga said he could do that. Mr. Vander Woude reported that the power pole will be relocated by NIPSCO as part of the South Shore project. He wanted to clarify the location of the building issue. In this zoning district we now require building to be set back 0' to 15' from the lot line. To say that the Town forced the building to be built 3' from the lot line is mischaracterizing the nature of the deliberations the Plan Commission had with respect to this building. Mr. Torrenga said he was not trying to place the blame. If he had to place blame, he would place the blame on himself for missing the fact that 6.22 is too high for the sidewalk out front. Mr. Raffin said he doesn't want to place blame, but he does want to make sure the proposed plan is sound. He wants to see this in writing, in engineered drawings. He added that he does not want to see the foundation around the entire perimeter. Mr. Torrenga said he wants to mark where the elevation where the floor will be, and which will also be the elevation of the front handicapped access. This will put an additional 2' more dirt on the front of the building. On the east side of the building, the pavement will take care of that. On the west side of the building, it is just dirt. On

the north side of the building, it will be pavement again because that pavement comes up to the 6.22. Ms. Mellon asked if they could get a visual of the existing elevation and the plans for a solution in a rendering of the south side of the building. Mr. Torrenga said that in speaking with the architect today, he said that there is something else that needs to be considered. From the sidewalk in front, as it exists, with a railing at the top. There will be 2' that will be going down from the handicapped sidewalk in the front of the building to the sidewalk on Ridge Road. If you were to put in just 6" of slope, of grass, that is 12" at the building to 0" at the existing walk; that would set the handicapped access sidewalk at less than 18" of fall. ADA would then only require a 6" curb rather than a railing. The stairs going down on the west side would be with the grading of the curb. Mr. Vander Woude said that part of the issue with all the proposals is that they require a modification to the Town right of way. He added that there had been much discussion about the width of sidewalks and clear walking paths. If the Town were to permit the suggestion that has been described, that would be a grading of the Town right of way such that they would be sloping up the Town right of way to the stoop area. The Town would then be limited in its ability to improve the right of way as the 5' sidewalk that is directly adjacent to the curb. He said we would not have a walkway between that stoop and our existing sidewalk. In discussions about zoning ordinances, developmental standards and streetscaping standards, we know we want to widen our sidewalks. We don't want encroachments further into the sidewalk, we don't want ramps and landscape berms within the sidewalk area. We want those areas to be clear, open, and accessible. He said that there has been discussion about whether people will walk in this area. He said if there is any area of the Town where people will be walking, it is going to be in this area. This is directly next to a train station. From his perspective, he thinks that they came up with a good compromise solution. What is being proposed here is fine but for the sake of the Town and the future of this area, the Board wants to see improvements made to the right of way that meet our standards, not improvements that just ramp up to their building because they poured too high. Mr. Torrenga said that there is that rule that if you have 18" or less elevation from a handicapped sidewalk down to the grade next to it, you can have a curb instead of a railing. If there is a problem with that, a railing can be used instead of a berm. Mr. Raffin asked for clarification of the small ramp to the side of the building, whether that is sidewalk material. Mr. Torrenga said it was. For handicapped access, the ramp connects to the sidewalk via the ramp on the east side and 4 steps on the other side. Mr. Raffin said that Mr. Vander Woude's suggestion that the sidewalk be widened is a good one. That would make it a nice, wide thoroughfare. Mr. Vander Woude said he recommends that the hydrant and light pole be relocated south to the curb zone as demonstrated in a staff report rendering. Mr. Torrenga said he would like to see the light pole at the end of the ramp, so people are clear of that at night. Mr. Raffin recapped by saying there is a desire to make sure that the foundation will not be visible on the west. He said the proposal was to brick down to grade since we don't want an exposed foundation, the ADA access from the east looks great, the stairs are 14" and barely jutting out from the building, that seems reasonable. They need to discuss the dirt slope to the building since a 2' slope in a 2' expanse does not work. Mr. Raffin said with all the modifications, it seems like it would have been more cost effective to remove the foundation and repour. He still has a concern about the frost line. Mr. Constanza said that he has gone through so many iterations that he has lost track of cost. Mr. Vander Woude said, to reiterate, they are not suggesting ripping it out. They are just trying to find a solution that works for the Town. Mr. Constanza said he feels like the goalposts are being moved back. Mr. Vander Woude said that is a mischaracterization of the discussions that have been held. He said the goal posts are being moved; they have moved multiple times, but they are moving closer to the applicant; there have been multiple variances granted for this project. Mr. Raffin said he wants to see the renderings to back up the proposal and suggested all the major parties go out to the site and meet. They can do all the measurements and lay it all out and come back next month.

**Motion:** Mr. Koultourides moved to table PC Docket 20-009 until the next meeting on May 10, 2022.

**Second:** Ms. Mellon.

**Vote:** Yes – 6 No – 0 Abstain – 0. Motion carries.

**b. Appointment of Plat Committee**

**Motion:** Mr. Raffin nominated Thomas Vander Woude, as Chairman, Steve Tulowitzki, and Brian Specht to serve on the Plat Committee.

**Second:** Ms. Mellon.

**Vote:** Yes – 6 No – 0 Abstain – 0. Motion carries.

**Next Meeting:** Mr. Raffin announced that the next regular business meeting will be May 10, 2022, at 7:30 PM

**Adjournment:**

**Motion:** Mr. Koultourides moved to adjourn.

**Second:** Ms. Mellon.

**Vote:** Yes – 6 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 9:35 PM

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President Roland Raffin  
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