

MUNSTER PLAN COMMISSION
MINUTES OF BUSINESS MEETING
Meeting Date: July 14, 2020
Date of Approval: _____

Call to Order: 8:56 PM on July 14, 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
Andy Koultourides
Stuart Friedman (via Zoom)
Chuck Gardiner (
Roland Raffin (via Zoom)
Brian Specht
Steve Tulowitzki (via Zoom)

Members Absent:

Staff Present:

Jill DiTommaso, SEH Engineering
Tom Vander Woude, Planning
Director
David Wickland, Attorney
David Westland, Attorney

Approval of Minutes:

a. June 9, 2020 Regular Meeting Minutes

Motion: Mr. Raffin moved to approve the amended May 12, 2020 meeting minutes.

Second: Mr. Koultourides

Resolved: Aye: 7. Nay: 0. Abstain: 0. Motion carries.

Preliminary Hearings:

None.

Public Hearings:

a. PC Docket No. 20-003 Maple Leaf Crossing LLC requesting approval of the Maple Leaf Crossing Planned Unit Development.

Mr. Vander Woude said that this is a continued public hearing for the Maple Leaf Crossing PUD, the location is 9450 Calumet Avenue. He described the attachments. He stated that the action being requested is a recommendation to the Town Council to approve the Maple Leaf Crossing Planned Unit Development: the components are a new set of development standards, a phasing plan, and site engineering. He said that the exhibits that were submitted are an ordinance that will be brought to the Town Council; Exhibit A, the development plan, which is the engineering plan set prepared by Torrenge; Exhibit B, development requirements, which is the text document that defines the development standards; and Exhibit C, which is the landscaping plan that is referenced in the development requirements. He said the Plan Commission has already approved a conceptual plan for the

development and conditionally approved a one-lot subdivision; the proposed site plan is substantially the same as the approved plans. There are two phases; the first phase is the north half of the property, which includes a new road Maple Leaf Boulevard, a four-story office building and a four-story hotel. Phase 2 consists of a restaurant along Calumet Avenue, two office buildings along the south, a pub, and an area that features container architecture in the middle of the development. He said that there is a ten-foot wide bike path along the south edge of Maple Leaf Boulevard, which connects to the former and which will become a segment of the Pennsy Greenway.

Mr. Vander Woude said that the engineering has been reviewed by the Town Engineer. Apart from the comments included in the staff report, the plans meet the standards of the Town in terms of drainage and stormwater and basic engineering standards.

He said that Exhibit B states the zoning standards, including a list of permitted uses, restrictions, bulk standards such as height and yards. He noted that the proposed height of the buildings is ten feet greater than the CD-4 district. He said that the multiple standards simply reference the attached plans rather than articulate a written standard. He said there are building material standards that are stricter than the Town's codes, but the buildings are not being approved at this time, just the standards. Detailed plans for each building will be required to be submitted to the Plan Commission as part of a development plan application and can be approved if they comply with the approved standards.

Mr. Vander Woude said that the final exhibit is a landscaping plan and there are no additional standards, so if they approve the plan, this is the only landscaping that they will see. Mr. Vander Woude said that the staff report also includes a traffic and parking study that shows that there is sufficient parking for each phase of the development.

Mr. Vander Woude said that he, the Town Manager, and the Town Attorney have reviewed the submitted documents. He said that the development standards document is being forwarded with a recommendation to approve. He said that there are some revisions to the plans are recommended prior to approval. He said that there are issues that need to be addressed with lighting, landscaping, and engineering before the final plans can be approved. He said that they have been reviewed according the minimum standards of the codes, and his recommendations are that they comply with the minimum standards of the codes. Mr. Gardiner asked if the petitioner was aware of the analysis. Mr. Vander Woude confirmed that they were.

Mr. Baker asked the petitioner to present their petition.

Jay Lieser introduced himself as the petitioner and introduced his partner David Beach. Mr. Baker asked if the staff comments and analysis are not in the drawings in the package. Mr. Vander Woude said that they discussed all the comments on a conference call and that the plans have not been revised since then and the petitioners did not commit to do so.

Mr. Baker asked about the locations of the catch basins and asked about the viability of planting tree along Calumet Avenue, if there are overhead utility lines. Ms. DiTommaso explained the location of the catch basins and confirmed that they were up to standards. Mr. Vander Woude said that the Town maintains a list of trees that are recommended for planting beneath overhead utilities.

Mr. Baker asked whether the approval of the PUD includes an approval of signage. Mr. Vander Woude

said that the development standards state that the signage will comply with the Town's current sign codes. He said that signage would be reviewed as part of a development plan for a building or, if there was site signage, it would have to be brought in as an amendment to the PUD.

Mr. Raffin asked David Beach to confirm that the theatre use proposed is a performing arts theater and not a movie theater. Mr. Beach said that was correct. Mr. Raffin said that he would like to add Quik-Brik and any type of block material, whether it be painted or split-face block to the list of prohibited materials. Mr. Vander Woude said that he believes that is prohibited by virtue of it not being included on the permitted materials. Mr. Raffin said that he would like it added to the prohibited materials list.

Mr. Gardiner asked Mr. Beach whether the traffic study on Calumet Avenue will be completed before construction starts. Mr. Beach said that is part of the agreement with the Town to swap an acre for Maple Leaf Boulevard in exchange for the rear 1 acre parcel, that they would complete the study within 24 months of the closing, which has not happened yet because they are waiting for the title work. Mr. Beach said that they have taken on the design and construction of the intersection and traffic signal and they don't intend to complete that work prior to buildings being constructed. Mr. Beach said that they plan to construct the buildings simultaneous to the study and the construction of the intersection but they intend to have the light in place prior to receiving a certificate of occupancy.

Mr. Tulowitzki asked whether the formula business regulations language is too vague. Mr. Vander Woude said that the language is similar to state language for conditional uses and requires the Plan Commission to make findings addressing the criteria; it is not necessarily measurable, but serves as a guide for their thinking. Mr. Tulowitzki asked why the staff report states that Maple Leaf Crossing is constrained. Mr. Vander Woude stated that the Maple Leaf Crossing road is proposed to be built to the limits of the right-of-way, leaving no additional space that could be used to add or extend a lane; so regardless of the results of the traffic study, the road cannot be changed from what is shown on the plans today. Mr. Tulowitzki asked about the comment in the staff report that states there is some concern about the safety of cyclists. Mr. Vander Woude said that a resident spoke at the last public hearing and stated that the cyclists traveling west along the bike path will likely not be seen by drivers turning east from the development and are, therefore, placed in a dangerous situation. Mr. Baker said that a stop sign could be installed for the cyclist.

Mr. Gardiner asked to see examples of the lights. Mr. Beach said that they have a flash drive with photos of the lights. He described the first as an ornamental acorn style light and the second as the same light pole and fixture that has been installed at Southwood at 45th street.

Mr. Gardiner asked how they have resolved the issue with the parking spaces along the south side of the development which do not meet the Town's minimum standards. Mr. Beach said that they added a sidewalk along the rear of the buildings and have made the parking spaces smaller. He said that their understanding is that they need an 18-foot depth parking stall and a 13-foot drive aisle and that their understanding of the requirement is different from the Town staff. He said that cars can fit into this size of a stall because they can pull in all the way and their bumpers can extend two feet over the curb and into the railroad right-of-way. Don Torrensa introduced himself as the design engineer. He described a piece of paper that he had brought with him as a chart from the Town's previous zoning code. He said that the previous Munster ordinances measured the angle of parking spaces differently than the current code, so he believes that it is permissible to use the dimensions for 30 degree parking spaces for 60 degree parking spaces, because the names were switched. He said if they were to use the required

dimensions for the parking spaces they would have to move or reduce the size of lots 5, 6, and 7. He said that the cars can park on the railroad property. Mr. Gardiner asked if the staff was comfortable with the proposed parking dimensions. Mr. Vander Woude said that the minimum parking stall dimensions are less than they were in the past, but these don't meet those standards and he would not recommend waiving that requirement. He said these are the only spaces on the lot that don't comply. Mr. Baker said that because it is a PUD, they can change the rules and if it becomes a problem, it can be referred to the Council, but because they are going to be used primarily by employees, he supports them as is. Mr. Baker asked if there was fencing required along Calumet Avenue and whether it was required to be consistent. Mr. Vander Woude said that the standard is an ornamental wrought iron fence. Mr. Baker asked when they were supposed to install the fencing, with each building or with each phase. Mr. Vander Woude said it would be required with each phase.

Motion: Mr. Raffin moved to forward a favorable recommendation to approve PC 20-003, approving the plans and ordinances as presented with the condition that "Quik Brik" and concrete block be added to the list of prohibited materials.

Second: Mr. Koultourides.

Discussion: Mr. Vander Woude asked to clarify whether any of the staff comments were to be included in the motion. Mr. Raffin said that the parking standards were fine but that the minimum standards of the code should be met. Mr. Baker said that they will review the buildings and they can hold up the buildings if they don't meet the standards. Mr. Vander Woude said that the comments in the staff report address the plans for the site and there will be no further approvals required for the site, so if there are any standards that the Plan Commission want to be met, then they should make it clear in the motion.

Mr. Baker stated that this is a continued public hearing. Mr. Baker opened the public hearing. No one came forward. Mr. Baker closed the public hearing.

Motion: Mr. Raffin amended his motion to forward a favorable recommendation to approve the plans as presented with the condition that the minimum standards of the zoning ordinance be met as outlined in the staff report.

Mr. Beach said that this is a PUD and they don't meet the standards of the zoning code and they did not develop their plans using the standards of the code – if they were required to do so, they would have to revise their plans. Mr. Tulowitzki said that the recommended motion in the staff report included a statement that would provide for the inclusion of the staff comments.

Mr. Westland said Mr. Baker is correct that it is a PUD, but he doesn't think that Mr. Raffin's motion was simply to follow CD-4. He said that the Plan Commission staff has made recommendations with regards to different areas such as parking, landscaping, and lighting. He said he has heard that the developer is saying that they cannot meet certain items in the staff report. He said that they should look at the staff report and decide which of the recommendations that they want to include and ask the developer why they cannot do them. He said they granted preliminary plat approval conditioned upon a staff report and now they have the staff report. He said that the developer cannot move forward until they make a decision regarding the items in the report.

Mr. Raffin withdrew his motion and suggested they go through each item in the staff report. Mr. Baker asked if there is anything specific addressed in the staff report that needs to be changed in the plans.

Mr. Gardiner said that the approval should be conditioned upon the traffic study and the design and installation of the traffic signal prior to occupancy. Mr. Raffin asked them to address the landscaping plans. Mr. Beach said that they are proposing shade trees next to the buildings along the Calumet Avenue side and can't plant trees along Calumet Avenue because there are overhead utility wires. Mr. Vander Woude said that the standard is achievable, and they are demonstrating that because their landscape plan shows trees planted under the utility lines. He said that the standard is to plant the trees more closely to form a continuous canopy. Mr. Raffin asked if the plan is close to meeting the ordinance. Mr. Vander Woude said that the plan has about half the required number of trees. Mr. Raffin asked if they can install the trees at the time that the buildings are approved. Mr. Beach said that he thinks that the 15-foot trees and the 3½ foot hedge that is required would form a green wall that would block the view from Calumet Avenue.

Mr. Specht asked Mr. Westland if the Town Council is satisfied with the development. Mr. Gardiner said he is fine with the proposed trees along Calumet Avenue. Mr. Westland said that the developer is investing millions of dollars and will receive an incentive from the Town on the back end of what they do, so the more they put in and the better the development, the greater the incentive. He said that the developer has an interest in putting together a good landscaping plan to drive the value up.

Motion: Mr. Specht moved to approve the Maple Leaf Crossing Planned Unit Development and send a favorable recommendation to the Town Council to approve the ordinance with the conditions that the traffic study be completed and the intersection and traffic signals be designed, constructed and working prior to receipt of a certificate of occupancy.

Second: Mr. Gardiner

Discussion: Mr. Tulowitzki said that he thinks that the trees and canopy demonstrate the best effort. He asked where there was contention between the Town staff and the petitioner. He said that he heard that they don't want to force the parking issue. Mr. Vander Woude said that the comments presented in the report reflect the minimum standards of the code, which were recommended by the Plan Commission and approved by the Town Council as the minimum standards for all developments in town. He said that complying with the standards would not require dramatic changes in the plans and he believes they could easily be implemented. He said that a PUD permits flexibility in service of a greater project but does not see how waiving the lighting and landscaping requirements serves the greater good. He said that staff supports flexibility with respect to parking lot locations and setbacks, which is necessary for the development to be built as proposed.

Mr. Koultourides called for the vote.

Resolved: Aye: 7. Nay: 0. Abstain: 0. Motion carries.

b. PC Docket No. 20-007 Daniel Zunica requesting approval of a development plan for a covered patio at the Danny Z's Restaurant at 1860 45th street.

Mr. Vander Woude read the staff report into the record. He said that the applicant is seeking to expand their outdoor dining area. They have received a variance for their landscaping. They have received a favorable recommendation for a conditional use.

Mr. Tom Ullo, Ullo Designs, 680 N. Lakeshore Drive, Chicago, IL. He said that the patio is designed by Vavrek Architects. He said he awning material is the same as the other awnings of the building, there will be patio lighting hung from the ceiling, a pergola over the entry. He said the structure is timber and brick work. Mr. Baker asked whether stormwater will sheet off the new overhang. Mr. Ullo said that it

will sheet off but will extend past the walls. Mr. Vavrek confirmed that only the overhang will be sheet draining.

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

Motion: Mr. Gardiner moved to approve PC Docket No. 20-007 granting approval of a development plan for a covered patio at the Danny Z's Restaurant at 1860 45th street contingent upon Town Council approval of the required conditional use permit.

Second: Mr. Koultourides.

Resolved: Aye: 7. Nay: 0. Abstain: 0. Motion carries.

c. PC Docket No. 19-012 Guy Costanza/GM Contracting requesting approval of a preliminary plat for a one lot commercial subdivision at 407-411 Ridge Road.

Mr. Vander Woude said the petitioner is requesting a continuance of one month and may withdraw his petition until he finds a user. Mr. Wickland confirmed that he spoke with John Reed who is now representing Guy Costanza.

Motion: Mr. Raffin moved to table PC 19-012.

Second: Mr. Koultourides.

Resolved: Aye: 7. Nay: 0. Abstain: 0. Motion carries.

Development Plan Review

a. None.

Findings of Fact:

a. PC Docket No. 20-003 Maple Leaf Crossing LLC requesting approval of the Maple Leaf Crossing Planned Unit Development.

Motion: Mr. Specht moved to approve findings of fact for PC Docket No. 20-003 amended to include the conditions of the motion.

Second: Mr. Friedman.

Resolved: Aye: 7. Nay: 0. Abstain: 0. Motion carries.

b. PC Docket No. 20-007 Daniel Zunica requesting approval of a development plan for a covered patio at the Danny Z's Restaurant at 1860 45th street.

Motion: Mr. Tulowitzki moved to approve.

Second: Mr. Gardiner.

Resolved: Motion carries viva voce.

Other Business/Additional Items for Discussion

Motion: Mr. Specht moved to adopt as a resolution to change the start time of the Board of Zoning Appeals meetings to 6:30 PM since the Plan Commission meetings have been starting late.

Second: Mr. Koultourides.

Resolved: Motion carries viva voce.

Mr. Vander Woude inquired about a work study session with the prospective developer of the Lansing Country Club. Mr. Koultourides suggested that it be a Town Council meeting and invite the Plan Commission members.

Next Meeting: Mr. Baker announced that the next regular business meeting will be August 11, 2020 at 7:30 p.m.

Adjournment:

Motion: Mr. Specht moved to adjourn the meeting.

Second: Mr. Raffin

Resolved: Motion carries viva voce.

Meeting adjourned at 10:35 p.m.

President Bill Baker
Plan Commission

Date of Approval

Executive Secretary Thomas Vander Woude
Plan Commission

Date of Approval