MUNSTER PLAN COMMISSION
MINUTES OF BUSINESS MEETING
Meeting Date: June 9, 2020
Date of Approval: _____

Call to Order: A regular business meeting of the Munster Plan Commission was convened at 8:39 PM on June 9, 2020. Due to the Governor's Executive Orders 20-09 and 20-18 placing restrictions on the number of people allowed to gather in one location, members attended the remotely via Zoom, a video conferencing application.

Pledge of Allegiance

Members in Attendance:
William Baker (via Zoom)
Andy Koultourides (via Zoom)
Stuart Friedman (via Zoom)
Chuck Gardiner (via Zoom)
Roland Raffin (via Zoom)
Brian Specht (via Zoom)

Members Absent:
Steve Tulowitzki

Staff Present:
Tom Vander Woude, Planning Director
David Wickland, Attorney (via Zoom)

Approval of Minutes:

a. **May 12, 2020 Regular Meeting Minutes**

Mr. Vander Woude read a list of revisions submitted by Mr. Baker.

Motion: Mr. Raffin moved to approve the amended May 12, 2020 meeting minutes.
Second: Mr. Gardiner
Resolved: Aye: 6. Nay: 0. Abstain: 0. Motion carries.

Preliminary Hearings:
None.

Public Hearings:

a. **PC 19-012 Guy Costanza/GM Contracting requesting preliminary plat approval of a one lot commercial subdivision to construct a 2800 square foot building and parking lot for use as a café at 407-411 Ridge Road.**

Mr. Vander Woude said that he received communication from John Reed and Don Torrenga both representing the petitioner stating that he is in the hospital and requesting a continuance to next month.

Motion: Mr. Raffin moved to continue PC 19-012 to the next regular meeting.
Second: Mr. Koultourides
Resolved: Approved viva voce.

Mr. Baker asked if the Plan Commission can continue petitions indefinitely. Mr. Wickland said that the Plan Commission has discretion to continue the hearings. Mr. Vander Woude said that there are no administrative or zoning rules that prohibit the Plan Commission from continuing a project in perpetuity.

b. PC 20-003 Maple Leaf Crossing LLC/Jay Lieser requesting amendments to the Munster Business Complex Planned Unit Development at 9450 Calumet Avenue.

Mr. Vander Woude said that he has no staff report but the applicant has provided exhibits for the Plan Commission to review. He said the preliminary plat was approved contingent upon staff review and approval of the engineering plans. The review was completed and comments sent to Mr. Lieser, the revised plans were posted on the agenda page. This petition is for approval of the PUD. The applicant has provided an ordinance that includes design standards, which are the rules for the zoning district with standards and rules. Mr. Vander Woude said that they were prepared by the applicants and they will present them to the Plan Commission. Mr. Vander Woude said that the ordinance references a landscaping plan, which is included in the agenda materials, and a site plan, which is the engineering plans, which was submitted with the preliminary plat, and which are still under review by staff as they were submitted to the Town on the most recent Saturday and forwarded to the Town Engineer on Monday morning. He said they have also provided a traffic and parking study. He said that material was turned into the Town and posted Monday afternoon. Mr. Vander Woude said that the request for tonight is to make a recommendation to the Town Council regarding the PUD which includes all the items submitted, because they are referenced in the ordinance.

Mr. Raffin said that he had reviewed the civil package at the previous meetings, but because the ordinance and landscape plan were submitted on Monday, he has not had time to review them. Mr. Friedman said that in the future they should have the documents seven days ahead of the meeting. Dr. Koultourides said that if they had received the information a few days ago, he doesn't feel comfortable moving forward with it, even though he is in favor of the project. Mr. Baker said the last meeting included a discussion of the petitioner beginning underground work and asked staff for an update on the status of that work. Mr. Vander Woude said that the preliminary plat was approved at the last meeting contingent upon staff review and approval. Staff reviewed the plat and the engineering plans and provided a set of comments to the petitioner, they responded with a request that certain comments be waived, the Town Manager waived certain comments, and they submitted revised plans on Saturday, and staff is now reviewing the revisions. He said the engineering plans have been conditionally approved, so they don't need to be approved again, except as a component of the PUD ordinance. He said normally they would be approved as one package, but the Plan Commission has already separated the PUD from the plat.

Mr. Jay Lieser said that Torrenga Engineering completed a revised engineering plan for Maple Leaf Crossing that was submitted on Saturday. Mr. David Beach said that the original ordinance was ordinance 1701 which was based on the old zoning code. He said that he worked with Dave Westland to update the ordinance, he incorporated comments from the engineering plans. He said the building material standards and materials are largely the same as the previous ordinance; the uses have been updated. He said the plat has been revised to include seven lots with two outlots. He said if the Town would approve it, they could record it and move forward with the underground utility lines to supply the site.

Mr. Baker asked how the four-story office building and a four-story hotel fit into the phasing plan for the project and how they will ensure that there is sufficient parking for each building at the time that they are constructed. Mr. Beach said the first phase is the two north buildings, the hotel and the office building, which will not be started until the underground work is done. He said the traffic study applies the Town's new traffic code, so the parking will be shared, the hotel will use the parking lot when the office building is empty and vice-versa. Mr. Baker said that in his experience, users of office buildings arrive between 7 am and 9 am and stay until 5 pm to 7 pm, which is usually the same time that there's transition at the hotel. Mr. Beach said that the Town code has a 1.7 reduction in spaces for these shared uses.

Mr. Baker asked if the width of Maple Leaf Boulevard has been resolved. Mr. Raffin said that the Plan Commission approved shrinking it down from a 60-foot right-of-way to a 40-foot right-of-way. Mr. Vander Woude confirmed that the road right-of-way is shown to be 40 feet wide on the engineering plans and plat.

Mr. Specht suggested that they move forward with the site plans and review the remainder of the documents, the ordinance, landscaping plan, and development standards, over the next 30 days. Mr. Vander Woude said that the engineering plans are substantially the same with respect to the location of the buildings, the number of parking spaces and location of pathways, and the Plan Commission has seen the comments from staff. Mr. Baker said he is still concerned about the parking and the traffic circulation for the development and he thinks it is going to be challenging to move vehicles in and out of the subdivision. Mr. Lieser said he paid for a parking and traffic study on the flow of traffic which verifies that there is enough parking. Mr. Baker asked if the parking counts included the entire site. Mr. Lieser said that they worked with the staff to make the development walkable. Mr. Baker said that he understands that its walkable, but the challenge is that customers will want to park close as close as possible to their destination. Mr. Vander Woude said that the parking study shows that Phase 1 will have sufficient parking for both the hotel and the office building, provided that the parking is built at the same time as the buildings. He said that Phase 2 has sufficient parking for the uses in Phase 2. Mr. Baker said that in his experience office uses have required 4 spaces per thousand square feet of floor area and he hopes the parking does not become a hindrance in the lease up. Mr. Baker asked if the Pepsi traffic was to be channeled through the development. Mr. Vander Woude said that the Pepsi truck traffic is factored into the traffic study. Mr. Baker asked whether the traffic study addresses the signal timing. Mr. Vander Woude said the study provides a traffic count at the intersection, but it does not include a recommendation for signal timing. Mr. Lieser said that he will complete a traffic study once the 45th underpass project is complete and the traffic is normal. Mr. Baker asked who sets the timing for the traffic signal. Mr. Vander Woude said that it would be based on a study which includes the truck traffic on site and the signals all along Calumet. He said that the last time there was a comprehensive study was 2014, but it is monitored and adjusted as necessary; after the 45th street project is complete, it would be an appropriate time for another comprehensive study.

Mr. Baker asked if the public hearing was advertised. Mr. Wickland confirmed that it was and noted that it had been tabled from a previous meeting. Mr. Vander Woude stated that the public hearing is for the PUD amendment.

Motion: Mr. Raffin moved to approve the engineering plans for PC 20-003 and to table the ordinance, landscaping plan and development standards.
Second: Mr. Specht

Discussion: The Plan Commission discussed the process for approval. Mr. Lieser said that he would like to be able to obtain a building permit for the underground work: curbs, gutters, and sewers. Mr. Vander Woude said that a preliminary plat should comply with the zoning ordinance, but the Plan Commission, by approving the plat last month without an approved PUD ordinance, waived that requirement. He said that a preliminary plat approval is sufficient for infrastructure work to begin, but there is an element of risk because the PUD has not been approved so they will be proceeding under the assumption that the zoning will get approved and they will be allowed to continue the project.
Mr. Raffin withdrew his motion. Dr. Koultourides noted that the motion had been made prior to the public hearing and was therefore negated.

Mr. Baker opened the public hearing. Michael Goepfort 10380 Oxford Place said that he is glad that they are tabling the item. He said that he spoke to the developer about some biking concerns and the developer told him that they could be referenced in the traffic study, but he doesn't see them in the study. He said that there are local organizations, such as South Shore Trails, that are experts in biking. He said that there are some biking issues: Maple Leaf Boulevard, the bike route is on the south side of the street, so you'll have cyclists riding along this and cars exiting. He said the cars will look to the left for oncoming traffic and not see the bikes approaching from the right and they will not see them. He said that outside expert biking organizations should review the development.

Mr. Baker closed the public hearing.

Motion: Mr. Raffin moved to table PC 20-003, on the condition that the approval of the findings of fact for PC 20-002 is sufficient for the granting of a building permit for the underground work.
Second: Mr. Specht
Discussion: Mr. Vander Woude said that he didn't believe a condition could be placed on the continuance. Mr. Wickland said that was true, but if the findings of fact are approved than the petitioner will be able to obtain a building permit. Mr. Raffin said he would remove the contingency.
Resolved: Aye: 6. Nay: 0. Abstain: 0. Motion carries.

c. **PC 20-005: Town of Munster Plan Commission seeking to amend certain sections of the Munster Zoning Ordinance related to fences in side yards.**

Mr. Vander Woude said that the petition was presented at a preliminary hearing last month. When the zoning ordinance was updated, it set the maximum height of side yard fences at 42". Since then, staff has denied a number of applications for 6' side yard fences. In response the Town reviewed the types of fences that are in the neighborhood and determined that there are 6' side yard fences throughout town. So the staff is proposing to amend the zoning to raise the maximum height of fences in side yards to 6' in the CD-3.R-1, CD-3.R-2, CD-3.R-3, and CD-4.R-4 districts.

Mr. Baker opened the public hearing. No one comes forward. Mr. Baker closed the public hearing.

Motion: Mr. Friedman moved to forward a favorable recommendation to the Town Council to approve PC 20-005.
Second: Mr. Raffin
Discussion: Mr. Baker said there are a number of districts mentioned in the report. Mr. Vander Woude said that the standard is stated in each district, so they have to make four text amendments.
Resolved: Aye: 6. Nay: 0. Abstain: 0. Motion carries.

Mr. Baker stated that he is taking the next two items out of order.

Findings of Fact

b. **PC 20-002 Maple Leaf Crossing LLC/Jay Lieser requesting preliminary plat approval to consolidate two lots into a one-lot commercial subdivision at 9450 Calumet Avenue.**

Motion: Mr. Raffin moved to approve.
Second: Mr. Friedman
Discussion: Mr. Vander Woude said that the following condition should be included in the findings of fact: the approval is granted contingent upon staff review and approval of engineering plans. Mr. Raffin amended his motion. Mr. Friedman agreed to the amendment.
Resolved: Aye: 6. Nay: 0. Abstain: 0. Motion carries.

d. **PC 20-003 Maple Leaf Crossing LLC/Jay Lieser requesting amendments to the Munster Business Complex Planned Unit Development at 9450 Calumet Avenue.**

Motion: Mr. Raffin moved to table.
Second: Mr. Friedman
Resolved: Aye: 6. Nay: 0. Abstain: 0. Motion carries.

Public Hearings

d. **PC 20-006: Town of Munster Plan Commission seeking to amend certain sections of the Munster Zoning Ordinance related to gasoline station signs**.

Mr. Vander Woude said that the petition was presented at a preliminary hearing last month. He said that the code does not permit a gas station to have an electronic price message board on a monument sign. There is a typo in the code that says changeable copy is only permitted on a gasoline pump. The proposed amendment would rectify that and clarify that we are permitting electronic gas station price signs on their monument signs and to state that they are permitted electronic copy. Ten of the twelve gas stations already have electronic signs and this would allow the remaining two to have them. Mr. Baker asked if pylon signs are grandfathered in. Mr. Vander Woude said that pylon signs are legal non-conforming and that the zoning code states the events that cause the loss of legal non-conforming status.

Mr. Baker opened the public hearing. No one comes forward. Mr. Baker closed the public hearing.

Motion: Mr. Raffin moved to forward a favorable recommendation to the Town Council to approve PC 20-006.
Second: Mr. Friedman
Resolved: Aye: 6. Nay: 0. Abstain: 0. Motion carries.

Development Plan Review

a. **None.**

Findings of Fact:

a. **PC 20-005: Town of Munster Plan Commission seeking to amend certain sections of the Munster Zoning Ordinance related to fences in side yards.**

Motion: Mr. Raffin moved to approve.
Second: Dr. Koultourides
Resolved: Motion carries viva voce.

b. **PC 20-006: Town of Munster Plan Commission seeking to amend certain sections of the Munster Zoning Ordinance related to gasoline station signs**

Motion: Mr. Friedman moved to approve.
Second: Mr. Raffin
Resolved: Motion carries viva voce.

Other Business/Additional Items for Discussion

Next Meeting: Mr. Baker announced that the next regular business meeting will be July 14, 2020 at 7:30 p.m.

Adjournment:
Motion: Mr. Friedman moved to adjourn the meeting.
Second: Mr. Raffin
Resolved: Motion carries viva voce.

Meeting adjourned at 9:54 p.m.

_____	_____
President Bill Baker Plan Commission	Date of Approval
_____	_____
Executive Secretary Thomas Vander Woude Plan Commission	Date of Approval