

MUNSTER PLAN COMMISSION
MINUTES OF REGULAR MEETING
January 14, 2025

The Munster Plan Commission held its regularly scheduled meeting on January 14, 2024, at Munster Town Hall in the main meeting room and could be accessed remotely by Zoom webinar, a videoconference application.

Call to Order: 7:30 pm by President Baker

Pledge of Allegiance

Members in Attendance:

Bill Baker, President
Rachel Branagan
Joseph Hofferth
Jennifer Johns
David Nellans
George Shinkan
Roland Raffin, Vice President

Members Absent:

Staff Present:

Sergio Mendoza, Planning Director
Nicole Bennett, Attorney
Denise Core, Administrative Assistant

Oath of Office:

Clerk/Treasurer Wendy Mis administered the Oath of Office to Plan Commission members Joseph Hofferth, David Nellans, and George Shinkan.

Board of Zoning Appeals Appointment:

Motion: President Baker moved to Appoint Vice President Raffin to the Board of Zoning Appeals.

Second: Commissioner Shinkan

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

Election of Officers:

Motion: Vice President Raffin moved to nominate President Baker to another term.

Second: Commissioner Shinkan

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

Motion: President Baker moved to nominate Vice President Raffin to another term.

Second: Commissioner Branagan

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

Motion: Vice President Raffin moved to nominate Director Mendoza as Executive Secretary.

Second: Commissioner Hofferth

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried

Plat Committee Appointments:

Motion: Commissioner Johns made a motion to retain Commissioner Branagan and Vice President Raffin in their positions on the Plat Committee.

Second: Commissioner Hofferth

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

Approval of Minutes:

President Baker asked that the December 10, 2024, minutes be amended by removing the code specific detail and to reflect that the meeting had not been recorded due to technical difficulties.

Motion: Vice President Raffin moved to approve the December 10, 2024, minutes with modifications requested by President Baker

Second: Commissioner Branagan

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

Preliminary Hearings:

President Baker introduced agenda item PC Docket No.25-001 PRELIMINARY PLAT: David Otte of Powers Health requests approval of a Preliminary Plat POWERS HEALTH 800 MACARTHUR, LOT 1 located at 800 MacArthur Boulevard.

Director Mendoza stated this is one of three requests tied together. They are leading towards a recommendation for approval to be rezoned as a PUD. He explained that the goal is to combine three parcels into one lot of record to be rezoned to a PUD identified as POWERS HEALTH 800 MACARTHUR. He added that nothing is changing other than clear clarification of the rights-of-way. He stated that currently, some of the parcels identify right-of-way or property onto the center of the road; there are also situations where the road is not clearly identified historically. This will be updating the right-of-way dedications and the access roads as identified in this plan. He concluded by saying they are creating a 13.75-acre lot that the next request, PC25-002, would be rezoned to a PUD.

President Baker said there is already a PUD for the hospital. Director Mendoza explained that this area is south of the hospital and not currently zoned under a PUD; this would be a new PUD and better reflected in the next application. Director Mendoza said there was a rezone to this area in the summer of 2023; this legal description POWERS HEALTH 800 MACARTHUR would override what was established in 2023 and incorporate a larger area. In order to accomplish that, they would like to identify this as one lot of record as part of that rezone process.

President Baker asked if there was someone to speak on behalf of this request.

Mr. David Otte, 15014 West 153rd Cedar Lake from Powers Health stated their main goal is to have the area under one PUD to take outpatient services out of the hospital and build other outpatient buildings in this area. He said it will make it much more convenient for our patients to park in the parking garage and get outpatient services quickly and easily. He said this is probably ¼ of the development they're planning for that area. They're planning a 100,000 square foot, 4-story building on that property which will be on the southwest corner of the parking garage, expandable to 6 stories in the future. He stated they are planning to demolish the existing 1-story building in the future. The goal is to keep more of the inpatient services in the hospital, providing all private patient rooms throughout the hospital and to separate the outpatient services out of the hospital. He clarified that the emergency department is going to stay exactly where it is on the 1st floor where it's convenient and easy to get to.

Commissioner Hofferth asked if they were going to build the new 4-story building before demolishing the 1-story that sits on the corner of 800 MacArthur. Mr. Otte said that it is in the future and that's why they want to encompass all that area in the PUD, so the 4-story building will be built before that demolition. He added that they're going to leave that up because they can build on that corner of the parking lot. He referenced the plan drawing and explained that the parking lot in the southeast corner is

where this new building is proposed. It will be one of 4 buildings that will encompass the entire existing 800 MacArthur area which they hope eventually to tie together.

Commissioner Branagan asked if there was a master plan of the area. Mr. Otte stated that they could share that with them but it will encompass that whole area where the existing 1-story building is today. President Baker asked if that included the existing parking lot to the south. Mr. Otte said they're not going to cross over to the south side of Braden at this time, however, they would like to make that all medical development so they're covered in the future, depending on how big they grow.

Commissioner Hofferth asked about the size of this new building. Mr. Otte stated that the first phase of the building is 100,000 square feet, 4 story building that is capable of going up to 6 stories; they'll put caisson foundations in. He added that each story will be tied into the parking garage for convenience for their patients, staff, and visitors to get into the building. It will be their typical construction; concrete structure; concrete columns, and concrete pan decks; they are probably going to use either precast panels or limestone cladding on the outside so it will match their garage or match the existing building, and an EPDM rubber roof. There will be storefronts across the facade of the building at the entrance to make it elegant with a drop-off canopy on south side of the building.

Director Mendoza stated that a lot of those design standards have been identified as part of the PUD rezone process, PC25-002, which will be coming up next. Director Mendoza said that this petition, PC25-001, is the request to combine the parcels and lots of record into one larger lot of record to assist them in moving forward once the PUD is established. He said the clarified the processes, the preliminary plat, the PUD, and the development plan are needed to move the project forward. He referenced the plans to explain what the preliminary plat will change, noting that all the easements are staying the same, the easement data center with drainage is staying the same.

Motion: Vice President Raffin moved to set PC Docket No.25-001 to a public hearing.

Second: Commissioner Hofferth

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

President Baker introduced agenda item PC Docket No.25-002 REZONE TO PUD: David Otte of Powers Health requests a rezone, CD4-A and PUD to POWERS HEALTH 800 MACARTHUR PLANNED UNIT DEVELOPMENT located at 800 MacArthur Boulevard.

Director Mendoza stated that this is a request to rezone the proposed plat into a PUD. He confirmed that this is contingent upon approval of the plat and will go to the Town Council as a recommendation with the condition that the plat be recorded and incorporated into the PUD as well as a development plan. He stated that this process differs from the previous request in that the design standards are identified. This identifies the different uses, the lots, the stormwater, and everything they've outlined as part of the PUD. Vice President Raffin asked how these standards compare to the standards that are in place right now. Director Mendoza stated that the current standards do not allow for meeting the plans of the hospital campus expansion; they are limited on height and limited on location. The proposed PUD would be the separate zone classification that does not comply with or meet the current standards in the zoning code. Vice President Raffin asked if all these building standards meet our current code or are these standards for both design and uses from 1973. Director Mendoza stated that it incorporates the standards that we have now for building and incorporates the standards of use that they have on the site. President Baker asked Mr. Otte if the hospital and Powers Health are trying to continue the existing look into the new buildings.

Mr. David Otte, 15014 West 153rd, Cedar Lake from Powers Health stated it will be basically the same construction as the hospital. They want to carry the limestone and concrete all the way across so it looks like a campus. President Baker asked if there is a plan to carry the sign package throughout the campus. Mr. Otte stated that they plan to update all the site signs on the campus with the Powers Health emblem, however, the signs will be refaced but will stay the same square footage size throughout the campus.

Commissioner Branagan asked when the original hospital was built and stated that it looks dated. She said she understands that they want to match materials but there is always the opportunity to make something better. Mr. Otte answered that it was built in 1972 and 1973 and has had several additions; this one will have a lot more glass on the front of the building and it will be very elegant inside. He added that they do their best to build 1st class and make things that last.

Motion: Vice President Raffin moved to set PC Docket No.25-0021 to a public hearing.

Second: Commissioner Hofferth

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

President Baker introduced agenda item PC Docket No.25-003 DEVELOPMENT PLAN REVIEW: David Otte of Powers Health requests Development Plan approval for a new 4-story medical office building to be part of POWERS HEALTH 800 MACARTHUR PLANNED UNIT DEVELOPMENT at 800 MacArthur Boulevard.

Director Mendoza stated that this is the development plan that needs to be reviewed as a part of what Powers Health is trying to accomplish with this PUD. The development plan outlines what the previous application document shows, the bulk standards, setbacks and designs.

Mr. Otte stated they are proposing to install or develop the southeast corner of 800 MacArthur. They're planning to build a 4-story 100,000 square foot building. He said there is adequate parking in the parking garage to cover this new facility. He said it will be built on caissons with the capability of going up 6 stories, the exterior shall be precast or Indiana limestone, a glass facade at the entrance, and an EPDM roof. The interior will all be metal studs and drywall and fully sprinkled. The building will have three elevators, one at the parking garage, and two at the new main entrance, and three stair towers.

President Baker asked what signage is planned. Mr. Otte stated they are looking for signage on the south elevation so it will be visible when you're coming northbound on Calumet Avenue, and on the west and the north elevations because the building will tower over the existing 1-story building and the entire east elevation will be facing the parking garage.

Commissioner Nellans asked if they had identified how they wanted to do the mechanicals, some kind of boiler room, and a generator housing. Mr. Otte said they are trying to squeeze it all within 100,000 square feet; there is a possibility they might end up on the 5th floor with the mechanicals all enclosed. He said there will be 4 air handlers; all the other equipment will basically be there. He stated that there will be a generator in Lot 2, directly south of the building, along with a dumpster enclosure. To clarify, he said the boilers will be inside and the chillers either in the parking lot or up on the roof. President Baker questioned if they are going on the roof even though there are plans to add two more floors. Mr. Otte said they would move them up at the time (of expansion). He added that they had done that before with

other buildings. Commission Nellans said they might put them lower and skip a floor as was done in the original hospital.

President Baker asked about the sign package, whether it is for the entire PUD or for if it is specific to this one development plan. Director Mendoza stated it would be for the entire PUD as described in Section M of the PUD standards document. President Baker said that the policy is in text form; he wants to see pictures of where they're going to put signs that say Powers Health all over the buildings, and all over the monuments, and all over, everywhere. Director Mendoza said they would have to comply with the policies and the codes of the PUD and then submit a building permit for the signs. He said the Commission has the opportunity to consider the bulk standards and give feedback and recommendations for modifications to that section.

Vice President Raffin asked about the stormwater drainage, whether it is just that one underground storage area on Calumet Avenue and if it is specifically designed for this new development. Mr. Otte stated that storage system is built for the entire campus.

Mr. Don Torrenge of Torrenge Engineering at 907 Ridge Road introduced himself. He said they have taken the hard surface area that currently exists at 800 MacArthur and is substantial, and they have covered that area with the four buildings. He said they know what those four buildings are going to look like so they have taken the difference between the hard surface area that is currently there and the hard surface area that is proposed and are providing detention for that amount because the site itself, the entire Community Hospital, does not have strong water detention. He added that it is underground storage, there are two MS4 structures in the northwest corner of the parking lot. He stated there are two large cylinders that collect all the storm water from the entire property and it allows the debris to settle out. It is then removed to the Schoon Ditch with restrictors to control the release rates. He said that this is not about stormwater detention; this is about stormwater pollution prevention. He stated that, in the past, the stormwater on the parking lot and throughout the entire hospital system just went straight into Schoon Ditch. This underground system was put in, they collect all of the storm water, and it goes into a swirling basin-type setup that has been proven to work in the past. It allows that sediment to settle out before it goes into Schoon ditch, so the water is considerably cleaner than it would have been.

Motion: Vice President Raffin moved to set PC Docket No.25-003 to a public hearing.

Second: Commissioner Branagan

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

Public Hearings: None

Continued Discussion Items:

President Baker introduced PC24-012 DEVELOPMENT PLAN REVIEW: Tony Gierczyk with E. Anthony Inc. for OSNI (Orthopedic Specialists of Northwest Indiana) is proposing to amend a previously approved Development Plan impacting the building facade and site updates, including the interior renovation of a 10,000 SF church building into a medical office facility at 9900 Columbia Avenue. The public hearing was closed on December 10, 2024.

Director Mandoza stated his understanding is that the project is complete but the permit for the exterior work has not been issued. The permit exists for interior work and inspections have occurred for the interior work of the building, and a site work permit was issued for grading, sidewalks

and the work under the detention area. He said his understanding is now that the project has been completed, and they are here asking for development approval of the site. He stated that a development plan was approved by the Plan Commission a little over a year ago. The project was scaled back since then with regards to landscaping, parking, and the size of the building so part of the challenge was a discrepancy in the line of paperwork. He said staff reports from previous months indicated that they were missing lighting standards. He stated that lighting plan was submitted on November 15, 2024, and was incorporated into the staff report the Commission received for the December 10, 2024, meeting.

Vice President Raffin said this building was supposed to have an addition to it and was supposed to be bigger. Director Mendoza said the property owners changed contractors to reduce the scale of the building. Vice President Raffin said that is the problem he has with this project; the Commission approved one building based on parking, the size of the building and several factors and now this is a whole parcel of land down Columbia Avenue that should be landscaped, and heavily landscaped, because there is not a building there now. He said he wasn't sure if there was a sidewalk down Columbia Avenue or Otis Bowen Drive. He stated that it is almost like bait and switch; the petitioners didn't want to do the original plan because it was not economically feasible and now, they are coming back after the fact and the Plan Commission is not comparing apples to apples; there is a totally different building that would have been landscaped differently, and the mechanicals aren't screened on the outside. He said he drove past the site and there were several things he would have red flagged when comparing this plan with the one that had been previously approved. Director Mendoza said that is why they are here before the Commission. He said the contractors were advised in July to file for a Development Plan Review but they did not file one in August. Staff reminded them in August that they would need a Development Plan review before the Plan Commission but they did not file one until September, which put them on the October meeting schedule. There was no quorum in October, and there was no meeting in November, so this finally landed before the Plan Commission on December 10, 2024. Vice President Raffin said there are a lot of red flags like mechanical vents just stuck through the roof, NIPSCO power things that aren't covered, an entire side that is not landscaped, and he didn't see a sidewalk down Columbia Avenue. President Baker said there was a Phase 2 to the previous plans and asked what changes were made from the original plan to the scaled down plan. Director Mendoza said parking was reduced, and the landscaping was modified, and the lighting. He said the original plan received several variances which were honored as part of that year long process for approval and they complied with that and they have installed the sidewalk.

Mr. Marc Smith of 6520 179th Street, Tinley Park, introduced himself as the Sr. Project Manager with E. Anthony, Inc, who is the General Contractor on the project. He stated they had installed all the landscaping, there is landscaping all around the building and in the lot as well. He said there is a mechanical screen that covers all of the condensing units which faces Columbia Avenue. With regards to the phasing, they only went with Phase 1 and everything else was pared down, the parking lot shrunk a little bit, and the lighting plans were reduced as well. He said the only two issues that they are aware of after reviewing the notes, were that the light poles and fixtures in the pictures were in question but those were previously approved in the first go round in January and February of 2024. He said that is the style they submitted with their photometric plan and nothing changed from their initial plan for that. He said the other item that they knew was outstanding was the monument sign. That hasn't changed location; it is a 6' sign on the south end of the facility and they still have to go in for permit for that. Their sign company, Landmark Signs, will be submitting that. He concluded by saying that those are the only two outstanding issues they are aware of.

President Baker asked what modifications will happen to the layout of the parking lot since they are reducing the number of parking spaces and the design; and asked if they will be tearing up the parking lot. Mr. Smith stated they would have to modify the parking lot to accommodate that but they have water main already set in place so everything would be ready and they would be prepared for the possibility of a Phase 2. Vice Chairman Raffin asked where Phase 2 was going and why there were no trees going down Columbia Avenue, on Otis Bowen Drive, or down the parkways. Mr. Smith said none of that was part of the original landscaping plan that was approved and they had modified their landscape plan to add additional planting. Vice President Raffin stated that what was approved was not built and that is why he was asking the question; he said he was surprised at the sidewalk since he didn't see a sidewalk drawn on Columbia Avenue on the civil drawing. President Baker said the landscape plan didn't have anything going in on Columbia Avenue, referencing the landscape plan in the development documents that were submitted in the 4th quarter 2024. He said he was also curious as to why there wasn't anything along the streets since that is usually something the Plan Commission talks about and we didn't on this one. He said there are shrubs that can be seen from Columbia Avenue, but there are no trees in that area. Vice President Raffin asked to see the original document that was submitted for the future Phase 2. Page 45 of the staff report was shown with all phases outlined. Vice President Raffin said they were planning to build in that area and there is an easement there, and probably some NIPSCO lines. He said if they were not putting that Phase 2 in, he would have had them put trees in that area; he would not have left that big area with no trees or anything in that area. If they were not going to build Phase 2, there would have been a totally different conversation when comparing what was planned and approved and what was built. President Baker said they had discussed how big the parking lot was going to be for one building if they didn't do the phases because it was a big rush to put all of that asphalt down for the one building and for future growth. He said that didn't go in either; if that comes out as a part of the new development plan, then that gives the Commission another bite of the apple regarding landscaping. He added that is why the Development Plan process has to go through certain linear aspects, to make sure this kind of thing doesn't happen.

President Baker said it is done and ready to go and they have spent a lot of money in town but it is not what was approved there. Vice President Raffin said he's not sure how we got to this point that we approve something in front of this commission, and it's not what was built. Mr. Smith said he had met with the building department. Vice President Raffin said the Commission is not the building department; the Plan Commission is a jurisdictional body that approves the buildings. Mr. Smith said they worked with the village on the modifications that took place. He said they worked with the village building department and received a permit, they paid their fees and this was supposed to be a cursory (approval). President Baker said what he was hearing is, the interiors got all the permits, because that didn't change the modifications that were done to the existing structure. The building permits were for the interior structure. Mr. Smith said the site work was approved as well. Director Mendoza stated the whole sitework plan was not listed on the application; the site work permit was issued for grading and installation of the sidewalk. He said the inspectors were out there and inspected what was on the permit. He stated that the contractor asked repeatedly to inspect other work that was done and were advised that there was no permit on file for that inspection, so they would not inspect that work. The inspection reports do not show any site work inspection other than what was listed on the permit. Vice President Raffin said it sounds like they were building things without a permit. He asked at what point the staff would issue a citation to a contractor or owner for building without a permit. Director Mendoza said we can meet with the town attorney to discuss the consequences for compliance. President Baker asked if anyone from the municipality was able to see what was put in under the existing parking lot. Director Mendoza said we did not inspect the parking lot so we don't know what it is underneath. Mr. Smith said they had inspections at every stage of the game, from digging the detention pond and site

work. President Baker said if they have paperwork for that, he would highly suggest that goes to Mr. Mendoza's office. Director Mendoza said an inspection was done for the drainage for the detention because that was listed on the site work permit and the grading was inspected as part of the site work permit. The installation of the landscaping, the installation of the parking lot, and the exterior was not part of any building permit that has been released to date. Vice President Raffin asked Director Mendoza to describe the exterior work, if it was the curbs, the gutters, the asphalt, the drainage, the parking lot. Director Mendoza there is no permit issued for any of the exterior work that was done and there was no permit for the signage either. Vice President Raffin asked how they would inspect the electrical for lighting. Director Mendoza stated that they didn't inspect it, they didn't inspect any of the exterior electric that happened there. Mr. Smith said he had all the electrical inspections done. He said they were issued a full permit for the project and all the inspections were done per usual, rough inspections every time. Director Mendoza said they inspected the building permits for the interior work, which includes electrical, and they also inspected the site work that was identified on the building permit for just the site work; it does not include the electrical light post or the installation of the parking lot. He stated those are all separate permits that were not released because we understand that we, too, need development plan approval by the Plan Commission before it can be released. Director Mendoza said the contractor was told it was at risk to them and the response from the contractor was "I promised my clients that they would be in at the end of the year, and that's what I'm going to get done". Mr. Smith said they proceeded and worked alongside the village in plain sight and that everything was approved, they paid for their permits and proceeded as they normally would on a project. He concluded by stating that, again, that this was supposed to be a cursory approval, because everything was installed per the original drawings they had. He stated that they didn't change the façade, the colors, or anything like that, it was just a modification of what was originally submitted, period.

Commissioner Nellans said this begs the question of why this project was allowed to continue forward, and not red-tagged and stopped. If they didn't have permits, they didn't have authorization for that work, it should not have been allowed. Director Mendoza said that staff had discussed issuing a stop work order and there was some discussion on the legal aspect of issuing as well as the process for issuing a stop work order. President Baker welcomed Attorney Bennett and asked for her insight on these matters. Attorney Bennett said, first and foremost, a development plan is the proposal of what is to be developed; it is not an approval across the board of all conditions. A lighting plan on a development plan that does not comply with the code is still required to go to the BZA for a variance. She said her understanding was that (BZA variance request) wasn't done, even at the original development plan that was approved. She stated that a development plan is not a final approval to proceed forward on everything. The fact that the lighting, even under the original approval of the Development Plan showing what the proposed development would look like, still had to meet other criteria. She said what she saw of the permits that were issued, they were, as indicated, for the site work and the interior remodel. The inspections showing what was approved did not extend to the plans laid out in the development plan, so the fact is, they proceeded without the proper permits. She said the same legal action that could have been taken then is the same as can be taken now regarding a project. She stated if there are obvious things that were constructed that were not approved, but also operating out of that business that theoretically needs that require occupancy, there is a series of different actions the town can take. President Baker said the petitioners are investing money in the community and suggested that they try to find a way to keep the lawyers out of it and find a way to get the place open for operation while still having safety concerns addressed. He added that he'd like to see if there might be an opportunity to look at some of the things that were not inspected through from the town's processes, to see if there is a way to get out there and take a look at it. Director Mendoza said there are ways to document responsibility and the work that was done in order to protect the Town. President Baker said we can try to move that

way as quickly as possible. He asked if there was anything inside the building that would stop them from opening as it pertains to all the permits and work that was done. Director Mendoza said the majority of the concerns are outside adding that his understanding is that the inspections were performed appropriately for the interior remodel. President Baker said then is no real concerns from the standpoint of public safety, as it relates to the renovation of the building, taking it from a church to an office building. Director Mendoza said there is no real concern for the interior renovation. President Baker asked if the parking lot issue was holding them up from opening the operation as a medical office building. Director Mendoza said they would need an inspection; that would be done after the approval of the development plan so it has not occurred yet and there has not been an occupancy permit issued. President Baker called upon a petitioner to speak.

Dr. Sunil Dedhia of 730 45th Street, Munster, introduced himself as one if the partners, physicians, and owners of this building. He gave a little bit of background on how all this started. He said they are three orthopedic partners who take calls at Franciscan and Munster Community Hospitals and are doing their very best to serve the community. He said this started off as a move to a different facility and they initially engaged Region Contractors. They were going to do a remodel of the existing facility and potentially add on to the extra building. He stated that they got quotes and the numbers far exceeded what they had expected when they went out to bid. They chose to scale the project down to the renovation to the existing structure. He stated that they sat through some of the initial meetings but do not have the luxury of time to come to all the meetings since they run a busy clinical practice. He concluded by saying he knows this has not been perfect as the Board members suggested, but their goal is to get occupancy of this building. They need a place to continue to see their patients and serve the orthopedic needs of this community; if they don't get occupancy, that will cause a huge delay in care.

Vice President Raffin said he feels their pain and the Commission is not picking on them; that these are the standards for any practice or building in Munster and when things get changed on them, it is not the same. It is hard for the Commission to come back a year later and try to reinvent the wheel and that is the problem here. He said it is understood that they want to get operating and work in their facility. He said the Commission wants that, too, however there has to be some safeguards on the public. He said they will have to make sure there is extra landscaping in the area where the approved building is now an empty green lot and there will be some other items to make sure this is made whole and done right. Dr. Dedhia said their goal is to comply, he just wanted to explain why the original plan got submitted and then was modified because the cost of the project far exceeded the initial quotes.

Mr. Antonio Belmonte of Belmonte Building Group stated that he had worked for this group; he built their homes. He said he is a builder in Munster, has lived in Munster for 36 years and was involved in the design of this project. He said he personally sat down in a meeting with Mr. Mendoza, who he said invited the original builder to the meeting although they had requested, in writing, that they not be there; and they were paid in full. He said he sat in the meeting and DVG, the engineer, was there. He said DVG did all the engineering on the pond, they did all the engineering and revised the parking lot. Mr. Belmonte said the discussion in that meeting was about landscaping, the sidewalk was not there along Columbia Avenue, there were other items like the fence, and they said fine. They got DVG to come in and they designed everything and NIPSCO designed their things. They talked about the loop for the water system, because they had to bring in a main for the building sprinkler. He said when they did the apron off Otis Bowen, they said you have to put concrete here. When they did the parking lot, once all the grading was done it obviously was inspected. He said the retention pond, all the drainage, and all the sewer pipes, everything was put in and it took months. He said when they were coming to inspect, all the curbs were in, everything was there and it didn't go up in a day. He said the comment Mr. Mendoza

made that they were going to do this or nothing was not the case. He stated that they had submitted (the development plan) in September, like Mr. Mendoza informed everyone earlier, but then there was a reason why it got canceled, and then it got pushed to December; nobody was handballing this or trying to go in there. He said it is in terms of the exterior finishes and the exterior work that was all part of the plans that were submitted. He said all those finishes were on there so obviously they were approved before and then there were some changes. He said it had been said there had been no inspections for anything outside but it was, he was there. He said he saw Chuck come in and he saw Glenn come in and they weren't just going inside; they were looking at the whole project, and informing us, like the apron, which is code now, you can't just add asphalt. He said in terms of the parking lot, Mr. Mendoza and the clients recommended that we actually add more parking lot, because they have more parking than they need. He concluded by saying there are curbs everywhere else but where there is no curb, that is to make it a lot easier to do the second phase and the expansion. He said all the drainage and calculations from DVG were based on Phase 2, not just Phase 1. Director Mendoza clarified that we have minutes from the meeting that Mr. Belmonte has mentioned, and that it was not a meeting that Mr. Mendoza attended so he does not know why Mr. Belmonte identified him at that meeting. He said there are definitely 36 pages of emails showing that the contractor was advised about the process. Those emails contain the language the contractor used, including that he is on a deadline and needs to get this completed. Director Mendoza said he would be willing to share this with the attorney and anyone else so there is better understanding of what actually occurred. President Baker asked Director Mendoza and Attorney Bennett what could be done to move forward and find a solution to get the business open, to provide a path for a certificate of occupancy. Director Mendoza stated we need an approved development plan from the Plan Commission, and then they need to submit the building permits for inspections. President Baker asked what differences there are between the development plan that was already approved and the one before them now other than the parking lot configuration. Director Mendoza stated that there was a significant reduction to the size of the building. Vice President Raffin stated that the light poles do not comply with the current code and there are landscaping issues. He added that we need to review this plan as if there were no Phase 2. Director Mendoza stated there were significant changes to the original development plan that was approved so they were required to come in, submit a new application, and present it before the Plan Commission. Attorney Bennett stated that since there was a public hearing in December, if the development plan was approved by this body, they could proceed with the applications for the permits and the inspections for that exterior parking lot, and the landscaping pursuant to the modified plan that was made public here in December. She said that that could happen very quickly. Director Mendoza stated that in his last staff report, the recommendation was to approve the building plan contingent upon compliance with the lighting. If the petitioners do not want to comply with the lighting plan, it would become a matter before the Board of Zoning Appeals. Vice President Raffin said there are other issues, whether the signage is good, he wants to readdress the landscape plan since it is only a Phase 1 project, not a Phase 2, and since this is a public parcel so there are items that we need to look at down the road while we allow them to have temporary occupancy. Attorney Bennett said the actions the Commission could take at this point would be in regard to the development plans filed under PC24-012, as proposed, with the intention to return to address landscaping, lighting, and perhaps signage next month. She added that it is not the typical pattern to follow, but it would accomplish in part what President Baker was talking about. That (development plan) approval would turn into that partial approval contingent on those things being sent over to be addressed in February, would allow for those permits and inspections to be done immediately. She added if the permits were acquired and inspections were completed, that would get them temporary occupancy and be revisited in February. If the approval is put out as conditional, it would have to come back if the Commission to review the landscaping, the signage, and the determination or petitions to be made on lighting. Vice President Raffin stated the open issues are lighting, landscaping, signage,

mechanical screening; the landscape drawing should show the current sidewalk installed on Columbia Avenue, the drawing they have, does not. Attorney Bennett reiterated that with contingent approval, they need to come in and apply for the permits and get their inspections for all the exterior work, the site work and the interior work. Director Mendoza said in speaking to the inspectors, they did not inspect some of that work so we will need something from the contractor that installed those components that are liable for anything that may occur in future because they were not properly inspected by the time. Attorney Bennet stated they could then get a temporary occupancy. A discussion ensued among the commission members on the enforcement of the contingencies after opening and since landscaping cannot be completed in the winter.

Vice President Raffin stated that approval should be pursuant upon the submission of modified plans with the intention to return next month to address outstanding issues while creating a path toward temporary occupancy.

Motion: Vice President Raffin moved to grant approval of PC Docket No, 24-012 contingent upon the submission and approval of the Plan Commission of the following further discussion items:

1. A new landscaping plan that includes Phase 1 only; there is no Phase 2. Updated plans should also show the sidewalks installed along Columbia Avenue and existing ones on Otis Bowen Drive
2. Updated lighting plan with the intent to comply or to seek a BZA variance
3. Signage plan
4. Plan for mechanical screening throughout the property

Second: Commissioner Shinkan

Vote: Yes – 7 No – 0 Abstain – 0. Motion carried.

Findings of Fact:

President Baker introduced agenda item PC Docket No. 24-007 PUD AMENDMENT: Andrew Qunell of VRQ, LLC representing Power's Health received a favorable recommendation to the Town Council to amend the COMMUNITY HOSPITAL PLANNED UNIT DEVELOPMENT to add a CHP (CoGeneration Unit) to the northeast side of Community Hospital located at 901 MacArthur.

Motion: Vice President Raffin moved to approve the Findings of Fact for PC Docket No. 24-007.

Second: Commissioner Johns

Vote: Yes – 7 No – 0 Abstain – 0. Motion carries.

President Baker introduced agenda item PC Docket No. 24-011 DEVELOPMENT PLAN REVIEW: Devarshi Patel, property owner, received Development Plan approval with conditions to construct a 2-story 12,664 square feet Medical Office Building at 10020 Calumet Avenue.

Motion: Vice President Raffin moved to approve the Findings of Fact for PC Docket No. 24-007.

Second: Commissioner Nellans

Vote: Yes – 7 No – 0 Abstain – 0. Motion carries.

Other Business:

Vice President Raffin said when issues come up like PC Docket No. 24-012, we need to make sure that:

1. People aren't building things they shouldn't. That should stop immediately.
2. We should also keep an eye on old plans that were passed. There should be a timeline in our ordinance. He cited, as an example, the Pizza Hut project that was approved 3 years ago. We want to make sure when they come in and get a building permit and it's issued, that the Town hasn't since decided that we don't want that kind of building on Ridge Road.

Director Mendoza said if an approved project is not built in a year, there are going to be questions as to why.

2025 PLAN COMMISSION MEETING SCHEDULE

Director Mendoza introduced the 2025 schedule with meeting dates and deadlines.

Next Meeting: President Baker announced the next regular business meeting will be held on February 11, 2025.


Adjournment:

Motion: Vice President Raffin moved to adjourn.

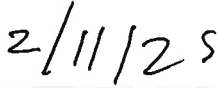
Second: Commissioner Shinkan

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

Meeting adjourned at 8:53pm




President Bill Baker
Plan Commission



Date of Approval



Executive Secretary Sergio Mendoza
Plan Commission



Date of Approval